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MIS2020-001 - Discuss and consider a request by Russell Martin of HFRPI, LLC for the approval of an Alternative Tree Mitigation Settlement Agreement in conjunction with an approved site plan for a strip retail center on a 1.1755-acre parcel of land identified as Lot 26 of the Lake Ridge Estates Addition, City of Rockwall, Rockwall County, Texas, situated within the Ridge Road Retail Subdistrict of Planned Development District 32 (PD-32), located within the Scenic Overlay (SOV) District, addressed as 2930 Ridge Road [FM-740], and take any action necessary.	
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Discuss and consider an update to the Parks & Open Space Master Plan and private amenities, and take any action necessary.	
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# AGENDA

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## ROCKWALL CITY COUNCIL REGULAR MEETING

Tuesday, February 18, 2020 - 5:00 PM

City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087

**I. CALL PUBLIC MEETING TO ORDER**

**II. 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 possible acquisition of real property in the vicinity of the municipal airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- 2.** Discussion regarding an existing 380 Agreement for property in the vicinity of downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- 3.** Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

**III. ADJOURN EXECUTIVE SESSION**

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

**V. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TROWBRIDGE**

**VI. PROCLAMATIONS**

- p.7 1.** Hometown Hero - Claudette Hatfield
- p.9 2.** Shriners - National Pancake Day Proclamation

**VII. OPEN FORUM**

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

**IX. CONSENT AGENDA**

- p.11 1.** Consider approval of the minutes from the February 3, 2020 regular city council meeting, and take any action necessary
- p.18 2.** Consider awarding a project to Air Cleaning Technologies, authorizing a budget amendment and the City Manager to execute a contract for purchase and installation of a Vehicle Exhaust Ventilation System in all Fire Stations in the amount of \$208,100, with \$183,455 to

be funded by a FEMA Grant with a local Fire Equipment Fund match of \$18,345, and take any action necessary.

- p.20 3.** Consider approval of the professional engineering services contract for Birkhoff, Hendricks and Carter, L.L.P. to perform the construction bidding and contract administration service for the Turtle Cove and Windmill Ridge Sanitary Sewer Rehabilitation Project in an amount not to exceed \$38,170.00, to be paid for out of Water and Sewer Fund, and take any action necessary.
- p.38 4.** Consider awarding a bid to SLM Landscape, authorizing the City Manager to execute a Contract for Annual Grounds Maintenance Services in the amount of \$552,214.28 to be funded out of the General Fund Parks Operations Budget, and amending the Parks budget by \$48,750, and take any action necessary.
- p.41 5.** Consider authorizing the City Manager to execute a Facility Use Agreement pertaining to ball fields between the City of Rockwall and Lake Pointe Church, and take any action necessary.
- p.54 6.** Consider approval of the Rockwall Police Department's 2019 Racial Profiling Report, and take any action necessary.
- p.132 7. P2020-006** - Consider a request by Pat Atkins of KPA Consulting, Inc. on behalf of the owners Jeff Kennemer and Robert Witte of Saddle Star South Holdings, LLC, William Thrailkill of CDT Rockwall/2017 LLC, and Gwendolyn Reed for the approval of a Master Plat/Open Space Plan for the Saddle Star South Subdivision containing 176 single-family residential lots on a 70.408-acre tract of land identified as Tracts 1, 1-03, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard east of the intersection of Featherstone Drive John King Boulevard, and take any action necessary.

#### **X. APPOINTMENT ITEMS**

- 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.
- 2.** Appointment with Brad Helmer of Heritage Christian Academy (HCA) to provide an updated on HCA's capital campaign, and take any action necessary.

## **XI. PUBLIC HEARING ITEMS**

- p.140 1. A2019-001** - Hold a public hearing to discuss and consider an **ordinance** regarding a petition from more than 50% of the property owners for the annexation of a 41.39-acre tract of land situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), and generally located on the north side of Cornelius Road west of the intersection of Cornelius Road and Stodghill Road [FM-3549], and take any action necessary **(1st Reading)**.

## **XII. ACTION ITEMS**

- p.162 1. MIS2020-001** - Discuss and consider a request by Russell Martin of HFRPI, LLC for the approval of an Alternative Tree Mitigation Settlement Agreement in conjunction with an approved site plan for a strip retail center on a 1.1755-acre parcel of land identified as Lot 26 of the Lake Ridge Estates Addition, City of Rockwall, Rockwall County, Texas, situated within the Ridge Road Retail Subdistrict of Planned Development District 32 (PD-32), located within the Scenic Overlay (SOV) District, addressed as 2930 Ridge Road [FM-740], and take any action necessary.
- p.171 2.** Discuss and consider an update to the Parks & Open Space Master Plan and private amenities, and take any action necessary.

## **XIII. 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 possible acquisition of real property in the vicinity of the municipal airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- 2.** Discussion regarding an existing 380 Agreement for property in the vicinity of downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- 3.** Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

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

## **XV. ADJOURNMENT**

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code § 551.071 (Consultation with Attorney) § 551.072 (Deliberations about Real Property) § 551.074 (Personnel Matters) and § 551.087 (Economic Development)

I, Kristy Cole, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 14th day of February, 2020 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

---

Kristy Cole, City Secretary  
or Margaret Delaney, Asst. to the City Sect.

---

Date Removed

# Rockwall, Texas Proclamation

*Whereas*, Claudette Hatfield moved from Dallas to the small town of Rockwall in 1977, and immediately integrated into her new hometown; and

*Whereas*, as a longtime member and volunteer for a number of local charitable organizations, including the Rockwall Main Street Board, Rockwall Women's League, Friends of the Rockwall County Library, Rockwall Summer Musicals, and more, Claudette has been an invaluable member of our local community for nearly 45 years; and

*Whereas*, as the wife of former Rockwall Mayor, George Hatfield, Claudette devised a way to help infuse new life into Historic Downtown Rockwall, by creating the Friends of Downtown Rockwall in 2006, and the Rockwall Farmer's Market in 2008; and

*Whereas*, since its inception, the Rockwall Farmer's Market has helped change the landscape of Downtown Rockwall, which is now bustling with excitement and, in addition to always being a place to congregate and celebrate, is now also a thriving tax generator for the City of Rockwall; and

*Whereas*, the Rockwall Farmer's Market was instrumental in the City's Main Street designation in 2009, and has become one of the most respected markets in the DFW Metroplex, helping us retain the hometown charm of much smaller cities; and

*Whereas*, Claudette Hatfield's selfless service to the City of Rockwall and our local community exemplifies the caliber of people we have living and working here.

*Now, Therefore*, I, Jim Pruitt, Mayor of the City of Rockwall, Texas, do hereby proclaim **February 18, 2020** as

## **Hometown Hero Claudette Hatfield Day**

in the City of Rockwall and encourage all citizens to recognize and applaud Claudette Hatfield for her decades of selfless service to our community.

*In Witness Whereof*, I hereunto set my hand and official seal this 18<sup>th</sup> day of February, 2020.

  
\_\_\_\_\_  
Jim Pruitt, Mayor

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# Rockwall, Texas Proclamation

*Whereas*, Shriners Hospitals for Children is a national non-profit organization that is committed to giving children an opportunity to live more normal lives; and

*Whereas*, Shriners for Children helps kids receive treatment for orthopedic problems, severe burns and spinal cord injuries while providing them with a head start in developing a normal life, regardless of their ability to pay; and

*Whereas*, the opportunities provided by Shriners for Children enable kids to become successful, contributing adults later in life; and

*Whereas*, Shriners Hospitals have provided medical and rehabilitative care to millions of children at their many orthopedic hospitals, treating scoliosis, brittle bone disease, hand and back problems, limb deficiencies and growth problems; and

*Whereas*, on Tues., February 25<sup>th</sup> Shriners Hospitals for Children and I.H.O.P. will join together to encourage people to donate to these worthy causes.

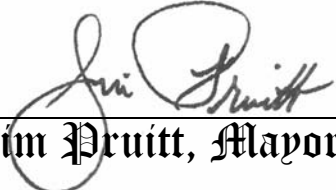
*Now, Therefore*, I, Jim Pruitt, Mayor of the City of Rockwall, Texas, do hereby proclaim **February 25, 2020** as:

## **SHRINERS HOSPITALS FOR CHILDREN**

### **“FLIP IT FORWARD FOR KIDS” DAY**

in the City of Rockwall and urge all citizens to participate in this important campaign to help transform a stack of I.H.O.P. pancakes into free treatment for children with orthopedic problems and severe burns within our community.

*In Witness Whereof*, I hereunto set my hand and official seal this 18<sup>th</sup> day of February, 2020.

  
Jim Pruitt, Mayor

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# MINUTES

## ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, February 03, 2020 - 4:00 PM

City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087

### I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt and Council Members Patrick Trowbridge, John Hohenshelt, Kevin Fowler, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Joey Boyd and Mary Smith and City Attorney Frank Garza. Mayor Pro Tem Dana Macalik joined the meeting / Executive Session at 4:07 p.m.

### II. 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 notice of potential claim pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development) and possible land purchase pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney)
3. Discussion regarding an existing 380 Agreement for property in the vicinity of downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding possible Right of Way acquisition of real property in the vicinity of downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
5. Discussion regarding possible acquisition of real property in the vicinity of the municipal airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
6. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

### III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:30 p.m.

### IV. RECONVENE PUBLIC MEETING (6:00 P.M.)

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

42 **V. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER JOHANNESSEN**

43 **Councilman Johannesen delivered the invocation and led the Pledge of Allegiance.**  
44

45 **VI. OPEN FORUM**

46 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to come forth**  
47 **and speak at this time. There being no one indicating such, Mayor Pruitt closed Open Forum.**

48 **VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

49 **No action was taken as a result of Executive Session.**

50 **VIII. CONSENT AGENDA**

- 51 **1.** Consider approval of a resolution calling the May 2, 2020 General Election for the purpose of  
52 electing city council members for Places 2, 4, and 6, and take any action necessary.
- 53 **2.** Consider approval of the minutes from the January 21, 2020 regular city council meeting, and  
54 take any action necessary.
- 55 **3.** Consider authorizing the City Manger to execute the water storage facilities relinquishment  
56 agreement with City of Heath and NTMWD in the amount of \$556,538 with funds from the  
57 Sewer Operations budget and take any action necessary.
- 58 **4.** Consider authorizing the City Manager to execute an advance funding agreement with Texas  
59 Department of Transportation, for the Justin Road and FM 3549 intersection improvements,  
60 and take any action necessary.
- 61 **5.** Consider approval of a professional engineering services contract with Birkhoff, Hendricks, &  
62 Carter, L.L.P., to perform the engineering design services for the Heath Street Pump Station  
63 Improvements in an amount not to exceed \$288,134., to be funded from Water and Sewer  
64 bond funds, and take any action necessary.
- 65 **6. Z2019-027** – Consider request by Raymond Jowers of Jowers, Inc. for the approval of an  
66 **ordinance** extending a Specific Use Permit (SUP) allowing outside storage adjacent to IH-30  
67 on a 4.4317-acre tract of land identified as Tract 22-01 of the R. Irvine Survey, Abstract No.  
68 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated  
69 within the IH-30 Overlay (IH-30 OV) District, addressed as 2260 E. IH-30, and take any action  
70 necessary (**2<sup>nd</sup> Reading**).
- 71 **7. Z2019-028** – Consider the approval of an **ordinance** amending the Unified Development Code  
72 (UDC), and take any action necessary (**2<sup>nd</sup> Reading**).
- 73 **8. P2020-002** – Consider a request by Michael Hunter of the Rockwall Housing Development  
74 Corporation for the approval of a replat of Lot 1, Block A, RHDC Addition being a 0.11-acre  
75 parcel of land currently identified as a portion of Lot 4, Block H, Sanger Brothers Addition, City  
76 of Rockwall, Rockwall County, Texas, zoned Multi-Family 14 (MF-14) District, located at the  
77 northwest corner of the intersection of E. Bourn Street and Peters Colony, and take any action  
78 necessary.
- 79 **9. P2020-003** – Consider a request by Dub Douphrate of Douphrate and Associates, Inc. on  
80 behalf of Bob and Pam Hawley for the approval of a replat for Lot 7, Block A, Maverick Ranch

81 Addition being a 1.55-acre parcel of land currently identified as Lot 5, Block A, Maverick Ranch  
82 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial © District, addressed  
83 as 196 & 216 Ranch Road, and take any action necessary.

84 **10. P2020-004** – Consider a request by Anna C. Blackwell of Carrillo Engineering, LLC on behalf of  
85 Eddie Martin of Retail Partners, LLC for the approval of a replat for Lots 29 & 30, Block A, Lake  
86 Ridge Estates Addition being a 1.1755-acre parcel of land identified as Lot 26 of the Lake Ridge  
87 Estates Addition, City of Rockwall, Rockwall County, Texas, situated within the Ridge Road  
88 Retail Subdistrict of Planned Development District 32 (PD-32), located within the Scenic  
89 Overlay (SOV) District, addressed as 2930 Ridge Road [FM-740], and take any action  
90 necessary.

91 **11. P2020-005** – Consider a request by Kevin Patel of Triangle Engineering, LLC on behalf of Gene  
92 Cooper of Howell MTN RE, LLC for the approval of a preliminary plat for a 39.53-acre tract of  
93 land identified as Lot 1, Block A, Rockwall Hospital Addition and Tract 18 of the J. D. McFarland  
94 Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Commercial ©  
95 District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest  
96 corner of the intersection of SH-276 and SH-205, and take any action necessary.

97 **Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10**  
98 **and 11). Councilmember Trowbridge seconded the motion. The ordinances were read as follows:**  
99

100 CITY OF ROCKWALL  
101 ORDINANCE NO. 20-01  
102 SPECIFIC USE PERMIT NO. S-212  
103

104 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
105 AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 04-38*] OF THE  
106 CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO  
107 GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW OUTSIDE STORAGE IN A LIGHT  
108 INDUSTRIAL (LI) DISTRICT WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT ON A  
109 4.4317-ACRE PARCEL OF LAND, IDENTIFIED AS TRACT 22-01 OF THE R. IRVINE SURVEY,  
110 ABSTRACT NO. 120, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE  
111 SPECIFICALLY DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL  
112 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO  
113 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY  
114 CLAUSE; PROVIDING FOR A REPEALER

115 CITY OF ROCKWALL  
116 ORDINANCE NO. 20-02  
117

118 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
119 THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF ROCKWALL, AS HERETOFORE  
120 AMENDED, BY SUPERSEDING *ORDINANCE NO. 04-38* AND ALL SUBSEQUENT  
121 AMENDMENTS AND ADOPTING THE REVISED UNIFIED DEVELOPMENT CODE (UDC)  
122 DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE  
123 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
124 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
125 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

126  
127 **The motion passed by a vote of 7 ayes to 0 nays.**  
128

129 **IX. APPOINTMENT ITEMS**

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

132 **This item was not addressed by Council.**  
133

134 **X. PUBLIC HEARING ITEMS**

- 135 1. Hold a public hearing to discuss and consider extending a moratorium on accepting and  
136 reviewing subdivision plats for commercial property situated within the City's Extraterritorial  
137 Jurisdiction (ETJ), and take any action necessary.

138 **Planning Director Ryan Miller provided background information pertaining to this agenda item. The**  
139 **public was notified of this public hearing via our website and the Rockwall Herald Banner. He explained**  
140 **that no ordinance is needed regarding this extension – simply a motion of Council will suffice.**  
141

142 **Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this**  
143 **time.**  
144

145 **Glen Hinkley**  
146 **12300 Park Central Drive**  
147 **Dallas, TX 75251**  
148

149 **Mr. Hinkley shared that he has been a property owner in Rockwall County since 1971. He has about**  
150 **2,000 acres of land located in Rockwall's ETJ. He shared that TX Local Gov't Code Chapter 212**  
151 **subdivision regulation authority does not allow cities to regulate subdivisions in the ETJ in a manner**  
152 **that is different than they regulate subdivisions in the city limits. He indicated that treating ETJ owners**  
153 **different than in-city owners lacks both due process and equal protection and – in doing so – runs afoul**  
154 **of important constitutional principles. He believes cities have no authority to make ETJ platting more**  
155 **difficult than in-city platting by adopting a moratorium on accepting and reviewing plats on ETJ**  
156 **property. He cautioned that if Rockwall continues down this path, no one should be surprised if those**  
157 **state legislators who are focused on protecting property rights further restrict municipal authority. Mr.**  
158 **Hinkley stated that Rockwall's moratorium is an attempted end-run around the state's limitation of**  
159 **annexation authority that should not be tolerated. If Rockwall's city council votes to treat ETJ owners**  
160 **differently than in-city owners, they are acting outside the scope of their authority and inconsistent**  
161 **with their oath of office that requires them to honor Texas law.**  
162

163 **City Attorney Frank Garza pointed out that it is a state law that requires the city to enter into an**  
164 **interlocal agreement with the County; however, under the current circumstances, the City is not able**  
165 **to do so. Furthermore, under the moratorium statute, if a developer wishes to do so, he may still bring**  
166 **forth a development proposal, and, depending on what that developer requests, the city may waive the**  
167 **moratorium.**  
168

169 **Indication was given that the County has engaged Freese & Nichols to aid them in updating their**  
170 **subdivision guidelines.**  
171

**Councilman Trowbridge moved to approve the extension of the moratorium for an additional ninety days. Councilman Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

**XI. ACTION ITEMS**

1. Discuss and consider an amendment to the fence standards contained in Article VIII, Landscape and Fence Standards, of the Unified Development Code, and take any action necessary.

**Planning Director Ryan Miller provided background information pertaining to this agenda item. Indication was given that no action will be taken this evening. Rather, an ordinance will be brought back at a later date for Council consideration.**

**XII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

**1. Departmental Reports**

Building Inspections Monthly Report - December 2019  
Finance Department Quarterly Report - Quarter ended December 2019  
Sales Tax Historical Collections -December 2019  
Water Consumption Statistics - December 2019  
Fire Department Monthly Report - December 2019  
PARC Monthly Report - December 2019  
Rockwall Police Activity Report December 2019

**2. City Manager's Report**

**Indication was given that some changes have been made to monthly reports. Councilman Trowbridge commented that he likes the new financials-related report(s). No action was taken concerning this agenda item.**

**XIII. 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 notice of potential claim pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development) and possible land purchase pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney)
3. Discussion regarding an existing 380 Agreement for property in the vicinity of downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

- 212           **4.** Discussion regarding possible Right of Way acquisition of real property in the vicinity of  
213           downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation  
214           with Attorney).  
215           **5.** Discussion regarding possible acquisition of real property in the vicinity of the municipal  
216           airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with  
217           Attorney).  
218           **6.** Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,  
219           Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)  
220           regarding water rates pursuant to Section §551.071 (Consultation with Attorney)  
221

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

223     **Council did not reconvene in Executive Session following the close of the public meeting agenda.**

224 **XV.     ADJOURNMENT**

225     **Mayor Pruitt adjourned the meeting at 6:19 p.m.**

226

227     **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 18<sup>th</sup> DAY OF**  
228     **FEBRUARY, 2020.**

229

230

231

232     **ATTEST:**

233

\_\_\_\_\_  
**JIM PRUITT, MAYOR**

234

235     \_\_\_\_\_  
**KRISTY COLE, CITY SECRETARY**

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## **CITY OF ROCKWALL, TEXAS MEMORANDUM**

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**TO:** Richard Crowley, City Manager

**FROM:** Kenneth Cullins, Fire Chief  
Lea Ann Ewing, Purchasing Agent

**DATE:** February 14, 2020

**SUBJECT:** Assistance to Firefighters Grant Award

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On November 18, 2018 the City Council approved a resolution supporting the Fire Department's application to FEMA's Assistance to Firefighters Grant program. The purpose of the grant was to purchase and install a vehicle exhaust capture and removal system in all fire stations. The Fire Department has been awarded the grant in the amount of \$183,455. The City required match is \$18,345 and is available in the Fire Equipment Fund by budget amendment.

Air Cleaning Technologies provided their single source confirmation letter for their Plymovent Vehicle Exhaust Ventilation System. Per Local Government Code 252, Procurement, Sec. 252.022. General Exemptions, (7) a procurement of items that are available from only one source. The City has met all formal sealed bidding requirements for the purchase and install of this new system in all four fire stations. The total bid is \$201,800.

For Council consideration are the project award to Clean Air Technologies for \$201,800, amend the Fire Equipment Fund budget and authorize the City Manager to execute a contract for this project. Chief Cullins will be at the City Council meeting to answer any questions you may have regarding the grant award and the project.



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City of Rockwall  
*The New Horizon*

## MEMORANDUM

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**TO:** Rick Crowley, City Manager

**FROM:** Amy Williams, P.E., Director of Public Works/City Engineer

**DATE:** February 12, 2020

**SUBJECT:** Professional Engineering Services Contract  
Turtle Cove and Windmill Ridge Sanitary Sewer Rehabilitation Project

---

The City of Rockwall performed a Wastewater Flow Monitoring Study to develop an accurate wastewater system model of the City. The Wastewater Flow Monitoring Study allowed for actual observed flows to be used to assist the City in identifying wastewater lines that need to be upsized due to capacity constraints. As a result of the study, 1,400 linear foot section of wastewater line in the Turtle Cove Subdivision and 1,150 linear foot section in the Windmill Ridge Subdivision were identified as needing to be upsized. The Turtle Cove and Windmill Ridge Sanitary Sewer Rehabilitation project would upsize the existing wastewater lines from 10-inch to 12-inch diameter and a 6-inch to 8-inch diameter respectively.

The City contracted, in May 7, 2019, with Birkhoff, Hendricks and Carter, L.L.P. to provide engineering design services and specifications for the Turtle Cove and Windmill Ridge Sanitary Sewer Rehabilitation Project. Engineering design is almost completed on the project, and staff has requested a proposal from Birkhoff, Hendricks and Carter, L.L.P. to provide the construction bidding and contract administration services for this project. The engineering fee for these bidding and contract administration services is \$38,170.00. The funding for this phase of the project will be provided by the Water and Sewer Fund. Staff requests City Council consider approval of the professional engineering services contract for Birkhoff, Hendricks and Carter, L.L.P. to perform the construction bidding and contract administration service for the Turtle Cove and Windmill Ridge Sanitary Sewer Rehabilitation Project in an amount not to exceed \$38,170.00, to be paid for out of Water and Sewer Fund, and take any action necessary.

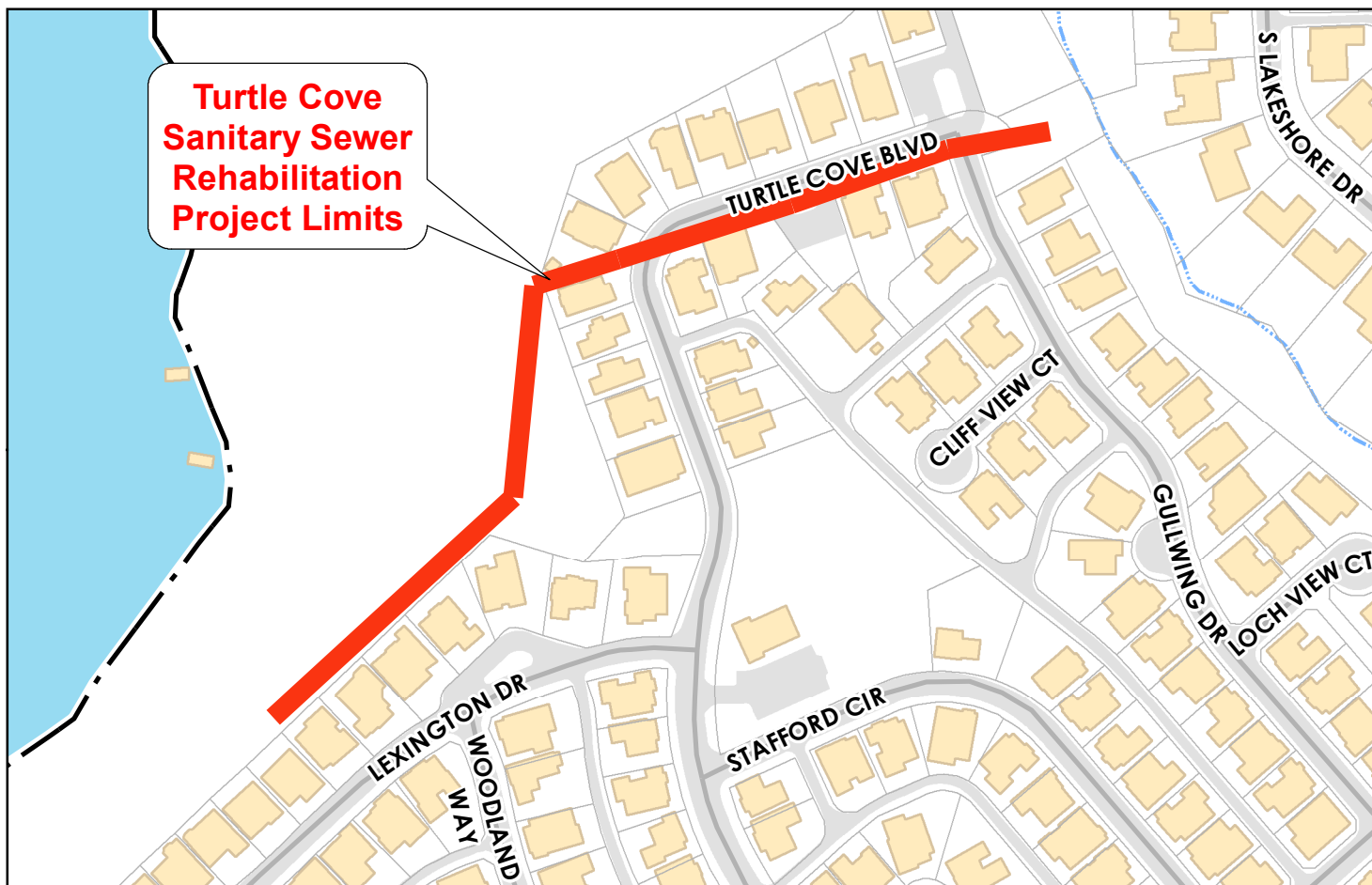
If you have any questions, please advise.

AJW:jmw

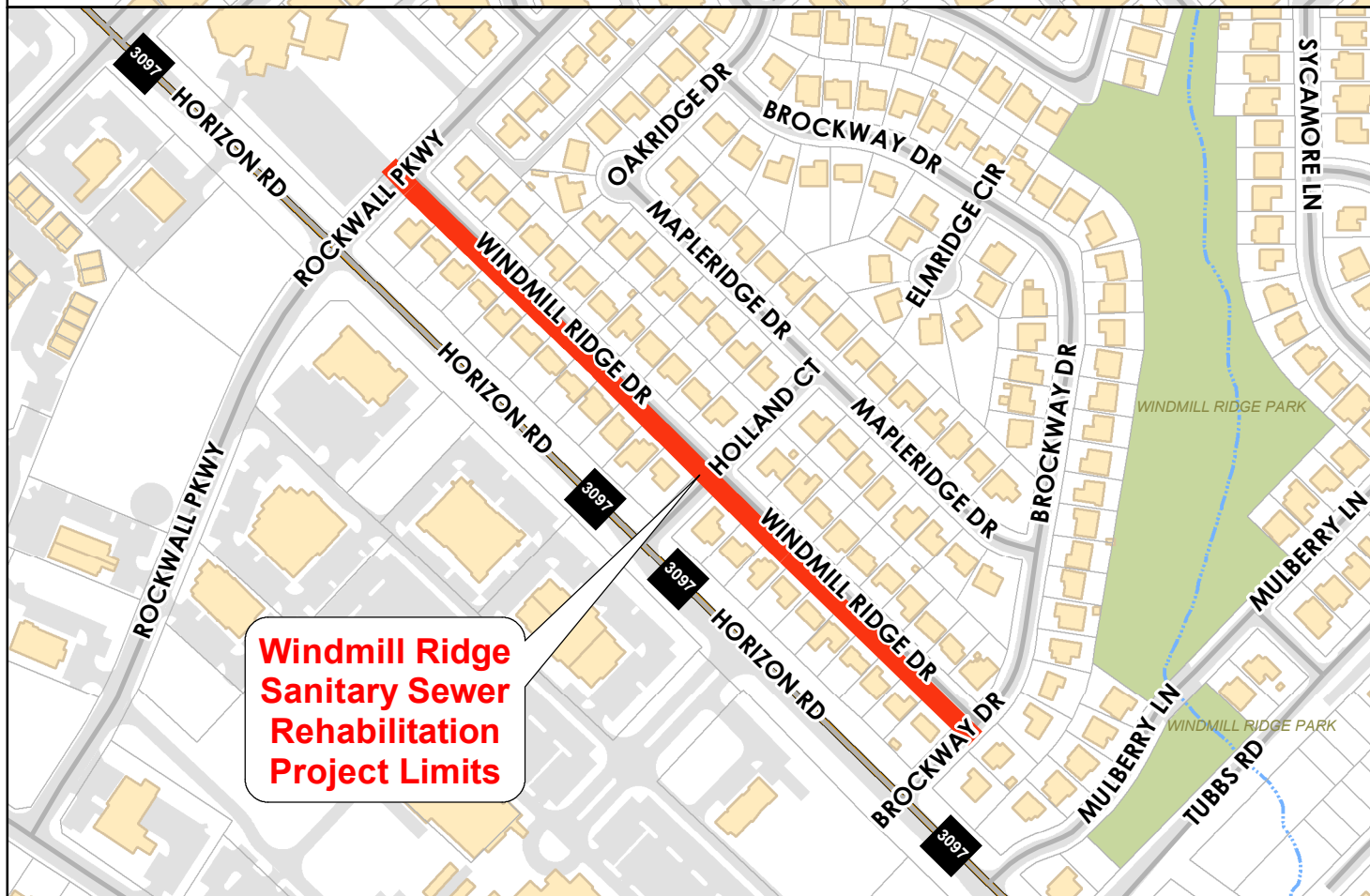
Attachments

Cc: Jeremy White, P.E. CFM, Civil Engineer  
File

**Turtle Cove  
Sanitary Sewer  
Rehabilitation  
Project Limits**



**Windmill Ridge  
Sanitary Sewer  
Rehabilitation  
Project Limits**



**City of  
Rockwall**



0 50 100 Feet  
Date: 4/30/2019

The data represented on this map was obtained with the best methods available. Data is supplied from various sources and accuracy may be out of the City of Rockwall's control. The verification of accuracy and / or content lies entirely with the user. The City of Rockwall does not guarantee the accuracy of contained information. All information is provided 'As Is' with no warranty being made, air or expressed or implied.

**Turtle Cove & Windmill Ridge  
Sanitary Sewer Rehabilitation Project**

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# PROFESSIONAL ENGINEERING SERVICES CONTRACT

This Agreement is made and entered into in Rockwall County, Texas, between City of Rockwall, Texas (“CITY”), a municipal corporation and political subdivision of the State of Texas, acting by and through its City Manager and Birkhoff, Hendricks and Carter, L.L.P., ("ENGINEER"), located at 11910 Greenville Avenue, Suite 600, Dallas, Texas, Engineers duly licensed and practicing under the laws of the State of Texas.

WHEREAS, CITY desires to engage Engineer as an independent contractor to render certain technical and professional services necessary for performing:

PROFESSIONAL ENGINEERING SERVICES for the Turtle Cove and Windmill Ridge  
Sanitary Sewer Rehabilitation (Bidding & Contract Administration) project.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the Parties hereby agree as follows:

## 1. Scope of Work

Engineer agrees to perform professional engineering services as specifically defined in this Contract as Attachment "A" and as authorized by CITY. Specifically, Engineer shall perform Professional services as requested by CITY and defined in Attachment "A".

The Parties by mutual agreement through contract amendments may provide for additional technical and professional services to be performed under the basic general terms and conditions of this Contract. CITY reserves the right to enter into another agreement with other engineering firms to provide the same or similar professional services during the term of this Contract for different projects.

## 2. Compensation & Term of Agreement

Cost for such services will be an amount not to exceed Thirty-Eight Thousand One Hundred and Seventy dollars (\$38,170.00) and billed in accordance with the payment schedule provided in Attachment "B". Engineer is not authorized to perform any work beyond the limited not to exceed amount without authorized written approval by CITY.

The term of this Agreement shall commence upon execution of this agreement and follow the schedule described in Attachment “C”. In the event of termination, Engineer will assist the CITY in arranging a smooth transition process. However, Engineer’s obligation to provide services to the CITY will cease upon the effective date of termination, unless otherwise agreed in writing.

### 3. Method of Payment

CITY shall pay Engineer its fees based on the presentation by Engineer to CITY of a correct monthly statement for all the amounts earned under the Contract together with reasonable supporting documentation verifying the accuracy of the fees and expenses. CITY shall then pay Engineer its fee within thirty (30) days after presentation of the accurate monthly statement by Engineer to CITY. CITY is a State sales and use tax exempt political subdivision of the State of Texas. All records supporting payment shall be kept in the offices of Engineer for a period of not less than three (3) years and shall be made available to CITY for inspection, audit or copying upon reasonable request.

### 4. Engineer's Standard of Care

Engineer shall provide its services under this Contract with the same degree of care, skill and diligence as is ordinarily provided by a professional Engineer under similar circumstances for a similar project. Engineer represents that it has the capability, experience, available personnel, and means required to perform the services contemplated by this Contract. Services will be performed using personnel and equipment qualified and/or suitable to perform the work requested by the CITY. CITY retains the right to report to Engineer any unsatisfactory performance of Engineer personnel for appropriate corrective action. Engineer shall comply with applicable federal, state, and local laws in connection with any work performed hereunder.

Engineer will seek written CITY approval to accept any contract or perform any services for any person, entity, or business working on this project. CITY may waive this potential conflict, but such waiver is at CITY's sole discretion and its decision shall be final.

### 5. Ownership of Documents

As part of the total compensation which CITY has agreed to pay Engineer for the professional services to be rendered under this Contract, Engineer agrees that hard copies of all finished and unfinished documents, data, studies, surveys, drawings, specifications, field notes, maps, models, photographs, preliminary reports, reports, bid packet/construction contract documents/advertisement for bids incorporating any CITY standard provisions provided by Engineer, will remain the property of the CITY. Engineer will furnish CITY with paper and electronic copies, to the extent they are available, of all of the foregoing to facilitate coordination, however, ownership of the underlying work product shall remain the intellectual property of the Engineer. Engineer shall have the right to use such work products for Engineer's purposes. However, such documents are not intended to be suitable for reuse by CITY or others on extension of the Project or on any other project. Any reuse without the express written consent of the Engineer will be at reuser's sole risk and without liability or legal exposure to the Engineer, and CITY to the extent allowed by law, shall hold harmless the Engineer from all claims, damages, losses, expenses, and costs, including attorneys' fees arising out of or resulting from the reuse of said documents without the Engineer's consent. The granting of such consent will entitle the Engineer to further compensation at rates to be agreed upon by CITY and the Engineer. The above notwithstanding, Engineer shall retain all rights in its standard drawing details, designs, specifications, databases, computer software and any other proprietary and intellectual property information provided pursuant to this Contract, whether or not such proprietary information was modified during the course of

providing the services.

6. Insurance

A. Engineer agrees to maintain Worker's Compensation and Employer's Liability Insurance to cover all of its own personnel engaged in performing services for CITY under this Contract in at least the following amounts:

Workmen's Compensation – Statutory  
Employer's Liability – \$100,000  
Bodily Injury by Disease - \$500,000 (policy limits)  
Bodily Injury by Disease - \$100,000 (each employee)

B. Engineer also agrees to maintain Commercial General Liability, Business Automobile Liability, and Umbrella Liability Insurance covering claims against Engineer for damages resulting from bodily injury, death or property damages from accidents arising in the course of work performed under this Contract in not less than the following amounts:

\$2,000,000 General aggregate limit

\$1,000,000 each occurrence sub-limit for all bodily injury or property damage incurred all in one occurrence

\$1,000,000 each occurrence sub-limit for Personal Injury and Advertising

C. Engineer shall add CITY, its City Council members and employees, as an additional insureds on all required insurance policies, except worker's compensation, employer's liability and errors and omissions insurance. The Commercial General Liability Policy and Umbrella Liability Policy shall be of an "occurrence" type policy.

D. Engineer shall furnish CITY with an Insurance Certificate on the date this Contract is executed and accepted by CITY, which confirms that all above required insurance policies are in full force and effect.

E. Engineer agrees to maintain errors and omissions professional liability insurance in the amount of not less than one million dollars (\$1,000,000) annual aggregate, on a claims made basis, as long as reasonably available under standard policies.

## **7. INDEMNIFICATION**

**ENGINEER SHALL INDEMNIFY AND SAVE HARMLESS THE CITY AND ITS CITY COUNCIL MEMBERS AND EMPLOYEES FROM SUITS, ACTIONS, LOSSES, DAMAGES, CLAIMS, OR LIABILITY, INCLUDING WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, ALL EXPENSES OF LITIGATION, COURT COSTS, AND REASONABLE ATTORNEY'S FEES FOR INJURY OR DEATH TO ANY PERSON, OR INJURY TO ANY PROPERTY, RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, TO THE EXTENT CAUSED BY THE NEGLIGENT ACTS OF ENGINEER OR ITS AGENTS OR EMPLOYEES, IN THE EXECUTION OF PERFORMANCE OF THIS CONTRACT.**

**ENGINEER'S TOTAL LIABILITY TO CITY FOR ANY LOSS OR DAMAGES FROM CLAIMS ARISING OUT OF, OR IN CONNECTION WITH, THIS CONTRACT FROM ANY CAUSE INCLUDING ENGINEER'S STRICT LIABILITY, BREACH OF CONTRACT, OR PROFESSIONAL NEGLIGENCE, ERRORS AND OMISSIONS SHALL NOT EXCEED ONE MILLION DOLLARS (\$1,000,000). NEITHER PARTY TO THIS AGREEMENT SHALL BE LIABLE TO THE OTHER PARTY OR ANY THIRD PARTY CLAIMING THROUGH THE OTHER RESPECTIVE PARTY, FOR ANY SPECIAL, INCIDENTAL, INDIRECT, PUNITIVE, LIQUIDATED, DELAY OR CONSEQUENTIAL DAMAGES OF ANY KIND INCLUDING BUT NOT LIMITED TO LOST PROFITS OR USE OF PROPERTY, FACILITIES OR RESOURCES, THAT MAY RESULT FROM THIS AGREEMENT, OR OUT OF ANY GOODS OR SERVICES FURNISHED HEREUNDER.**

### **8. Addresses for Notices and Communications**

#### **CITY**

**Amy Williams, P.E.**

**Director of Public Works/City Engineer**

City of Rockwall

385 S. Goliad Street

Rockwall, Texas 75087

#### **ENGINEER**

**Derek B. Chaney, P.E., R.P.L.S.**

**Partner**

Birkhoff, Hendricks & Carter, L.L.P.

11910 Greenville Ave., #600

Dallas, Texas 75243

All notices and communications under this Contract shall be mailed or delivered to **CITY** and **Engineer** at the above addresses.

## 9. Successors and Assigns

CITY and Engineer each binds itself and its successors, executors, administrators and assigns to the other parties of this Contract and to the successors, executors, administrators and assigns of such other parties, in respect to all covenants of this Contract. Except as noted in the first part of this Paragraph, neither CITY nor Engineer shall assign, sublet or transfer its interest in this Contract without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer, council member, employee or agent of any public body which is a party hereto.

## 10. Termination for Convenience of the Parties

Engineer and CITY may terminate this Contract for their convenience at any time by giving at least thirty (30) days notice in writing to each other. If the Contract is terminated by CITY and/or Engineer as provided herein, Engineer will be paid for the Work provided and expenses incurred up to the termination date, if such final compensation is approved by CITY, in its sole discretion. If this Contract is terminated due to the fault of Engineer, Paragraph 10 hereof, relative to Termination for Cause, shall apply.

## 11. Changes

CITY may, from time to time, request changes in the Scope of Work of **Engineer** to be performed hereunder. Such changes, including any increase or decrease in the amount of **Engineer's** compensation, or time for performance, which are mutually agreed upon by and between **CITY** and **Engineer**, shall be incorporated in written amendments to this Contract. Any subsequent contract amendments shall be executed by the City Manager or other authorized representative as designated by the City Manager or City Council.

Any alterations, additions or deletions to the terms of this Contract, including the scope of work, shall be by amendment **in writing** executed by both CITY and Engineer.

## 13. Reports and Information

**Engineer**, at such times and in such forms as **CITY** may reasonably require, and as specified in the Scope of Work or in additional Contract Amendments shall furnish **CITY** periodic reports pertaining to the Work or services undertaken pursuant to this Contract, the cost and obligations incurred, or to be incurred in connection therewith, and any other matter covered by this Contract.

#### 14. Entire Agreement

This Contract and its Attachments and any future Contract Amendments constitute the entire agreement, and supersede all prior agreements and understandings between the parties concerning the subject matter of this Contract.



15. Waiver

The failure on the part of either party herein at any time to require the performance by the other party, of any portion of this Contract, shall not be deemed a waiver of, or in any way affect that party's rights to enforce such provision, or any other provision. Any waiver by any party herein of any provision hereof, shall not be taken or held to be a waiver of any other provision hereof, or any other breach hereof.

16. Severability

The invalidity or unenforceability of any provision of this Contract shall not affect the validity or enforceability of any other provision of this Contract.

17. Survival

Any and all representations, conditions and warranties made by Engineer under this Contract are of the essence of this Contract and shall survive the execution, delivery and termination of it.

18. Governing Powers and Law

Both Parties agree and understand that the City does not waive or surrender any of its governmental powers by execution of this Agreement. To that end, the parties further understand that this agreement shall not be considered a contract for goods or services under Texas Local Government Code, Section 271.151 and Contractor waives any right or entitlement granted said provisions. This Contract is governed by the laws of the State of Texas and all obligations of the parties under this Contract are performable in Rockwall County, Texas.

19. Attorney's Fees

If it is necessary for either Party herein to file a cause of action at law or in equity against the other Party due to: (a) a breach of this Contract by the other Party and/or (b) any intentional and/or negligent act or omission by the other Party arising out of this Contract, the non-breaching or non-negligent Party shall be entitled to reasonable attorney's fees and costs, and any necessary disbursements, in addition to any other relief to which it is legally entitled.

20. State or Federal Laws

This Contract is subject to all applicable federal and state laws, statutes, codes, and any applicable permits, ordinances, rules, orders and regulations of any local, state or federal government authority having or asserting jurisdiction, but nothing contained herein shall be construed as a waiver of any right to question or contest any such law, ordinance, order, rule or regulation in any forum having jurisdiction.

EXECUTED in triplicate originals on this \_\_\_\_ day of \_\_\_\_\_ 201\_.

BIRKHOFF, HENDRICKS & CARTER, L.L.P.  
A Texas Limited Liability Partnership  
TPBE Firm No. 526  
TBPLS Firm No. 100318-00

By: \_\_\_\_\_  
Name: Derek B. Chaney, P.E., R.P.L.S.  
Title: Partner

EXECUTED in triplicate originals on this \_\_\_\_ day of \_\_\_\_\_ 201\_.

ATTEST:

City of Rockwall, Texas

\_\_\_\_\_  
Richard Crowley  
City Manager

# ATTACHMENT “A”

## Scope of Services

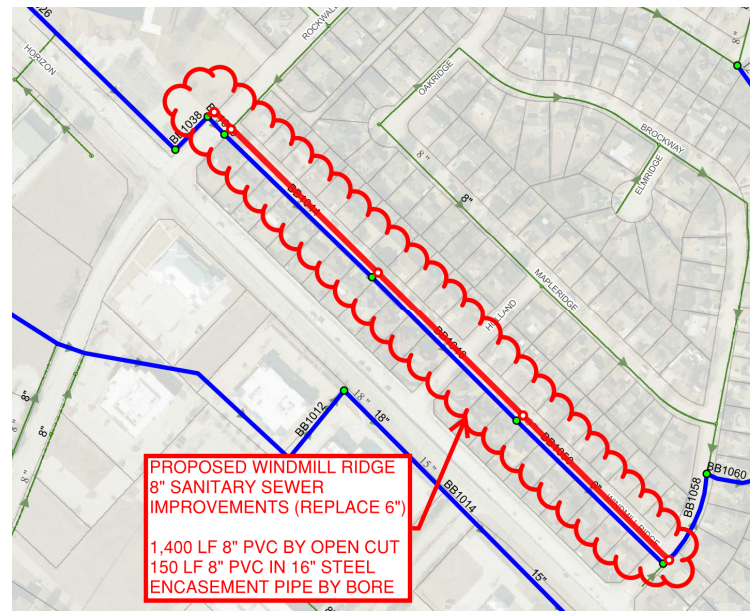
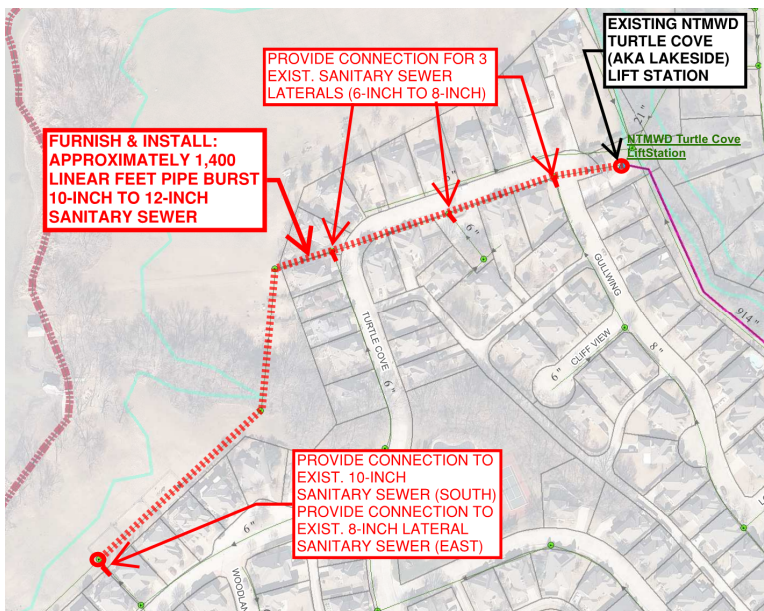
### **Turtle Cove and Windmill Ridge Sanitary Sewer Rehabilitation** (Bidding & Contract Administration)

#### Project Description:

The City of Rockwall (City) desires to engage the services of Birkhoff, Hendricks and Carter (Consultant) to provide engineering bidding and contract administration services in connection with the following wastewater collection system improvements:

- A) Turtle Cove Sanitary Sewer Rehabilitation: The proposed rehabilitation includes pipe bursting of approximately 1,400 linear feet of existing 10-inch diameter sanitary sewer to 12-inch diameter. The proposed project limits are from the existing Turtle Cove (Lakeside) Lift Station near the intersection of Turtle Cove Boulevard and Gullwing Drive to a point northwest of the intersection of Turtle Cove Boulevard and Woodland Way.
- B) Windmill Ridge Sanitary Sewer Improvements: The proposed improvements include replacement of approximately 1,550 linear feet of 6-inch diameter sanitary sewer with 8-inch pipe. The proposed project limits are from Rockwall Parkway to Brockway Drive.

As requested by the City, the engineering design services for above referenced project was provided under separate agreement. The Consultant will provide bidding and contract documents as required for the project to support the City of Rockwall during the bidding and construction phases. Project location maps showing the proposed improvements are provided below.



## **BASIC SERVICES**

### **1 Bidding Phase**

- 1.1 Attend one public involvement meeting as directed by City staff.
  - 1.1.1 Public Meeting will be with adjacent property owners and residents.
  - 1.1.2 Consultant will mail out all the public meeting notification for the City. Notification letter to be provided by the City.
  - 1.1.3 Provide exhibits suitable for public meeting use depicting limits of proposed improvements. Support City staff during meetings by providing technical information, responding to citizen questions, and recording citizen input.
- 1.2 Furnish the City with one 11-inch x 17-inch set of final construction plans, and one set of final Bidding Documents and Specifications for use during the bidding phase. Documents shall also be provided to the City in electronic PDF format.
- 1.3 City will be responsible for advertisement of the project in the Local Paper
- 1.4 Consultant will upload plans and specifications to the project bidding distribution site CivCast.
- 1.5 Respond to contractor questions and provide design clarifications in Addenda format.
- 1.6 Attendance at the pre-bid meeting, if requested by the City.
- 1.7 The Consultant will prepare addenda to address questions on the plans and specifications. The Consultant will provide the City with sealed, signed and dated addenda. The Consultant will upload the addenda to CivCast. All addenda will be posted a minimum of 72-hours before the bid opening.
- 1.8 Attendance of Bid Opening.
- 1.9 Complete tabulation of bids; checking for mathematical errors and unbalanced bids. (Bid documents to be provided to Consultant by the City).
- 1.10 Provide bid tabulation, in PDF format, to City via email and to Contractors who submitted bids via CivCast.
- 1.11 Obtain experience record and references from the apparent lowest bidder. Check references of apparent low bidder. Formulate opinion from information received and provide a letter of recommendation for award of a construction contract.
- 1.12 After award of contract, prepare, print and assemble five (5) sets of original contract documents and distribute to the Contractor and the City for signature.
- 1.13 Return Bid Bonds to bidders.

## 2 Contract Administration Phase

- 2.1 Pre-Construction Meeting: Prepare for and attend the Pre-Construction Meeting prior to commencement of Work at the Site, including preparing an agenda. Consultant to provide the following quantities of plans and specifications for distribution at the Pre-Construction Meeting.
- a) Half-size plans (11-inch x 17-inch) plans – (15 Total)
    - 7 – City (File, Engr. Dept. PM, Inspector, Sub-Inspector, Water, Wastewater, Streets/Drainage)
    - 4 – Franchise Utility Company Reps. (AT&T, Atmos, TXU/ONCOR, Charter)
    - 3 – Contractor/Sub-contractors
    - 1 – Geotech/Materials Testing Lab
  - b) Full-size plans (24-inch x 36-inch) plans – (5 Total)
    - 2 – City (File and Inspector)
    - 3 – Contractor/Subcontractors
  - c) Specification Books – (7 Total)
    - 3 – City (Engr. PM, Inspector, Sub Inspector)
    - 3 – Contractor/Subcontractors
    - 1 – Geotech/Materials Testing Lab
  - d) Provide PDF of Plan Set “Approved for Construction” to the City on CD/DVD or flash drive.
- 2.2 Attend on-site construction observation meetings to observe progress, clarify design concepts and/or assist with solutions needed to overcome obstacles in construction (as applicable to scope of work) or to study and evaluate possible practical alternative solutions. Three (3) site visits are included in the budget. Consultant is not responsible for Contractor means and methods, phasing including but, not limited to the Project Safety Program or adherence to Safety Practices per any and all local jurisdictions and/or OSHA regulations.
- 2.3 When requested by the City, provide a memo of the site visit observations to the City.
- 2.4 Clarifications and Interpretations. Issue clarifications and interpretations of the Contract documents to City as appropriate. Field Orders authorizing variations from the requirements of the Contract Documents will be made by City from clarifications and interpretations made by the Consultant.
- 2.5 Shop Drawings and Samples. Review and take appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to Submit. Review of shop drawings will be completed by review of electronic PDF files provided by the Contractor. Consultant review and appropriate action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs. Such appropriate action of the Consultant is limited to the following:
- (a) No exceptions taken,
  - (b) Revise and resubmit,
  - (c) Make corrections noted, and
  - (d) Rejected.
- 2.6 Substitutes and “or-equal”. Evaluate and determine the acceptability of substitute or “or-equal” materials and equipment proposed by Contractor in accordance with the Contract documents, but subject to the provisions of applicable standards of state or local government entities. “Or-equal” acceptance by the Consultant will only be provided if the Consultant has experience with the substitution.

- 2.7 Limitation of Responsibilities. The Consultant shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work.
- 2.8 Final Construction Walk Through. Consultant shall be present at the City's final construction walk through and will prepare a "punch/checklist" for the contractor to use to achieve final project acceptance.

### **ADDITIONAL SERVICES**

The following scope items defined as additional services are those anticipated to be necessary to facilitate the bidding and contract administration phases of the project. These services will be performed on an as-needed basis, and invoiced based on effort and expenses incurred.

#### **3 Design Surveys**

- 3.1 If required, perform one follow-up field survey to reestablish the temporary horizontal and vertical control benchmarks originally set during the design phase. A budget is included for one day of field survey for this purpose.
- 3.2 If required, perform field survey to locate and tie property monuments to necessary to support easement document preparation. A budget is included for one day of field survey for this purpose.

#### **4 Easement Document Preparation**

- 4.1 Prepare easement documents (metes and bounds description and graphic exhibits) for proposed utility or temporary construction easements if required by the project. Preparation of up to two (2) easement documents are included in the budget.
- 4.2 Individual parcel easement documents shall be prepared on 8.5-inch x 11-inch paper size, and both an electronic PDF copy and two (2) set of originals sealed, dated, and signed by a Registered Professional Land Surveyor shall be provided to the City.
  - 4.2.1 Graphic exhibits shall be prepared to show the area required, ownership information for subject and adjoining parcels, existing easements that can be found, and if appropriate, physical features. contain the following:
  - 4.2.2 Metes and bounds descriptions of the easement parcel will be prepared and provided on a separate sheet from the graphic exhibit, and each type of easement shall be described separately.
- 4.3 The Consultant shall provide easement documents to the City and/or their assigned Land Rights Acquisition Agent.

#### **Texas Board of Professional Land Surveying Contact Information**

Recipients of professional land surveying services under this agreement may direct complaints regarding such services to the Texas Board of Professional Land Surveying, 12100 Park 35 Circle, Building A, Suite 156, MC 230, Austin, TX 78753, Phone (512) 239-5263, Fax (512) 239-5253.

## **5 Revisions to Plans, Bidding and Contract Documents Resulting from Public Meeting Input**

- 5.1 If directed by the City, Consultant shall revise construction plans, bidding documents and contract documents based on input received at the scheduled public meeting.

## **6 Construction Record Drawing Preparation**

- 6.1 Consultant shall prepare project “Record Drawings” based on information provided by the Contractor, and/or City as to the actual field placement of the work, including any changes or deletions. All documented field changes and revisions provided shall be shown and noted in the revision block. Revisions shall be drawn using accepted drafting standards and shall be clear and legible. Line work and notes related to work deleted or changed shall be omitted from the Record Drawing. Record drawings shall be sealed, dated and signed by the Engineer of Record in accordance with the Texas Board of Professional Engineers Policy Advisory Opinion Regarding Record Drawings.
- 6.2 Consultant shall provide the following deliverables:
  - (a) Electronic copy of the record drawings shall be submitted on CD/DVD or flash drive in the following formats.
    - i. AutoCAD (.dwg) format
    - ii. Portable Document File (PDF) 400 dpi (min) (22-inch x 34-inch paper size)
  - (b) If applicable, an electronic copy of geotechnical reports, survey data, photographs, and exhibits used for the project, in .PDF or jpg format.
  - (c) Electronic copy of project specifications in Microsoft Word (.doc) and PDF format.

# ATTACHMENT “B”

## Payment Schedule

Compensation for Basic Services in Tasks 1-2 shall be on a lump sum basis. The tabulation below establishes the not to exceed amount for each category of contract service:

	<u>Task</u>	<u>Fee</u>
	<b><u>BASIC SERVICES</u></b>	
1.	Bidding Phase	\$ 8,900.00
2.	Contract Administration Phase	\$ 9,900.00
	<b>Basic Services Subtotal:</b>	<b>\$ 18,800.00</b>
Compensation for special services under Tasks 3-6 shall be on an hourly basis of salary cost times a multiplier of 2.45 for time expended on the task. Field survey crew shall be based on \$170.00 per hour, inclusive of all equipment rentals and software licensing; plus, mileage charge at the IRS established rate. Expenses shall be at invoice cost times a multiplier of 1.15.		
	<b><u>ADDITIONAL SERVICES</u></b>	
3.	Field Surveys	\$ 2,800.00
4.	Easement Document Preparation (2 sets of plat and field notes included)	\$ 6,600.00
5.	Revisions to Plans, Bidding and Contract Documents Resulting from Public Input	\$ 4,000.00
6.	Construction Record Drawing Preparation	\$ 2,500.00
	<b>Additional Services Subtotal*</b>	<b>\$ 15,900.00</b>
	<b>ENGINEERING SERVICES CONTINGENCY** (To be 10% of Services)</b>	<b>\$ 3,470.00</b>
	<i>** (This service is a miscellaneous amount to be used at the discretion of the City for additional Services outside of the scope of the contract. This item will be controlled by the City and will only be used if the City chooses. The Engineer has no right or guarantee to the use of this Contingency)</i>	
	<b>Project Total*</b>	<b>\$ 38,170.00</b>

Fees that are Lump Sum for each task and will be invoiced monthly based upon the overall percentage of services performed.



# ATTACHMENT “C”

## Project Schedule

Notice to Proceed .....	February 18, 2020
Public Meeting .....	To be Determined
Advertise Project .....	March 13 & 20, 2020
Receive Bids .....	March 31, 2020
Award Construction Contract .....	April 20, 2020
Construction (2 months) .....	May – June, 2020

## **ATTACHMENT “D”**

### **Sub-Consultants**

No Sub-Consultants are anticipated for the work included in the scope of services for this project.

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## **CITY OF ROCKWALL, TEXAS MEMORANDUM**

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**TO:** Rick Crowley, City Manager

**FROM:** Lea Ann Ewing, Purchasing Agent

**DATE:** February 4, 2020

**SUBJECT:** Grounds Maintenance Services Contract

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In September 2019 Terracare Associates LP, who had the City's Grounds Maintenance Contract, agreed to the last contract extension beginning October 2019. Staff took this extension to Council in September for approval. Contract extension was approved by Council. In November 2019, Terracare notified the City that they were terminating this contract. Their termination letter stated that during the course of finalizing their 2020 business plan, they elected to focus their efforts on work that is located closer to their facilities in West Dallas and Grapevine. Travis E. Sales, Director of Parks and Recreation contacted Bruce Verdick with Terracare for further explanation, which Mr. Verdick informed Mr. Sales that they were not making a profit with the current contract amount, so they were staying closer to their facilities for contracts.

Staff solicited sealed competitive bids for this service and bids were due on January 30, 2020. Three bids were received: SLM Landscape (Lewisville) \$568,139.28, Chief Landscaping (Rockwall) \$794,416.82 and Anthony Owens (Mesquite) incomplete bid. The apparent low bidder is SLM Landscaping. Staff conducted a very thorough investigation into these two companies and their bid submittals and determined that it was in the best interest of the City to recommend to City Council the bid be awarded to SLM Landscape.

The budget for this service is \$503,480 based on the 2019 contract extension cost. Staff did exclude the tree trimming cost of the 2020 bid reducing a new contract cost by \$15,925 (tree trimming will be performed by City employees through our new Urban Forestry program). There are several new locations and changes to frequencies added to the bid that were not in Terracare's contract. The city's bid specifications increased the mowing by 2 extra cycles in certain areas due to the results of a pilot program tested in 2018-2019 where these locations were cut once per month. Over the last two years staff has found that the mowing cycles previously ending in September along with an extending growing season well into November due to weather has resulted in numerous complaints about high grass. Staff originally thought that these sites would not grow enough in October and November to warrant additional mowing. As a result Park Staff has been responding to complaints and had to mow these locations in October and November. This has put a strain on our resources while still maintaining all the locations in our park system.

There are five new sites being added to the maintenance contract. Three of the five new sites are a result of TxDOT roadway reconstruction that resulted in new medians and rights-of-ways which were not anticipated during the budget process. These additional maintenance cost total \$56,813.32. Additions to 2020 contract:

- 3549 @ I-30: \$12,660.
- SH 276 Medians: \$18,220.
- Police Station Parking Lot: \$2,850.
- White Road: \$1,500.
- 2 mowing cycles to the brush cut program going from 6 to 8 total cycles \$14,583.

The total 2020 contract cost is \$552,214.28. The operating budget is not adequate to cover the cost of this new contract. Staff asks that Council consider a budget amendment increase of \$48,750 from General Fund Reserves to cover the cost of this new contract.

For Council consideration is the grounds maintenance bid award to SLM Landscape in the amount \$552,214.28 and authorizing the City Manager to execute a contract for this service for one year along with an approved budget amendment increase of \$48,750. Travis Sales, Director of Parks and Recreation will be at the council meeting to answer any questions regarding this contract.

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## **CITY OF ROCKWALL, TEXAS MEMORANDUM**

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**TO:** Honorable Mayor and City Council

**CC:** Rick Crowley, City Manager  
Joey Boyd, Assistant City Manager  
Mary Smith, Assistant City Manager

**FROM:** Travis E. Sales, Director of Parks and Recreation

**DATE:** February 18, 2020

**SUBJECT:** Lake Pointe Church (LPC) Field Use Agreement

---

In 2004, the City of Rockwall and Lake Pointe Church (LPC) entered into a three year agreement to improve the ball fields located at Yellow Jacket Park. The agreement involved approximately \$80,000 of improvements from Lake Pointe Church in the form of new fencing, infields, irrigation and landscaping. The City's contribution was a similar amount of amenities that included an asphalt parking lot and a restroom facility. In exchange, LPC was granted use of the fields to provide a spring youth baseball program.

Since the initial partnership began, LPC and the City of Rockwall have had a successful, ongoing relationship surrounding their individual youth baseball and softball programs. Both organizations continue to benefit from this partnership in both their youth sports leagues and other programs.

LPC was permitted under a facility use agreement that expired in 2018. Since this agreement has now expired, LPC is requesting a new facility use agreement with the City.

The terms of the proposed agreement are based on the primary goal of the City is to coordinate the Rockwall Baseball and Softball League for children 5-14 years old. The format of the program is to provide participants 1-2 practice slot per week and 1-2 games per week once the season begins. This goal is the basis of the allocation of City owned fields. Once this goal is met, additional fields may be available to LPC. The goal of LPC is to provide one practice time and one game time per week during the season. Fields will be allocated in a manner to meet the goals of each party.

The initial agreement is a three year term with two one-year optional renewals. In exchange for field use LPC agrees to pay the City as follows: \$10,000 in 2020, \$10,000

in 2021 and \$10,000 in each year from 2022 – 2024 including renewals. The fees include non-resident fees and field use fees. The specific means of calculating the fees is included in the agreement provided in your packet.

The City recognizes that the LPC partnership brings mutually beneficial value to the community beyond just providing youth sports. LPC provides recreational opportunities in Lake Rockwall Estates and has partnered with the City by making their outdoor facilities available to the City when needed. This agreement could also provide additional funding to the City to improve its facilities and ability to provide recreational services to its residents.

Park Board voted unanimously to recommend to the City Council to proceed with Lake Pointe Church field use agreement. The City Council is asked to authorize the City Manager to execute the agreement with Lake Pointe Church (LPC). Staff will be available to answer any questions.



**FACILITY USE AGREEMENT BETWEEN THE CITY OF ROCKWALL,  
TEXAS, AND THE LAKEPOINTE CHURCH**

STATE OF TEXAS                   §  
  §  
COUNTY OF ROCKWALL       §

**WHEREAS**, the City of Rockwall, Texas (City) is a home rule city with all the rights, powers, and privileges set forth by the applicable statutes of the State of Texas and the City Charter; and

**WHEREAS**, the City is empowered pursuant to those statutes and said City Charter to provide for the regulation and improvement of all public grounds, including parks, located within the City's limits; and

**WHEREAS**, Lakepointe Church (LPC) desires to operate a baseball program utilizing City athletic fields; and

**WHEREAS**, the City desires to promote the health, welfare, and safety of its citizens:

**WITNESSETH**

**NOW, THEREFORE**, for and in consideration of the mutual promises contained herein and the mutual benefits flowing to both the City and LPC, and other good and valuable considerations recited herein, the receipt and sufficiency of which are hereby acknowledged, the City and the Associations do **CONTRACT, COVENANT, WARRANT, AND AGREE** as follows:

**I.**

**INCORPORATION**

All matters contained in the above and foregoing preamble are incorporated herein and made part of this Facilities Use Agreement (Agreement) as if copied herein in its entirety.

## **II.**

### **DEFINITIONS**

- A. The terms “athletic facility,” “athletic fields,” or “fields” mean the eight fields at Leon Tuttle Park, the two fields at Harry Myers Park and the three fields Yellowjacket Park, and any other location made available by the City on which athletic events are or can be held.
- B. “Director” means the Director of Parks and Recreation for the City of Rockwall, or his/her designee.
- C. “City Manager” means the City Manager for the City of Rockwall, or his/her designee.

## **III.**

### **FIELD USE**

- A. Both the City and LPC acknowledge that the fields are owned by the City and are provided for the benefit of citizens of the City. At any time the fields are not being used by LPC, the City may assign such fields to other associations or parties. The City shall maintain approval over the use of the fields at all times. Under terms of this Agreement, the City permits LPC to use the fields to provide youth baseball activities.
- B. LPC shall not assign this Agreement or rent out any part of the fields or concession facilities without prior written consent of the City. Any request for assignment or rental made by a third party shall be referred to the Director. All parties understand that LPC’s use of the fields is nonexclusive and final use of all fields shall be under the control of the City.
- C. No use of any City’s field is permitted outside the terms of this Agreement, as set forth herein.
- D. The City will coordinate the Rockwall Baseball and Softball League for children 5-14 years old. It is the goal to provide one practice period per week to each team prior to the season and the use of fields for one practice and one game per week once the season has commenced. This goal will be the basis for the allocation of all City owned fields. Once this goal is met, additional fields may be available to LPC. It shall be the goal of LPC to provide one practice time and one game time per week during the season. Fields shall be allocated in a manner to meet the goals of each party.
- E. At the beginning of each season, a representative from LPC will meet with the Director to work through game and practice schedules. The Director will have final approval over all game and practice schedules of LPC and any other league or organization.

#### IV.

#### **OBLIGATIONS OF THE CITY**

**The City shall:**

- A. Maintain all fences and gates in a safe and secure condition;
- B. Maintain all turf areas on the fields to include mowing, weed control, fertilizing and herbicide spraying;
- C. Perform all pre-season clay and turf maintenance to include adding clay, clay renovation and cutting infield arcs;
- D. Provide sand, soil, etc. to be used in leveling or backfilling low areas when deemed necessary, within normal yearly operating budget constraints;
- E. Drag infields daily, Monday through Friday, weather permitting during regularly scheduled league games, and make-up games. The City will drag fields on Saturdays and Sundays upon request subject to applicable fees (see attached fee schedule). Services do not include preparation for foul weather;
- F. Painting or chalking of outfield boundary lines on the playing surface of the park areas;
- G. Haul off trash **THAT HAS BEEN DEPOSITED** in trash receptacles as warranted. The City shall provide trash receptacles;
- H. Maintain structural integrity of concession stands, restrooms and storage buildings, including repair or replacements of damaged roofs, doors, and windows;
- I. Maintain all area and field lighting systems where applicable;
- J. Repair or replace lights, poles, wiring fuses, transformers and other equipment related to the lighting of each field to be used by LPC where applicable and within normal operating budget constraints;
- K. Pay all electric and water bills in connection with use of the fields;
- L. Maintain any field irrigation system and watering schedules of turf areas;
- M. Maintain any adjacent park irrigation systems and the scheduling of watering turf areas;
- N. Maintain restroom facilities;
- O. Maintain and repair parking areas; and

- P. Provide Hollywood style bases, home plates, and pitching rubbers for use by LPC.
- Q. Determine, in its sole discretion, field closures due to weather. Determinations will be made by 3:30 pm on weekdays. Weather will be monitored beyond the determination times if necessary.
- R. Perform its duties only to the extent that budgeted funds and manpower are available. If the City is unable to fulfill its obligation due to budget restraints, it will not be obligated to LPC for any monetary damages.
- S. Provide pitching mounds and bases according to the rules and regulations of the relevant age group of teams participating in practices and games. The initial field and mound set-up shall be at no charge to LPC. The City shall charge a \$50 fee for each additional mound construction and/or demolition that is required for non-regular season games or additional tournaments (see attached fee schedule).
- T. To be eligible to conduct practices, be on the field or in the dugout during league games, coaches must pass a criminal history check. The eligibility criteria for coach participation shall be determined by the City of Rockwall Parks and Recreation Advisory Board in accordance with the adopted coach's eligibility policy. LPC coach's eligibility procedure will be accepted in lieu of City program.

## V.

### **OBLIGATIONS OF LPC**

#### **LPC shall:**

- A. Provide a field manager schedule no later than 7 days prior to the beginning of each season. The field manager shall be responsible for unlocking and locking the gates and shall be on site during every regular season game and tournament game, and is responsible for game day policing of all litter on their field(s), to include playing areas, dugouts, fences, backstops, bleachers, concession stands, and adjacent grounds;
- B. Monitor any restrooms at the fields and keep them stocked and assist with cleaning when needed;
- C. Pay a key deposit prior to commencement of regularly scheduled practices and league games, if applicable;
- D. LPC shall pay the City of Rockwall a fee for field use according to the following schedule. The "field use" fee shall include all "non-resident" player fees as well as fee for the field use and the preparation of the playing areas.

2020: Non-resident fees and field use shall be \$10,000

2021: Non-resident fees and field use shall be \$10,000

2022: Non-resident fees and field use shall be \$10,000

If the CITY is unable to meet the field use needs of LPC as defined in Section III. D., LPC will pay the City the pro-rata share of the field usage charges (i.e. if LPC field use requests total 100 practice/game times to meet the goals of LPC as described in Section III, D., and the City is only able to provide 93 game/practice times, LPC will pay the CITY 93% of the difference between the total “non-resident” fees and the maximum amount to be paid by LPC).

- E. Pay all fees associated with additional services provided, such as pitching mound construction and weekend field preparation, according to attached fee schedule;
- F. Obtain advanced written approval from the Director to charge admissions to any field or park for LPC events;
- G. Use the fields within the policies, procedures, and rules established for park usage by the Parks and Recreation Department. Policies, procedures, and rules are as follows:
  - a. No alcoholic beverages allowed in the park. **Ordinance No. 19.3f;**
  - b. No skates, skateboards, or bikes allowed in the park; **Ordinance No. 04-32;**
  - c. Pets must be on leashes at all times. **Ordinance No. 5.18;**
  - d. No glass containers allowed around the athletic facilities;
  - e. Users will not use the fields when there is inclement weather or when the fields are unplayable;
  - f. Users will park in designated parking areas. **Ordinance No. 19.3d;**
  - g. City field curfew is 11 p.m., **Ordinance No. 19.3e.** This can be waived for tournaments with permission from the Director. (No league games may start after 8:30 p.m.);
  - h. Illegal entry by players or coaches onto a field may result in that team’s loss of field use for practice privileges.
- H. Not discriminate against any person or persons because of race, color, religion, sex, disability, or national origin;

- I. Provide sufficient notice of all scheduled make-up game times (preferably a one-week notice). Notice shall be given to the Director;
- J. Not engage in any business on the premises or do anything in connection therewith that shall violate any existing municipal, state, or federal law or ordinance, or use the same in such manner as to constitute a nuisance. The City reserves the right to exclude any individual or group from its facilities based on conduct, which it determines in its sole discretion to be objectionable or contrary to City interests. LPC hereby consents to the exercise of such authority by the City over its members, officials, and agents;
- K. Submit all of the following to the Director:
  - a. A list of current participants, including name and address, as well as coaches, leadership staff, and officials, including the name, address, day and night time telephone numbers, and e-mail address of all adults;
  - b. A schedule of games with coaches and rosters to be played at the City's fields;
  - c. A copy of a general liability insurance policy naming the City as additional insured in the amount of at least \$1,000,000.00;
  - d. A schedule with names and contact numbers of on site field representatives during the spring and fall seasons;
  - e. Policies and procedures for dealing with medical emergencies and hazardous weather conditions;
  - f. Any proposal to install, construct, alter, or modify any temporary or permanent structures, signs, equipment, or other related items, before commencing any work. All such proposals must be approved in writing by the Director in advance of construction. All applicable City codes must be followed. Approval of the proposal shall rest solely with the Director. Permanent structures shall become property of the City;
- L. Designate a point of contact that will be responsible for correspondence with the City;
- M. Communicate all necessary repairs and/or service requests to the Director;

## **VI.**

### **CESSATION OF PLAY**

- A. LPC agrees and understands that the City, acting through an employee designated by the City Manager, the Director, or any Rockwall Police Officer shall have the authority to order cessation of any ball game, practice, or other activity of LPC on City fields. Such a cessation order by any one of said representatives of the City shall be the result of a determination by said representative that continuation of play would be unsafe or not in the interest of the City or the players. Play or use may resume when approved by the representative of the City who issued the cessation order or the City Manager.

## **VII.**

### **LIABILITY INSURANCE**

- A. The City, its employees, agents, and landlords shall not be liable to the LPC or to any employee, member, customer, or agent of the LPC for any damage caused by negligence of the LPC, its members, employees, customers, volunteers or agents. The LPC hereby releases, relieves, quit claim and holds harmless, fully indemnifies and agrees to defend the City, its employees, agents, and landlords from any and all claims, damages, injuries, law suits, judgments, or causes of action of any type (including but not limited to any action taken as a result of the sale of food and beverages at the concession facility) arising out of the Agreement or any reasonable action taken pursuant thereto.
- B. LPC agrees to acquire and maintain an insurance policy or policies that will provide liability coverage and medical coverage for medical expenses resulting from injury of players while engaged in the Association's activities. Said coverage shall be with an insurance company and have such limits as shall be acceptable to the City Manager. Evidence of such insurance policies shall be provided to the City prior to use of fields by LPC and the City shall be listed as an additional insured.

## **VIII.**

### **RULE CHANGES**

- A. LPC shall submit a copy of all rule changes to the Parks and Recreation Director for approval before the beginning of the season in which the rule changes will be effective.

## **IX.**

### **FINANCIAL RECORDS**

- A. The City shall have the right to examine LPC's annual audit, upon request, by the City Director of Parks and Recreation, Assistant City Manager, or City Manager. LPC shall be given reasonable notice and the City will schedule a time convenient for LPC.

## **X.**

### **DEFAULT BY LPC**

- A. This Agreement may be canceled in the event of default by LPC. The City may by action of the City Council declare LPC in default of this Agreement and the Agreement canceled if any of the following conditions are present:
  - a. LPC ceases or is unable to provide or perform the functions listed in this Agreement;
  - b. LPC becomes inactive or fails to initiate advance planning for any season during the term of this contract;
  - c. LPC provides a program in any year that is not acceptable to the City.

## **XI.**

### **TERM OF AGREEMENT**

- A. This Agreement runs from February 17, 2020, to July 1, 2022 and shall be renewable by consent of each party for a one year period a maximum of two times.
- B. Either party may terminate this Agreement by giving thirty days written notice to the other party.

## **XII.**

### **VENUE**

- A. Venue for any proceedings under this Agreement shall be in Rockwall County, Texas.



### **XIII.**

#### **SEVERABILITY**

- A. If any clause, section, paragraph, or portion of this Agreement shall be found to be illegal, unlawful, unconstitutional, or void for any reason, the balance of the contract shall remain in full force and effect and the parties shall be deemed to have contracted as if said clause, section, paragraph, or portion had not been in the Agreement initially.

### **XIV.**

#### **SCHEDULE OF FEES**

Key Deposit	\$300
Trash Hourly Rate	\$25/hour per worker
Weekend Field Preparation	\$25/hour
Non-resident Fee	\$30 per individual
Pitching Mound Construction/Demolition	\$50 per mound each time

**LPC'S NON-COMPLIANCE WITH ANY OF THE ABOVE STATED POLICIES,  
PROCEDURES, OR RULES COULD RESULT IN IMMEDIATE TERMINATION OF  
THIS AGREEMENT BY THE CITY.**

**EXECUTED and AGREED this \_\_\_\_ day of \_\_\_\_\_, 2020.**

\_\_\_\_\_  
RICK CROWLEY, CITY MANAGER  
CITY OF ROCKWALL, TEXAS

\_\_\_\_\_  
GREG BRADFORD, ROCKWALL CAMPUS  
PASTOR, LAKEPOINTE CHURCH

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City of Rockwall  
*The New Horizon*

## MEMORANDUM

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**TO:** Kirk Aldridge, Interim Chief of Police  
**FROM:** Edward Fowler, Support Services Captain  
**DATE:** January 29, 2019  
**SUBJECT:** 2019 Racial Profiling Comparative Analysis

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The Racial Profiling Analysis for calendar year 2019 has been completed at this time. The data showed that the Rockwall Police Department conducted a total of 13,067 traffic stops in 2019. The statistics of these encounters revealed that 7,366 received warnings, 4,871 received citations and 318 of the traffic stops resulted in an arrest. The race and ethnicity of the persons stopped were 8,001 White, 2,634 Hispanic, 2,107 Black, 256 Asian/Pacific Islander and 69 Alaskan Native/American Indian. The percentage of minorities stopped equaled 39% compared to the city's population makeup of minorities which is estimated at 31.7%. It should also be noted that the race or ethnicity of the driver was known prior to the stop only 6% of the time. The data also revealed that a search was conducted during 5% of the traffic stops of which 36% of those were consensual and contraband was discovered in 48% of the searches.

The Department did not receive any racial profiling complaints during the 2019 Calendar Year. In reviewing the Police Department's public education efforts concerning the racial profiling complaint process, both printed and electronic information on the process to file a racial profiling complaint was found in the Police Department's lobby and website <http://www.rockwallpolice.org/racialprofiling.asp>.

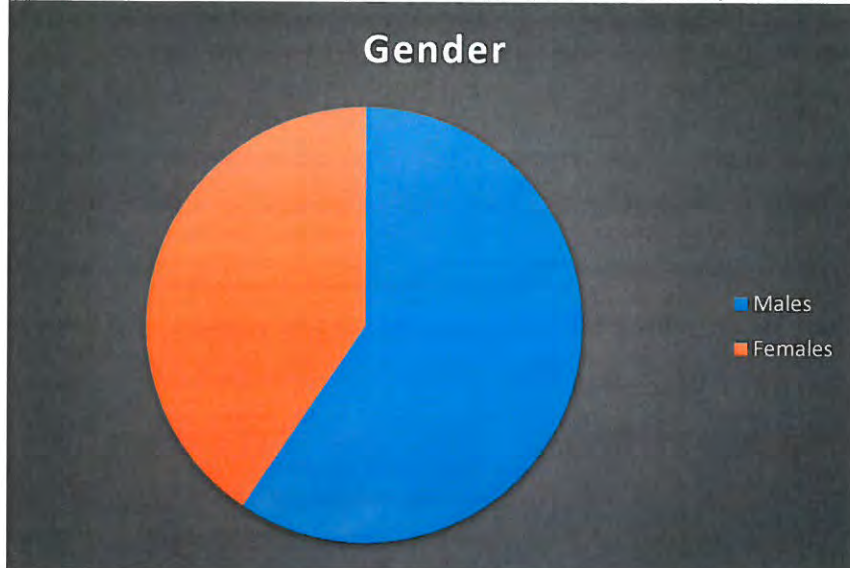
A review of the data supported the fact that the patrol supervisors were actively reviewing and auditing the activity of those officers that fell under their chain of command. The reviews supported the fact that the officers were not violating any policies and further were acting in accordance with state law and/or established departmental policies.

The conclusion based upon the information that has been gleaned from the comparison is that the officers and supervisors of the Rockwall Police Department are following the procedures set forth by the Rockwall Police Department's General 412.00 Bias Based Profiling. It is my recommendation that at this time no changes should be made to our current policies and/or procedures regarding Racial Profiling. The 2019 comparative analysis has been included with this memo as an attachment.

## Rockwall Police Department 2019 Racial Profiling Statistics

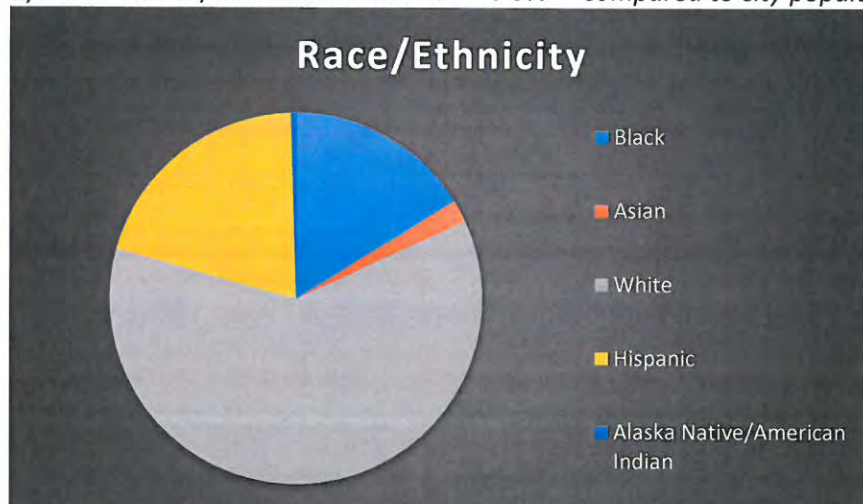
### 1. Gender

Female: 5045    39%    compared to city population makeup of 51%  
Male: 8022    61%    compared to city population makeup of 49%



### 2. Race or Ethnicity

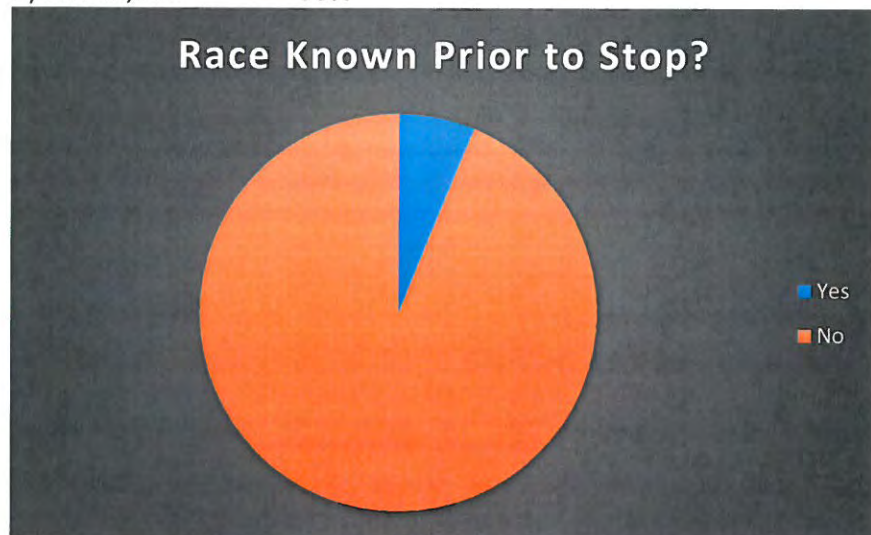
a) Black: 2107    16%    compared to city population makeup of 7.2%  
b) Asian/Pacific Islander: 256    2%    compared to city population makeup of 4.2%  
c) White: 8001    61%    compared to city population makeup of 78.1%  
d) Hispanic/Latino: 2634    20%    compared to city population makeup of 19.7%  
e) Alaska Native/American Indian: 69    0.5%    compared to city population makeup of 0.6%





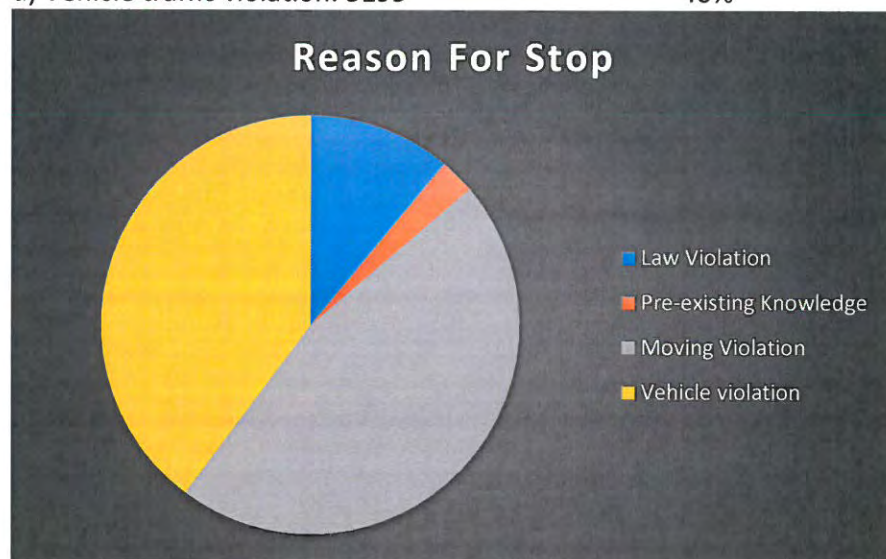
### 3. Race or Ethnicity known prior to stop?

- a) Yes: 811 6%  
b) No: 12,256 93%



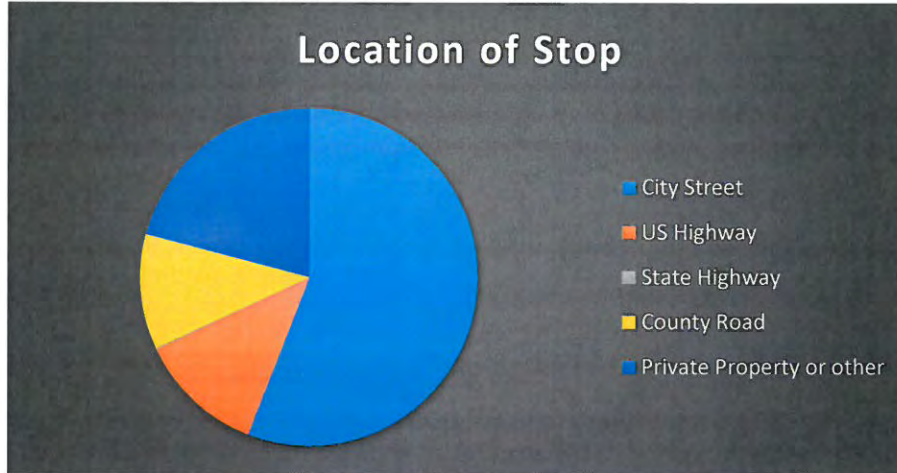
### 4. Reason for stop

- a) Violation of law: 1439 11%  
b) Pre-existing knowledge (i.e. warrant): 354 3%  
c) Moving traffic violation: 6075 46%  
d) Vehicle traffic violation: 5199 40%



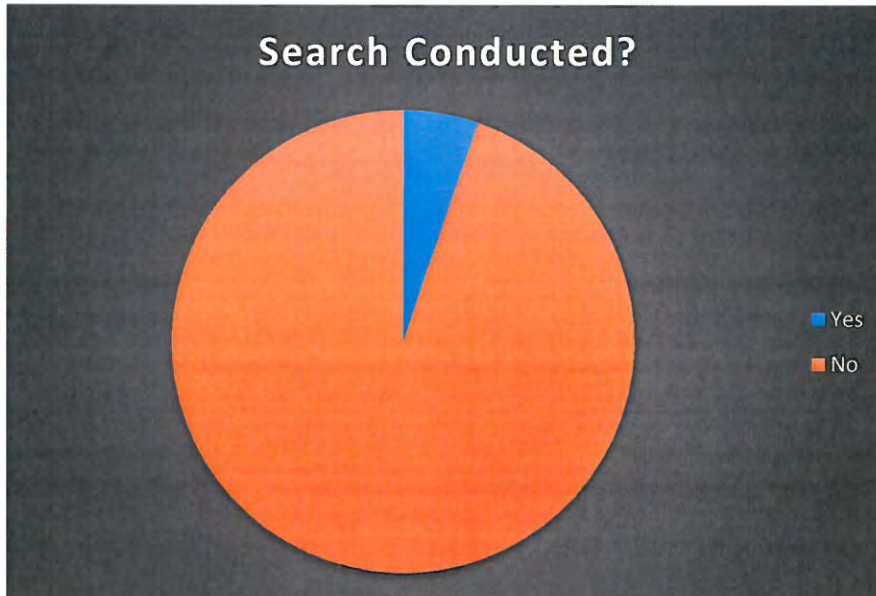
### 5. Location of the stop

a) City Street: 7303	56%
b) US Highway: 1578	12%
c) State Highway: 13	.09%
d) County Road: 1437	11%
e) Private Property or other: 2736	20%



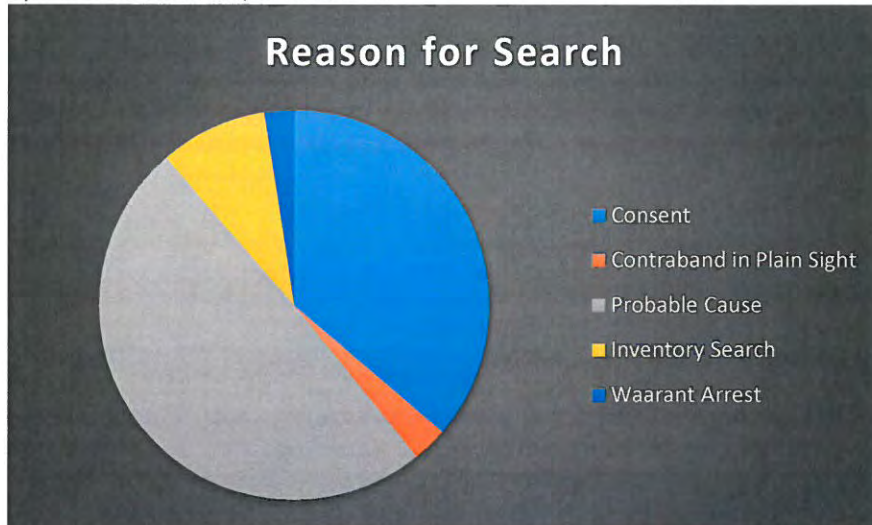
### 6. Was a search conducted?

Yes: 687	5%
No: 12380	95%



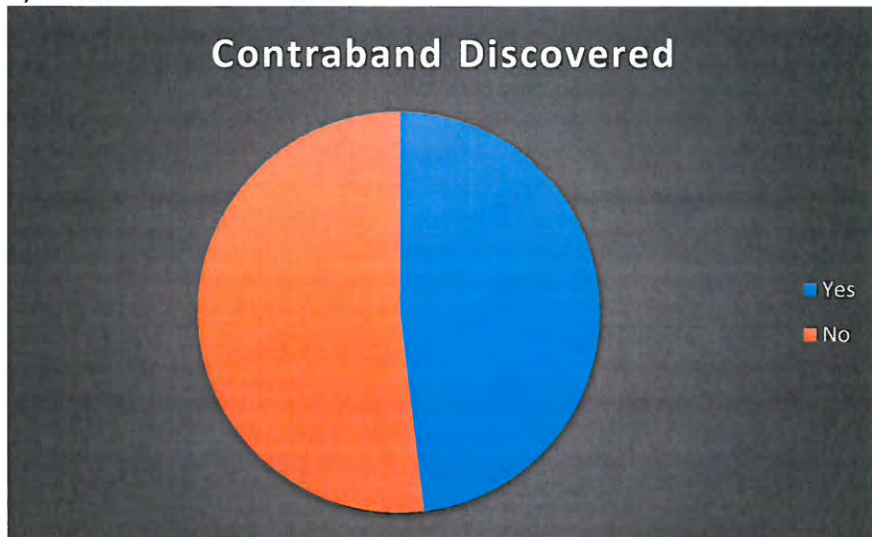
## 7. Reason for Search

a) Consent: 249	36%
b) Contraband/evidence in plain sight: 20	3%
c) Probable cause or reasonable suspicion: 340	49%
d) Inventory search performed (towing): 61	9%
e) Incident to arrest/warrant: 17	3%



## 8. Was Contraband discovered?

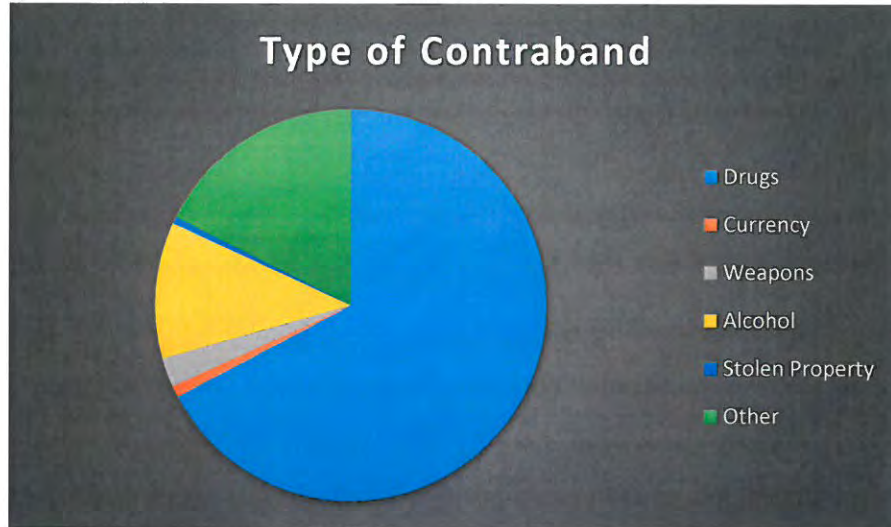
a) Yes: 330	48%
b) No: 357	52%





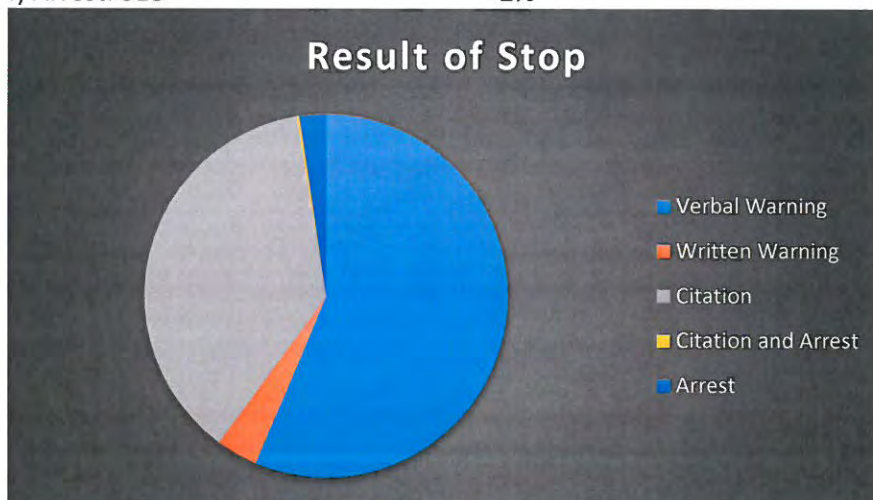
## 9. Description of contraband

a) Drugs: 222	67%
b) Currency: 3	1%
c) Weapons: 8	2%
d) Alcohol: 37	11%
e) Stolen property: 2	1%
f) Other: 58	18%



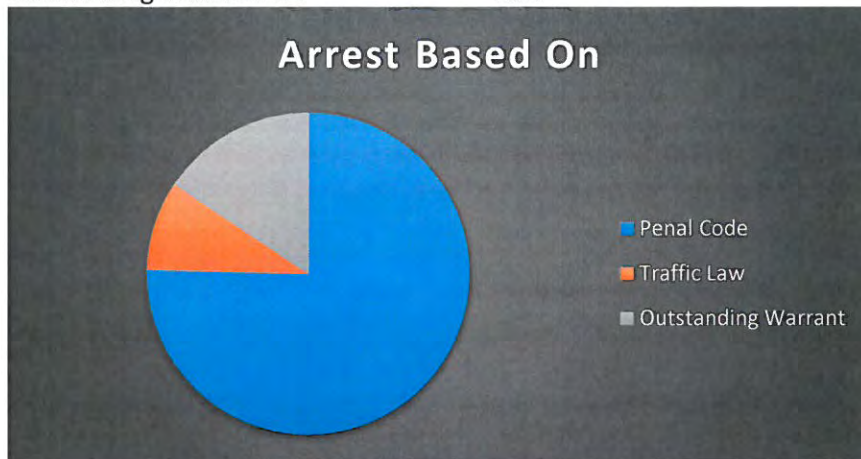
## 10. Result of the stop

a) Verbal warning: 7366	56%
b) Written warning: 484	4%
c) Citation: 4871	37%
d) Written warning and arrest: 0	0%
e) Citation and arrest: 28	.2%
f) Arrest: 318	2%



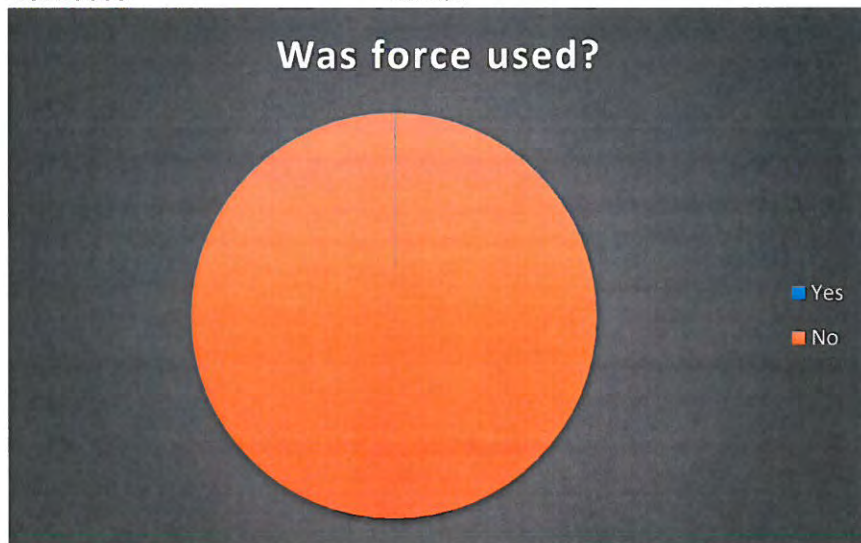
### 11. Arrest based on

Violation of Penal Code: 261	75%
Violation of Traffic Law: 31	9%
Violation of City Ordinance: 0	0.0%
Outstanding Warrant: 54	16%



### 12. Was physical force resulting in bodily injury used during stop?

Yes: 8	0.06%
No: 13059	99.9%





The background of the cover is a dark, blurred photograph of police lights at night, with red, white, and blue lights creating a bokeh effect. A solid blue vertical bar runs along the left edge of the page.

DEL CARMEN CONSULTING, LLC



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# ROCKWALL POLICE DEPARTMENT ANNUAL REPORT

SANDRA BLAND ACT



January 28, 2020

Rockwall City Council  
385 South Goliad  
Rockwall, Texas 75087

Dear Distinguished Members of the City Council,

In 2001, The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. In previous years, the Rockwall Police Department, in accordance with the law, has collected and reported traffic and motor vehicle-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements were implemented. Moreover, in 2017, the Sandra Bland Act was passed and signed into law (along with HB 3051 which introduced new racial and ethnic designations). The Sandra Bland Law requires that law enforcement agencies in the state collect additional data and provide a more detailed analysis. All of these requirements have been met by the Rockwall Police Department and are included in this report.



This particular report contains three sections with information on motor vehicle-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Rockwall Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074); which later became the Texas Racial Profiling Law. Further, you will find the Texas HB 3389, which, in 2009, introduced new requirements relevant to racial profiling as well as the Sandra Bland Act. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCOLE (Texas Commission on Law Enforcement) is included. In addition, you will find, in sections 2 and 3 documentation which demonstrates compliance by the Rockwall Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel.

The last section of this report includes statistical data relevant to contacts, made during the course of motor vehicle stops and in accordance with the law, between 1/1/19 and 12/31/19. In addition, this section contains the TCOLE Tier 2 form, which is required to be submitted to this particular organization by March 1st of each year. The data in this report has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the Rockwall Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

**DEL CARMEN CONSULTING, LLC**

LAW ENFORCEMENT SERVICES

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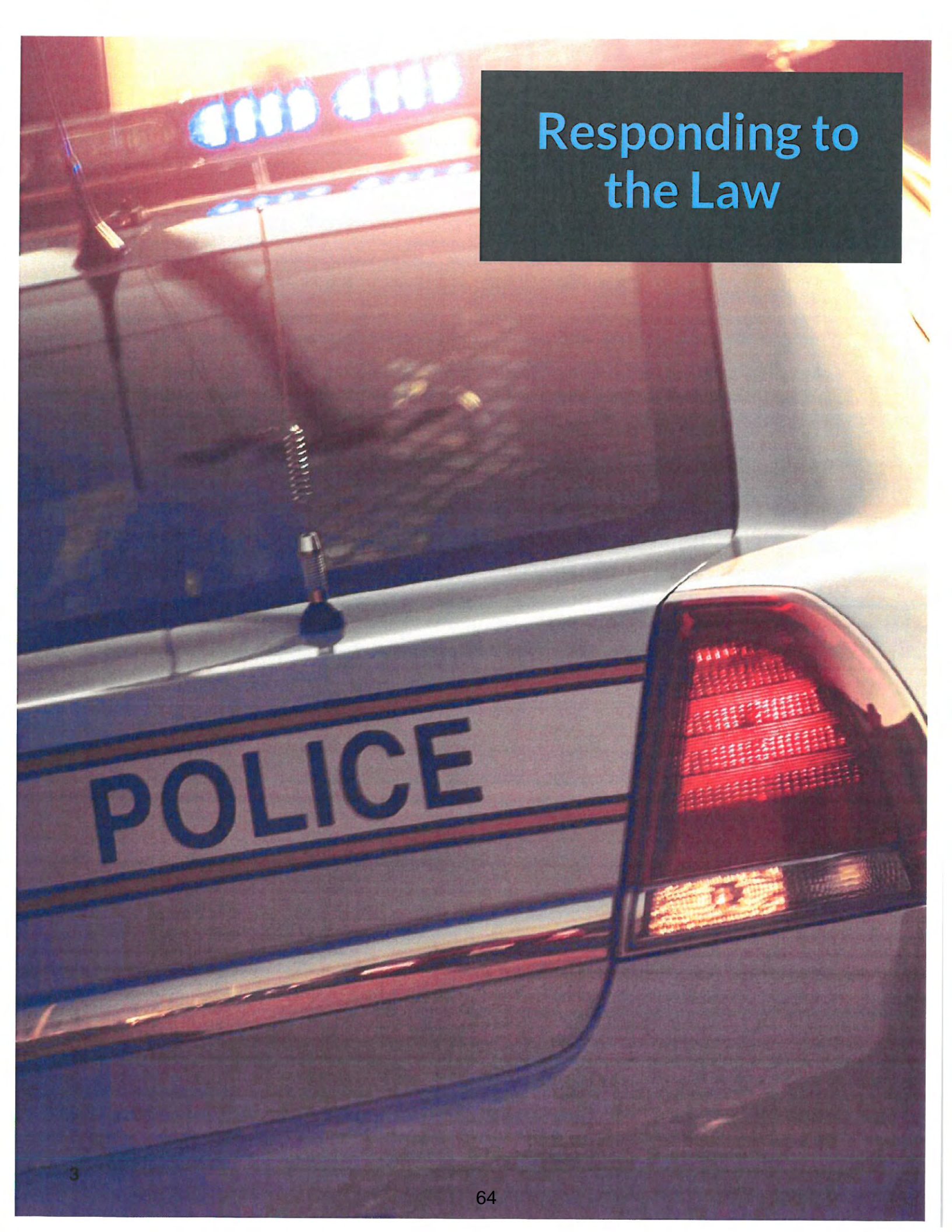
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# Responding to the Law









# Public Education on Filing Compliments and Complaints

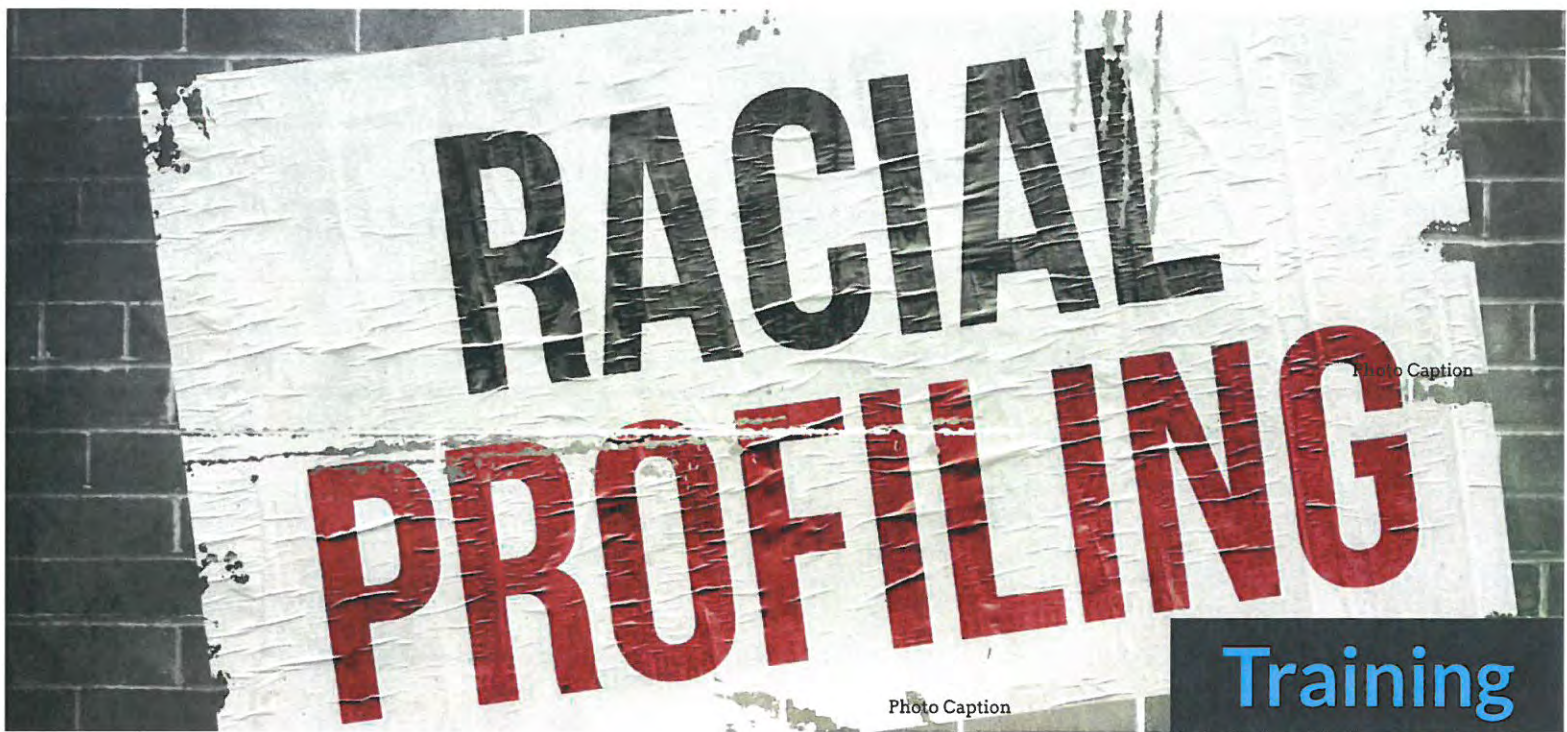
## **Informing the Public on the Process of Filing a Compliment or Complaint with the Rockwall Police Department**

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a compliment or racial profiling complaint. In an effort to comply with this particular component, the Rockwall Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a compliment and complaint on a racial profiling violation by a Rockwall Police officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.





All Rockwall Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Rockwall Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Rockwall has been included in this report.

It is important to recognize that the Chief of the Rockwall Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Rockwall Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.







# Racial Profiling

## Course Number 3256

Texas Commission on Law Enforcement  
September 2001

### **Racial Profiling 3256**

#### **Instructor's Note:**

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

#### **Abstract**

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

**Target Population:** Licensed law enforcement personnel in Texas

**Prerequisites:** Experience as a law enforcement officer

**Length of Course:** A suggested instructional time of 4 hours

**Material Requirements:** Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

**Instructor Qualifications:** Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

#### **Evaluation Process and Procedures**

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

#### **Reference Materials**

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

# Racial Profiling 3256

## 1.0 RACIAL PROFILING AND THE LAW

**1.1 UNIT GOAL:** The student will be able to identify the legal aspects of racial profiling.

**1.1.1 LEARNING OBJECTIVE:** The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

### Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

#### A. Written departmental policies

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

#### B. Not prima facie evidence

#### C. Feasibility of use of video equipment

#### D. Data does not identify officer

#### E. Copy of complaint-related video evidence to officer in question

#### F. Vehicle stop report

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

#### G. Compilation and analysis of data

#### H. Exemption from reporting – audio/video equipment

#### I. Officer non-liability


#### J. Funding

#### K. Required training in racial profiling

1. Police chiefs
2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074







# Racial Profiling

## Course Number 3256

Texas Commission on Law Enforcement

September 2001

**1.1.2 LEARNING OBJECTIVE:** The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

**A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)**

1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

**B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)**

1. Stop & Frisk doctrine
2. Stopping and briefly detaining a person
3. Frisk and pat down

**C. Other cases**

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
6. New York v. Belton, 453 U.S. 454 (1981)



## 2.0 RACIAL PROFILING AND THE COMMUNITY

**2.1 UNIT GOAL:** The student will be able to identify logical and social arguments against racial profiling.

**2.1.1 LEARNING OBJECTIVE:** The student will be able to identify logical and social arguments against racial profiling.



A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole .

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.







### **3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION**

**3.1 UNIT GOAL:** The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

**3.1.1 LEARNING OBJECTIVE:** The student will be able to identify elements of a racially motivated traffic stop.

A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
2. The driver and passengers are questioned about things that do not relate to the traffic violation
3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)



**3.1.2 LEARNING OBJECTIVE:** The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

A. Drug courier profile (adapted from a profile developed by the DEA)

1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
3. Vehicle is rented
4. Driver is a young male, 20-35
5. No visible luggage, even though driver is traveling
6. Driver was over-reckless or over-cautious in driving and responding to signals
7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

**3.1.3 LEARNING OBJECTIVE:** The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

A. Thinking about the totality of circumstances in a vehicle stop

B. Vehicle exterior

1. Non-standard repainting (esp. on a new vehicle)
2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

C. Pre-stop indicators

1. Not consistent with traffic flow
2. Driver is overly cautious, or driver/passengers repeatedly look at police car
3. Driver begins using a car- or cell-phone when signaled to stop
4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

### **Resources**

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074: <http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>



# Report on Compliments and Racial Profiling Complaints



## Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/19---12/31/19, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



A check above indicates that the Rockwall Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/19 - 12/31/19.

### Complaints Filed for Possible Violations of The Texas Racial Profiling Law

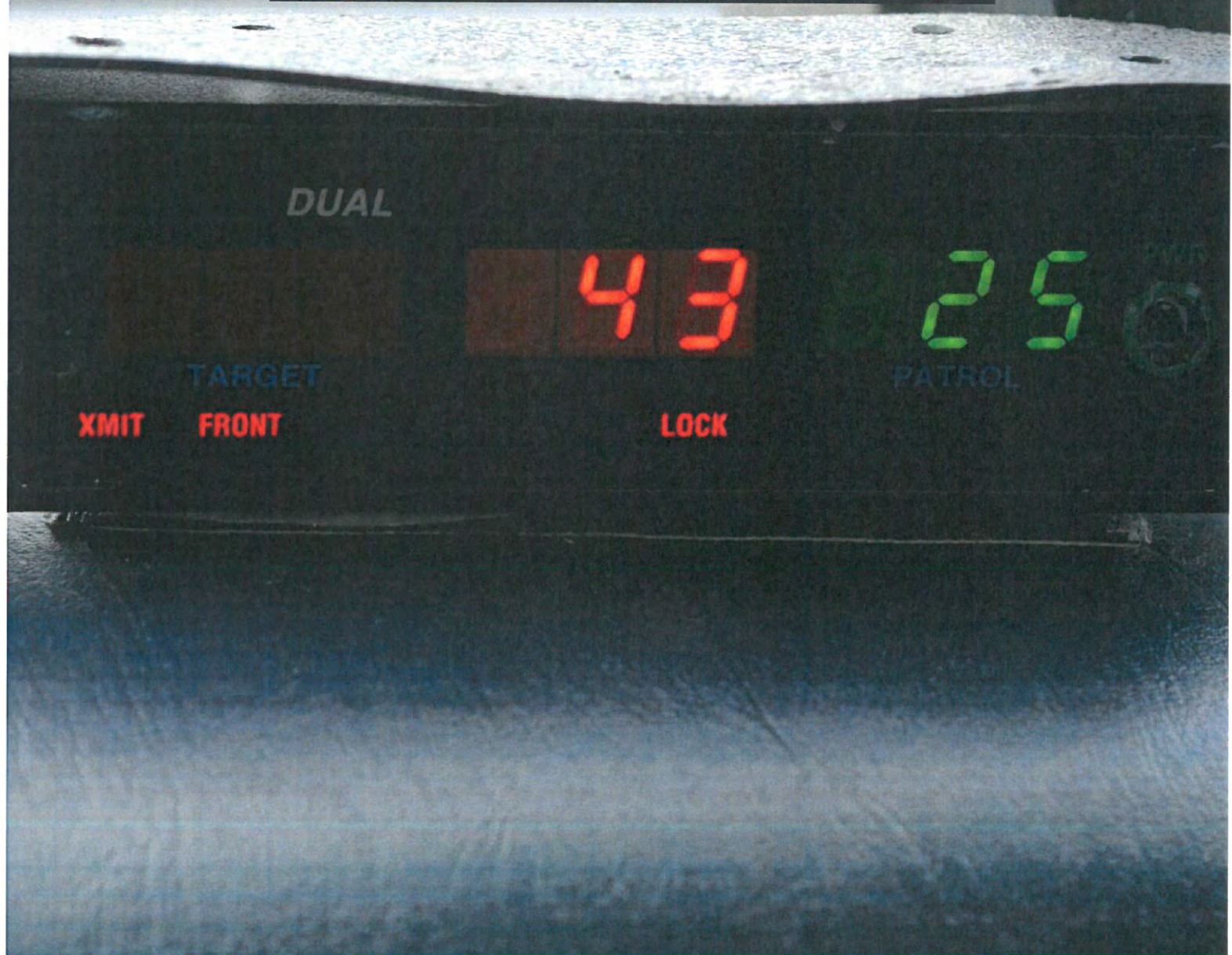
Complaint No.	Alleged Violation	Disposition of the Case

### Additional Comments:

No Complaints



# Tables Illustrating Motor Vehicle-Related Contacts





# Tier 2 Data







## **Total stops: 13,067**

### **1. Gender**

1.1 Female: 5,045

1.2 Male: 8,022

### **2. Race or ethnicity**

2.1 Black: 2,107

2.2 Asian/Pacific Islander: 256

2.3 White: 8,001

2.4 Hispanic/Latino: 2,634

2.5 Alaska Native/American Indian: 69

### **3. Was race or ethnicity known prior to stop?**

3.1 Yes: 811

3.2 No: 12,256

### **4. Reason for stop?**

4.1 Violation of law: 1,439

4.2 Pre-existing knowledge: 354

4.3 Moving traffic violation: 6,075

4.4 Vehicle traffic violation: 5,199

### **5. Street address or approximate location of the stop**

5.1 City street: 7,303

5.2 US highway: 1,578

5.3 County road: 1,437

5.4 State Highway: 13

5.5 Private Property: 2,736

### **6. Was a search conducted?**

6.1 Yes: 687

6.2 No: 12,380

### **7. Reason for Search?**

7.1 Consent: 249

7.2 Contraband in plain view: 20

7.3 Probable cause: 340

7.4 Inventory: 61

7.5 Incident to arrest: 17

### **8. Was Contraband discovered?**

8.1 Yes: 330

8.2 No: 357

## 9. Description of contraband

- 9.1 Drugs: 222
- 9.2 Currency: 3
- 9.3 Weapons: 8
- 9.4 Alcohol: 37
- 9.5 Stolen property: 2
- 9.6 Other: 58

## 10. Result of the stop

- 10.1 Verbal warning: 7,366
- 10.2 Written warning: 484
- 10.3 Citation: 4,871
- 10.4 Written Warning and Arrest: 0
- 10.5 Citation and Arrest: 28
- 10.6 Arrest: 318

## 11. Arrest based on

- 11.1 Violation of Penal Code: 261
- 11.2 Violation of Traffic Law: 31
- 11.3 Violation of City Ordinance: 0
- 11.4 Outstanding Warrant: 54

## 12. Was physical force resulting in bodily injury used during stop?

- 12.1 Yes: 8
- 12.2 No: 13,059



**Table 1. Total Number of Instances where Officers Knew/Did not Know Race/Ethnicity of Individuals Before Being Detained (1-1-2019 to 12-31-2019)**

Total Number of Instances Officers <b><u>KNEW</u></b> Race and Ethnicity of Individuals Before Being Detained	Total Number of Instances Officers <b><u>DID NOT KNOW</u></b> Race and Ethnicity of Individuals Before Being Detained
811	12,256





## Analysis and Interpretation of Data

In an effort to understand the analysis provided in this report, it is crucial that the evolution of the Texas Racial Profiling Law and its requirements, is discussed. That is, in 2001, the Texas legislature passed Senate Bill 1074 which became the Texas Racial Profiling Law. Thus, the law came into effect on January 1, 2002 and required all police departments in Texas, to collect traffic-related data and report this information to their local governing authority by March 1st of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued or arrest made. In addition, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individual before detaining them. Further, it was required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

The Texas Racial Profiling Law also requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if individual police officers are engaging in racial profiling, from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

As mentioned previously, in 2009, the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These changes included, but are were not limited to, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the 2009 law required adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year.



In 2017, the Texas Legislators passed H.B. 3051 which removed the Middle Eastern data requirement but standardized the racial and ethnic categories relevant to the individuals that came in contact with the police. In addition, the Sandra Bland Act (S.B. 1849) was passed and became law. Thus, the most significant legislative act in Texas history regarding data requirements on law enforcement contacts, became law and took effect on January 1, 2018. The Sandra Bland Act not only requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

1. *A comparative analysis of the information compiled (under Article 2.133):*
  - a. *Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;*
  - b. *Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;*
  - c. *Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.*
2. *Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.*

In an effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Rockwall Police Department commissioned the analysis of its 2019 contact data. Thus, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2019 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the “other” category, as optional categories), that came in contact with the police in the course of a motor vehicle related contact, and were either issued a ticket, citation, warning were issued or an arrest was made. Also, included in this data were instances where a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest and use of physical force resulting in bodily injury.







### **Tier 2 (2019) Motor Vehicle-Related Contact Analysis**

When analyzing the enhanced Tier 2 data collected in 2019, it was evident that most motor vehicle-related contacts were made with males and most of the contacts were made with White drivers. This was followed by Hispanic and Black drivers. In most instances, police officers report not knowing the race or ethnicity prior to the stop. Further, they cite as the primary reason for the stop to have been a "moving traffic violation". This was followed by "vehicle traffic violation".

In 2019, most of the contacts made took place in city streets. The Rockwall Police Department cites that most contacts did not result in a search. Of those searches made, most were based on probable cause. The second most significant reason for a search was "consent". In addition, contraband was not found as a result of most searches. Of the contraband found, in most instances, drugs were cited as the most frequent contraband found.

The data also shows that the majority of stops resulted in a verbal warning. This was followed by "citations". When an arrest was made, the most frequent reason provided was a violation of the penal code. Also, eight of the contacts resulted in the use of physical force which caused bodily injury.





### **Summary of Findings**

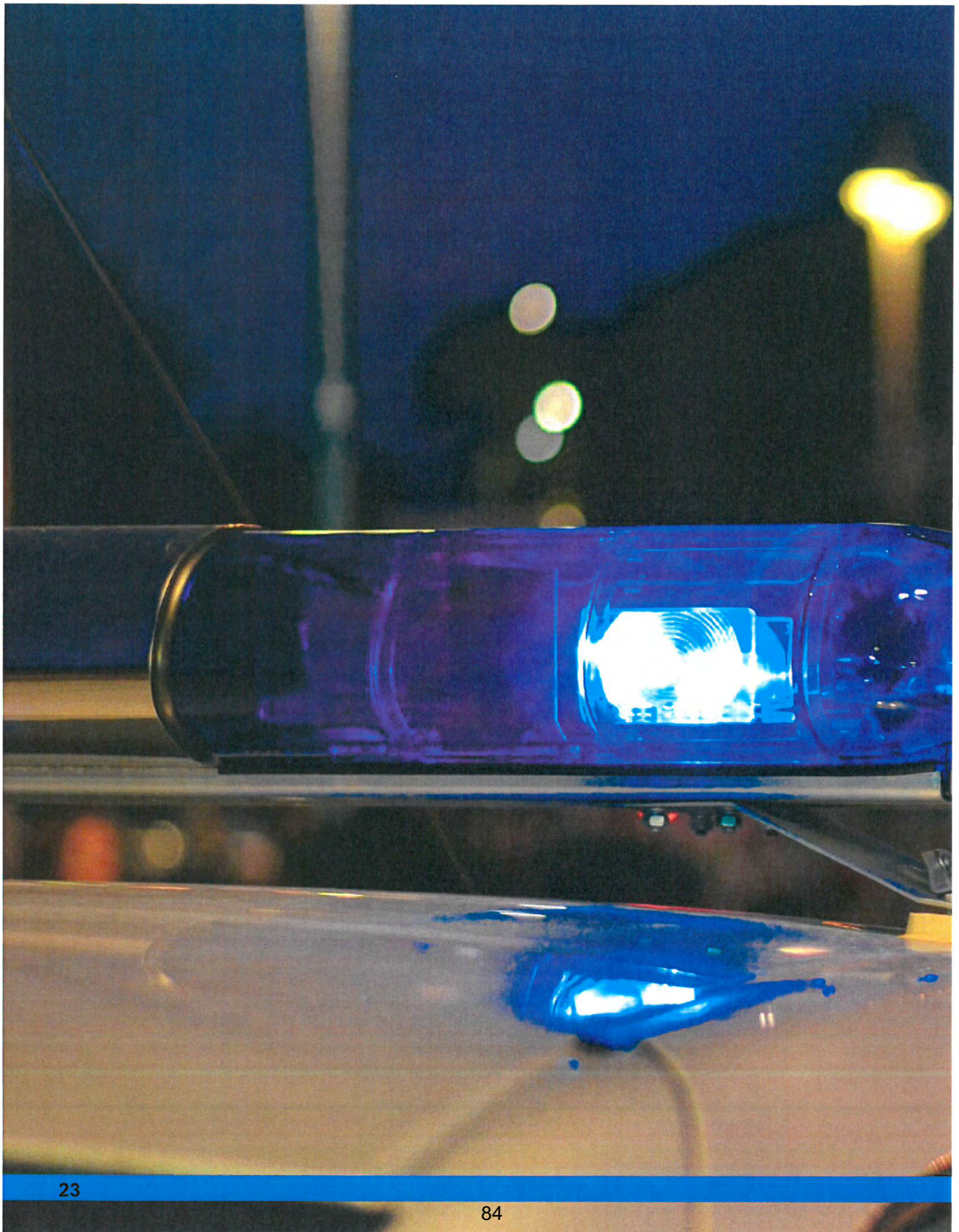
While considering the findings made in this analysis, it is recommended that the Rockwall Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals.

As part of this effort, the Rockwall Police Department should:

- 1) Perform an independent analysis on contact and search data in future years.
- 2) Commission data audits in 2020 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive analysis of the data included in this report demonstrates that the Rockwall Police Department has attempted to comply with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, and commissions the analysis of tier 2 data, and ensures that the practice of racial profiling is not tolerated.







## Checklist

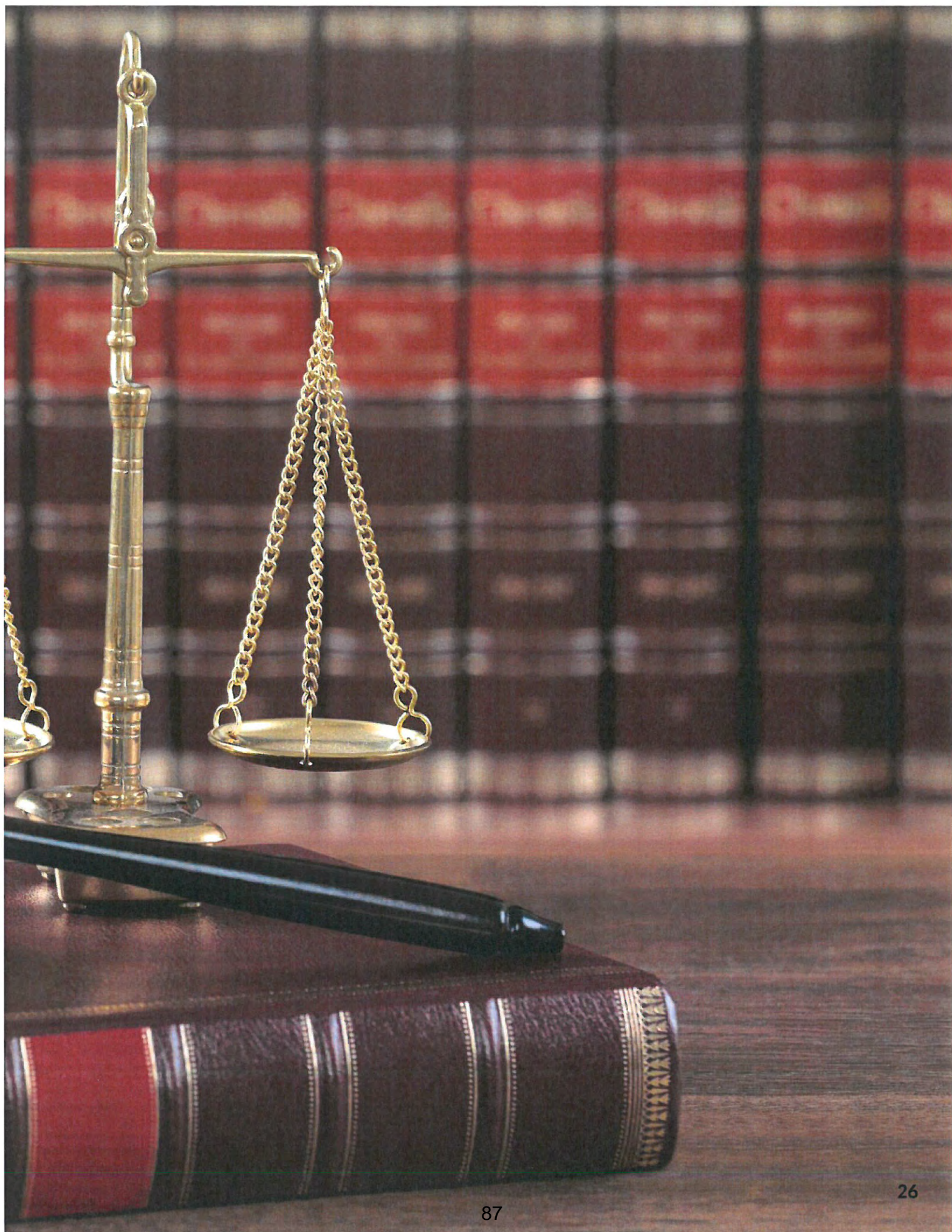
The following requirements were met by the Rockwall Police Department in accordance with The Texas Racial Profiling Law:

- ☒ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ☒ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Rockwall Police Department from engaging in racial profiling.
- ☒ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ☒ Provide public education related to the compliment and complaint process.
- ☒ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ☒ Collect, report and analyze motor vehicle data (Tier 2).
- ☒ Commission Data Audits and a Search Analysis.
- ☒ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ☒ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2020.
- ☒ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.



# LEGISLATIVE & ADMINISTRATIVE ADDENDUM







# TCOLE GUIDELINES

## Guidelines for Compiling and Reporting Data under Senate Bill 1074

### Background

Senate Bill 1074 of the 77<sup>th</sup> Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

### Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

### Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an "agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties."



The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

### **Standard 2**

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

### **Commentary**

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

### **Standard 3**

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

## **Commentary**

Senate Bill 1074 from the 77<sup>th</sup> Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

#### **Standard 4**

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

#### **Commentary**

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

#### **Standard 5**

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

#### **Commentary**

None

#### **Standard 6**

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

#### **Commentary**

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

**Standard 7**

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

**Commentary**

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

# The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the



policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled



during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling;  
and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) ~~(7)~~ the date of conviction; and

(9) ~~(8)~~ the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

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President of the Senate

Speaker of the House



I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

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Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

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Chief Clerk of the House

Approved:

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Date

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Governor

# Modifications to the Original Law (H.B. 3389)

Amend CS HB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION \_\_\_\_\_. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle~~[traffic]~~ stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, [or] Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual ~~[person]~~ detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit ~~[to the governing body of each county or~~

~~municipality served by the agency]~~ an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle [traffic] stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle [traffic] stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle [traffic] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION \_\_\_\_\_. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE [TRAFFIC AND PEDESTRIAN] STOPS. (a) In this article, "race[":

~~[(1) "Race]~~ or ethnicity" has the meaning assigned by Article 2.132(a).

~~[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]~~

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance ~~[regulating traffic or who stops a pedestrian for any suspected offense]~~ shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any [each] person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop ~~[traffic law or ordinance alleged to have been violated or the suspected offense]~~;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description [the type] of the contraband or evidence ~~[discovered]~~;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or



(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle ~~[existed and the facts supporting the existence of that probable cause];~~

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop~~[, including a description of the warning or a statement of the violation charged].~~

SECTION \_\_\_\_\_. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) ~~[means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].~~

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each ~~[local]~~ law enforcement agency shall submit a report containing the incident-based data ~~[information]~~ compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency ~~[in a manner approved by the agency].~~

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities ~~[determine the prevalence of racial profiling by peace officers employed by the agency]; and~~

(B) examine the disposition of motor vehicle ~~[traffic and pedestrian]~~ stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from [the] stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic or pedestrian]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION \_\_\_\_\_. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle ~~[traffic and pedestrian]~~ stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle ~~[traffic and pedestrian]~~ stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle ~~[traffic or pedestrian]~~ stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION \_\_\_\_\_. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based

data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION \_\_\_\_\_. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION \_\_\_\_\_. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;



- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION \_\_\_\_\_. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION \_\_\_\_\_. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; ~~and~~
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION \_\_\_\_\_. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. **ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE.** The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION \_\_\_\_\_. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. **COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES.** The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION \_\_\_\_\_. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

- (a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:
  - (1) this chapter;

(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure;  
or

(3) a commission rule.

SECTION \_\_\_\_\_. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.



# Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino ~~[, Native American, or Middle Eastern descent]~~.

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino ~~[, or Native American descent]~~.

SECTION 3. This Act takes effect September 1, 2017.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor

# The Sandra Bland Act

## (S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and



(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision (1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:



(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mentally ill] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous



municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

- (1) establishing [a] new collaboratives; or
  - (2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].
- (b) The department shall require each entity awarded a grant under this section to:
- (1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]
  - (2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and
  - (3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

- (1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;
  - (2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and
  - (3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.
- (b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).
- (c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

### ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.



SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

(1) mental illness or intellectual disability [mental retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible]



SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(a) The commission shall:

(1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;

(2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;

(3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;

(4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;

(5) revise, amend, or change rules and procedures if necessary;

(6) provide to local government officials consultation on and technical assistance for county jails;

(7) review and comment on plans for the construction and major modification or renovation of county jails;

(8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;

(9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules

and procedures adopted under this chapter;

(10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;

(11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;

(12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;

(13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;

(14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;

(15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

(16) adopt a policy for gathering and distributing to jails under the commission's

jurisdiction information regarding:

- (A) common issues concerning jail administration;
- (B) examples of successful strategies for maintaining compliance with state law and the rules, standards, and procedures of the commission; and
- (C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

- (A) determine if a prisoner is pregnant; and
- (B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

- (A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and
- (B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

- (A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and
- (B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

- (A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;
- (B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and
- (C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk



individuals.

**SECTION 3.06.** Section 511.009, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

**SECTION 3.07.** Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

**Sec. 511.019. PRISONER SAFETY FUND.** (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and

(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

**Sec. 511.020. SERIOUS INCIDENTS REPORT.** (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

(1) a suicide;

(2) an attempted suicide;

(3) a death;

(4) a serious bodily injury, as that term is defined by

Section 1.07, Penal Code;

(5) an assault;

(6) an escape;

(7) a sexual assault; and

(8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal

Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.



Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection

(a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and

(2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

#### ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not



be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

(1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]

(C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and

(D) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and



- (ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

## ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of



the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;



(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; [and]

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and



motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the



guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and

(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

\_\_\_\_\_  
Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:  
Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:  
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,  
Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\_\_\_\_\_  
Chief Clerk of the House

# **ROCKWALL POLICE DEPARTMENT RACIAL PROFILING POLICY**

#### 412.00 BIAS BASED PROFILING

The purpose of this policy is to reaffirm the Rockwall Police Department's commitment to unbiased policing in all its encounters between officer and any person, to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion, and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

- A. It is the policy of this department to police in a proactive manner and, to aggressively investigate suspected violations of the law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in bias-based profiling, and especially bias based profiling as defined in this policy. Bias based profiling is an unacceptable police tactic and will not be condoned.
- B. This General Order is adopted in compliance with requirements of Articles 2.131 through 2.138, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in bias-based profiling.

#### 412.01 DEFINITIONS

- A. Bias Based Profiling - A law enforcement-initiated action based on an individual's cultural group, sexual orientation, economic status, age, gender, background, or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Bias based profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance or other citizen contacts.
- B. Race or Ethnicity – Persons of particular descent, including Alaska Native or American Indian, White, Black, Hispanic or Latino, Asian or Pacific Islander.
- C. Acts Constituting Bias Based Profiling – Acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation or an arrest based solely upon an individual's race, ethnicity or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
- D. Motor Vehicle Contacts – Means an occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance.

#### 412.02 PROHIBITION

- A. Officers of the Rockwall Police Department are strictly prohibited from engaging in bias-based profiling. The prohibition against bias-based profiling does not preclude the use of race, ethnicity or national origin as factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.
- B. Officers of the Rockwall Police Department shall not engage in profiling based solely on gender, sexual orientation, religion, economic status, age, culture or any other identifiable group.

#### 412.03 COMPLAINT PROCESS

- A. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because they filed such a complaint.
- B. Any person who believes that a peace officer employed by the Rockwall Police Department has engaged in bias-based profiling with respect to that person, may file a complaint in accordance with the provisions of General Order 507, Complaint Processing and Investigation.



1. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in General Orders 507, Section 507.01, Action upon Receipt of Complaint.
  2. Citizens who appear in person wishing to file a complaint shall be provided with a departmental brochure, "Bias Based Profiling Complaint Procedures". Brochures are maintained in the Rockwall Police Department lobby and at Rockwall City Hall. Citizens may also be directed to the departmental website to file a complaint.
- C. Any supervisor who becomes aware of an alleged or suspected violation of the General Order shall report the alleged violation in accordance with General Order 504, Responsibilities in Internal Complaints, Section 504.01, Supervisors Responsibilities.
- D. Complaints of bias based profiling shall be investigated by the Internal Affairs Division, unless otherwise directed by the Chief of Police. A log of all Bias based profiling Complaints will be maintained by the Internal Affairs Division.

#### 412.04 DISCIPLINARY AND CORRECTIVE ACTIONS

- A. Any officer of this department, who is found, after investigation, to have engaged in bias-based profiling in violation of the General Order, may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

#### 412.05 PUBLIC EDUCATION

- A. This department shall provide education to the public concerning the bias-based profiling complaint process. The primary method of public education shall be through a brochure, "Bias Based Profiling Complaint Procedures", which are maintained in the lobby of the Rockwall Police Department and at the Rockwall City Hall. These brochures are available in both English and Spanish versions. Other education methods may be utilized to inform the public include local newspapers, news media, service or civic presentations, the Internet, as well as City Council Meetings.
- B. This department shall provide public education relating to our agency's compliment and complaint process, including providing the:
1. Telephone number
  2. Mailing address
  3. Email address

#### 412.06 COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED, ARREST MADE, OR WARNING ISSUED

- A. For each motor vehicle contact in which a citation or warning is issued and/or for each arrest resulting from a motor vehicle contact, an officer involved in the stop shall collect the following information:
1. The physical description of any person operating the motor vehicle who is being detained as well as a result of the stop, including:
    - a. Gender
    - b. Race or Ethnicity (as stated by the person or as determined by the officer to the best of the officer's ability)
  2. Race or Ethnicity means the following categories:
    - a. White
    - b. Black
    - c. Hispanic or Latino
    - d. Asian or Pacific Islander
    - e. Alaska Native or American Indian

3. Initial reason for the stop:
    - a. Violation of the law
    - b. Pre-existing knowledge (i.e. warrant)
    - c. Moving Traffic Violation
    - d. Vehicle Traffic Violation (Equipment, Inspection, Registration)
  4. If a search was conducted as a result of the stop?
    - a. If so, did the person detained consent to the search?
  5. Was contraband or other evidence discovered as a result of the search?
  6. Description of the contraband or evidence found?
    - a. Illegal drugs/drug paraphernalia
    - b. Currency
    - c. Weapons
    - d. Alcohol
    - e. Stolen Property
    - f. Other
  7. Reason for search:
    - a. Consent
    - b. Contraband/Evidence in Plain Sight
    - c. Probable Cause or Reasonable Suspicion
    - d. Inventory Search Performed as a Result of Towing
    - e. Incident to Arrest/Warrant
  8. Information on arrests:
    - a. Did officer make an arrest as a result of the stop or search?
    - b. Reasons for Arrest:
      - i. Violation of Penal Code
      - ii. Violation of Traffic Law
      - iii. Violation of City Ordinance
      - iv. Outstanding Warrant
  9. Street address or approximate location of the stop:
    - a. City Street
    - b. US Highway
    - c. County Road
    - d. Private Property or Other
  10. Verbal or Written Warning or a Ticket or Citation as a result of the stop?
  11. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code ("means physical pain, illness, or any impairment of physical condition"), during the stop;
    - a. The location of the stop, and
    - b. The reason for the stop
- B. The information collected shall be entered in to a database by entering Bias Based Profiling data utilizing the in-car Mobile Data Computer (MDC) or the computers available in the department. All contacts requiring Bias Based Profiling data collection must be entered.
1. In the event the data is unable to be collected electronically, the data will be recorded on temporary forms and entered in the database at a later date.

- C. The Assistant Chief of Police shall ensure all Bias Based Profiling Data is collected and reported to the Chief of Police. The data collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Rockwall no later than March 1 of the following year. The report must include:
1. A comparative analysis of the information compiled (under Article 2.133):
    - a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
    - b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
    - c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches (SEARCH ANALYSIS).
  2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
  3. Number of searches that were consensual;
  4. Number of citations that resulted in custodial arrest; and
  5. Public education efforts concerning the Bias Based Profiling complaint process.
- D. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.
- E. Bias based profiling Data will also be reported to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year, following the Commission's prescribed format.

#### 412.07 AUDIO AND VIDEO EQUIPMENT

- A. Each motor vehicle regularly used by this department to make motor vehicle contacts shall be equipped with a mobile video camera system capable of recording video and audio, and each motorcycle regularly used by this department to make motor vehicle contacts shall be equipped with video and audio recording equipment.
- B. Each motor vehicle contact made by an officer of this department capable of being recorded by video and audio, shall be recorded, both on the in car video and issued body worn camera.
- C. Supervisors and officers shall ensure that mobile video camera equipment and/or audio equipment is properly functioning prior to commencing their tour of duty. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized under normal circumstances.
- D. This department shall retain the video and audiotape of each motor vehicle stop. If a complaint is filed with this department alleging that one of our officers has engaged in bias-based profiling with respect to a motor vehicle contact, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

#### 412.08 REVIEW OF VIDEO AND AUDIO DOCUMENTATION

- A. The Patrol Lieutenants shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this General Order.
- B. If a complaint is received alleging that an officer has engaged in bias-based profiling, the audio/video recording shall be forwarded through the Chain of Command to the Internal Affairs Division. The Internal Affairs Division shall retain the video until final disposition of the complaint has been made.
- C. Supervisors will ensure officers of this department are recording their motor vehicle contacts. A recording of each officer will be reviewed at least once every thirty (30) days.



1. Written documentation shall include:
  - a. The names of the officers whose contacts were reviewed;
  - b. The date(s) of the videos reviewed;
  - c. The date the actual review was conducted; and
  - d. The name of the person conducting the review.
2. The Patrol Division Lieutenants shall forward the required documentation to the Internal Affairs Division.
3. The Internal Affairs Division shall maintain a file of all video review documentation performed, in compliance with this General Order.
- D. In reviewing audio and video recordings, the Patrol Division Lieutenant or his designee, shall seek to determine if the officer(s) reviewed have engaged in a pattern of Bias Based Profiling, which includes multiple acts constituting bias-based profiling for which there no reasonable, credible explanation is based on established police and law enforcement procedures.
- E. This agency shall review the data collected to identify any improvements this agency could make in its practices and policies regarding motor vehicle stops.

#### 412.09 TRAINING

- A. Each peace officer employed by the department shall complete the comprehensive education and training program on bias-based profiling established by the Texas Commission of Law Enforcement (TCOLE) no later than the second anniversary of the date the officer was licensed, or the date the officer applies for an Intermediate Proficiency Certificate, whichever date is earlier. A person, who on September 1, 2001, held a TCOLE Intermediate Proficiency Certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on bias-based profiling not later than September 1, 2003.

The Chief of Police shall, in completing the training required by Section 96.941, Texas Education Code, complete the program on Bias Based Profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), not later than September 1, 2003.

## Contact Information

For additional questions regarding the information presented in this report, please contact:

Del Carmen Consulting, LLC  
817.681.7840  
[www.texasracialprofiling.com](http://www.texasracialprofiling.com)  
[www.delcarmenconsulting.com](http://www.delcarmenconsulting.com)

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LAW ENFORCEMENT SERVICES

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# CITY OF ROCKWALL

## CITY COUNCIL CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council  
DATE: February 18, 2020  
APPLICANT: Pat Atkins; KPA Consulting, Inc.  
CASE NUMBER: P2020-006; Master Plat for Saddle Star South Subdivision

### SUMMARY

Consider a request by Pat Atkins of KPA Consulting, Inc. on behalf of the owners Jeff Kennemer and Robert Witte of Saddle Star South Holdings, LLC, William Thraikill of CDT Rockwall/2017 LLC, and Gwendolyn Reed for the approval of a Master Plat/Open Space Plan for the Saddle Star South Subdivision containing 176 single-family residential lots on a 70.408-acre tract of land identified as Tracts 1, 1-03, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard east of the intersection of Featherstone Drive John King Boulevard, and take any action necessary.

### PLAT INFORMATION

- ☒ The applicant is requesting approval of a Master Plat/Open Space Plan for the Saddle Star South Subdivision. The Saddle Star South Subdivision is a three (3) phase, master planned community that will consist of 176 single-family residential lots on a 70.408-acre tract of land. The proposed master plat delineates the timing and phasing for the proposed development in order to determine compliance with the comprehensive plan, and the availability and capacity of public improvements needed to serve the development. A summary of the proposed lot composition is as follows:

#### Lot Composition:

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	70' x 125'	8,750 SF	143	78.41%
B	80' x 125'	10,000 SF	33	21.59%
Maximum Permitted Units:			176	100.00%

- ☒ On March 16, 1998, a 44.292-acre portion of the subject property was annexed [Ordinance No. 98-10] and an 11.121-acre portion was annexed on May 16, 2016 [Ordinance No. 16-30], creating a 55.413-acre tract of land. On January 4, 2016, the City Council approved Planned Development District 79 (PD-79) [Case No. Z2015-034], which rezoned the 44.292-acre portion of the subject property from an Agricultural (AG) District to a Planned Development District for a single-family residential subdivision consisting of 113 single-family lots. On June 6, 2016, the City Council approved an amendment to Planned Development District 79 (PD-79) to incorporate the additional 11.121-acre tract of land annexed on March 16, 2016. On January 22, 2019, the applicant voluntarily annexed a 14.995-acre tract of land [A2018-004] for the purpose of incorporating it into Planned Development District 79 (PD-79) and creating Phase III of the development. On November 4, 2019, the City Council approved an amendment to PD-79 [Ordinance No. 16-39] for the purpose of amending the development standards and concept plan by incorporating an additional 14.995-acre tract of land into the existing 55.413-acre tract of land, which created Phase III for the Saddle Star Estates Subdivision.
- ☒ On February 4, 2020, the Parks and Recreation Board approved pro-rata fees of \$59,064.00 (i.e. 176 lots @ \$428.00 per lot) and cash-in-lieu of land fees of \$42,090.00 (i.e. 176 lots @ \$305.00 per lot) for the Saddle Star South Addition by a vote of 5-0. As part of this motion, the Parks and Recreation Board approved these fees to be used to incorporate private amenities into Phase 2 of the development to provide a playground. Per the recommendations of the Parks and

Recreation Board, detailed invoices showing the cost of the proposed private amenities are required to be submitted prior to the acceptance of Phase 2. The pro-rata equipment and cash in lieu of land fees are subject to change each year as the cost of land and the City's land use assumptions change, and will be finalized at the time of final plat.

- ☑ The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for final plats as stipulated by the Chapter 38, Subdivisions, of the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- ☑ Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- ☑ With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances.

### **CONDITIONS OF APPROVAL**

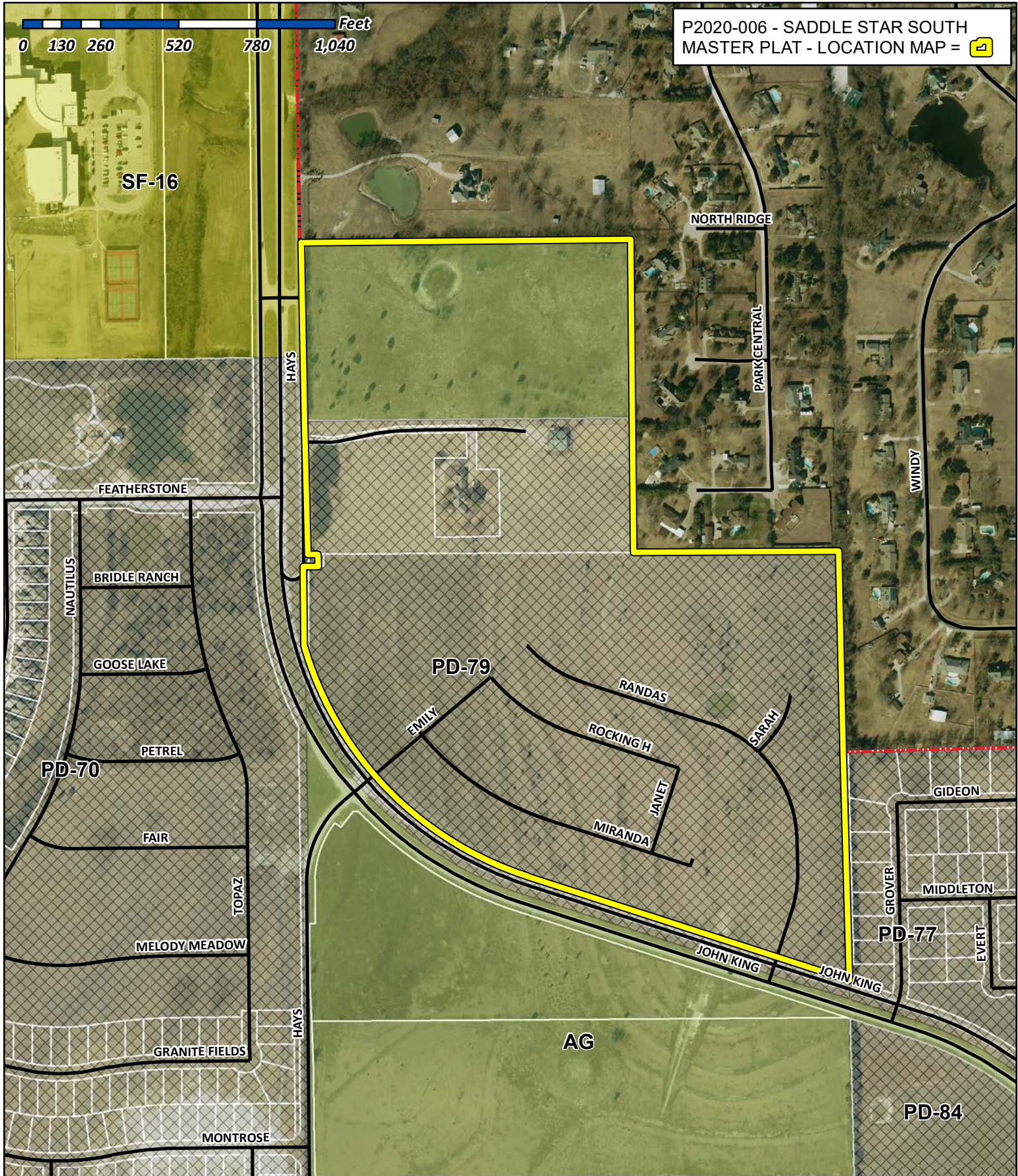
If the City Council chooses to approve the master plat for the *Saddle Star South Subdivision*, staff would propose the following conditions of approval:

- (1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat;
- (2) The development shall adhere to the recommendations of the Parks and Recreation Board; and,
- (3) Any construction resulting from the approval of this plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

### **PLANNING AND ZONING COMMISSION**

On February 11, 2020, the Planning and Zoning Commission made a motion to recommend approval of the master plat/open space plan with staff conditions. The motion passed by a vote of 7-0.





## City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75032  
(P): (972) 771-7745  
(W): [www.rockwall.com](http://www.rockwall.com)

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.





LINE TABLE		
NO.	DIRECTION	DISTANCE
L1	N 89°38'44" E	50.00'
L2	N 0°38'27" W	40.00'
L3	S 89°38'05" W	34.29'

STONE CREEK SF, LTD  
VOLUME 5011, PAGE 9

CITY OF ROCKWALL  
STONE CREEK PHASE VI  
CABINET I, PAGE 161

FEATHERSTONE  
DRIVE  
98' R.O.W.  
CABINET H,  
PAGE 33

JOHN KING BOULEVARD  
(APPARENT 120' RIGHT-OF-WAY)

Monument Entry

CITY OF ROCKWALL  
ROCKWALL COUNTY

C.A. 6  
(H.O.A./OPEN SPACE)  
13,855 S.F.  
0.318 ACRES

VICINITY MAP  
NOT TO SCALE

0' 50' 100' 200'  
Graphic scale (in feet): 1" = 100'

**NOTE:**  
DETENTION TO BE PROVIDED PER CITY OF ROCKWALL  
DRAINAGE SPECIFICATIONS AND STANDARDS

**PHASING DATA**

- PHASE ONE ~ 66 LOTS
- PHASE TWO ~ 77 LOTS
- PHASE THREE ~ 33 LOTS
- COMMON AREA/H.O.A. ~ 7 LOTS

**SADDLE STAR SOUTH STATEMENT OF SERVICE**  
**MASTER PLAT**  
**01/27/2020**

-THE SITE CURRENTLY DRAINS OVERLAND TO THE THOMPSON  
BRANCH TO THE NORTH OF THE PROPOSED DEVELOPMENT NEAR  
WHERE IT CROSSES UNDER JOHN KING BOULEVARD. DETENTION  
AND/OR RETENTION WILL BE UTILIZED TO CONTROL THE FLOW.

**LAND USE DATA**

TOTAL AREA ~ 70.408 ACRES / 3,066,972 SQ. FT.  
TOTAL OPEN SPACE ~ 14,220 ACRE / 619,436 SQ. FT.  
LOT TYPE 'A' ~ 70' x 125'  
LOT TYPE 'B' ~ 80' x 125'  
TOTAL LOTS ~ 176  
DENSITY ~ 2.49 DWELLING UNITS / ACRE  
ZONED PLANNED DEVELOPMENT DISTRICT NO. 79

MASTER PLAT/OPEN SPACE PLAN  
**SADDLE STAR SOUTH**  
PLANNED DEVELOPMENT DISTRICT 79  
70.408 ACRES SITUATED IN THE  
P.B. HARRISON SURVEY, ABSTRACT No. 97  
CITY OF ROCKWALL  
ROCKWALL COUNTY, TEXAS

**ENGINEERING CONCEPTS & DESIGN L.P.**

ENGINEERING / SURVEYING / PROJECT MANAGEMENT  
201 WINDCO CIRCLE, SUITE 200 WYLIE, TX 75098  
(972) 941-8400

**DEVELOPER**  
**K P A CONSULTING, INC.**  
3076 HAYS LANE ROCKWALL, TEXAS 75087  
PAT ATKINS: 972-388-6383

**OWNERS**

SADDLE STAR SOUTH HOLDINGS LLC 2200 ROSS AVENUE SUITE 4200W DALLAS, TEXAS 75201	CDT ROCKWALL/2017 LLC 3076 HAYS LANE KAUFMAN, TEXAS 75142	GWENDOLYN REED 6925 F.M. 2515 ROCKWALL, TEXAS 75087
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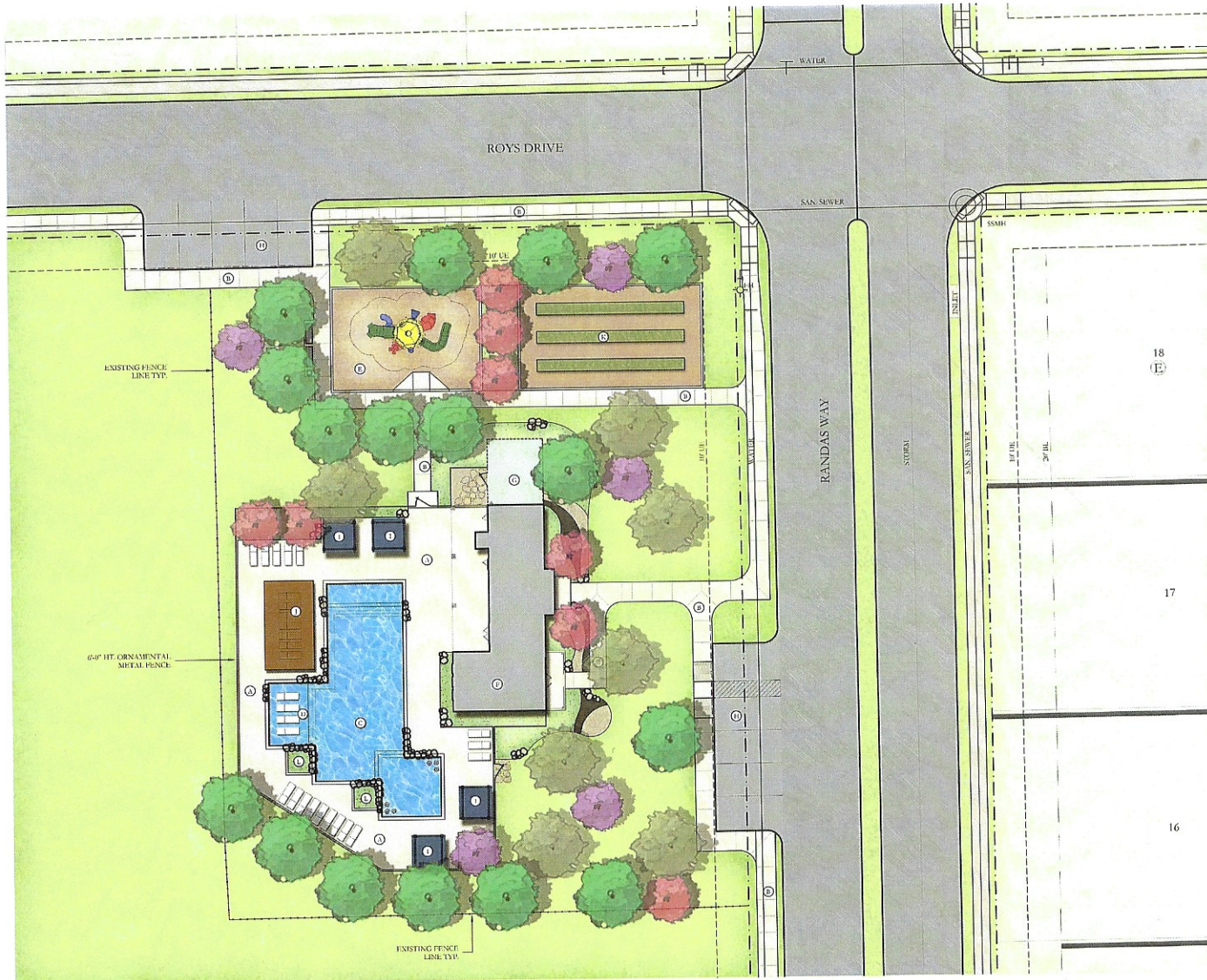
CASE# P2020-006

DATE: January 27, 2020

SHEET 1 OF 1

06812 Saddle Star\dwg\planning\06812 Concept Plan.dwg





CALLOUTS LEGEND:

- ① CONCRETE POOL DECK
- ② CONCRETE SIDEWALK
- ③ SWIMMING POOL (2040 S.F.)
- ④ TANNING EDGE
- ⑤ PLAYGROUND
- ⑥ AMENITY CENTER
- ⑦ BUILDING FACILITY
- ⑧ POOL EQUIPMENT ENCLOSURE
- ⑨ FUTURE PARKING STALLS
- ⑩ 10' x 10' DAYBED
- ⑪ CHAIR ARBOR
- ⑫ COMMUNITY GARDEN
- ⑬ RAISED PLANTER BED
- BENCH
- TRASH RECEPTACLE
- EXISTING TREE TO REMAIN
- 4" CALIPER SHADE TREE
- 3" CALIPER ORNAMENTAL TREE
- SHRUB AND GROUND COVER LANDSCAPE BED
- RIVER ROCK IN LANDSCAPE BED
- BOULDER MASS



SADDLE STAR AMENITY CENTER

City of Rockwall, Rockwall County, Texas

DESIGNED: 12-11-2019



**SITE AMENITIES, LLC**

# Construction Proposal

December 24, 2019

**Saddle Star Amenity Center****Rockwall, TX****CREATED FOR:** Mr. Jose Campos, Hines Construction**CREATED BY:** Overly Site Amenities  
3900 Stonebridge Drive, Suite 1303, McKinney, Texas 75070

Item No.	Description	Price
1.	<b>Clubhouse Building</b>	<b>\$378,049.95</b>
2.	<b>Aquatic Center</b>	<b>\$307,154.84</b>
2.1	Swimming Pool	\$199,645.94
2.2	Enclosure Hardscape	\$63,209.27
2.3	Site Structures	\$36,086.23
2.4	Equipment Room	\$8,213.40
3.	<b>Site Amenities</b>	<b>\$205,683.85</b>
3.1	Community Garden	\$15,641.91
3.2	Playground	\$102,329.42
3.3	Hardscape: Concrete Improvements	\$31,587.62
3.4	Hardscape: Site Improvements	\$49,359.90
3.5	Site Furnishings	\$6,765.00
4.	<b>Landscape &amp; Irrigation</b>	<b>\$103,537.56</b>
5.	<b>General Requirements</b>	<b>\$12,515.25</b>
6.	<b>Design Fees</b>	<b>\$10,000.00</b>
VE	<b>VE Opportunities</b> *(Not Reflected in Project Total)	*( \$29,800.00)
<b>PROJECT TOTAL:</b>		<b>\$1,016,941.40</b>

Signature of Acceptance \_\_\_\_\_ Date \_\_\_\_\_



# **SADDLE STAR LAND DEVELOPMENT L.L.C.**

**3076 HAYS LN.-ROCKWALL,TEXAS 75087-PAT ATKINS-DIRECTOR**

1-27-20

RYAN C. MILLER AICP , DAVID GONZALES AICP

DIRECTOR OF PLANNING /CITY OF ROCKWALL

385 S. GOLIAD STREET

ROCKWALL,TEXAS 75087

## ***LETTER OF EXPLANATION Park Fees***

**RE: SADDLE STAR SOUTH-70.408 ACRES 143 lots (P2019-043)–OWNER - C.D.T-2017 L.L.C.-Saddle Star South Holdings, LLC And Gwendolyn Reed**

**ROCKWALL , ROCKWALL COUNTY , TEXAS**

DEAR MR. MILLER ,GONZALES

WE ARE THE SAID AUTHORIZED REPRESENTATIVES OF THE OWNERS OF THE 70.408 ACRE TRACT IN ROCKWALL, ROCKWALL COUNTY.

WE HEREBY AS AUTHORIZED AGENT, PAT ATKINS DIRECTOR OF SADDLE STAR LAND DEVELOPMENT L.L.C.,TO REQUEST TO THE PARK BOARD AND CITY COUNCIL THAT OUR PARK FEES BEING ASSESSED BE APPLIED TO OUR PLAYGROUND IMPROVEMENTS (ENCLOSED EXHIBIT) OF \$102,329 CONSTRUCTION COSTS,SAID IMPROVEMENTS ARE ABOVE THE COSTS ASSOCIATED WITH AMENITY AND OVERALL LANDSCAPING IMPROVEMENTS.

SINCERELY

***Pat Atkins***

PAT ATKINS-DIRECTOR-SADDLE STAR

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# CITY OF ROCKWALL

## CITY COUNCIL MEMORANDUM

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)

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**TO:** Planning and Zoning Commission

**CC:** Rick Crowley, *City Manager*  
Mary Smith, *Assistant City Manager*  
Joey Boyd, *Assistant City Manager*

**FROM:** Ryan Miller, *Director of Planning and Zoning*

**DATE:** February 18, 2020

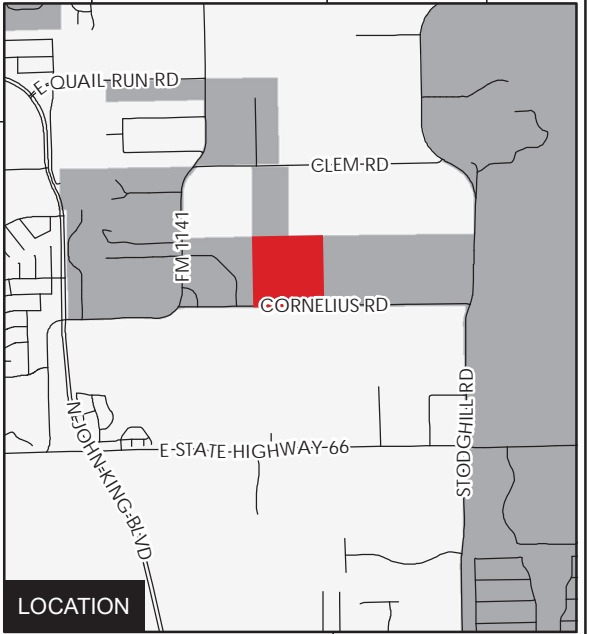
**SUBJECT:** A2019-001; *Annexation of Property on Cornelius Road*

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On December 2, 2019, the City Council adopted *Resolution No. 19-27* directing staff to proceed with the annexation process for a 41.39-acre tract of land adjacent to Cornelius Road (see *Exhibit 'A'*). This direction came in response to a petition submitted on November 19, 2019 by Barbara Lee (*a resident in the 41.39-acre tract of land*) indicating that a majority of the property owners in the annexation area supported annexation. Based on this direction and in accordance with Subchapter C-4, *Annexation of Areas with Population of Less than 200 by Petition*, of Chapter 43, *Municipal Annexation*, of the Texas Local Government Code, the City Council held a public hearing on December 26, 2019. On January 27, 2020, Barbara Lee submitted a subsequent petition indicating that more than 50% of all registered voters in the annexation area were in favor of annexation (see *Exhibit 'B'*). According to Section 43.0686(c) of the Texas Local Government Code, "(i)f the municipality obtains the number of signatures on the petition required to annex the area, the municipality may annex the area after: [1] providing notice under Subsection (a); [2] holding public hearing at which members of the public are given an opportunity to be heard; and, [3] holding a final public hearing not earlier than the 10th day after the date of the public hearing under Subdivision (2) at which the ordinance annexing the area may be adopted." In conformance with this section staff has sent a letter to all property owners and residents within the annexation area notifying them of the results of the petition, and informing them that public hearings will be held on February 18, 2020 and March 2, 2020 (see *Exhibit 'C'*).

In the attached packet staff has included all referenced exhibits, the referenced section of the Texas Local Government Code and an ordinance that would annex the area. Staff should note that all requirements for annexation contained within Subchapter C-4, *Annexation of Areas with Population of Less than 200 by Petition*, of Chapter 43, *Municipal Annexation*, of the Texas Local Government Code have been completed with the exception of the two (2) public hearings and adoption of the annexation ordinance. At the meeting on February 18, 2020, the City Council will need to hold a public hearing, read the ordinance into the official record, and vote on the proposed annexation. If the City Council approves the annexation request a subsequent public hearing, reading of the ordinance, and vote will happen on March 2, 2020. If the City Council denies the annexation request the subject property will remain in the City of Rockwall's Extraterritorial Jurisdiction (ETJ). Should the City Council have any questions concerning the annexation or process, staff and the City Attorney will be available.





# PROPERTY OWNER CONSENT PETITION

## PETITION FOR ANNEXATION OF LAND INTO THE CITY OF ROCKWALL

To the Mayor and City Council of Rockwall, Texas:

We the undersigned owners of the properties located within the boundary of the area depicted in *Exhibit 'A'* of this petition hereby request annexation of our land into the City of Rockwall. We understand that our request does not necessarily mean that the area depicted in *Exhibit 'A'* will be annexed, but that the City will consider our request based upon the requirements of Chapter 43, Municipal Annexations, of the Texas Local Government Code. Furthermore, we certify and swear that:

- (1) We are the owners of the tracts of land depicted in the area described in *Exhibit 'A'* and we own more than 50% of the area to be annexed;
- (2) All of the tracts are currently located within the City's Extraterritorial Jurisdiction (ETJ) and the area depicted in *Exhibit 'A'* is contiguous and adjacent to the current city limits of the City of Rockwall;
- (3) The tracts are not located within the corporate limits or Extraterritorial Jurisdiction (ETJ) of any other municipality or other special district; and
- (4) This request for inclusion of the area depicted in *Exhibit 'A'* into the Rockwall city limits is made voluntarily.

**RED:** REGISTER VOTER; **BLUE:** PROPERTY OWNER ON THE TAX ROLL

TOTAL ACREAGE: 41.49 (100.00%); REGISTER VOTERS IN THE AREA: 23.57 (56.81%); ROW: 2.82 (6.80%); NON-REGISTERED VOTERS: 15.1 (36.39%)

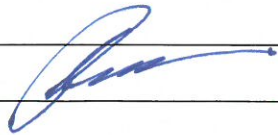

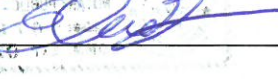

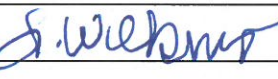
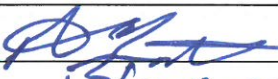

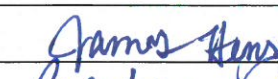
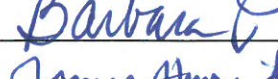
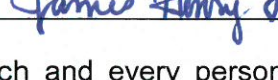
NUMBER OF REGISTER VOTERS: 53

#	NAME ON THE CERTIFIED TAX ROLL	ADDRESS	PROPERTY ACREAGE	SIGNATURE
1	Stephen & Sharon Thomas	1200 Marilyn Jayne Lane	0.69	Stephen Thomas
	Sharon Cathey Thomas	1200 Marilyn Jayne Lane		Sharon Thomas
	Stephen Randson Thomas	1200 Marilyn Jayne Lane		Stephen Thomas
2	Randy & Kay Wilson Revocable Trust	1201 Marilyn Jayne Lane	0.68	
	Kay Marie Wilson	1201 Marilyn Jayne Lane		
	Randy Scott Wilson	1201 Marilyn Jayne Lane		
3	Brian & Kimberly James	1202 Marilyn Jayne Lane	0.66	Brian James
	Brian Adrian James	1202 Marilyn Jayne Lane		Brian James
	Kimberly Ann James	1202 Marilyn Jayne Lane		Kimberly Ann James
4	Daniel T. Smith	1203 Marilyn Jayne Lane	0.66	Daniel Smith
	Daniel Ted Smith	1203 Marilyn Jayne Lane		Daniel Smith
	Jennifer Anne Smith	1203 Marilyn Jayne Lane		Jennifer Smith
	Craig Wayne Thompson	1203 Marilyn Jayne Lane		DO NOT LIVE HERE
	Laura Alyse Thompson	1203 Marilyn Jayne Lane		DO NOT LIVE HERE
5	Gracie & Leon Walker	1204 Marilyn Jayne Lane	0.66	Gracie Walker
	Gracie Jo Walker	1204 Marilyn Jayne Lane		Gracie Walker

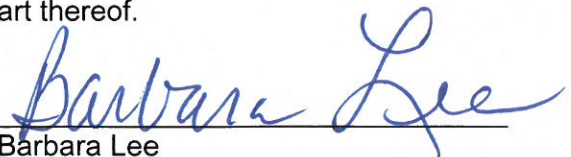


	Leon Walker	1204 Marilyn Jayne Lane		Leon Walker
	Zachary Jon-Truman Walker	1204 Marilyn Jayne Lane		Zachary Walker
6	David L. James	1205 Marilyn Jayne Lane	0.66	David James
7	Robert Cook	1206 Marilyn Jayne Lane	0.67	Robert Cook
	Robert Morris Cook	1206 Marilyn Jayne Lane		Robert M Cook
	Sarah Arnett Cook	1206 Marilyn Jayne Lane		Sarah Arnett Cook
8	Carl Dean Cantrell	1207 Marilyn Jayne Lane	0.66	Carl Dean Cantrell
✓	<del>Carl Dean Cantrell</del>	1207 Marilyn Jayne Lane		Carl Cantrell
	Carlee Lyn Cantrell	1207 Marilyn Jayne Lane		C. Cantrell
	Guadalupe Mary Cantrell	1207 Marilyn Jayne Lane		Gupe Cantrell
9	Conrado Rodriguez Jr.	1208 Marilyn Jayne Lane	0.67	
	Conrado Rodriguez Jr.	1208 Marilyn Jayne Lane		
	Adrianna Celeste Rodriguez	1208 Marilyn Jayne Lane		
	Adriel Montana Rodriguez	1208 Marilyn Jayne Lane		
	Esther Rodriguez	1208 Marilyn Jayne Lane		
	Marco Andres Rodriguez	1208 Marilyn Jayne Lane		
10	Forris & Dixie Barton	1209 Marilyn Jayne Lane	0.66	Forris W Barton
	Dixie Darling Barton	1209 Marilyn Jayne Lane		Dixie Darling Barton
	Forris Woodrow Barton	1209 Marilyn Jayne Lane		Forris W Barton
	Mindy Lee Barton	1209 Marilyn Jayne Lane		Mindy Lee Barton
	Tara Michelle Bartonfarda	1209 Marilyn Jayne Lane		Tara Farda
11	John & Sheryl Emra	1210 Marilyn Jayne Lane	0.67	John & Sheryl Emra
	John Thomas Emra	1210 Marilyn Jayne Lane		John Thomas Emra
	Katie Sue Emra	1210 Marilyn Jayne Lane		
	Paul Thomas Emra	1210 Marilyn Jayne Lane		
	Sheryl Echo Emra	1210 Marilyn Jayne Lane		Sheryl Echo Emra
12	Gregory & Pamela Rylander	1211 Marilyn Jayne Lane	0.66	Gugy & Blander
	Karlee Jo Rylander	1211 Marilyn Jayne Lane		
	Pamela Jo Rylander	1211 Marilyn Jayne Lane		Pamela Jo Rylander
13	Donnie Peoples	1212 Marilyn Jayne Lane	0.67	Donnie Peoples
14	Phillip & Kerri Bergerhouse	1213 Marilyn Jayne Lane	0.66	
	Cody Walker Bergerhouse	1213 Marilyn Jayne Lane		Cody Bergerhouse
	Kerri L. Bergerhouse	1213 Marilyn Jayne Lane		



	Phillip Wayne Bergerhouse	1213 Marilyn Jayne Lane		
←	Patricia Ann McGuire <i>Sold 25 years ago</i>	1213 Marilyn Jayne Lane		
15	Mark & Kathy Southall	1214 Marilyn Jayne Lane	0.67	
	Jake Peyton Southall	1214 Marilyn Jayne Lane		
	Kathy Lynn Southall	1214 Marilyn Jayne Lane		
	Mark Peyton Southall	1214 Marilyn Jayne Lane		
16	Christopher Gonzales	1215 Marilyn Jayne Lane	0.64	
<i>deputy</i>	<del>Christopher M. Gonzales</del> <i>Christopher Gonzales (Dedicated) (Alaska)</i>	1215 Marilyn Jayne Lane		
	<del>Dalton Trace Gonzales</del> <i>C Gonzales</i>	1215 Marilyn Jayne Lane		
	Gina Cheek	1215 Marilyn Jayne Lane		
17	Mitchell E. & Patricia M. Couch	1216 Marilyn Jayne Lane	0.68	
	Mitchell Earl Couch	1216 Marilyn Jayne Lane		
	Marie Patricia Couch	1216 Marilyn Jayne Lane		
	Robert Curtis Scruggs	1216 Marilyn Jayne Lane		
18	James B. & Dea S. Kelly	1217 Marilyn Jayne Lane	1.38	
	Dea Sue Kelly	1217 Marilyn Jayne Lane		
	James Bennett Kelly	1217 Marilyn Jayne Lane		
19	Robert Mendoza & Sandra Wilkins	1218 Marilyn Jayne Lane	2.59	
	<del>Andrew Emerson Glaze</del> <i>previous homeowner</i>	1218 Marilyn Jayne Lane		
	<del>Katherine Gallagher</del> <i>previous homeowner</i>	1218 Marilyn Jayne Lane		
	Robert Emanuel Mendoza	1218 Marilyn Jayne Lane		
20	Bryan & Lauren Graves	520 Cornelius Road	3.90	
21	Rockwall RV Park and Tiny Home Village	588 Cornelius Road	9.87	
22	James & Barbara Lee	688 Cornelius Road	9.61	
	Barbara Pinto Lee	688 Cornelius Road		
	James Henry Lee	688 Cornelius Road		

I certify and swear that this petition is signed and acknowledged by each and every person and corporation owning said tract, or having an interest in any part thereof.

  
Barbara Lee

Address: 688 Cornelius Road  
Rockwall, TX 75087

Date: 1-27-2020

STATE OF TEXAS       §  
COUNTY OF ROCKWALL   §

This instrument was sworn to, signed and acknowledged before me by on this, the 27 day of January, 2019.

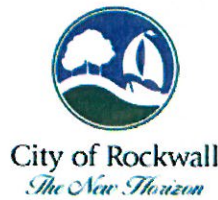


Elizabeth A Morgan  
Notary Public, State of Texas

My Commission Expires: 02-28-2021

[illegible]





January 30, 2020

**TO:** Brian J. and Lauren C. Graves  
406 Munson Street  
Rockwall, TX 75087

**FROM:** Ryan Miller, AICP, *Director of Planning and Zoning*  
City of Rockwall  
385 S. Goliad Street  
Rockwall, TX 75087

**SUBJECT:** **Annexation of a ~41.49-Acre Tract of Land Identified as Lots 1-19, Maytona Ranch Estates Addition and Tracts 22-01, 22-02, 22-6 & 22-07 of the W. M. Dalton Survey Abstract No. 72, Rockwall County, Texas**

To Whom It May Concern:

Recently, a petition for voluntary annexation was circulated amongst property owners located within the ~41.49-acre tract of land (*i.e. the Annexation Area*), which is depicted in the attached map. According to the Rockwall Central Appraisal District (RCAD) you own one or more of the properties located inside the *Annexation Area*. In accordance with Section 43.0686 of the Texas Local Government Code, you are receiving this letter to notify you of the results of the petition for voluntary annexation.

According to Section 43.0681, "(a) municipality may annex an area with a population of less than 200 only if the following conditions are met, as applicable: (1) the municipality obtains consent to annex the area through a petition signed by more than 50 percent of the registered voters of the area; and (2) if the registered voters of the area do not own more than 50 percent of the land in the area, the petition described by Subdivision (1) is signed by more than 50 percent of the owners of land in the area." Based on the certified registered voter list -- *provided by the Rockwall County Elections Administrator* --, registered voters in the annexation area own 23.57-acres or 56.81% of the annexation area, and -- *based on the petition for voluntary annexation submitted to City staff* -- 30 out of 48 registered voters living in the annexation area or 62.50% indicated being in favor of the annexation. In addition, 16 of 22 property owners owning a total of 59.58% of property in the annexation area signed the petition indicating being in favor of the annexation.

Based on the findings from the petition and in conformance to Section 43.0686(c) of the Texas Local Government Code, the City of Rockwall will hold two (2) public hearings to consider annexing the *Annexation Area*. The first of the two (2) public hearings will be held at 6:00 PM on Tuesday, February 18, 2020 in the City Council Chambers at City Hall, which is located at 385 S. Goliad Street, Rockwall, Texas. The second public hearing and potential adoption of an ordinance annexing the *Annexation Area* will be held at 6:00 PM on Monday, March 2, 2020 in the City Council Chambers at City Hall, which is located at 385 S. Goliad Street, Rockwall, Texas. Should you not be able to attend these public hearings, you may email your support or opposition to [rmiller@rockwall.com](mailto:rmiller@rockwall.com) or send a written response to:

ATTN: Ryan Miller, *Director of Planning and Zoning*  
City of Rockwall  
385 S. Goliad Street  
Rockwall, Texas 75087

Responses received prior to the meeting dates will be provided to the City Council. If you have questions concerning this letter, the potential annexation, the petition, or City services please feel to contact me at your convenience by phone at (972) 772-6441 or by email at [rmiller@rockwall.com](mailto:rmiller@rockwall.com).

Sincerely,

Ryan Miller, AICP  
Director of Planning and Zoning  
City of Rockwall, Texas

Sec. 43.0681. AUTHORITY TO ANNEX. A municipality may annex an area with a population of less than 200 only if the following conditions are met, as applicable:

- (1) the municipality obtains consent to annex the area through a petition signed by more than 50 percent of the registered voters of the area; and
- (2) if the registered voters of the area do not own more than 50 percent of the land in the area, the petition described by Subdivision (1) is signed by more than 50 percent of the owners of land in the area.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

Sec. 43.0682. RESOLUTION. The governing body of the municipality that proposes to annex an area under this subchapter must adopt a resolution that includes:

- (1) a statement of the municipality's intent to annex the area;
- (2) a detailed description and map of the area;
- (3) a description of each service to be provided by the municipality in the area on or after the effective date of the annexation, including, as applicable:
  - (A) police protection;
  - (B) fire protection;
  - (C) emergency medical services;
  - (D) solid waste collection;
  - (E) operation and maintenance of water and wastewater facilities in the annexed area;
  - (F) operation and maintenance of roads and streets, including road and street lighting;
  - (G) operation and maintenance of parks, playgrounds, and swimming pools; and
  - (H) operation and maintenance of any other publicly owned facility, building, or service;
- (4) a list of each service the municipality will provide on the effective date of the annexation; and
- (5) a schedule that includes the period within which the municipality will provide each service that is not provided on the effective date of the annexation.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

Sec. 43.0683. NOTICE OF PROPOSED ANNEXATION. Not later than the seventh day after the date the governing body of the municipality adopts the resolution under Section 43.0682, the municipality must mail to each resident and property owner in the area proposed to be annexed notification of the proposed annexation that includes:

- (1) notice of the public hearing required by Section 43.0684;
- (2) an explanation of the 180-day petition period described by Section 43.0685; and
- (3) a description, list, and schedule of services to be provided by the municipality in the area on or after annexation as provided by Section 43.0682.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

Sec. 43.0684. PUBLIC HEARING. The governing body of a municipality must conduct at least one public hearing not earlier than the 21st day and not later than the 30th day after the date the governing body adopts the resolution under Section 43.0682.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

Sec. 43.0685. PETITION. (a) Except as provided by Subsection (a-1), the petition required by Section 43.0681 may be signed only by a registered voter of the area proposed to be annexed.

(a-1) If the registered voters of the area proposed to be annexed do not own more than 50 percent of the land in the area, the petition required by Section 43.0681 may also be signed by the owners of land in the area that are not registered voters. Notwithstanding Subsection (e), the municipality may provide for an owner of land in the area that is not a resident of the area to sign the petition electronically.

(a-2) The petition must clearly indicate that the person is signing as a registered voter of the area, an owner of land in the area, or both.

(b) The municipality may collect signatures on the petition only during the period beginning on the 31st day after the date the governing body of the municipality adopts the resolution under Section 43.0682 and ending on the 180th day after the date the resolution is adopted.

(c) The petition must clearly state that a person signing the petition is consenting to the proposed annexation.

(d) The petition must include a map of and describe the area proposed to be annexed.



(e) Signatures collected on the petition must be in writing.

(f) Chapter 277, Election Code, applies to a petition under this section.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

Sec. 43.0686. RESULTS OF PETITION. (a) When the petition period prescribed by Section 43.0685 ends, the petition shall be verified by the municipal secretary or other person responsible for verifying signatures. The municipality must notify the residents and property owners of the area proposed to be annexed of the results of the petition.

(b) If the municipality does not obtain the number of signatures on the petition required to annex the area, the municipality may not annex the area and may not adopt another resolution under Section 43.0682 to annex the area until the first anniversary of the date the petition period ended.

(c) If the municipality obtains the number of signatures on the petition required to annex the area, the municipality may annex the area after:

(1) providing notice under Subsection (a);

(2) holding a public hearing at which members of the public are given an opportunity to be heard; and

(3) holding a final public hearing not earlier than the 10th day after the date of the public hearing under Subdivision (2) at which the ordinance annexing the area may be adopted.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

Sec. 43.0687. VOTER APPROVAL BY MUNICIPAL RESIDENTS ON PETITION. If a petition protesting the annexation of an area under this subchapter is signed by a number of registered voters of the municipality proposing the annexation equal to at least 50 percent of the number of voters who voted in the most recent municipal election and is received by the secretary of the municipality before the date the petition period prescribed by Section 43.0685 ends, the municipality may not complete the annexation of the area without approval of a majority of the voters of the municipality voting at an election called and held for that purpose.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

Sec. 43.0688. RETALIATION FOR ANNEXATION DISAPPROVAL PROHIBITED. (a) The disapproval of the proposed annexation of an area under this subchapter does not affect any existing legal obligation of the municipality proposing the annexation

to continue to provide governmental services in the area, including water or wastewater services, regardless of whether the municipality holds a certificate of convenience and necessity to serve the area.

(b) The municipality may not initiate a rate proceeding solely because of the disapproval of a proposed annexation of an area under this subchapter.

(c) A municipality that makes a wholesale sale of water to a special district operating under Chapter 36 or Title 4, Water Code, may not charge rates for the water that are higher than rates charged in other similarly situated areas solely because the district is wholly or partly located in an area that disapproved of a proposed annexation under this subchapter.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 922 (H.B. 4257), Sec. 1, eff. June 10, 2019.

## CITY OF ROCKWALL

### ORDINANCE NO. 20-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING A PETITION FOR ANNEXATION AND PROVIDING FOR THE EXTENSION OF MUNICIPAL BOUNDARY LIMITS TO INCORPORATE SUCH PROPERTY INTO THE CITY OF ROCKWALL, TEXAS WITH THE ANNEXATION OF A 41.39-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1-19, MAYTONA RANCH ESTATES ADDITION AND TRACTS 22-01, 22-02, 22-6 & 22-07 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Rockwall has received a petition for annexation signed by more than 50% of the property owners within the proposed *Annexation Area*, being a 41.39-acre tract of land identified as Lots 1-19, Maytona Ranch Estates Addition and Tracts 22-01, 22-02, 22-6 & 22-07 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas, generally located on the north side of Cornelius Road west of the intersection of Cornelius Road and Stodghill Road [FM-3549], and depicted and described in *Exhibit 'A'* of this ordinance; and

**WHEREAS**, in accordance with the requirements of Subchapter C-4, *Annexation of Areas with Population of less than 200 by Petition*, of Chapter 43, *Municipal Annexation*, of the Texas Local Government Code, the City Council of the City of Rockwall adopted *Resolution No. 19-27*, which [1] stated an intent to annex the *Annexation Area*, [2] provided a detail description and map of the *Annexation Area*, and [3] a service plan describing each municipal service to be provided to property owners and residents within the *Annexation*; and

**WHEREAS**, the City of Rockwall sent *Resolution 19-27* along with written notice to all property owners within the *Annexation Area* notifying them of the required public hearing, the 180-day petition period, and the City's intent to annex the *Annexation Area* prior to seven (7) days after the adoption of *Resolution No. 19-27*; and

**WHEREAS**, the City of Rockwall has received a subsequent petition from more than 50% of the registered voters within the *Annexation Area* during the 180-day petition period described in Section 43.0685(b) of the Texas Local Government Code, which began 31-days after the adoption of *Resolution No. 19-27*; and

**WHEREAS**, the City of Rockwall sent all property owners within the *Annexation Area* the results of the petition in accordance with Section 43.0686 of the Texas Local Government Code; and

**WHEREAS**, the City Council of the City of Rockwall held public hearings where all interested persons were provided with an opportunity to be heard on December 26, 2019 at 6:00 PM, February 18, 2020 at 6:00 PM, and on March 2, 2020 at 6:00 PM in the City Council Chambers at City Hall, which is located at 385 S. Goliad Street, Rockwall, Texas 75087 in accordance with Sections 43.0684 and Section 43.0686(c)(1) of the Texas Local Government Code; and

**WHEREAS**, the City heard arguments with respect to the petitioned annexation and has decided to annex the area and intends to provide services to the subject properties to be annexed according to the Service Plan;



**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**SECTION 1.** That the above recitals are hereby found to be true and correct and incorporated herein for all purposes.

**SECTION 2.** The land and territory more specifically described in *Exhibit 'A'* and incorporated by reference as the *Annexation Area*, containing 41.39-acres which is adjacent to and adjoining the present corporate boundaries of the City of Rockwall, Rockwall County, Texas, is hereby added and annexed to the City of Rockwall, Rockwall County, Texas and said territory as described herein shall hereafter be included within the corporate boundary limits of the City of Rockwall, Rockwall County, Texas and the present boundary limits of the City at the various points contiguous to the areas as described above, are altered and amended so as to include said area within the corporate limits of the City.

**SECTION 3.** That the official map of the City is hereby amended to reflect the addition of the property described herein.

**SECTION 4.** The above described territory and the acres so annexed shall be a part of the City of Rockwall, Texas, and the inhabitants thereof, if any, shall be entitled to all of the rights and privileges of all citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Rockwall, Texas.

**SECTION 5.** That the *Service Plan* for the annexation area, which was made available for public inspection at the *Public Hearings* referenced above, is hereby approved with a copy of said plan being attached hereto and incorporated by reference for all purposes and labeled *Exhibit 'B'*.

**SECTION 6.** That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable

**SECTION 7.** That this ordinance shall take effect immediately from and after its passage and approval, in accordance with applicable law and the charter of the City of Rockwall, Texas.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 2<sup>ND</sup> DAY OF MARCH, 2020.**

---

Jim Pruitt, *Mayor*

**ATTEST:**

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Kristy Cole, *City Secretary*

**APPROVED AS TO FORM:**

---

Frank J. Garza, *City Attorney*

1<sup>st</sup> Reading: February 18, 2020

2<sup>nd</sup> Reading: March 2, 2020

DRAFT  
ORDINANCE  
02.18.2020

**Exhibit 'A'**  
*Legal Description/Location Map*

**BEING** 41.39 acres of land situated in the Abstract 72, W. M. Dalton Survey in the County of Rockwall, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING** at a point in the Northwestern most corner of Maytona Ranch Estates (RCAD# 19609), Lot 9. (NAD83 Texas State Plane GPS Coordinate: 2603213.48751 E, 7033868.08319 N feet);

**THENCE** North 88°-50'-14" East, following the North Boundary line of Maytona Ranch Estates, a distance of 1,337.22 feet for a corner;

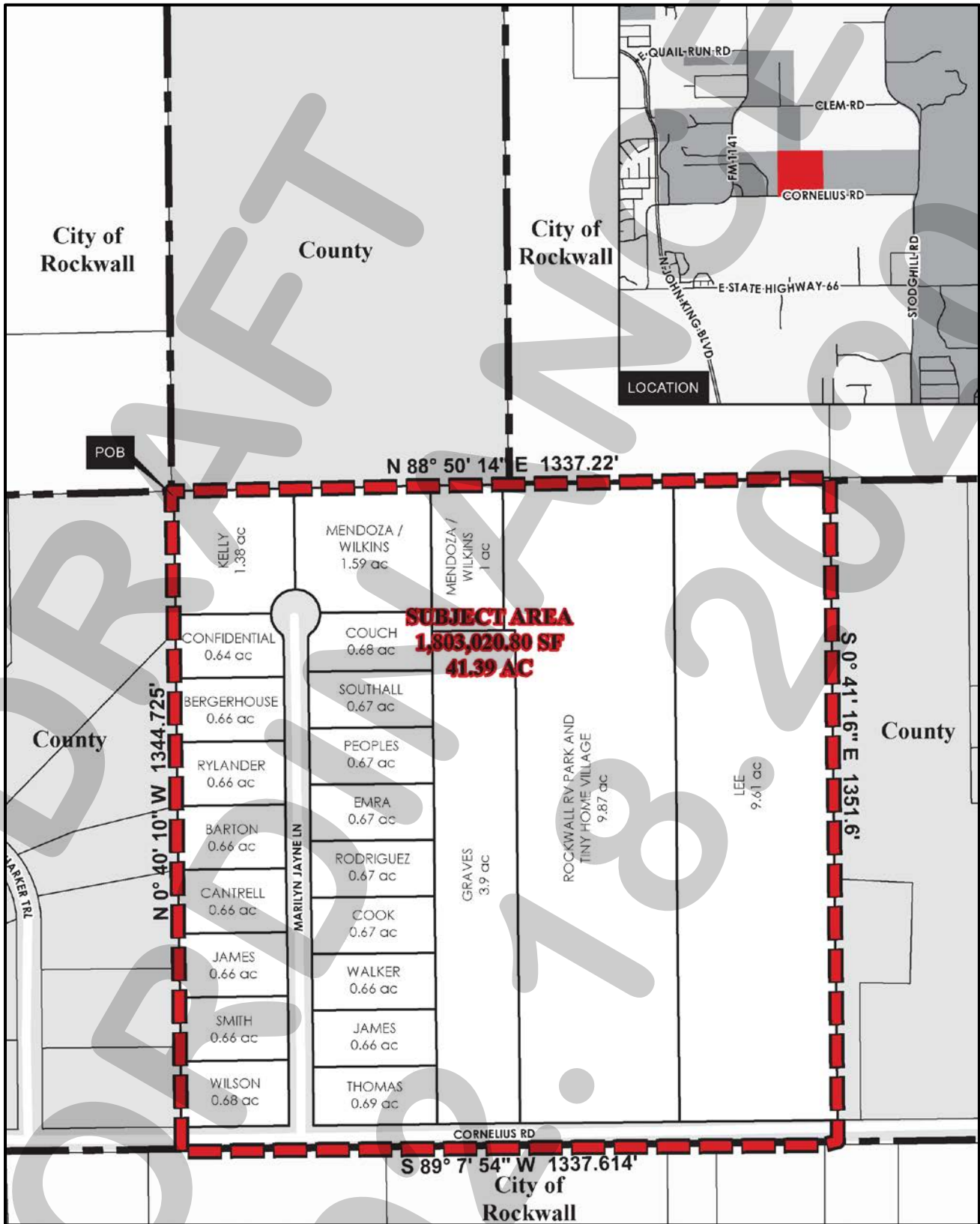
**THENCE** South 0°-41'-16" East, a distance of 1,351.6 feet for a corner on the South Right of Way line of Cornelius Rd;

**THENCE** South 89°-7'-54" West, continuing along said Cornelius Rd Right of Way, a distance of 1337.614 feet for a point;

**THENCE** North 0°-40'-10" West, a distance of 1,344.725 feet, to the *POINT OF BEGINNING AND CONTAINING* 41.39 acres of land (1,803,020.80 square feet) more or less. The above description also intended to follow all adjacent existing city limits, Extraterritorial Jurisdiction (ETJ), and parcel boundaries.



**Exhibit 'A'**  
*Legal Description/Location Map*



## SERVICE PLAN FOR ANNEXED AREA

Annexation Case No. A2019-001

City and County of Rockwall, Texas

Acreage Annexed: 41.39-acres

Survey Abstract and County: Lots 1-19, Maytona Ranch Estates Addition and Tracts 22-01, 22-02, 22-6 & 22-07 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas

Date of Adoption of Annexation Ordinance: March 2, 2020

Municipal Services. Municipal services to the acreage described above shall be furnished by or on behalf of the City of Rockwall, Texas, at the following levels and in accordance with the following schedule:

(A) Police Services.

- (1) Patrolling, responses to calls, and other routine police services, within the limits of existing personnel and equipment, will be provided within 60-days of the effective date of annexation.
- (2) As development and construction commence within this area, sufficient police personnel and equipment will be provided to continue to furnish this area the level of police services consistent with police services available in other parts of the City with land uses and population densities similar to those projected in the annexed area.

(B) Fire Services.

- (1) Fire protection by the present personnel and the present equipment of the Fire Department, within the limitations of available water and distances from existing fire stations, will be provided to this area within 60-days of the effective date of annexation.
- (2) As development and construction commences within this area, sufficient fire personnel and equipment will be provided to continue to furnish this area the level of fire services consistent with fire service available in other parts of the City with land uses and population densities similar to those projected in the annexed area.

(C) Health and Code Compliance Services.

- (1) Enforcement of the City's health ordinances and regulations including, but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances, food handlers ordinances and animal control ordinances, shall be provided within this area on the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel. Complaints of ordinance or regulation violations within this area will be responded and investigated by existing personnel beginning with the effective date of the annexation ordinance.
- (2) The City's building, plumbing, electrical, gas heating, air conditioning and all other construction codes will be enforced within this area beginning with the effective date of the annexation ordinance. Existing personnel will be used to provide these services.
- (3) The City's zoning, subdivision, and other ordinances shall be enforced in this area beginning on the effective date of the annexation ordinance.
- (4) All inspection services furnished by the City of Rockwall, but not mentioned above, will

**Exhibit 'B'**  
*Service Plan*

be provided to this area beginning on the effective date of the annexation ordinance. Any property owner or his/her assigns who in good faith has a new building or structure, as defined in the Comprehensive Zoning Ordinance, under construction on the effective date of annexation shall be exempted from these inspections for that building or structure under construction for a period of one year from the effective date of annexation. For the purpose of this ordinance "under construction" shall mean any work that requires a building permit from the City of Rockwall.

- (5) As development and construction commence within this area, sufficient personnel will be provided to continue to furnish this area the same level of Health and Code compliance services as are furnished throughout the City.

(D) *Planning and Zoning Services*

- (1) The planning and zoning jurisdiction of the City will extend to this area on the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Comprehensive Plan, Unified Development Code (UDC) [*i.e. Zoning Ordinance*], and Municipal Code of Ordinances.

(E) *Recreation and Leisure Services*

- (1) Residents of this property may utilize all existing recreational and leisure services facilities and sites throughout the City beginning with the effective date of the annexation ordinance.
- (2) Existing parks, playgrounds, swimming pools and other recreation and leisure facilities within this property shall, upon dedication to and acceptance by the City, be maintained and operated by the City of Rockwall.

(F) *Solid Waste Collection*

- (1) Solid waste collection shall be provided to the property owner in accordance with existing City policies as to frequency and charges, beginning on the effective date of annexation except for properties that are served by a privately-owned solid waste management service provider. Such properties will be allowed to continue private service for a period of two (2) years from the effective date of annexation at which time the property will be required to begin service with a franchised solid waste contractor within the City of Rockwall.

(G) *Streets*

- (1) The City of Rockwall's existing policies with regard to streets, roads and street/roadway lighting maintenance, applicable throughout the entire City, shall apply to this property beginning immediately as of the effective date of the annexation ordinance.
- (2) As development, improvements or construction of streets to the City standards commence within this property, the policies of the City of Rockwall with regard to impact fees and participation in the cost thereof, acceptance upon completion, and maintenance after completion, shall apply.
- (3) The same level of maintenance shall be provided to public streets and roadways within this property that have been accepted by the City of Rockwall as is provided to like



**Exhibit 'B'**  
**Service Plan**

City streets and roadways throughout the City.

(H) Water Services

- (1) Connection to existing City water mains for water services for domestic, commercial and industrial use within this property will be provided in accordance with existing City policies. Upon connection to existing mains, water will be provided at rates established by City ordinance for such services throughout the City.
- (2) Water mains of the City will be extended in accordance with provisions of the Municipal Code of Ordinances and other applicable ordinances and regulations. City participation in the costs of these extensions shall be in accordance with applicable City ordinances and regulations and will be provided as otherwise available in other parts of the City with topography, land uses, population densities similar to those reasonably contemplated or projected in the annexed area.
- (3) Water mains which are within the annexed area and are owned and operated by the City shall be maintained beginning with the effective date of the annexation ordinance or upon acquisition by the City.
- (4) Private water lines within this property shall be maintained by their owners, in accordance with existing policies applicable throughout the City.

(I) Sanitary Sewer Services

- (1) Connections to existing City sanitary sewer mains for sanitary sewage service in this area will be provided in accordance with the existing City policies. Upon connection, sanitary sewage service will be provided at rates established by City ordinances for such services throughout the City.
- (2) Sanitary sewer mains and/or lift stations which are within the annexed area and are connected to City mains shall be maintained by the City of Rockwall beginning with the effective date of the annexation ordinance or upon acquisition by the City.
- (3) Sanitary sewer mains of the City will be extended in accordance with the provisions of the Municipal Code of Ordinances and engineering standards and other applicable ordinances and regulations. City participation in the costs of these extensions shall be in accordance with applicable City ordinances and regulations and will be provided as otherwise available in other parts of the City with topography, land uses, and population densities similar to those reasonably contemplated or projected in the area.
- (4) Previously granted exceptions to the requirements of connections to the City's sanitary sewer treatment system or Off-Site Sanitary Sewer Facilities (OSSF) constructed prior to annexation shall be continued until such alternate systems are determined to no longer function to meet the sanitary sewer needs of the subdivision granted the exception or for systems installed prior to annexation.

(J) Public Utilities.

- (1) Other public utilities will be provided by the City's franchisee or a provider holding a Certificate of Convenience and Necessity (CCN) issued by the state to serve that area.

(K) Miscellaneous.

- (1) General municipal administration services of the City shall be available to the annexed area beginning with the effective date of the annexation ordinance.

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ORDINANCE  
2018.2020

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# CITY OF ROCKWALL

## CITY COUNCIL MEMORANDUM

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: [PLANNING@ROCKWALL.COM](mailto:PLANNING@ROCKWALL.COM)

---

**TO:** Planning and Zoning Commission

**CC:** Rick Crowley, *City Manager*  
Mary Smith, *Assistant City Manager*  
Joey Boyd, *Assistant City Manager*  
Ryan Miller, *Director of Planning and Zoning*

**FROM:** David Gonzales, *Planning Manager*

**DATE:** February 18, 2020

**SUBJECT:** MIS2020-001; *Alternative Tree Mitigation Settlement Agreement*


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The applicant, Russell Martin of HFRPI, LLC, is requesting approval of an *Alternative Tree Mitigation Settlement Agreement* in conjunction with an approved site plan for the development of a strip retail center. The subject property is to be located within the *Ridge Road Retail Subdistrict* of Planned Development District 32 (PD-32) -- *which is commonly referred to as the Harbor District* -- and is addressed as 2930 Ridge Road. On November 12, 2019, the Planning and Zoning Commission approved a site plan [*Case No. SP2019-037*], which also included the approval a treescape plan establishing a total mitigation balance due of 491-inches that was to be due at the time of plat. On February 3, 2020, the City Council approved a plat, which replatted the site [*i.e. P2020-004*] creating two (2) lots [*i.e. Lots 29 & 30, Lake Ridge Estates Addition*] for the development of the strip retail facility on Lot 29 and establishing a 0.116 remainder lot identified as Lot 30. The replat also dedicated the right-of-way for Glen Hill Way creating an entrance into the Harbor District from Ridge Road. This dedication was in conformance with the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan, and realigned and abandoned a portion of Cemetery Road. At the time of approval of the replat, a condition was established for the City Council to consider a request by the applicant for an *Alternative Tree Mitigation Settlement Agreement* (which was submitted in conjunction with the platting application) for the purpose of creating an open space/park area for Lot 30. The condition also stated that if the agreement was not approved, the applicant would be required to satisfy the outstanding tree mitigation balance prior to filing of the replat. The treescape plan, provided by the applicant as part of the *Alternative Tree Mitigation Settlement Agreement*, indicates a total of 557-inches being removed from the site and requiring mitigation. The landscape plan approved with the site plan indicates the provision of 322-inches towards the mitigation balance, leaving a total mitigation balance due of 212-inches (*i.e. 53, four [4] inch trees*). According to the applicant's letter, this request is intended to alleviate the total mitigation balance by providing the City with a small park on Lot 30 that is 5,052.96 SF, and will be adjacent to Glen Hill Way once constructed. The park will have trees and an entry sign for the Harbor District. It should be noted that the entry sign will also provide a sign blade recognizing the Glen Hill Cemetery, which is designated a Historic Texas Cemetery by the Texas Historical Commission (THC). Finally, the applicant has also indicated they will be spearheading a clean-up effort of the Glen Hill Cemetery, which will be done with the permission of the property owner. According to the applicant, the cost of the park will be in excess of \$100,000 at the time of dedication to the City, and will exceed the cost associated with the mitigation balance due of 212-inches [*i.e. 212 x \$100.00 = \$21,200*].

Section 05(G), *Alternative Tree Mitigation Settlement Agreements*, of Article 09, *Tree Preservation*, of the Unified Development Code (UDC), gives the City Council the ability to approve an *Alternative Tree Mitigation Settlement Agreement* on a case-by-case basis pending a recommendation from the Planning and Zoning Commission. Should this request be approved, the applicant's overall mitigation balance due of 212-inches would be dissolved, and a park would be established on *Lot 30, Block A, Lake Ridge Estates Addition*. On February 4, 2020, the Parks and Recreation Board reviewed the request for the pocket park and approved a motion to recommend approval of the request to the Planning and Zoning Commission and City Council by a vote of 5-0. On February 11, 2020, the Architectural Review Board (ARB) forwarded a recommendation of approval to the Planning and Zoning Commission regarding the proposed signage. Additionally, the Planning and Zoning Commission determined that the benefit of establishing a pocket park with an entry feature (*i.e. proposed signage*) for the Harbor District would outweigh the benefit of having 53, four (4) inch trees delivered to the Parks and Recreation Department. Based on this the Planning and Zoning Commission approved a motion to recommend approval of the request by a vote of 7-0. Should the City Council have any questions regarding this request, staff and the applicant will be available at meeting.



0 25 50 100 150 200 Feet

MIS2020-001- ALTERNATIVE TREE SETTLEMENT  
AGREEMENT FOR 2930 RIDGE ROAD  
MISCELLANEOUS - LOCATION MAP = 



## City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75032  
(P): (972) 771-7745  
(W): [www.rockwall.com](http://www.rockwall.com)

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.







January 9, 2020

Ryan C. Miller, AICP  
Director of Planning and Zoning  
Planning and Zoning Department  
City of Rockwall, Texas

RE: 2930 Ridge Road, Rockwall, Texas

Dear Mr. Miller,

I am writing today to request an alternative tree mitigation solution for our project located at 2930 Ridge Road. We are required to mitigate 668 caliper inches of trees. Our plan provides for replacement trees equaling 322 caliper inches. This leaves us 346 caliper inches short, equating to 87 four-inch trees. We would like to provide the city with a park of approximately 5,000 square feet along the new Glen Hill Road that we are constructing as part of our development plan. We plan to landscape the park and provide park benches for pedestrians. Additionally, the park will provide a nice location to install signage and information for Glen Hill Cemetery. As we have discussed, we would like to spearhead a clean-up of the cemetery. The approximate value of the park is in excess of \$100,000, which exceeds the cost of the tree deficit of 346 caliper inches.

Thank you,

A handwritten signature in blue ink, appearing to read 'RM', with a stylized flourish at the end.

Russell Martin

550 Bailey Avenue, Suite 330 Fort Worth, Texas 76107



## LANDSAPE REQUIREMENTS

STREETSCAPE	REQUIRED TREES	PROPOSED TREES
<b>GLEN HILLWAY</b> <b>10' LANDSCAPE BUFFER</b> STREET TREES 1 PER 30 LF	11	11
<b>RIDGE ROAD</b> <b>20' LANDSCAPE</b> STREET TREES 1 PER 50 LF CANOPY TREE ORNAMENTAL TREE	4  8	4  10
<b>PARKING LOT TREES</b> 29 SPACES 1 TREE PER 8 SPACES	4	4

## PLANT LIST


SYM	BOTANICAL NAME	COMMON NAME	QTY	SIZE	HEIGHT	SPREAD	ROOT BALL	REMARKS
<b>LARGE SIZE TREE</b>								
QM	QUERCUS MUEHLENBERGII	CHINKAPIN OAK	9	4" CAL	12" - 14'	6' - 8'	CONTAINER	SINGLE TRUNK AND FULL
TD	TAXODIUM DISTICUM	BALD CYPRESS	21	4" CAL	12" - 14'	6' - 8'	CONTAINER	SINGLE TRUNK AND FULL
UC	ULMUS CRASSIFOLIA	CEDAR ELM	21	4" CAL	10' - 12'	6' - 8'	CONTAINER	SINGLE TRUNK - BRANCHED TO GROUND
<b>MEDIUM SIZE TREE</b>			51	204				
CC	CERCOIS CANADENSIS 'TEXENSIS'	TEXAS REDBUD	24	3" CAL	8' - 10'	4' - 6'	CONTAINER	MULTI-TRUNKED AND FULL
PC	PISTACHE CHINENSIS	CHINESE PISTACHE	8	3" CAL	8' - 10'	4' - 6'	CONTAINER	MULTI-TRUNKED AND FULL
SA	STYPHNOLOBIUM AFFINE	EVE'S NECLACE	10	3" CAL	8' - 10'	4' - 6'	CONTAINER	MULTI-TRUNKED AND FULL
<b>SHRUBS</b>			42	126				
MP	MYRICA PUSILLA	DWARF WAX MYRTLE	236	N/A	18"	18"	3 GALLON	PLACED AS SHOWN ON PLAN
<b>ORNAMENTAL GRASSES</b>								
MC	MJUHLENBERGIA CAPILLARIS 'LENCA'	REGAL MIST® PINK MUHLY GRASS	242	N/A	12" - 18"	12" - 18"	3 GALLON	FULL MATCHED 36" O.C. TRIA. SPACED
NT	NASSELLA TNEULSSIMA	MEXICAN FEATHER GRASS	797	N/A	6" - 8"	6" - 8"	1 GALLON	FULL MATCHED 18" O.C. TRIA. SPACED
<b>ANNUALS</b>								
SC	PENTAS LANCEOLATA	MEXICAN PENTA - SOLID COLOR	304	N/A	6" - 8"	6" - 8"	4" POT	FULL MATCHED 8" O.C. TRIA. SPACED
<b>LAWN</b>								
LAWN	CYNODON DACTYTON	COMMON BERMUDA GRASS						SOLID SOD STAGGARED JOINTS
<b>MISCELLANEOUS</b>								
MULCH	SHREDDED HARDWOOD MULCH							3 INCH DEPTH PLACE OVER FILTER FABRIC
SE	STEEL EDGING							3/16" THICK NO MORE THAN 1/2" EXPOSED ABOVE LAWN AND BED SOIL
RB	ROOT BARRIER							WIDTH 48" WIDE X 24" LONG MFG. DEEPROOT AVAILABLE AT EWING IRRIGATION & LANDSCAPE SUPPLY - STORES.


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## LANDSCAPE LEGEND


PROPOSED TREES


 CHINKAPIN OAK


 BALD CYPRESS


 CEDAR ELM


 REDBUD


 CHINESE PISTACHE


 EVES NECKLACE


 SHRUB MASSING

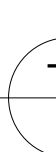
 LAWN


 SEASONAL COLOR

 ORNAMENTAL GRASS

 STEEL EDGING

 MATERIAL CALL OUT


 TREE CALL OUT  
TYPE  
QUANTITY

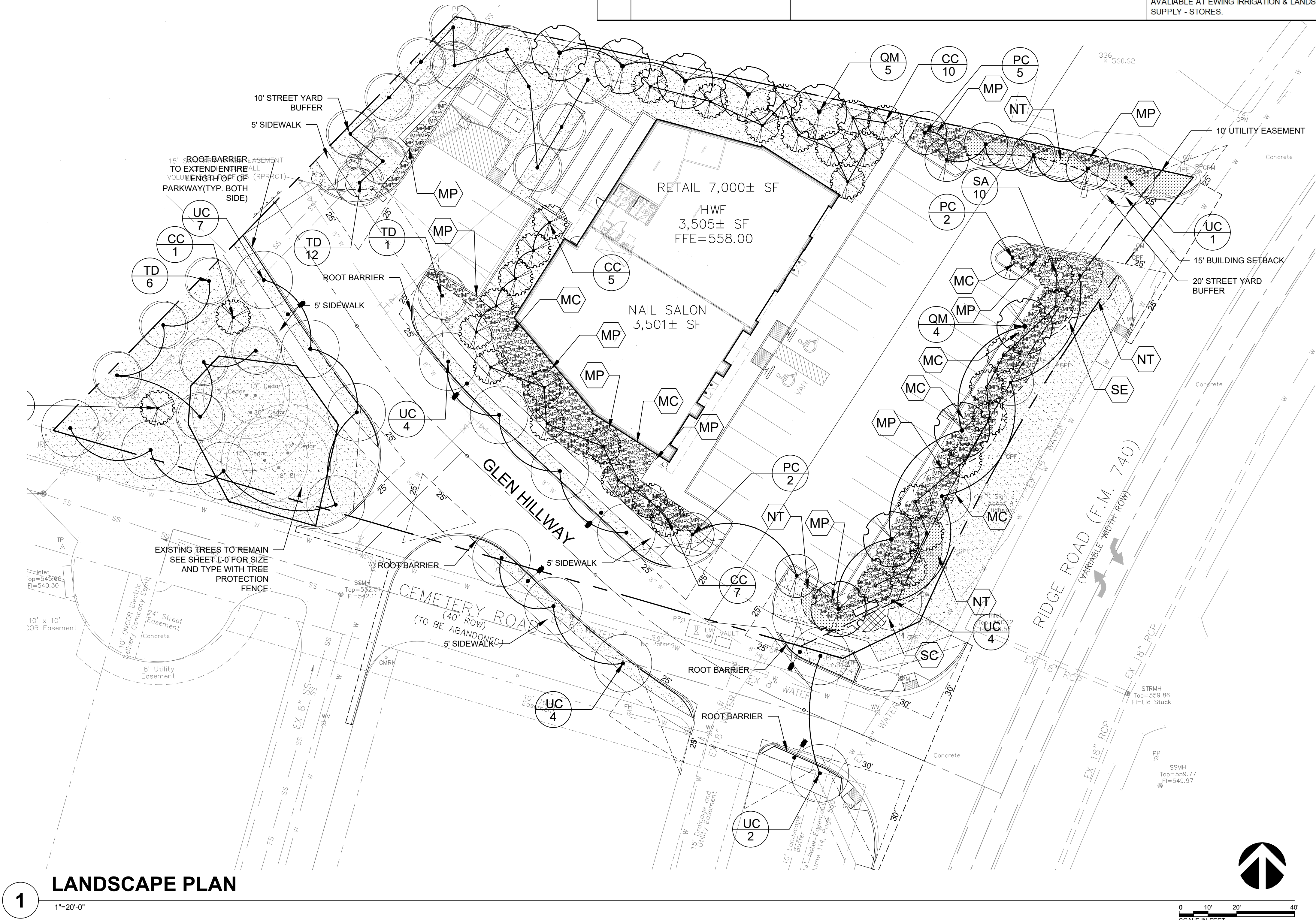
 TREE ROOT BARRIER

**BERKENBIL**  
**LANDSCAPE ARCHITECTS**

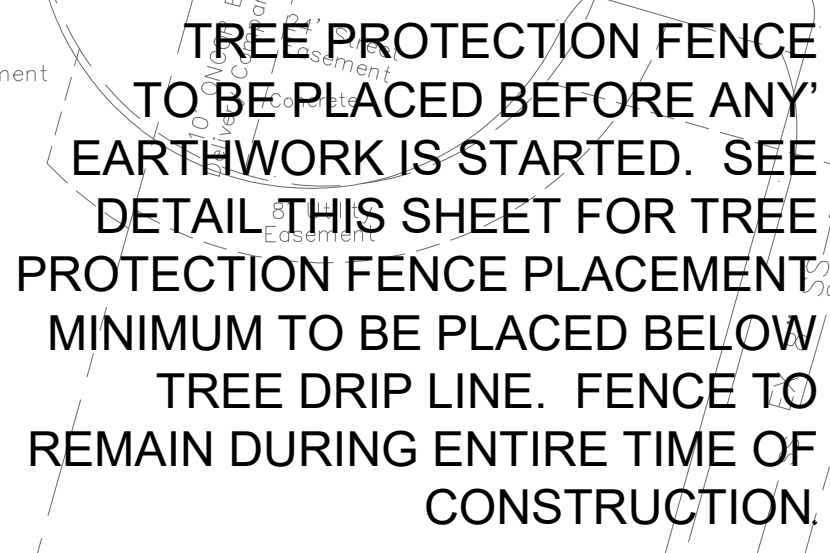
**DALLAS OFFICE**  
2001 N Lamar Suite 290 (214) 922-9946  
Dallas, TX 75202

**SOUTHLAKE OFFICE**  
2355 Johnson Rd (817) 379-9853  
Southlake, TX 76092

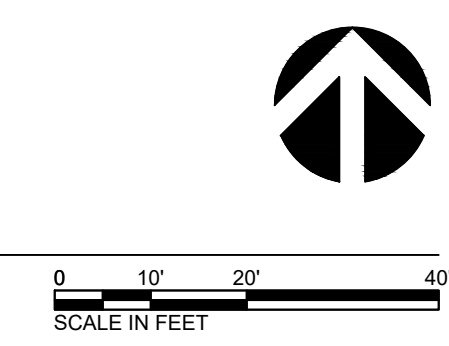
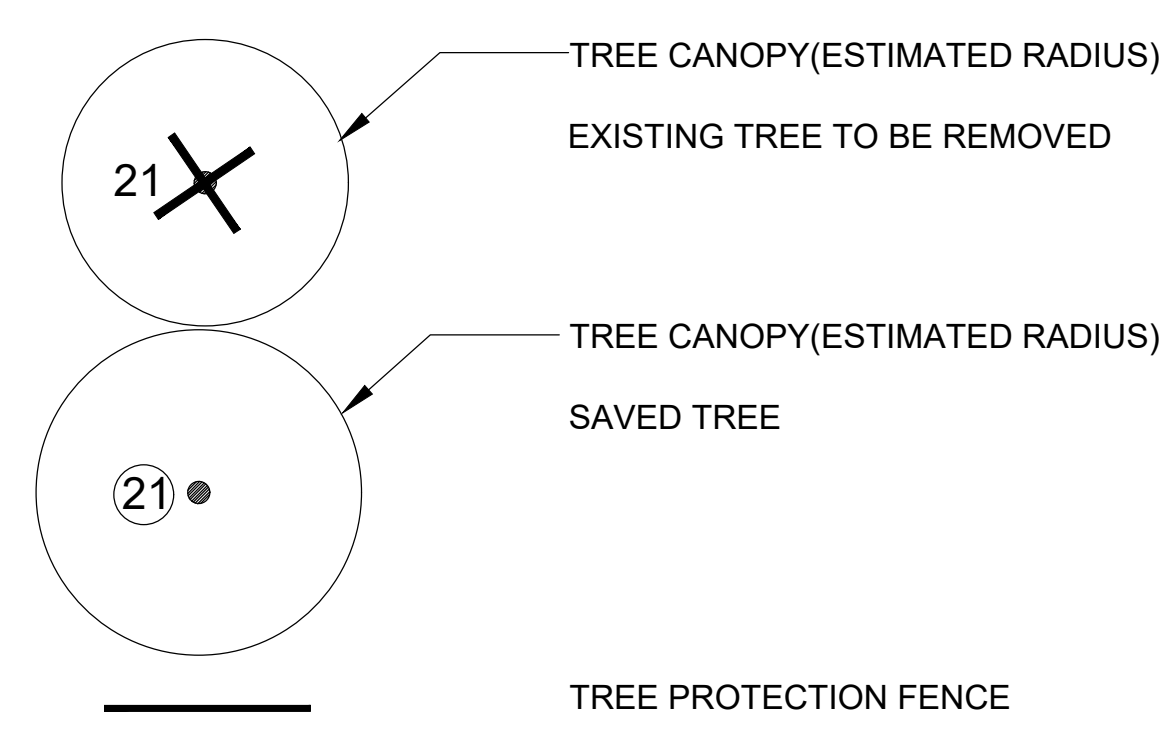
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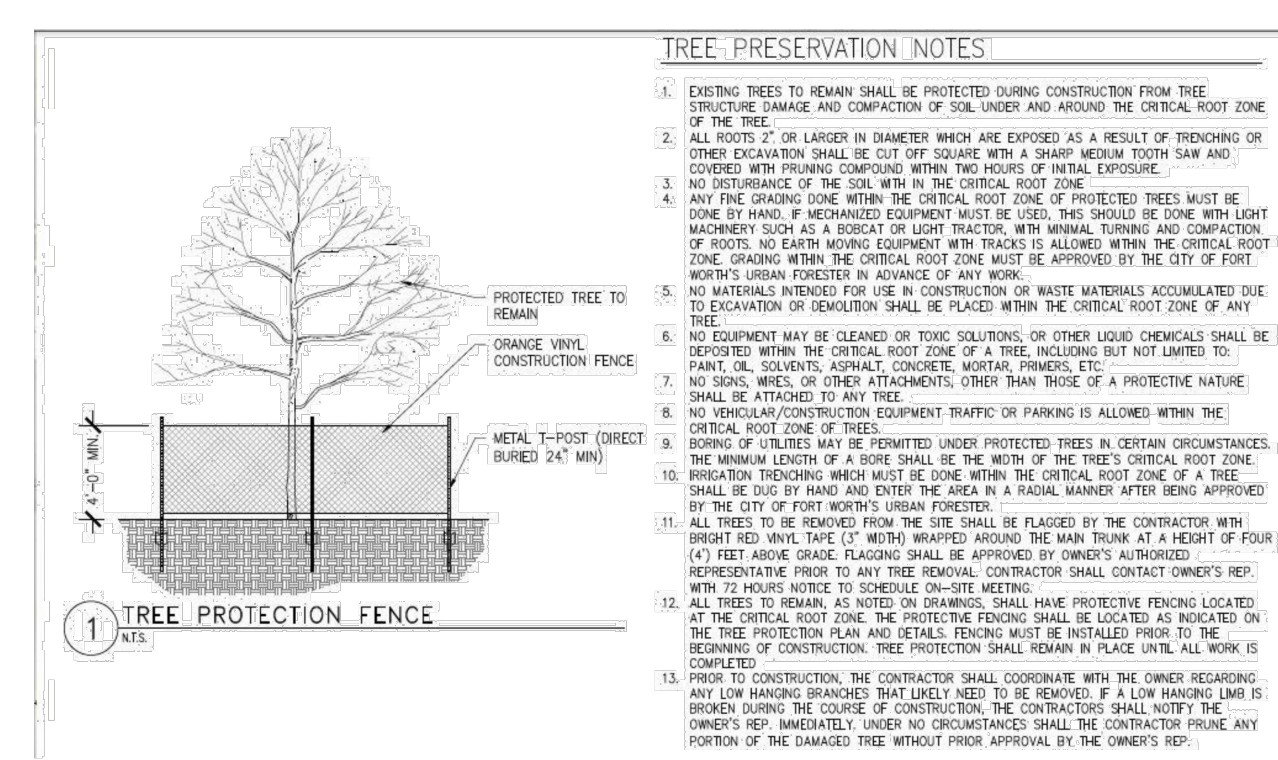


### EXISTING LANDSCAPE LEGEND



TOTAL REQUIRED TREE MITIGATION CALIPER INCHES	534
<b>MITIGATION PROVIDED</b>	
PROVIDED REPLACEMENT 42 TREES AT 3" CALIPER	126
PROVIDED REPLACEMENT 49 TREES AT 4" CALIPER	196
	322
<b>CALIPER INCHES NOT MITIGATED ON SITE</b>	
REMAINING CALIPER INCHES NOT MITIGATED ON SITE	212
REPLACEMENT CALIPER INCH WOULD EQUAL 71 TREES AT 3" CALIPER PER TREE	

- 1) TREES 20, 21 & 22 ARE NOT REQUIRED TO BE MITIGATED SINCE THEY ARE WITHIN THE PROPOSED ROAD R.O.W.
- 2) PRIMARY PROTECTED TREES - 4 INCHES - 25 INCHES - REPLACED WITH INCH FOR INCH REMOVED
- 3) SECONDARY PROTECTED TREES - HACKBERRY & CEDAR TREES MEASURE 11 INCHES - 25 INCHES DBH - REPLACED WITH 1/2 INCH FOR EVERY INCH REMOVED.
- 4) FEATURED TREES - ALL TREES GREAT THAN 25 INCHES SHALL BE REPLACED WITH TWICE THE NUMBER OF INCHES BEING REMOVED.



NOT TO SCALE

**BERKENBILE**

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**LANDSCAPE ARCHITECTS**

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2001 N Lamar Suite 290 (214) 922-9946  
Dallas, TX 75202

**SOUTHLAKE OFFICE**  
2355 Johnson Rd (817) 379-9853  
Southlake, TX 76092

**PRELIMINARY**  
THIS DRAWING IS RELEASED FOR  
THE PURPOSE OF REVIEW UNDER  
THE AUTHORITY OF REGISTERED  
LANDSCAPE ARCHITECT  
STEPHEN C BERKENBILE, LIC. #1763  
ON 11-05-2019  
IT IS NOT INTENDED FOR BIDDING,  
PERMITTING, OR CONSTRUCTION  
PURPOSE.



- 1) CUSTOM CORTEN STEEL ENCLOSURE WITH COURTED OUT ROCKWELL LETTERS, CORTEN STEEL ENCLOSURE TO BE INTERNALLY ILLUMINATED WITH WHITE LEDS STRIPS TO DISPLAY A GLOW.
- 2) CUSTOM ALUMINUM CABINET WITH 1" PUSH THRU ACRYLIC LOGO W/OPAQUE VINYL GRAPHICS APPLIED FIRST SURFACE. ALUMINUM CABINET TO BE INTERNALLY ILLUMINATED WITH WHITE LEDS TO DISPLAY LOGO IN A HALO EFFECT. CABINET TO BE PAINTED sw7037 BALANCED BEIGE
- 3) CUSTOM ALUMINUM MONUMENT STRUCTURE W/TRIM CAPS
- 4) NOE: MONUMENT SHALL BE CONSTRUCTED OF LEDGER STONE. SAMPLE STONE MATERIAL SHALL BE PROVIDED FOR REVIEW AND APPROVAL.

STREET END VIEW  
CEMETERY SIGN ELEV.

**BERKENBILÉ**

---

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Carrillo Engineering, LLC

301 Commerce Street, Ste 1410 - Fort Worth, Texas 76102  
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**Carrillo Engineering**  
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**ROCKWALL RETAIL  
2930 SOUTH RIDGE ROAD  
LAKERIDGE ESTATES, LOT 26  
ROCKWALL, TEXAS**

Issue Dates:
01-27-2020

[illegible]

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Drawn By:	DLB
Checked By:	SCB
<p>Sheet</p> <p><b>L-3</b></p> <p>SIGN DETAILS</p> <p>CASE NUMBER</p> <p>SP2019-037</p>	



**EXHIBIT 'B-1':**  
PD Concept Plan



Z2017-010: Amendment to PD-32  
Ordinance No. 17-XX; PD-32

Page | 9

GLEN HILL  
CEMETERY  
SIGN

HARBOR  
DISTRICT  
SIGN

City of Rockwall, Texas



## LANDSAPE REQUIREMENTS

STREETSCAPE	REQUIRED TREES	PROPOSED TREES
<b>GLEN HILLWAY</b> <b>10' LANDSCAPE BUFFER</b> STREET TREES 1 PER 30 LF	11	11
<b>RIDGE ROAD</b> <b>20' LANDSCAPE</b> STREET TREES 1 PER 50 LF CANOPY TREE ORNAMENTAL TREE	4  8	4  10
<b>PARKING LOT TREES</b> 29 SPACES 1 TREE PER 8 SPACES	4	4

## PLANT LIST


SYM	BOTANICAL NAME	COMMON NAME	QTY	SIZE	HEIGHT	SPREAD	ROOT BALL	REMARKS
LARGE SIZE TREE								
QM	QUERCUS MUEHLENBERGII	CHINKAPIN OAK	9	4" CAL	12' - 14'	6' - 8'	CONTAINER	SINGLE TRUNK AND FULL
TD	TAXODIUM DISTICUM	BALD CYPRESS	21	4" CAL	12' - 14'	6' - 8'	CONTAINER	SINGLE TRUNK AND FULL
UC	ULMUS CRASSIFOLIA	CEDAR ELM	21	4" CAL	10' - 12'	6' - 8'	CONTAINER	SINGLE TRUNK - BRANCHED TO GROUND
MEDIUM SIZE TREE			51	204				
CC	CERCIS CANADENSIS 'TEXENSIS'	TEXAS REDBUD	24	3" CAL	8' - 10'	4' - 6'	CONTAINER	MULTI-TRUNKED AND FULL
PC	PISTACHE CHINENSIS	CHINESE PISTACHE	8	3" CAL	8' - 10'	4' - 6'	CONTAINER	MULTI-TRUNKED AND FULL
SA	STYPHNOLOBIUM AFFINE	EVE'S NECLACE	10	3" CAL	8' - 10'	4' - 6'	CONTAINER	MULTI-TRUNKED AND FULL
SHRUBS			42	126				
MP	MYRICA PUSILLA	DWARF WAX MYRTLE	299	N/A	18"	18"	3 GALLON	PLACED AS SHOWN ON PLAN
ORNAMENTAL GRASSES								
MC	MUHLENBERGIA CAPILLARIS 'LENCA'	REGAL MIST® PINK MUHLY GRASS	224	N/A	12" - 18"	12" - 18"	3 GALLON	FULL MATCHED 36" O.C. TRIA. SPACED
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PROPOSED TREES


 CHINKAPIN OAK


 BALD CYPRESS


 CEDAR ELM

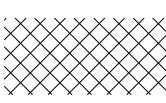
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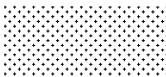
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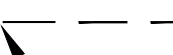
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
 SHRUB MASSING

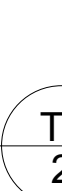
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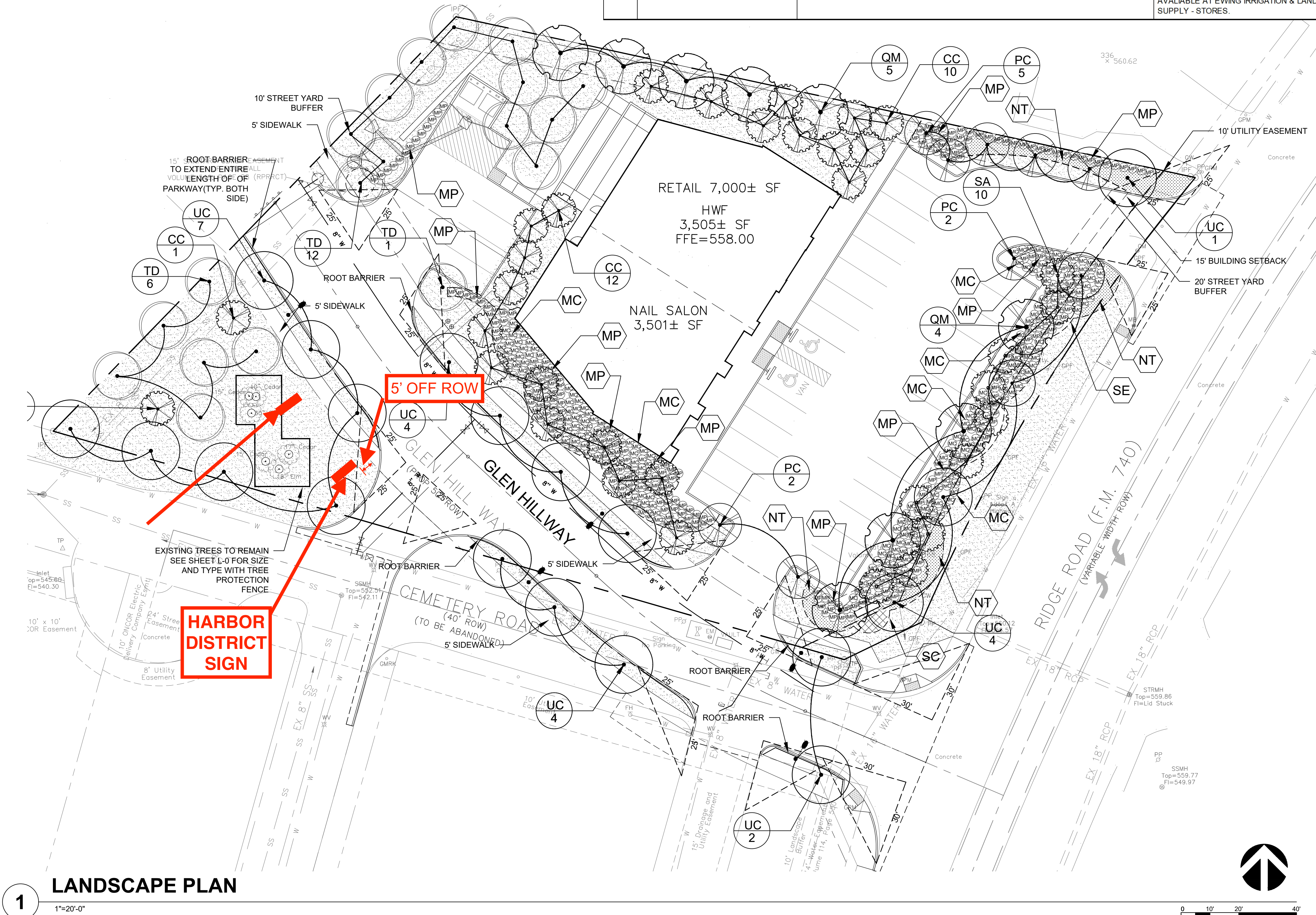
## BERKENBILE

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City of Rockwall  
*The New Horizon*

## MEMORANDUM

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**TO:** Rockwall City Council

**FROM:** Joey Boyd, Assistant City Manager

**DATE:** February 14, 2020

**SUBJECT:** Park, Recreation & Open Space Master Plan

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The current Park, Recreation & Open Space Master Plan is set to expire in 2020. The City Council approved an agreement with MHS Planning and Design, LLC in December to update and provide the City of Rockwall with a Parks, Recreation & Open Space Master Plan update for 2020-2030. The master plan plays a significant role in qualifying the City of Rockwall for Texas Parks and Wildlife grants in the future and also provides direction for Parks and Recreation programming and development.

The City's consultant, MHS Planning & Design conducted the first of three separate public input meetings last week on Wednesday, February 12<sup>th</sup>, and will host two additional opportunities for Rockwall citizens to provide input. The dates, times, and locations are listed below. The City is providing these dates to the public on its social media sites. Staff will be available to answer any questions about the process.

**Wednesday, February 19, 2020**

**6:30 – 8:30 p.m.**

Dobbs Elementary  
901 E Interurban St.  
Rockwall, TX 75087

**Thursday, February 20, 2020**

**6:30 – 8:30 p.m.**

Utley Middle School  
1201 T L Townsend Dr.  
Rockwall, TX 75087

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