

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, July 20, 2015**  
**4:00 p.m. Regular City Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

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

**II. WORK SESSION**

1. Hold work session with city's appointee to Rockwall County Open Space Alliance (RCOA) to hear update on the RCOA Master Plan and related board activities, and take any action necessary.

**Ken Dickson**  
**205 Meadowdale**  
**Rockwall, TX**

Mr. Dickson came forth and indicated that a community survey was recently conducted and a community work shop was held this past week in order to obtain citizen feedback. He indicated that, as the city's representative on this committee, he personally has some concerns. He shared that over fifty percent of respondents were residents currently living in the City of Rockwall, yet over 95% of the "wants" expressed in the survey are things that the City of Rockwall already provides. So, perhaps the citizens do not really have knowledge of what amenities the city offers as far as parks and open space are concerned. Mr. Dickson conveyed that some residents would like to have jogging/walking trails along the lake. He went on to explain that years ago, the city decided that it did not want Rockwall's Lake Ray Hubbard to be like White Rock Lake in Dallas. Instead, the city wanted lakefront, waterside lots with homes. He expressed that citizens need to be well informed about the fact that the city will likely never have jogging trails along the lake because such trails would go through homeowners' back yards, and this is not feasible.

The council generally asked that Mr. Dickson return to the RCOA and convey to them that the City of Rockwall does not have any plans (or ability) to construct jogging/walking trails along the lakefront.

**Nell Welborn**  
**Vice Chair of the RCOA**  
**810 Lake Meadows Circle**  
**Rockwall, TX 75087**

48 Mrs. Welborn came forth and made it clear that the RCOA understands the arrangements  
49 pertaining to takeline leases along the lake and the impossibility of having  
50 walking/jogging trails along the lake. She shared that the consultant and others have  
51 indicated that there may be a future opportunity to connect by walking/jogging trails the  
52 Harbor and the SH66 boat ramp (by other means / other routes).  
53

54 Mr. Dickson expressed that the City of Dallas and/or the Soil Conservation owns all of the  
55 lakes or ponds that are over one acre throughout the county. If the city or county were to  
56 try and take over any of these, doing so would come with a lot of responsibility regarding  
57 maintenance and upkeep of those lakes. After brief, additional comments, the council  
58 took no formal action as a result of Mr. Dickson's comments.  
59

- 60 2. Hold work session to discuss and consider the provisions of Chapter 12.  
61 Businesses & Sales, Article XII. Ambulance Service of the Code of  
62 Ordinances, and take any action necessary.

63 Alma Williams Howard  
64 219 Rush Creek Drive  
65 Heath, TX  
66

67 Mrs. Howard came forth indicating she represents Presbyterian Hospital of Rockwall.  
68 She thanked Medic Rescue for the services they have provided to the community over  
69 the years, especially early on when the city was growing and before a hospital was  
70 located within the City of Rockwall. Although she was a part of developing what is now  
71 the city's 'exclusivity ordinance' years ago, she now feels that lifting its provisions is  
72 prudent. She believes that competition and provider options will result in better patient  
73 care.  
74

75 Cindy Paris  
76 762 Black Oak Lane  
77 Rockwall, TX 75032  
78

79 Mrs. Paris spoke on behalf of Presbyterian Hospital Rockwall. She indicated that the  
80 hospital has been working diligently over the last eight years or so to be a good partner  
81 with Rockwall County EMS/Medic Rescue. She explained that the hospital has concerns  
82 related to delays in response times associated with patient transfers and patient care.  
83 Mrs. Paris had a heightened level of concern when, this past winter, Rockwall County  
84 EMS expressed during the ice days that they would not be helping the hospital with any  
85 transports in/out of the city. She feels the current EMS provider does not have the  
86 resources needed to adequately and sufficiently meet the demands of growth, both  
87 within the city and within the hospital.  
88

89 Tammy Hawkins  
90 103 Dunford Drive  
91 Rockwall, TX 75032  
92

93 Mrs. Hawkins came forth and generally indicated that she has worked for the hospital  
94 since 2007 before it opened. Over the years, delays associated with Medic Rescue's  
95 response times related to transports have become concerning, especially with regards to  
96 ensuring optimal patient care. She indicated that the ER staff has been told by the EMS

97 company that the hospital is not allowed to call another provider for transport because  
98 they will be fined.

99  
100 Gorman Warren  
101 CFO for Presbyterian Hospital Rockwall  
102 10211 W. Dublin  
103 Forney, TX 75126  
104

105 Mr. Warren came forth and provided the city council with documents related to billing  
106 issues they've encountered with Medic Rescue. He shared that the hospital has been  
107 encountering billing-related issues with Rockwall County EMS since he came on board in  
108 2012. Meetings were held in June and August of 2012 to try and work out the issues and  
109 provide information to Medic Rescue to resolve the billing concerns. In August, the  
110 hospital was presented with a bill that was close to \$200,000 from Rockwall County EMS.  
111 He explained that bills, even recent ones, often do not contain a lot of detail beyond just  
112 the patient's name and dollar amount. By about March, after working closely with Martin  
113 Ramirez of Medic Rescue, the bill was worked down to about \$74,000. He went on to  
114 explain different kinds of patient transfers that may occur and who pays for those (i.e.  
115 the hospital or the patient's insurance). He shared a lot of detail related to emails  
116 exchanged in the past related to billing-related issues.  
117

118 Councilmember Townsend engaged the Presbyterian Hospital reps in dialogue related to  
119 the billing issues and how changing the city's ordinance may or may not really aid in  
120 remedying those types of concerns that apparently exist between the hospital and the  
121 provider. He generally expressed that he does not believe the city revoking its ordinance  
122 will result in these sorts of issues being resolved. Mr. Warren went on to reiterate that  
123 additional bills have been arriving, and the hospital does not understand why or what the  
124 bills are for. They expect that the patients' insurance companies will be billed, and  
125 whatever collections result, that is what the ambulance company gets paid.  
126

127 Mrs. Hawkins again came forth, and she expressed the belief that allowing for options  
128 related to ambulance service providers will provide for more choices, more competition,  
129 more collaboration, and better customer service and care for residents.  
130

131 Councilmember Hohenshelt expressed that he believes the billing-related concerns are  
132 business related concerns, rather than concerns that would warrant the city council  
133 getting involved by changing its exclusivity ordinance.  
134

135 Mrs. Paris came forth and explained that they have been working to resolve issues for  
136 eight years. Furthermore, only having one option for an EMS provider and associated  
137 transport limits the options for ensuring optimal customer service and patient care. She  
138 went on to share that nurses and ER physicians have had instances of arguing with the  
139 ambulance provider's staff in the parking lot of the hospital, even at times screaming.  
140

141 Councilmember White asked questions concerning which entity in the County ultimately  
142 oversees ambulance service provision and the quality of that service that the EMS  
143 provider on contract provides within our city and the county. Mr. Crowley indicated that  
144 the Emergency Services Corporation (ES Corp.) is the body that is ultimately responsible  
145 for oversight of ambulance service and its provision, emergency calls or transports,  
146 within the County. He suggested that the ES Corp. should have an opportunity to receive



complaints like these from EMS customers, investigate those and make decisions related to management of the EMS provider that is under contract. Mr. Crowley indicated that there is a complaint handling process in place to receive, look into and resolve EMS related complaints. He explained that there have been some complaints over the years, but not many. Councilmember White expressed concern that none of these issues have been taken through the proper channels via the ES Corporation. Mrs. Hawkins explained that, if the city's ordinance were lifted, the hospital would still use Rockwall County EMS; however, the hospital would have more choices if the level of service that is being provided is subpar. She believes that, in turn, Rockwall County EMS might then be more receptive to meeting the hospital's and patient's needs. After various comments, Councilmember White went on to suggest that perhaps a compromise would be to still grant exclusivity to the EMS provider on contract in the county, but allow that provider a "first right of refusal" related to transports if they are tied up and unable to respond in an acceptable amount of time. He stressed that he believes the reason the hospital is not getting good service is because they have not taken their concerns to the ES Corp. Furthermore, he does not believe the reason they're not getting good service is attributed to the city's exclusivity ordinance.

Mayor Pro Tem Lewis indicated that he agrees a lot of these issues should be directed to and handled by the Emergency Services Corporation. Lewis explained that a lot of past complaints have been addressed by the ES Corporation, but some of these issues expressed today could be taken to the ES Corporation.

Dr. Gary Bonacquisti  
1114 Cambridge Court  
Rockwall, TX 75032

He came forth and indicated he believe that the 911 system is currently overwhelming to the EMS provider, especially as the city grows. He believes that competition breeds better service. He wants the same freedom that Lakepointe Medical Center has with regards to calling whatever provider they want to call for patient transfers. He feels that patient care is suffering due to delays in transport response times. He expressed that he has concerns about 'patient diversion' to other facilities. He explained that just because a certain hospital in the county provides certain equipment or services does not mean that particular hospital is the best place for patients to go. He is concerned about patients being transported, through what he views as "diversion," to other medical centers when they exhibit certain symptoms. He believes clinical decisions like this should not be being made by the ambulance provider. He feels patients are being convinced by the ambulance crew to go elsewhere rather than to the facility of their choice or to the nearest facility.

Councilmember White expressed that he would like the ES Corp. to evaluate and report back to the city on what it thinks, as a body, about Rockwall's 'exclusivity ordinance.' Also, he would like these complaints and concerns reviewed and some sort of formal opinion issued related to these matters. Mayor Pro Tem Lewis indicated that he will take these thoughts to the ES Corp. at its board meeting this Wednesday.

Councilmember Fowler inquired as to why the ambulance service provider may be diverting patients away from certain facilities in favor of taking them to others.



197 Councilmember Hohenshelt suggested that perhaps the existing 'service agreements'  
198 between the ES Corp. and the ambulance service provider could be revisited to add  
199 some language that addresses, in more detail, things like billing expectations (i.e. all  
200 billing shall be issued to the payee within 90 days).

201  
202 Mitch Ownby  
203 Rockwall County EMS / Medic Rescue  
204 255 Country Club Drive  
205 Heath, TX 75032  
206

207 Mr. Ownby came forth and expressed that the EMS system was designed back in 2002 in  
208 order to provide the most economical service to the citizens. Half or so of the EMS  
209 budget is provided for by non-emergency transport business. He explained that  
210 essentially, exclusivity allows for the ability to keep the subsidy paid to the ambulance  
211 company as economical (low) as possible. He explained that the County pays fifty  
212 percent of the 911 subsidy to the company, and the other member cities pay the  
213 remaining 50% on a pro rata basis (according to population). So, the City of Rockwall  
214 currently pays about \$150,000 per year for its 911 ambulance service (emergencies), and  
215 next year it is slated to drop to just under \$130,000. Other cities, he explained, may run  
216 their own ambulance services through their fire department, a service, in those  
217 instances, that is generally fully subsidized by public funds. He explained that his  
218 company remains in compliance with the contract it has in place with the ES  
219 Corporation, and it is in compliance with the contract it has with Presbyterian Hospital  
220 (which, he explained, was made in an effort to be a good partner). He shared that the  
221 purpose of an exclusivity ordinance, over all, is to save tax dollars and allow for a more  
222 consistent vetting process. General discussion took place related to the number of  
223 ambulances Medic Rescue has and how many staff it employs and when. Also, brief  
224 comments were exchanged related to any contracts that Medic Rescue has in place with  
225 facilities, be they nursing homes, hospitals or otherwise.  
226

227 At the request of Councilmember Townsend, Mr. Ownby explained how the process of  
228 patient transport works, including triage, emergency vs. non-emergency, and response  
229 times.  
230

231 Councilmember Townsend asked Mr. Ownby to address why patients would be diverted  
232 to one facility or another. Mr. Ownby explained that patient transport destinations are  
233 based on the best equipped, nearest hospital, and his company does have a 'destination  
234 protocol' in place. Townsend asked if the patient has an ability to express a preference.  
235 Mr. Ownby indicated that, yes, they do have an ability to express a preference; however,  
236 in certain instances, when there is a high acuity, certain hospitals are preferred. For  
237 example, burn patients go to Parkland. He asserted that the goal is to ensure the patient  
238 gets to the facility where he/she can be treated.  
239

240 Councilmember Fowler asked what would happen if the city revokes its existing  
241 exclusivity ordinance. Mr. Ownby indicated that nothing would change with regards to  
242 911 / emergency calls; however, most likely it would result in the EMS company having to  
243 approach the ES Corp. to renegotiate its contract because its subsidy costs would likely  
244 go up, being that funds generated from non-emergency transports would presumably go  
245 down. If every non-emergency call for transport out of Presby alone went away entirely,  
246 it would cost Medic Rescue about \$600,000 annually.

Councilmember Hohenshelt asked how the company arrives at the amount of subsidy it is going to request from the ES Corporation annually. Mr. Ownby generally indicated that it is based on a three page spreadsheet that reflects estimated growth, system demand and volume and the associated cost (based on an extrapolation of cost per trip). The annual projection is based on actual costs from the previous year.

Mayor Pro Tem Lewis requested that an agenda item be placed on the next city council meeting agenda for the city council to decide on repealing the exclusivity ordinance, leaving it in place or amending it. In the meantime, at this week's ES Corp. board meeting, he will solicit feedback from the board concerning Rockwall's exclusivity ordinance and its possible revocation.

3. Hold work session to hear from representative(s) of the Rockwall Area Chamber of Commerce concerning the "I Shop Rockwall Campaign," and take any action necessary.

**Robin Chouteau**  
166 Elm Hollow Court  
Sherman, TX 75092

Mrs. Chouteau came forth and indicated that she is on the Board of Directors of the Chamber of Commerce, and she is one of the owners of Honda Cars of Rockwall. Also, she is currently in the process of moving to Rockwall.

Mrs. Chouteau asked if she would be allowed, as part of this campaign, to place an "I Shop Rockwall" magnet on city vehicles in order to help promote the program and encourage people to shop locally in Rockwall. She explained that this program will begin to be advertised on Facebook and other social media sites

**Richard Redig**  
Blue Ribbon News  
Box 967  
Rockwall, TX 75087

Mr. Redig came forth and provided some additional information related to how this campaign will be marketed, including a Honda CRV that will be driven around and will reflect sponsorships for the program. He explained that he would like the city's help in allowing some additional signage around the city, including on city vehicles, that say "I Shop Rockwall" to help promote the program. They also have plans to conduct a contest to help promote the program as well.

Mrs. Chouteau explained that, as part of the program, they also hope to be able to purchase additional Christmas decorations that would benefit the city.

Mr. Crowley clarified that, if the city does allow for magnetic signage to be placed on city vehicles, those signs would only reflect "I Shop Rockwall" and would not reflect any names or information related to business sponsorships participating in the campaign. Mr. Crowley expressed that any additional signage around town would need to conform to the city's sign ordinance.



- 296
- 297 4. Hold a work session to discuss and consider animal surrender policies at
- 298 the Rockwall Animal Adoption Center, and take any action necessary.

299 **Mr. Griggs indicated that staff would like to propose that this issue be discussed at this**

300 **week's Rockwall Animal Adoption Center / Shelter Advisory Committee meeting, and**

301 **then have a proposed ordinance placed on the August 3 city council meeting for**

302 **consideration.**

303

304 **At 5:27 p.m. Mayor Pro Tem Lewis read the below listed discussion items into the record**

305 **before recessing the public meeting into Executive Session.**

306

307 **III. EXECUTIVE SESSION.**

308

309 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**

310 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**

311 **CODE:**

312

- 313 1. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of
- 314 Rockwall pursuant to Section 551.071 (Consultation with Attorney)
- 315 2. Discussion regarding the city's concession agreement with Suntex Marina
- 316 / Suntex RHCL Marina, LLC pursuant to Section § 551.071 Consultation
- 317 with Attorney)
- 318 3. Discussion regarding possible legal claim related to Oncor pursuant to
- 319 Section 551.071 (Consultation with Attorney)
- 320 4. Discussion regarding (re)appointments to city regulatory boards,
- 321 commissions, and committees including the Building and Standards
- 322 Commission, Planning & Zoning Commission, and Board of Adjustments
- 323 pursuant to Section 551.074 (personnel matters)

324

325 **IV. ADJOURN EXECUTIVE SESSION**

326

327 **Executive Session was adjourned at 5:45 p.m.**

328

329 **V. RECONVENE PUBLIC MEETING**

330

331 **The meeting was reconvened at 6:00 p.m. with all council members except for Mayor**

332 **Pruitt and Councilmember Milder present.**

333

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

335

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

337

338 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER**

339

340 **Councilmember Fowler delivered the invocation and led the Pledge of Allegiance**

341

342

**VIII. OPEN FORUM**

**Brenda Cross  
1287 Standford  
Rockwall, TX 75087**

Mrs. Cross came forward and indicated that she is speaking on behalf of the Rubber Duck Regatta. She thanked the Council for all of its support over the years. She handed out several rubber ducks, encouraging various city departments to have a fun challenge among themselves to see who can decorate the best duck. She thanked various city council members for taking part in the event since 2012, and she encouraged the ones who have not yet been involved to come out and join in the activities.

**Alma Williams Howard  
219 Rush Creek Drive  
Heath, TX 75032**

Mrs. Howard came forth and spoke in favor of Dr. Burney and his request for waiver of certain city assessed fees as he relocates his practice to the City of Rockwall. She believes his practice will bring to the community very high end, high volume benefits to the city and its citizens.

**Lance Holmes  
Senior Director of Business Development  
Presbyterian Hospital of Rockwall**

Mr. Holmes came forth to encourage the Council to consider granting waivers to Dr. Burney and his practice related to what seems to be an exorbitant amount of fees. He indicated that the closer to home a patient is able to receive care, the faster he/she heals. He believes Dr. Burney's practice will be of great benefit to the community.

**Mr. Bob Wacker  
806 Miramar Drive  
Rockwall, TX 75087**

Mr. Wacker indicated that he is a patient of Dr. Burney, and he believes him to be a great orthopedic surgeon. He went on to express that he is aware of a fire that somewhat recently occurred in Heath, and he had heard there was not an adequate water supply. He wonders if there is any similar type of danger within the City of Rockwall (related to inadequate water supply).

**Allison Haft  
2323 N. Houston Street #308  
Dallas, TX 75219**

She indicated that she is now a Dallas County resident, formerly a Rockwall County resident. She came forth and offered brief comments related to lakefront property values as well as lake views and lake access for residents who own homes and property along the takeline (Action Item #5). She generally encouraged the city council to not make any



modifications to the takeline provisions that have been in place pertaining to boat houses since the takeline was first established years ago.

Mr. Bill Swisher  
4422 Scenic Circle  
Garland, TX

Mr. Swisher came forth and indicated that he is a Garland resident and is a lakefront homeowner in that city. He was a member of the Lakeside Coalition some years ago. He explained that the intent of the coalition was to reduce, prevent and eliminate erosion along the Lake Ray Hubbard shoreline through quality, uniformity and consistency. The hope was to allow lakefront property owners access to the lake via lake houses/boat houses. He generally expressed that the extension of property lines out into the water has never been mentioned pertaining to properties along the lake in any of the lakeside cities. He believes that passing a policy that does call for extending property lines out into the lake would be contrary to the Lakeside Coalition's intentions to encourage lake access for property owners living along the lakeshore.

Mr. Charlie Shearer  
431 W. Main Street  
Denison, TX 75020

Mr. Shearer indicated that he served on the Lakeside Coalition that initially took a look at construction of boathouses and boat docks along the lake for all cities involved. He generally believes that the boathouse that would be constructed would enhance the property and its value. He expressed that passing the proposed policy with regards to extending property lines out into the lake would go against the Lakeside Coalition's original intent for lakeside properties.

Jannie Cullin  
1604 S. Lakeshore Drive  
Rockwall, TX 75087

Mrs. Cullin indicated that the policy being considered tonight under Action Item #5 affects her property and Mrs. Foster's property, who is her neighbor. She explained that Mr. Foster knew when he bought the property that he had a very small amount of lake frontage. She explained that Mr. Foster has only become concerned about the building of a boathouse as he is attempting to sell the home. In April of 2012, she explained that Mr. Foster had previously approached the Cullin's asking for a 10' waiver to allow Mr. Foster to build a boat dock, not a boat house. Mrs. Cullins indicated that Mr. Foster then took that letter that the Cullins had signed and presented it to the City of Rockwall. He was subsequently granted a boathouse permit. She requested that the council consider allowing the Cullins' letter to be rescinded since they were under the impression that the waiver granted would be associated with building a boat dock, not a boat house.

Mr. Mike Foster  
1600 S. Lakeshore Drive  
Rockwall, TX 75087

Mr. Foster indicated that when he purchased the property, there was no such thing in place as a 'takeline area.' He had been under the impression that this property had lake access of about 120' until the year 2012 when he began looking into getting a boathouse permit. Mr. Foster indicated that the waiver he requested from the Cullins property owner was to ask for a boat house because a waiver was not needed for a boat dock or a pier. Mr. Foster went on to display a series of photographs showing the boat house that the Cullins constructed a number of years ago. He also shared photos of the view of the lake and lakeside structures from another piece of property that the Cullins own in Chandlers Landing. He generally encouraged the council to allow him to build the boat house he would like to construct, as he does not believe property values will be adversely affected.

#### IX. CONSENT AGENDA

1. Consider approval of the minutes from the July 6, 2015 regular city council meeting, and take any action necessary.
2. Consider approval of a resolution authorizing the City Manager to execute an Interlocal Purchasing Agreement with the City of Midlothian, and take any action necessary
3. Consider approval of a resolution allowing a temporary partial closure of FM 552 (John King Boulevard to the Rockwall East City Limits), FM 549 (FM 3097 to SH 205) and SH 205 (FM 549 to South John King Boulevard) for the Hot Rocks Bike Ride on Saturday, August 8, 2015 from 6:30 AM to 3:00 PM, and take any action necessary.
4. Consider approval of a resolution authorizing the City Manager to execute an Interlocal Purchasing Agreement with the City of Frisco, and take any action necessary.
5. **P2015-023** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH 60's Pod, LTD for the approval of a final plat for Phase IXA of the Breezy Hill Subdivision, consisting of 55 single family lots on a 16.805-acre tract of land identified as Tract 7-13 of the T. R. Bailey Survey, Abstract No. 30 and J. Simmons Survey, Abstract No. 190, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, located at the northwest corner of the intersection of FM-552 and Breezy Hill Lane, and take any action necessary.
6. **P2015-024** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Matt Alexander of the Cambridge Company, Inc. for the approval of a final plat for Phase 2 of the Rockwall Downes Subdivision, consisting of 30 single family lots on a 11.923-acre tract of land identified as a portion of Tract 3 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 10 (PD-10) for residential land uses, located at the northeast corner of the intersection of John King Boulevard and Discovery Boulevard, and take any action necessary.
7. **P2015-025** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Matt Alexander of the Cambridge Company, Inc. for the

Monday, July 20, 2015 City Council Minutes



approval of a final plat for Phase 3 of the Rockwall Downes Subdivision, consisting of 26 single family lots on a 8.559-acre tract of land identified as a portion of Tract 3 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 10 (PD-10) for residential land uses, located at the northwest corner of the intersection of John King Boulevard and Discovery Boulevard, and take any action necessary.

**Councilmember Townsend made a motion to approve the entire Consent Agenda. Councilmember Hohenshelt seconded the motion, which passed by a vote of 5 in favor with 2 absent (Pruitt and Milder).**

**Mayor Pro Tem Lewis indicated that the agenda would be reordered to address Action Item #1 next on the council agenda.**

**X. APPOINTMENTS**

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

**Mr. Renfro, Chair of the P&Z Commission, came forth and briefed the board on recommendations of the Commission relative to items on tonight's city council agenda. No action was taken at this time.**

2. Appointment with Jim Lambeth of Linebarger, Goggan, Blair & Sampson LLP to present information regarding a bid received for delinquent property taxes at 464 Evans at an amount less than the outstanding taxes, and take any action necessary.

**Representatives for this appointment item did not show up at the meeting. Therefore, this item was not addressed, and no action was taken.**

3. Appointment with Joey Howell to discuss and consider initiating a development agreement, in accordance with Chapter 212 of the Texas Local Government Code, for a property identified as Tract 18 & 18-01 of the S. McFadgin Survey, Abstract No. 142, Rockwall County, Texas, being a ~98-acre tract of land situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), located south of SH-276 on the east side of FM-548, and take any action necessary.

**Councilmember Hohenshelt indicated that he will be recusing himself from this agenda item (he owns this property), and he has filed an affidavit with the City Secretary.**

**Planning Director Robert LaCroix provided brief background information related to this agenda item.**

**Mr. Howell came forth and indicated that he has been developing properties in the area for about the last thirty years. He recently was a partner in developing the Trend Tower, but he has also been a part of developing residential subdivisions (i.e. Hillcrest Shores). Regarding this particular property, he would like to build one acre lots and utilize septic tank systems on these properties. He explained that he has been working with staff on**

how this project may be able to come to fruition because the County, where the property is currently located, requires 1.5 acre lots for septic systems. He shared that, although this area is not currently located within the city limits, it will eventually be in the city, as it is located in the city's ETJ (extraterritorial jurisdiction). In working with staff and in speaking with the Commissioners Court at the County, he believes that proceeding with the 212 development agreement will be the most agreeable, viable option since annexing into the city at this time is not possible.

Mr. LaCroix indicated that the county's main concern is related to the proposed septic systems and the lot coverage that they fear may limit an adequate septic area to ensure the systems run efficiently.

Mr. Howell went on to clarify that these lots will actually very likely end up being 1.5 acre lots anyway, because essentially the portions of the lots that are located in the floodplain will not 'count' towards the required 1.0 acre needed for the septic systems. He explained that this issue has in fact been discussed with Ron Merritt, the county's health-related authority that oversees septic tank systems.

Mr. Crowley asked how future homeowners would be informed of the fact that someday their home will be annexed into and located within the City of Rockwall city limits. He stressed a desire to have Mr. Howell and his developers / builders to ensure that people purchasing homes in this area are clearly and certainly informed that they will be annexed into the city at some point.

Councilmember Fowler made a motion to initiate this agreement. Mr. LaCroix indicated that staff would like to have some additional time for the city attorney to review the terms of this contractual agreement (the 212) before bringing it back to the city council for actual approval at the next city council meeting. Fowler subsequently withdrew his motion.

Council generally indicated they would like to have staff and the city attorney work with Mr. Howell to have an agreement brought back to Council for consideration at the next council meeting, indicating that some legal and contractual related items need to be worked out first. Also, the city would like to see a draft document that shows how future home buyers will be made aware that, at some point, their property will be annexed into and become part of the City of Rockwall. Therefore, no formal action was taken at this time related to this agenda item.

#### **XI. PUBLIC HEARING ITEMS**

1. **Z2015-015** - Hold a public hearing to discuss and consider approval of an ordinance for a request by Rich Darragh of the Skorburg Company on behalf of the owner William Audy Riggs, SR Estate for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 93.00-acre tract of land identified as Tract 33 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of Breezy Hill Road north of FM-552, and take any action necessary. *(1st Reading) (Applicant has requested to withdraw)*



585 Mayor Pro Tem Lewis indicated that the applicant has withdrawn this case at this time.  
586 So, he would have to go back through the process from the beginning if he wishes to  
587 bring it forth again.  
588

- 589 2. **Z2015-020** - Hold a public hearing to discuss and consider approval of an  
590 ordinance for a request by Wayne Mershawn of Mershawn Architects on  
591 behalf of Rex Walker of Life Springs Church for a Specific Use Permit  
592 (SUP) for a church in an Agricultural (AG) District for a seven (7) acre  
593 portion of a larger 28.881-acre tract of land identified as Tract 15-01 of  
594 the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall  
595 County, Texas, zoned Agricultural (AG) District, situated within the SH-  
596 205 By-Pass Corridor Overlay (SH 205 BY-OV) District, located on the  
597 north side of John King Boulevard east of the intersection of John King  
598 Boulevard and SH-205, and take any action necessary. **(1st Reading)**

599 After brief comments from Mr. LaCroix, Mayor Pro Tem Lewis opened the public hearing.  
600 There being no one wishing to come forth and speak, he then closed the public hearing.  
601 Councilmember Townsend made a motion to approve Z2015-020. Councilmember White  
602 seconded the motion. The ordinance was read as follows:

603 CITY OF ROCKWALL

604 ORDINANCE NO. 15-\_\_

605 SUP NO. \_\_\_\_

606 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
607 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF  
608 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A  
609 SPECIFIC USE PERMIT TO ALLOW FOR A "CHURCH" WITHIN AN  
610 AGRICULTURAL (AG) DISTRICT, BEING A 7.00-ACRE PORTION OF A  
611 LARGER 28.881-ACRE TRACT OF LAND IDENTIFIED AS TRACT 15-01 OF  
612 THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, AND GENERALLY  
613 LOCATED ON THE NORTH SIDE OF JOHN KING BOULEVARD EAST OF  
614 THE INTERSECTION OF JOHN KING BOULEVARD AND SH-205, CITY OF  
615 ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY  
616 DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR  
617 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
618 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
619 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
620 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

621 The motion passed unanimously of Council present (2 absent – Pruitt and Milder).

- 622 3. **Z2015-021** - Hold a public hearing to discuss and consider approval of an  
623 ordinance for a request by Sam Ellis on behalf of the owner, the George  
624 Dewoody Estate, for a Specific Use Permit (SUP) for a daycare facility in  
625 an Agricultural (AG) District for a two (2) acre parcel of land identified as  
626 Lot 1 of the Dewoody Addition, City of Rockwall, Rockwall County, Texas,  
627 zoned Agricultural (AG) District, situated within the North SH-205 Corridor  
628 Overlay (N SH-205 OV) District, addressed as 3011 N. Goliad Street [SH-  
629 205], and take any action necessary. **(1st Reading)**

630 Planning Director Robert LaCroix provided background information related to this  
631 agenda item. Notices were sent out to adjacent property owners (total of 66) located  
632 within 500' of the subject property. Nearby HOAs were notified as well, and two notices

Monday, July 20, 2015 City Council Minutes

633 were received back expressing support of this request. The applicant would need to  
634 come at a later date and submit a detailed site plan and go through an architectural  
635 review. The P&Z Commission has recommended approval of this case.  
636

637 Sam Ellis, the applicant, came forth and offered brief comments, generally explaining the  
638 purpose of his request and asking the council for approval.  
639

640 Mayor Pro Tem Lewis opened the public hearing and asked if anyone would like to come  
641 forth and speak.  
642

643 Bob Wacker  
644 806 Miramar Drive  
645 Rockwall, TX 75087  
646

647 Mr. Wacker indicated that he was involved in the townhome development behind CVS.  
648 He explained that he is concerned about traffic ingress and egress, suggesting that  
649 another entrance/exit be added on the north side.  
650

651 Troy Clark  
652 3025 N. Goliad  
653 Rockwall, TX  
654

655 Mr. Clark indicated that he is the property owner located immediately to the north of this  
656 location. He expressed support for approval of this item.  
657

658 Mr. LaCroix clarified that the owner could replat the property, but the zoning of this  
659 property would stay in place.  
660

661 Councilmember White made a motion to approve Z2015-021. Councilmember Townsend  
662 seconded the motion. The ordinance was read as follows:  
663

664 CITY OF ROCKWALL  
665 ORDINANCE NO. 15-\_\_\_\_  
666 SUP NO. \_\_\_\_\_  
667

668 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
669 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF  
670 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A  
671 SPECIFIC USE PERMIT TO ALLOW FOR A "DAYCARE FACILITY" WITHIN  
672 AN AGRICULTURAL (AG) DISTRICT, BEING A 2.00-ACRE PARCEL OF  
673 LAND IDENTIFIED AS LOT 1 OF THE DEWOODY ADDITION, AND LOCATED  
674 AT 3011 NORTH GOLIAD STREET, CITY OF ROCKWALL, ROCKWALL  
675 COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"  
676 ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
677 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
678 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
679 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
680 PROVIDING FOR AN EFFECTIVE DATE.  
681

682 The motion passed unanimously of those present (2 absent – Pruitt and Milder).  
683



- 684 4. **Z2015-022** - Hold a public hearing to discuss and consider approval of an  
685 **ordinance** for modifications to Article IV, Permissible Uses, and Article V,  
686 District Development Standards, of the Unified Development Code for the  
687 purposes of creating a standard for cultured stone, and adding standards  
688 for a Portable Beverage or Food Facility, and take any action necessary.  
689 **(1st Reading)**

690 Planning Director Robert LaCroix provided background information related to this  
691 agenda item. P&Z has recommended approval of this item. Mayor Pro Tem Lewis  
692 opened the public hearing and asked if anyone would like to come forth and speak.  
693 There being no one, the public hearing was closed. Councilmember White made a  
694 motion to approve Z2015-022. Councilmember Townsend seconded the motion. The  
695 ordinance was read as follows:

696  
697 CITY OF ROCKWALL  
698 ORDINANCE NO. 15-XX  
699

700 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
701 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT  
702 CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS  
703 HERETOFORE AMENDED, BY AMENDING SECTIONS 1.1 & 2.1.6 OF  
704 ARTICLE IV, PERMISSIBLE USES, AND SECTION 6 OF ARTICLE V,  
705 DISTRICT DEVELOPMENT STANDARDS; PROVIDING FOR A  
706 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
707 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
708 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
709 PROVIDING FOR AN EFFECTIVE DATE.  
710

711 The motion passed unanimously of Council present (2 absent – Pruitt and Milder).  
712

- 713 5. **Z2015-016** - Hold a public hearing to discuss and consider approval of an  
714 **ordinance** for a request by Stacey McVey of Double Eagle Properties on  
715 behalf of the owner 308 ON 276 LP for a zoning change from an Light  
716 Industrial (LI) District to a Planned Development District for Single Family  
717 10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre  
718 tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract  
719 No. 100, City of Rockwall, Rockwall County, Texas, zoned Light Industrial  
720 (LI) District, located at the northeast corner of the intersection of Rochelle  
721 Road and SH-276, and take any action necessary. **(1st Reading)**  
722 *(Applicant has requested to postpone to the Aug. 3, 2015 regular cc mtg.)*

723  
724 Mayor Pro Tem Lewis announced that this item has been postponed until the August 3,  
725 2015 city council meeting.  
726

727 XII. ACTION ITEMS  
728

- 729 1. Discuss and consider a request from Dr. Umar Burney for waiver of fees  
730 owed on a development which includes a medical office building (Ortho  
731 Specialists of Dallas) located on Summer Lee Drive behind the Aldi  
732 building, and take any action necessary.

Mr. Crowley indicated that Mr. Burney has contacted the city to ask for consideration of waiver of pro rata fees associated roadway and water line impact fees.

Dr. Umar Burney  
825 Roth Avenue  
Richardson, TX

Mr. Burney came forth and thanked those who have expressed support today for this new facility that is slated to be opened in Rockwall. He explained that the impact fees that are being presented to him equate to nearly six figures. He went on to explain the various advantages and services that his business will provide to the citizens of Rockwall. He generally indicated that he has been surprised by these fees. Furthermore, based in the services his business will bring that will benefit the community, he requested that the city council consider reviewing the proposed impact fees and waive them at this time.

Councilmember Hohenshelt asked if any other business that would otherwise be moving in at this particular location would be faced with the same fees. Mr. Crowley explained that the larger cost of the roadway in front of the city was paid for by the city up front as well as the water line in as an effort to attract the hospital. However, pro rata shares associated with these expenses have since been paid for by the other businesses that have since located along this particular roadway. Dr. Burney is now requesting special consideration from Council concerning his pro rata fees.

City Engineer Tim Tumulty clarified that impact fees are discussed upfront when a business first sits down in pre-meetings with staff members. So, while he understands that this is contrary to what Dr. Burney has shared (that they just very recently found out about these fees), it is normal practice to present these fees upfront when development is forthcoming.

It was stated that impact fees are normal practice, and other cities commonly impose such fees as well.

After brief comments, the item received no motions, so no action was taken by the Council concerning this agenda item.

Following this item, Mayor Pro Tem Lewis went on to address Appointment Item #1 (with P&Z Commission Chairman).

2. **SP2015-015** - Discuss and consider a request by Jimmy Strohmeyer of Strohmeyer Architects, Inc. on behalf of Elias Pope of 8020 Restaurants, LLC for the approval of variances to the natural stone and masonry material requirements stipulated by Article V, District Development Standards, of the UDC in conjunction with an approved site plan for a restaurant on a 0.90-acre parcel of land identified as Lot 3, Block A, Harbor District Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30 OV) District, located at the southeast corner of the IH-30 Frontage Road and Sunset Ridge Drive, and take any action necessary.



Mr. LaCroix explained that this request is associated with a restaurant that would be located next to the Trend Tower down near The Harbor. He explained that H&G Supply is a restaurant that also has a location on Lower Greenville Avenue in Dallas. He described the various building materials that the applicant is proposing to use. He shared that all of the rooftop equipment would be screened, so people in the Trend Tower who might look down on the building would not see it. He explained that the Architectural Review Board did review these concept plans, and they generally agree that this is a nice design that, although it is a little modern, will fit in well with the existing, surrounding area. After some, slight revisions were made by the applicant at the request of the ARB, the P&Z did recommend approval of this item.

Cameron Sloan  
F. C. Cuny Corporation  
Civil engineer firm  
4316 Belmar Avenue  
Dallas, TX

Mr. Sloan explained he is with the Cuny Corporation and is representing the applicant on this case. His office is very near the existing restaurant location on Greenville Avenue, and he believes this will be a great addition to this area in Rockwall.

Mayor Pro Tem Lewis made a motion to approve SP2015-015. Councilmember White seconded the motion, which passed unanimously of council present (2 absent – Pruitt and Milder).

3. **A2015-001** - Discuss and consider the expiration of an existing 212 Development Agreement for four (4) tracts of land contiguous with the City of Rockwall's city limits and being identified as approximately 94.05-acres of land situated within the City's Extraterritorial Jurisdiction (ETJ), generally located south of SH-276 along Zollner Road, and take any action necessary.

Mr. LaCroix indicated that this item is related to a 212 agreement that the city entered into with the property owners, the Zolner family, about 6.5 years ago. The initial term was for a period of seven years. The state law allows for these agreements to be for a term up to fifteen years. If the Council does not wish to sign a new 212 agreement, then the city would proceed with annexation.

Councilmember White made a motion to approve A2015-001, extension of a 212 agreement, for a period of seven years. Councilmember Townsend seconded the motion, which passed unanimously of council present.

4. Discuss and consider status of Franchise Agreement with Legends Batting Cages, and take any action necessary.

Andy Hesser, Parks Manager, came forth and provided brief background information related to this agenda item. He explained that in May of 2014, the city council approved entering into this franchise agreement at the recommendation of the Park Board. In January of 2015, the Park Board asked for a status update from Legends. An update was given, and the Park Board requested to see progress, in the form of drawings, within ten days. Legends did provide said drawings. This past meeting, July 7, the Park Board did

831 hear from the representative of the Legends Batting cages, who indicated that he is  
832 having delays getting a concrete contractor out to pour concrete. However, some  
833 progress has been made, for example with poles, nets and machines. Park Board is now  
834 recommending that the contract be terminated if substantial progress had not been made  
835 on site by September 1, 2015 and that the 30 day written notice be given concurrently to  
836 correspond with the September 1st deadline. Councilmember Townsend made a motion  
837 to accept this Park Board recommendation as conveyed. Mayor Pro Tem Lewis  
838 seconded the motion, which passed by a vote of 4 in favor, 1 against (White), and 2  
839 absent (Pruitt and Milder).

- 840  
841 5. Discuss and consider approval of a policy for the construction of  
842 structures, including a dock deck, fixed pier or boathouse within Lake Ray  
843 Hubbard for properties eligible to lease the Lake Ray Hubbard Takeline  
844 adjacent to the property, and take any action necessary.

845 Robert LaCroix provided background information related to this agenda item. He  
846 indicated that staff received an email from the City of Dallas indicating that modifications  
847 to sublease property boundaries and general layout locations of takeline subleases are  
848 the responsibility of the City of Rockwall. Structure dimensions and building materials  
849 must adhere to the interlocal agreement with the City of Dallas. He explained that Dallas  
850 is only concerned with water quality. He went on to explain the process associated with  
851 those property owners who sublease for applying to build a boat dock or a boat house  
852 structure. He indicated that plans have to be submitted to the City, and the City has to  
853 review those plans and approve them prior to issuing a building permit. He explained  
854 that any imaginary property lines extending out into the lake are currently not part of any  
855 takeline leases; however, the policy being proposed tonight would allow staff to extend  
856 those imaginary lines into the water in order to make considerations for setbacks before  
857 issuing any related building permits.

858  
859 Councilmember White clarified that when a property owner subleases the takeline,  
860 he/she only leases the dirt and not the water. Mr. LaCroix concurred. Assistant City  
861 Manager Brad Griggs explained that staff has attempted to determine with certainty  
862 where a particular boat house is going to be built in order to ensure there is ample room  
863 for maneuvering a boat so as to not encroach on a neighbor's boat house or other,  
864 adjacent boats being backed out.

865  
866 Mayor Pro Tem Lewis clarified that the City of Dallas allows for those who sublease to  
867 build boathouses that extend 40' into the water as long as they go through the City of  
868 Rockwall to obtain a permit.

869  
870 After extensive discussion, Councilmember White made a motion to approve the policy  
871 with the understanding that item #3 will be changed to remove the language about  
872 imaginary lines that do not exist that extend into the water. Councilmember Townsend  
873 seconded the motion, which passed by a vote of 5 in favor with 2 absent (Pruitt and  
874 Milder).

875  
876 The Council did not reconvene in Executive Session following the close of the public  
877 meeting.

878  
879 **XIII. EXECUTIVE SESSION**



880  
881 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
882 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
883 CODE:  
884

- 885 1. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall  
886 pursuant to Section 551.071 (Consultation with Attorney)
- 887 2. Discussion regarding the city's concession agreement with Suntex Marina / Suntex  
888 RHCL Marina, LLC pursuant to Section § 551.071 Consultation with Attorney)
- 889 3. Discussion regarding possible legal claim related to Oncor pursuant to Section 551.071  
890 (Consultation with Attorney)
- 891 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and  
892 committees including the Building and Standards Commission, Planning & Zoning  
893 Commission, and Board of Adjustments pursuant to Section 551.074 (personnel  
894 matters)

895 **XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**  
896

897 The Council did not reconvene in Executive Session following the close of the public  
898 meeting.  
899

900 **XV. ADJOURNMENT**  
901

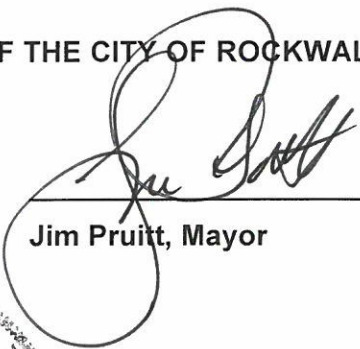
902 The meeting was adjourned at 7:59 p.m.  
903

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

905 THIS 3<sup>rd</sup> DAY OF AUGUST, 2015.

906  
907  
908 ATTEST:

909   
910 Kristy Ashberry, City Secretary  
911

  
Jim Pruitt, Mayor

