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P2019-004	61
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<p>Consider approving emergency pump replacements for the large fountain at The Harbor and authorizing the City Manager to expend \$25,830.83 out of the General Fund Harbor Operations Budget for this purpose, and take any action necessary.</p>	
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<p>Consider approving the work and authorizing the City Manager to execute a Purchase Order to XIT Paving and Construction for the Service Center Yard Pavement Replacement project in the amount of \$352,390 to be funded out of the General Fund Streets Operations Budget, and take any action necessary.</p>	
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<p>Consider awarding a bid to Riverstone Fence and authorizing the City Manager to execute a Contract for new fencing at three city lift station sites in the amount of \$43,500 to be funded out of the Water and Sewer Fund, Wastewater Operations Budget, and take any action necessary.</p>	
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Consider authorizing the City Manager to execute Supplemental Agreement No. 1 with Teague Nall & Perkins, Inc. to design portions of Carriage Trail, Westway Drive, and Aspen Court in the amount of \$432,000 to be paid out of the 2018 Street Bond funds and water/wastewater funds, and take any action necessary.

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Consider approval of the Rockwall Police Department's 2018 Racial Profiling Report, and take any action necessary.

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Consider approval of a resolution calling the May 4, 2019 General Election for the purpose of electing the mayor and city council members for Places 1, 3, and 5, and take any action necessary.

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Appointment with the city's ART Commission Chairman to hear a presentation regarding a public art fiberglass guitar project and to consider authorizing associated funding in the amount of \$5,500 from the city's "Art in Public Places" funds, and take any action necessary.

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Appointment with resident Jillian Gaines to hear concerns related to water around her home and neighborhood (address: 1305 Clear Meadow Court), and take any action necessary.

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Z2018-058 - Hold a public hearing to discuss and consider a request by Tim McCallum of He Wines She Dines, LLC on behalf of Buffalo Creek Business Park, LTD for the approval of an ordinance for a Specific Use Permit (SUP) for a Craft Winery and Commercial Amusement/Recreation (Outdoor) on a 7.2-acre tract of land identified as Tracts 20-01 & 20-7 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 203 County Line Road, and take any action necessary [1st Reading].

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Z2018-056 - Hold a public hearing to discuss and consider a request by Tom Jones on behalf of Shanon Thomas of Rockwall Friendship Baptist Church for the approval of an ordinance for a zoning change from an Agricultural (AG) District to a Light Industrial (LI) District for a 6.03-acre tract of land being identified as Tract 2-4 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, located east of the intersection of Justin Road and John King Boulevard, and take any action necessary (1st Reading).

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Discuss and consider the overall concept plan and proposed Phase I of the Harbor Urban Beach Park, and take any action necessary.	
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AGENDA

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, February 04, 2019 - 4:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

II. WORK SESSION

p.10 1. Hold a work session to hear staff presentation regarding the Harbor Urban Beach Park Concept Plan and Phase One.

p.12 2. Hold a work session with PROS Consulting to discuss an athletic facility feasibility study.

III. EXECUTIVE SESSION.

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

1. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding Breezy Hill Road pursuant to § 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)

IV. ADJOURN EXECUTIVE SESSION

V. RECONVENE PUBLIC MEETING (6:00 P.M.)

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER JOHANNESSEN

VIII. PROCLAMATIONS

p.14 1. STEM Gals Day

p.16 2. Presentation of The Patriot Award

IX. OPEN FORUM

X. CONSENT AGENDA

p.18 1. Consider approval of the minutes from the January 22, 2019 city council meeting, and take any action necessary.

- p.28** 2. Z2018-057 - Consider approval of a request by Bill Bricker of Columbia Development Company, LLC for the approval of an ordinance amending Planned Development District 59 (PD-59) for the purpose of incorporating a 0.786-acre tract of land for Residential-Office (RO) District land uses being a 56.586-acre tract of land identified as a portion of R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 52 (PD-52) and Planned Development District 59 (PD-59), located between W. Washington Street and T. L. Townsend Drive, and take any action necessary [2nd Reading].
- p.44** 3. Z2018-059 - Consider approval of a request by Heather Cullins for the approval of an ordinance for a zoning change from a Single-Family Estate 2.0 (SFE-2.0) District to Single Family Estate 1.5 (SFE-1.5) District on a 3.03-acre tract of land identified as Tract 1-01 of the T. Dean Survey, Abstract No. 69, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 2.0 (SFE-2.0) District, addressed as 1085 Dalton Road, and take any action necessary [2nd Reading].
- p.49** 4. P2019-002 - Consider a request by Gerald Houser of Collin-G Properties, LTD for the approval of a replat for Lot 2, Block A, Houser Addition being a 6.19-acre parcel of land identified Lot 1, Block A, Houser Addition, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 1611 SH-276, and take any action necessary.
- p.54** 5. P2019-003 - Consider a request by Maria C. Bonilla of Winkelmann & Associates, Inc. on behalf of Jill Fisher of Dunhill Partners, Inc. for the approval of a replat for Lot 2, Block B, R. W. Marketcenter Addition being a replat of a 21.424-acre parcel identified as Lot 1A, Block B, R. W. Marketcenter Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, situated at the southwest corner of Market Center Drive and the E. IH-30 Frontage Road, and take any action necessary.
- p.61** 6. P2019-004 - Consider a request by Tony Degelia of A & W Surveyors on behalf of Michael Fisher for the approval of a replat for Lot 7, Block A, Temunovic Addition being a 1.082-acre parcel of land identified as Lot 6, Block A, Temunovic Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District, situated within the Scenic Overlay (SOV) District, addressed as 1306 Summer Lee Drive, and take any action necessary.
- p.67** 7. Consider approving emergency pump replacements for the large fountain at The Harbor and authorizing the City Manager to expend \$25,830.83 out of the General Fund Harbor Operations Budget for this purpose, and take any action necessary.
- p.69** 8. Consider approving the work and authorizing the City Manager to execute a Purchase Order to XIT Paving and Construction for the Service Center Yard Pavement Replacement project in the amount of \$352,390 to be funded out of the General Fund Streets Operations Budget, and take any action necessary.
- p.71** 9. Consider approving the work and authorizing the City Manager to execute a Purchase Order to Texas Bit for the National Drive Reconstruction Project in the amount of \$300,997 to be funded out of the General Fund Streets Operations Budget, and take any action necessary.

- p.73** 10. Consider awarding a bid to Riverstone Fence and authorizing the City Manager to execute a Contract for new fencing at three city lift station sites in the amount of \$43,500 to be funded out of the Water and Sewer Fund, Wastewater Operations Budget, and take any action necessary.
- p.75** 11. Consider authorizing the City Manager to execute Supplemental Agreement No. 1 with Teague Nall & Perkins, Inc. to design portions of Carriage Trail, Westway Drive, and Aspen Court in the amount of \$432,000 to be paid out of the 2018 Street Bond funds and water/wastewater funds, and take any action necessary.
- 131** 12. Consider approval of the Rockwall Police Department's 2018 Racial Profiling Report, and take any action necessary.
- p.237** 13. Consider approval of a resolution calling the May 4, 2019 General Election for the purpose of electing the mayor and city council members for Places 1, 3, and 5, and take any action necessary.

XI. 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.
- p.243** 2. Appointment with the city's ART Commission Chairman to hear a presentation regarding a public art fiberglass guitar project and to consider authorizing associated funding in the amount of \$5,500 from the city's "Art in Public Places" funds, and take any action necessary.
- p.255** 3. Appointment with resident Jillian Gaines to hear concerns related to water around her home and neighborhood (address: 1305 Clear Meadow Court), and take any action necessary.

XII. PUBLIC HEARING ITEMS

- p.259** 1. Z2018-058 - Hold a public hearing to discuss and consider a request by Tim McCallum of He Wines She Dines, LLC on behalf of Buffalo Creek Business Park, LTD for the approval of an ordinance for a Specific Use Permit (SUP) for a Craft Winery and Commercial Amusement/Recreation (Outdoor) on a 7.2-acre tract of land identified as Tracts 20-01 & 20-7 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 203 County Line Road, and take any action necessary [1st Reading].
- p.281** 2. Z2018-056 - Hold a public hearing to discuss and consider a request by Tom Jones on behalf of Shanon Thomas of Rockwall Friendship Baptist Church for the approval of an ordinance for a zoning change from an Agricultural (AG) District to a Light Industrial (LI) District for a 6.03-acre tract of land being identified as Tract 2-4 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, located east of the intersection of Justin Road and John King Boulevard, and take any action necessary [1st Reading].

XIII. ACTION ITEMS

- p.298** 1. Discuss and consider the overall concept plan and proposed Phase I of the Harbor Urban Beach Park, and take any action necessary.

XIV. 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

- p.300** Building Inspections Monthly Report - December 2018
p.311 Fire Department Monthly Report - December 2018
p.318 GIS Division Monthly Report - December 2018
p.320 Harbor PD Monthly Report - December 2018
p.322 Internal Operations Department Monthly Report - December 2018
p.326 Police Department Monthly Report - December 2018
p.329 Recreation Monthly Report - December 2018
p.335 Rockwall Animal Adoption Center Monthly Report - December 2018
p.339 STAR Transit Monthly Report - December 2018

2. City Manager's Report

XV. EXECUTIVE SESSION

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

1. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding Breezy Hill Road pursuant to § 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)

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

XVII. ADJOURNMENT

This facility is wheelchair accessible. Accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hrs prior. Please contact the City Secretary (972) 771-7700 or FAX (972) 771-7727 for info.

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 1st day of Feb., 2019 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

Date Removed



CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Honorable Mayor and City Council

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

FROM: Andy Hesser, Director of Parks and Recreation

DATE: January 30, 2019

SUBJECT: HARBOR URBAN BEACH PARK

During the work session, staff will present additional information regarding the Harbor Urban Beach Park concept plan and phase one options and associated costs. Staff will also provide copies of three possible phase one options and estimated costs for each option. We are seeking direction on the concept plan, preferred phase one amenities and timing of project construction.

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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Honorable Mayor and City Council

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

FROM: Andy Hesser, Director of Parks and Recreation

DATE: January 30, 2019

SUBJECT: ATHLETIC FACILITY FEASIBILITY STUDY

A work session will be held to hear a presentation from Mike Svetz of PROS Consulting to review the project plan for the athletic facility feasibility study approved in the 2019 budget. He will be seeking any additional comments and feedback regarding the project plan process and how Council expects it to proceed.

As the first step in the process, he will be conducting focus groups February 5th and 6th to hear input from various community stakeholders including Council, Park Board, YMCA, RISD, Lake Point Sports and various other outdoor sports providers. Staff will be available to answer any questions.

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Rockwall, Texas

Proclamation

Whereas, STEM is an acronym that stands for "Science, Technology, Engineering and Mathematics;" and

Whereas, by the year 2022, it is believed that the United States will be approximately 1 million STEM workers short; and

Whereas, of the STEM-related workforce that exists today, it is estimated that women currently make up only about 25%; and

Whereas, in the words of Woodie Flowers, "Technology needs women, more than women need technology;" and

Whereas, the Rockwall High School Robotics Team - known as "FIRST Robotics Competition Team 1296 Full Metal Jackets" - has created an off season event called "STEM Gals" to promote and encourage women in "STEM;" and

Whereas, "STEM Gals" is a robotics competition for high school students that aims to change the world by encouraging females to pursue careers in STEM.

NOW, THEREFORE, I, Jim Pruitt, Mayor of the City of Rockwall TX, do hereby proclaim **October 5, 2019** as

STEM GALS DAY

in the City of Rockwall and encourage all young citizens to evaluate and consider the pursuit of both educations and careers in the field of Science, Technology, Engineering and/or Mathematics.

In Witness Whereof, I hereunto set my hand and official seal this 4th day of February, 2019.



Jim Pruitt, Mayor

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: Kristy Cole, City Secretary / Assistant to the City Manager

DATE: February 1, 2019

SUBJECT: The Patriot Award

Representatives from an organization associated with support of the National Guard and Reserve will be present at the city council meeting Monday evening to explain more about this award. Tia Hambrick (Deputy Court Clerk) who currently serves in the Reserves, her supervisor, Debbie Waters (Court Administrator), and other court staff will be guests Monday evening for this portion of the meeting.

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MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING

Tuesday, January 22, 2019 - 5:00 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 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Council Members Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Joey Boyd, and the city's legal counsel, Patrick Lindner. Councilmember Patrick Trowbridge was absent from the meeting. Mayor Pruitt read the following discussion items into the record before recessing the public meeting to go into Executive Session.

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 legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
2. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments (BOA) - pursuant to Section 551.074 (Personnel Matters)
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

Council adjourned from Executive Session at 5:40 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:00 p.m.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler made a motion that prior to initiating annexation of the +/- 4,000 acres of land in the city's ETJ, staff is directed by Council to communicate with those affected property owners and bring the results of those communications back to Council. Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Mayor Pro Tem Fowler authorized the city attorney to file intervention in the new rate case regarding the appeal to the Public Utility Commission. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Mayor Pro Tem Fowler made a motion to move Stuart Smith up from an "alternate" to a voting member to fill the vacancy on the city's Board of Adjustments (thru Aug. 2019). Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Mayor Pro Tem Fowler moved to appoint Glenn Carr to fill the "second alternate position" on the city's Board of Adjustments (thru Aug. 2020). Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

Councilmember Daniels delivered the invocation and led the Pledge of Allegiance.

PROCLAMATIONS

1. Health for Humanity Yogathon

Mayor Pruitt invited city resident Ashwini Gurwale and her husband to come forth at this time. He then read and presented this proclamation. Mrs. Gurwale then gave a brief yoga demonstration.

OPEN FORUM

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

CONSENT AGENDA

1. Consider approval of the minutes from the January 7, 2019 regular city council meeting, and take any action necessary.
2. Z2018-049 - Consider a request by Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) for an animal shelter on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (2nd Reading).
3. A2018-004 - Consider a request by Pat Atkins on behalf of the owner C.D.T. Rockwall/2017 LLC for the approval of an ordinance for the voluntary annexation of a 14.995-acre tract of land identified as Tract 1-03 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, and take any action necessary (2nd reading).
4. P2018-047 - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH West Pods, LTD for the approval of a preliminary plat for Breezy Hill, Phase XII containing 35 single-family residential lots on 44.525-acres of land identified as a portion of

01/22/19 Rockwall City Council Mtg. Minutes

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Tract 7-1 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, located west of the intersection of John King Boulevard and Cozy View Drive, and take any action necessary.

5. Consider approval of the Contract Amendment #1 with Brinkley & Barfield, Inc., in the amount of \$87,030 to be funded from the 2018 Street Bond funds and water/wastewater funds, and take any action necessary.
6. Consider authorizing the City Manager to negotiate and execute a contract with Baseball Nation LLC regarding the city's baseball umpire services for an amount not to exceed \$120,000 to be funded from baseball registration proceeds in the Recreation Development Fund, and take any action necessary.
7. Consider authorizing the City Manager and the Chief of Police to execute an Interlocal Agreement (ILA) with NCT911 to provide 911 services in the City, and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6 and 7). Councilmember Johannesen seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-08
SPECIFIC USE PERMIT NO. S-204

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 19-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF A 14.995-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-03 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absence (Trowbridge).

113 X. PUBLIC HEARING ITEMS

114 1. A2018-005 (6:00 PM) – Hold a public hearing to discuss and consider a request by Suresh
115 Shridharani on behalf of the owner Harlan Properties Inc. for the approval of the annexation
116 of a 79.564-acre tract of land identified as Tract 3 of the J. Merriman Survey, Abstract No.
117 155, Rockwall County, Texas, and take any action necessary.

118 2. Z2018-050 - Hold a public hearing to discuss and consider a request by David Rains for the
119 approval of an ordinance for a Specific Use Permit (SUP) allowing a covered patio that
120 exceeds the maximum requirements for property located within the Lake Ray Hubbard
121 Takeline leased area that is adjacent to a parcel of land identified as Lot 12, Block A,
122 Chandlers Landing, Phase 18, Section 2, City of Rockwall, Rockwall County, Texas, zoned
123 Planned Development 8 (PD-8) District for single family land uses, addressed as 5808
124 Constellation Circle, and take any action necessary (1st Reading).

125 Indication was given that the applicant for this case has submitted a request to withdraw. Mayor
126 Pruitt moved to allow the applicant to withdraw the case, as requested. Mayor Pro Tem Fowler
127 seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

128 3. Z2018-055 - Hold a public hearing to discuss and consider a request by Kyle Jenkins of the
129 Jenkins Organization on behalf of Michael Swiercinsky of 7.1 Ridge, LLC for the approval of
130 an ordinance for a Specific Use Permit (SUP) for a Mini-Warehouse facility on a 2.595-acre
131 tract of land being a portion of Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall
132 County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV)
133 District, located southwest of the intersection of W. Yellow Jacket Lane and Ridge Road [FM-
134 740], and take any action necessary [1st Reading].

135 Planning Director Ryan Miller provided background information pertaining to this agenda item. The
136 applicant then came forth to speak.

137
138 Maxwell Fisher
139 900 Jackson Street
140 Dallas, TX

141
142 Mr. Fisher came forth and provided comments pertaining to this proposed warehouse storage facility.
143 He showed renderings of what the facility will look like, generally highlighting that it will look like an
144 office building (not a storage facility).

145
146 Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this
147 time. Caprice Michelle (no address given) came forth and provided brief comments in support of
148 Council approving this SUP.

149

Sergio Bento
2002 S. Lakeshore Dr.
Rockwall, TX 75087

Mr. Bento shared that he and his family moved to Rockwall in 2002. He used to contract with the Department of Defense and he subsequently did economic development training with economic development staff throughout the country. He went on to share his past experience in Arlington pertaining to the old Cowboys stadium. He generally spoke in opposition of Council approving this SUP request.

Priscylla Bento (no address given) came forth and shared that she is working towards obtaining her PhD in Urban Planning & Public Policy, and her dissertation will focus on Economic Development. She generally spoke in opposition of the Council approving this SUP request.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and commented on this proposed storage facility. He commented that the renderings show what he believes is a nice looking building. He is generally in favor of approval of this SUP.

Johnny Lyons, Chairman of the City's Planning & Zoning Commission, came forth and shared that the Commission has recommended that this item not be approved. Commissioner Moeller and he were 'for' this; however, the other commissioners were 'against' this proposal. Those who were in opposition seemed to indicate the belief that this was not the best fit or use for this particular property.

Mr. Jerry Welch of the city's Planning & Zoning Commission came forth and generally indicated that the Commission did not feel like this was the best location for a mini warehouse storage facility. For this reason, the P&Z recommended its denial.

Following various comments from council members, Councilman Johannesen moved to deny this item (Z2018-055). Councilmember Daniels seconded the motion, which passed by a vote of 6 in favor with 1 absence (Trowbridge).

Johnny Lyons, Chairman of the P&Z, then came forth and provided brief comments to Council concerning recommendations of the Commission relative to the remaining planning-related items on tonight's meeting agenda.

4. Z2018-057 - Hold a public hearing to discuss and consider a request by Bill Bricker of Columbia Development Company, LLC for the approval of an ordinance amending Planned Development District 59 (PD-59) for the purpose of incorporating a 0.786-acre tract of land for Residential-Office (RO) District land uses being a 56.586-acre tract of land identified as a portion of R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 52 (PD-52) and Planned Development District 59 (PD-

59), located between W. Washington Street and T. L. Townsend Drive, and take any action necessary [1st Reading].

Planning Director Ryan Miller provided background information pertaining to this agenda item. Staff mailed 194 notices to property owners and residents located within 500' of the subject property. So far staff has received seven notices in favor of the request and one in opposition. The Planning & Zoning Commission has recommended approval of this item.

Bill Bricker
505 Westway Drive
Rockwall, TX

Mr. Bricker came forth and briefly addressed the Council. Thereafter, Mayor Pruitt asked if anyone would like to come forth and speak during this Public Hearing. There being no one indicating such, he then closed the public hearing.

Councilmember Hohenshelt moved to approve Z2018-057. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND PLANNED DEVELOPMENT DISTRICT 59 (PD-59) [*ORDINANCE NO.'s 04-59 AND -6-51*] AND PLANNED DEVELOPMENT DISTRICT 52 (PD-52) [*ORDINANCE NO. 16-45*] FOR THE PURPOSE OF INCORPORATING A 0.789-ACRE TRACT OF LAND FOR RESIDENTAL-OFFICE (RO) DISTRICT LAND USES BEING A 56.586-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF THE R. BALLARD SURVEY, ABSTRACT NO. 29, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ZONED PLANNED DEVELOPMENT DISTRICT 52 (PD-52) AND PLANNED DEVELOPMENT DISTRICT 59 (PD-59) AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 in favor with 1 absence (Trowbridge).

5. A2018-005 (6:30 PM) – Hold a public hearing to discuss and consider a request by Suresh Shridharani on behalf of the owner Harlan Properties Inc. for the approval of the annexation of a 79.564-acre tract of land identified as Tract 3 of the J. Merriman Survey, Abstract No. 155, Rockwall County, Texas, and take any action necessary.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the Public Hearing. No action was taken at this time.

- 239 6. Z2018-058 - Hold a public hearing to discuss and consider a request by Tim McCallum of He
240 Wines She Dines, LLC on behalf of Buffalo Creek Business Park, LTD for the approval of an
241 ordinance for a Specific Use Permit (SUP) for a Craft Winery and Commercial
242 Amusement/Recreation (Outdoor) on a 7.2-acre tract of land identified as Tracts 20-01 &
243 20-7 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas,
244 zoned Commercial (C) District, addressed as 203 County Line Road, and take any action
245 necessary [1st Reading].

246 Indication was given that the applicant could not be present this evening, so he has requested that
247 this item be postponed. Mayor Pruitt moved to postpone this agenda item until the February 4, 2019
248 regular city council meeting. Councilmember Johannesen seconded the motion, which passed by a
249 vote of 6 ayes with 1 absence (Trowbridge).

- 250
251 7. Z2018-059 - Hold a public hearing to discuss and consider a request by Heather Cullins for
252 the approval of an ordinance for a zoning change from a Single-Family Estate 2.0 (SFE-2.0)
253 District to Single Family Estate 1.5 (SFE-1.5) District on a 3.03-acre tract of land identified as
254 Tract 1-01 of the T. Dean Survey, Abstract No. 69, City of Rockwall, Rockwall County, Texas,
255 zoned Single-Family Estate 2.0 (SFE-2.0) District, addressed as 1085 Dalton Road, and take
256 any action necessary [1st Reading].

257 Planning Director Ryan Miller provided background information pertaining to this agenda item,
258 generally explaining that the applicant purchased this property a little over a year ago and had
259 planned to build a home on the property; however, since that time, the applicant found a different
260 piece of property that they like better. As a result, they have been trying to sell this property, but
261 they've been having difficulty. They are therefore requesting that the Council consider allowing them
262 to essentially split this property into two different tracts.

263
264 Kenneth Cullins
265 3114 Stoney Hollow Lane
266 Rockwall, TX
267

268 Mr. Cullins came forth and briefly addressed the Council, generally explaining his and his wife's
269 reasoning behind the request to rezone, and asking Council to consider approval of said request.
270

271 David Hodgdon
272 1085 Dalton Road
273 Rockwall, TX
274

275 Mr. Hodgdon spoke during the public hearing, explaining that he sold this piece of property to Mr. and
276 Mrs. Cullins, and his property is located directly adjacent to this one. He went on to express that he is
277 in opposition of the Council approving this request for the applicant to subdivide the property into
278 two, separate lots.

Councilmember Daniels moved to approve Z2018-059. Councilmember Macalik seconded the motion. Following additional, brief comments, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT TO A SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT ON A 3.03-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-01 OF THE T. DEAN SURVEY, ABSTRACT NO. 69, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'A'* AND FURTHER DESCRIBED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absence (Trowbridge).

XI. ACTION ITEMS

1. SP2018-043 - Discuss and consider a request by Kevin Hickman of PegasusAblon on behalf of Rockwall Rental Properties, LP for the approval of a waiver in conjunction with an approved site plan for a 375-unit condominium building on a 6.2-acre tract of land identified as Lot 9, Block A, Harbor-Rockwall Addition and Tract 16 of the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the IH-30 (IH-30) Overlay District, located at the southwest corner of the intersection of the IH-30 frontage road and Lakefront Trail, and take any action necessary.

Planning Director Ryan Miller provided brief, introductory comments pertaining to this agenda item. Mayor Pruitt then moved to approve the requested waiver. Councilmember Johannesen seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

XII. EXECUTIVE SESSION

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

1. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
2. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments (BOA) - pursuant to Section 551.074 (Personnel Matters)

318 3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of
319 Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District
320 (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

321 **XIII. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

322 Council did not reconvene in Executive Session following the close of the public meeting agenda. See
323 action taken at the start of the 6:00 p.m. public meeting for action taken as a result of the earlier
324 Executive Session.

325 **XIV. ADJOURNMENT**

326 Mayor Pruitt adjourned the meeting at 7:29 p.m.

327
328 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
329 **THIS 4th DAY OF FEBRUARY, 2019.**

330

331

332 **ATTEST:**

Jim Pruitt, Mayor

333

334

335 _____
Kristy Cole, City Secretary

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CITY OF ROCKWALL

ORDINANCE NO. 19-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND PLANNED DEVELOPMENT DISTRICT 59 (PD-59) [ORDINANCE NO.'s 04-59 AND -6-51] AND PLANNED DEVELOPMENT DISTRICT 52 (PD-52) [ORDINANCE NO. 16-45] FOR THE PURPOSE OF INCORPORATING A 0.789-ACRE TRACT OF LAND FOR RESIDENTIAL-OFFICE (RO) DISTRICT LAND USES BEING A 56.586-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF THE R. BALLARD SURVEY, ABSTRACT NO. 29, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ZONED PLANNED DEVELOPMENT DISTRICT 52 (PD-52) AND PLANNED DEVELOPMENT DISTRICT 59 (PD-59) AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by the applicant Bill Bricker of Columbia Development Company, LLC, for the approval of an amendment to Planned Development District 59 (PD-59) for the purpose of incorporating a 0.786-acre tract of land for Residential-Office (RO) District land uses, being a 56.586-acre tract of land identified as a portion of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 52 (PD-52) [*Ordinance No. 16-45*] and Planned Development District 59 (PD-59) [*Ordinance No.'s 04-59 and 06-51*], located between W. Washington Street and T. L. Townsend Drive and more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 59 (PD-59) [*Ordinance No.'s 04-59 and 06-51*], Planned Development District 52 (PD-52) [*Ordinance No. 16-45*], and the Unified Development Code [*Ordinance No. 04-38*] should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the approval of this ordinance shall supersede all requirements stipulated in

Ordinance No.'s 04-59 and 06-51;

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code (UDC) [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future;

SECTION 3. That development of the *Subject Property* shall be in accordance with the *Planned Development Concept Plan*, contained in *Exhibit 'D'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'D'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 4. That development of the *Subject Property* shall be in accordance with the *Development Standards*, described in *Exhibit 'F'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'F'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 5. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 6. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 7. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

SECTION 8. That this ordinance shall take effect immediately from and after its passage;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 4TH DAY OF FEBRUARY, 2019.**

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: January 22, 2019

2nd Reading: February 4, 2019

Exhibit 'A':
Legal Description

BEING a tract of land situated in the R. Ballard Survey, Abstract Number 29, in the City of Rockwall, Rockwall County, Texas, and being a part of Tract 31, as recorded in Volume 444, Page 102, and all of Tract 32 as recorded in Volume 444, Page 146 Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1" pipe found on the east right-of-way of Townsend Drive, said point being the most westerly southwest corner of said Tract 31 and being approximately 200' north of the north line of the M K & T Railroad (100' right-of-way);

THENCE continuing along said High School Drive North 01°56'15" East a distance of 86.67 feet to a 5/8" iron pipe for corner;

THENCE departing said High School Drive North 85°34'29" East a distance of 182.10 feet to a 5/8" iron pipe for corner;

THENCE North 04°30'38" East a distance of 69.54 feet to a ½" iron pipe for corner;

THENCE North 05°42'23" West a distance of 29.95 feet to a ½" iron pipe for corner;

THENCE North 80°56'29" East a distance of 126.45 feet to a ½" iron pipe for corner;

THENCE North 86°39'04" East a distance of 110.36 feet to a ½" iron pipe for corner;

THENCE North 11°21'42" East a distance of 740.32 feet to fence post found (controlling monument) for corner;

THENCE North 76°14'03" West a distance of 207.10 feet to a fence post found in the east right-of-way of Renfro Street;

THENCE continuing along said Renfro Street North 10°13'03" East a distance of 626.53 feet to a 5/8" iron pipe for corner;

THENCE departing said Renfro Street North 89°50'10" East a distance of 420.29 feet to a 5/8" iron pipe for corner;

THENCE North 01°20'36" West a distance of 200.09 feet to a ½" iron pipe for corner;

THENCE North 00°40'16" West a distance of 87.88 feet to a ½" iron pipe for corner;

THENCE South 89°00' 45" East a distance of 63.08 feet to a ½" iron pipe for corner;

THENCE South 88°34'57" East a distance of 126.36 feet to a ½" iron pipe for corner;

THENCE North 00°48'06" West a distance of 110.27 feet to a ½" iron pipe for corner in the south right-of-way line of Aluminum Plant Road;

THENCE along said Aluminum Plant Road North 89°08'46" West a distance of 194.10 feet to a point for corner;

THENCE North 21°04'24" West a distance of 414.90 feet to a point for corner;

THENCE South 58°25'54" East a distance of 761.00 feet to a point for corner;

THENCE North 89°56'03" East a distance of 308.37 feet to a point for corner;

THENCE South 07°24' 46" West a distance of 602.23 feet to a point for corner;

THENCE South 04°53'33" East a distance of 317.77 feet to a point for corner;

THENCE South 09°19'54" East a distance of 1038.10 feet to a point in the said north right-of-way of M. K. & T. Railroad (100' right-of-way) for corner;

THENCE along said right-of-way South 87°55'08" West a distance of 740.83 feet to a ½" iron pipe found at the beginning of a tangent curve to the left;

THENCE in a southwesterly direction with said curve having a central angle of 17°04'03", a radius of 2914.93 feet and an arc length of 868.32 feet to a ½" pipe found for corner;

THENCE In a southwesterly direction with said curve having a central angle of 04°45'26", a radius of 2923.97 feet and an arc length of 242.78 feet to XX for corner;

THENCE North 01°20'58" East a distance of 208.56 feet to a 1" iron pipe to the POINT OF BEGINNING and containing 56.7 acres of land more or less.

Exhibit 'B': Survey

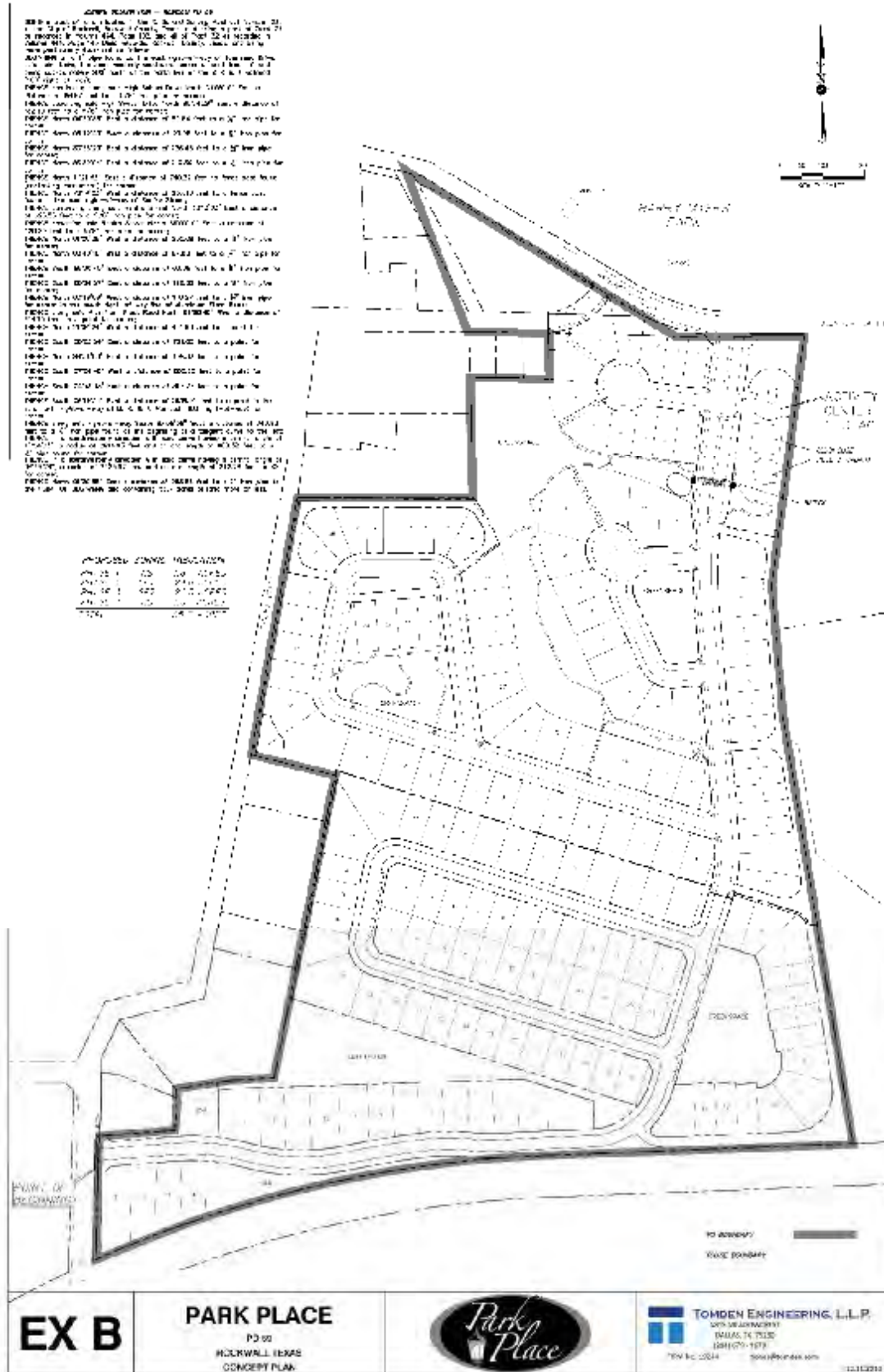
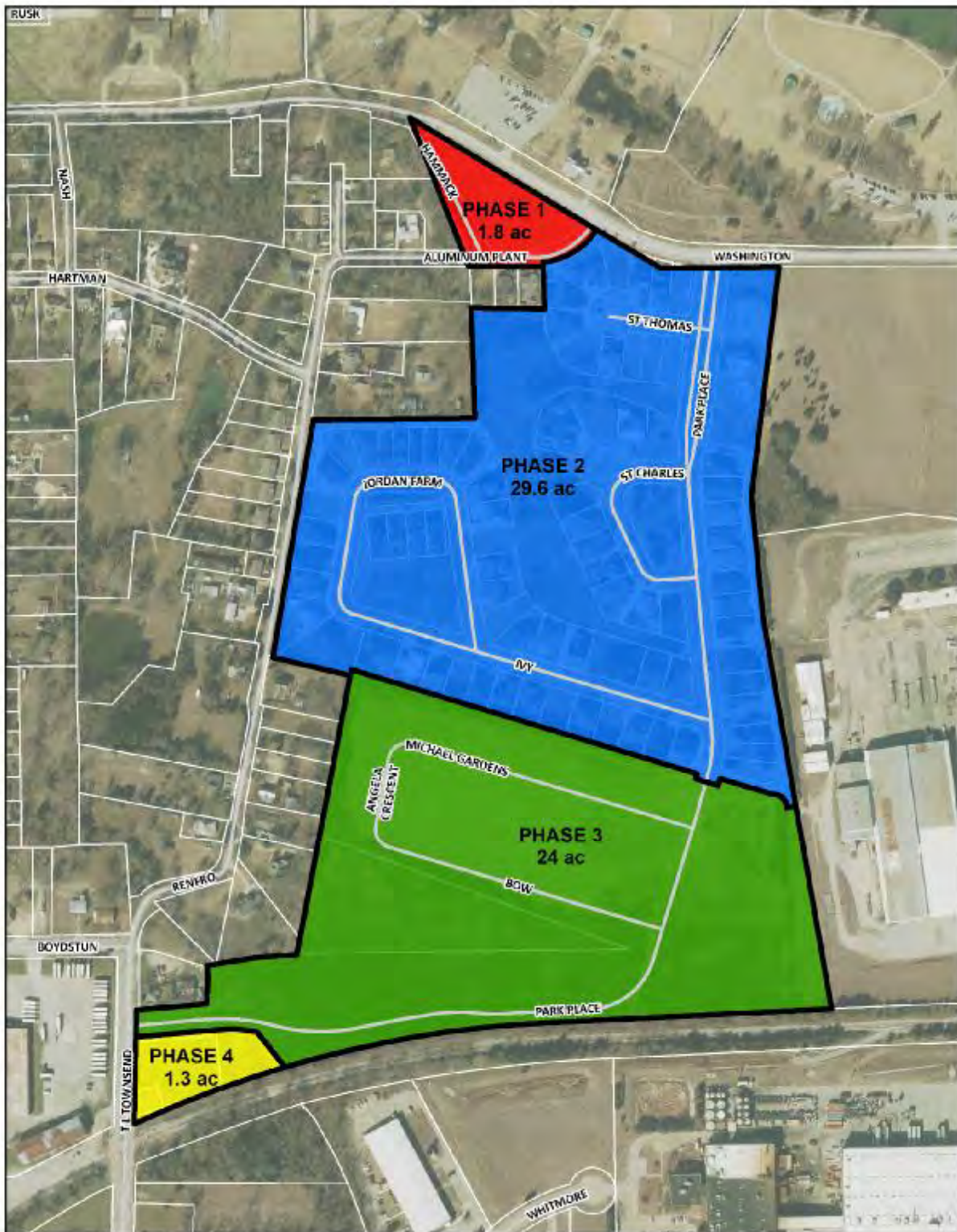


Exhibit 'C':
Area Map



[illegible]

Exhibit 'E': Hardscape Plan

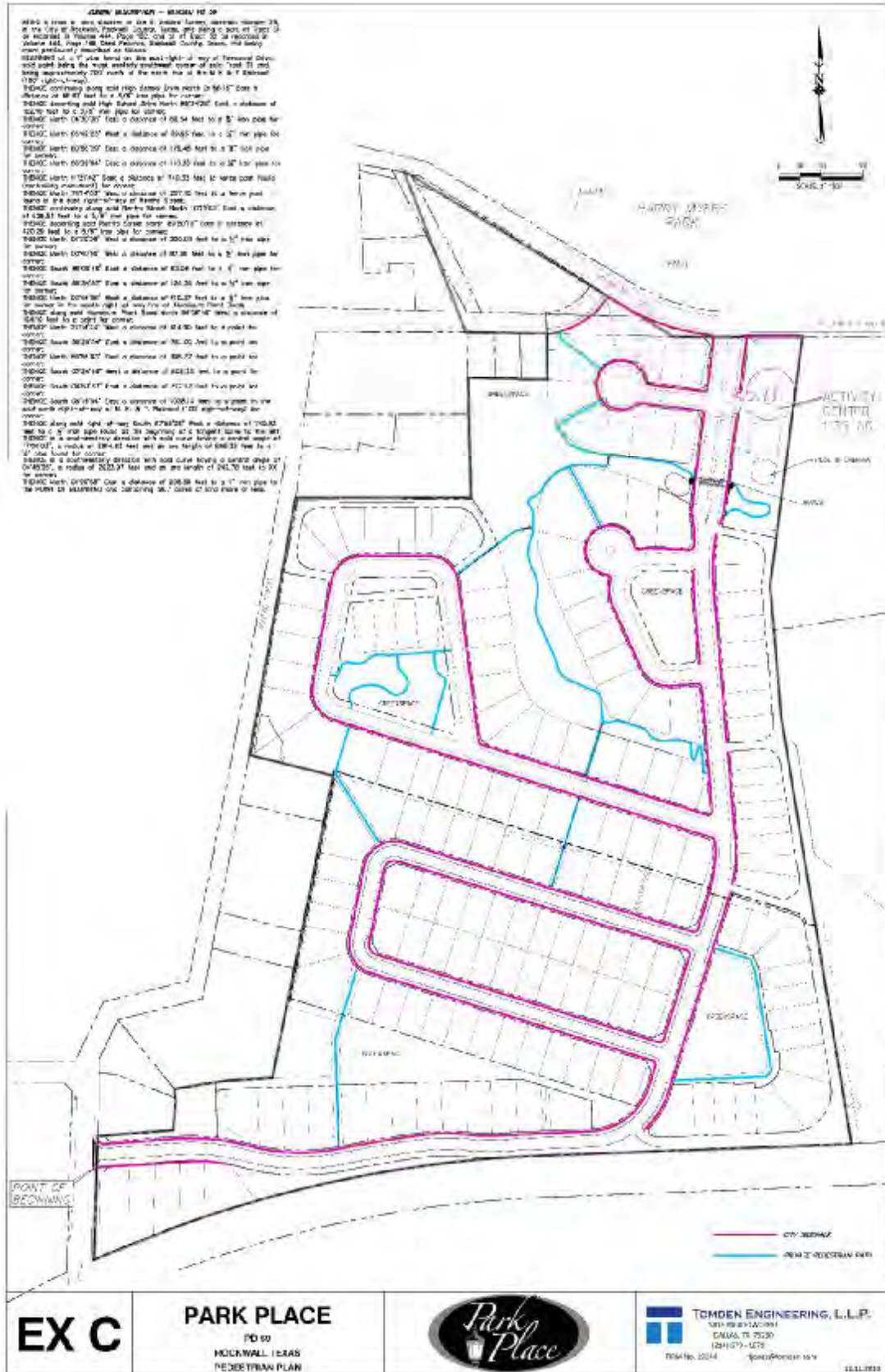


Exhibit 'F':
PD Development Standards

Phases 1-4 (56.586-Acres): Development Standards for all Phases

- (1) *Streetscape Standards.* The following aspects of development shall be reviewed in conjunction with a preliminary plat and/or site plan:
 - (a) *Street Lighting.* Street lighting shall be compatible with neo-traditional design methods, the Old Town Rockwall Historic District guidelines, and any proposed guidelines for the City's Downtown Plan.
 - (b) *Street Signage and Traffic Control.* Signage and traffic control methods shall be compatible with neo-traditional design and complement the surrounding historic areas of the City.
 - (c) *Street Sections.* A PD Development Plan shall include any alternative street and alley cross-sections, paving methods, use of street trees, and other proposed engineering details.
- (2) *Private Parks and Open Space.* Details for private parks and open space as indicated in *Exhibit 'B'* shall be subject to the following requirements and approved as part of the preliminary plat and/or site plan:
 - (a) A site/landscape plan for all open space, pocket parks, the community center, and trail systems. The development plan and/or preliminary plat shall also be reviewed by the City's Parks and Recreation Board.
 - (b) All city-required trails and public sidewalks shall be constructed with concrete and meet all City standards.
 - (c) Drainage area trails, which shall be maintained by the HOA, may be constructed with asphalt.
 - (d) The developer shall install a screening fence adjacent to the railroad along the south boundary of the subject property. The exact location, construction material(s), and height of the screening fence shall be reviewed and approved as part of the required site plan.
- (3) *Hardscape.* Hardscape plans--depicted in *Exhibit 'E'*--indicating the location of all sidewalks and trails shall be reviewed and approved with the preliminary plat and/or final plat.
- (4) *Fence Standards.* All fences shall be required to be wrought iron or tubular steel and vinyl shall be a minimum of four (4) feet in height; however, may not exceed a maximum of eight (8) feet in height unless situated in the front yard. Front yard fences shall meet the following requirements:
 - (a) No front yard fences shall be located within a public right-of-way;
 - (b) The maximum height for a front yard fence is 42-inches (*i.e.* 3 ½ feet); and
 - (c) All front yard fences shall be open or *picket-style* fencing constructed of wrought iron, tubular steel, or vinyl.

Phase 1: Neighborhood Services (1.8-Acres)

- (1) *Permitted Uses.* Unless specifically provided by this Planned Development ordinance, *Phase 1* as depicted in *Exhibits 'C' & 'D'* of this ordinance shall be subject to the land uses permitted for the Neighborhood Services (NS) District as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance*

Exhibit 'F':
PD Development Standards

- (2) No. 04-38] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future.
- (3) *Density and Dimensional Requirements.* Unless specifically provided by this Planned Development ordinance, Phase 1 as depicted in Exhibits 'C' & 'D' of this ordinance shall be subject to the development standards for the Neighborhood Services (NS) District as stipulated in Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future. All lots shall conform to the standards depicted in Table 1, which are as follows:

Table 1: Density and Dimensional Requirements

Minimum Lot Width ⁽¹⁾	60'
Minimum Lot Depth	100'
Minimum Lot Area	6,000 SF
Minimum Front Yard Setback ⁽²⁾	15'
Minimum Side Yard Setback	20'
Minimum Distance Between Buildings	15'
Maximum Height	36'
Minimum Rear Yard Setback	20'
Maximum Lot Coverage	60%
Maximum Building Size	5,000 SF

General Notes:

¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.

²: The location of the *Front Yard Building Setback* as measured from the front property line.

- (4) *Building Standards.* All development shall be subject to site plan and Architectural Review Board (ARB) review and shall adhere to the following building standards:
- (a) *Masonry Requirements.* The minimum masonry requirement for the exterior façades of all buildings shall be 80%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick, natural stone, and cast stone. Cementitious fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or similar cementitious products may be used for up to 100% of the exterior of the building pending conformance with the anti-monotony restrictions outlined in this ordinance. Stucco (*i.e. three [3] part stucco or similar*) shall be prohibited.
 - (b) *Roof Design Requirements.* All structures having a footprint of 6,000 SF or less shall be constructed with a pitched roof system.
 - (c) *Architectural Requirements.* All units shall be architecturally finished on all sides of the building that are visible from a public right-of-way or open space. This should include the detailing and features. This will be reviewed by the Architectural Review Board (ARB) for conformance.
- (5) *Landscape Buffer.* A minimum 10-foot landscape buffer shall be required along all street frontages. The buffer shall include a minimum of one (1) tree per 30 linear feet.
- (6) *Signage.* Permanent, free-standing signage for Phase 1 shall be limited to one (1) monument not exceeding five (5) feet in height or a maximum of 60 SF in area.
- (7) *Lighting.* In addition to the outdoor lighting requirements stipulated in Article VII, Environmental Performance, of the Unified Development Code (UDC), no light pole, pole base, or combination thereof shall exceed 20-feet in height. All lighting fixtures shall focus downward and be contained on the subject property

Exhibit 'F':
PD Development Standards

Phases 2 & 3: Single-Family 7 (53.6-Acres)

- (1) **Permitted Uses.** Unless specifically provided by this Planned Development ordinance, *Phases 2 & 3* as depicted in *Exhibits 'C' & 'D'* of this ordinance shall be subject to the land uses permitted for the Single-Family 7 (SF-7) District as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 04-38] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future.
- (2) **Density and Dimensional Requirements.** Any development on *Phases 2 & 3* as depicted in *Exhibits 'C' & 'D'* of this ordinance shall be subject to the development standards required for properties in a Single-Family 7 (SF-7) District as stipulated by Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future.

Table 2: SF-7 Lot Dimensional Requirements

Minimum Lot Width ⁽¹⁾	40'
Minimum Lot Area	4,000 SF
Minimum Average Lot Area	7,000 SF
Minimum Front Yard Setback ^{(2) & (3)}	10'
Minimum Side Yard Setback ⁽⁴⁾	5'
Minimum Side Yard Adjacent to a Street	10
Minimum Distance Between Buildings	15'
Maximum Height ⁽³⁾	36'
Minimum Rear Yard Setback ^(4, 5)	10'
Maximum Lot Coverage	60%

General Notes:

- ¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.
- ²: The location of the *Front Yard Building Setback* as measured from the front property line.
- ³: The *Maximum Height* shall be measured to the eave or top plate (*whichever is greater*) of the single-family home.
- ⁴: The minimum side yard setback for an internal lot or a lot abutting open space or HOA common area is five (5) feet.
For yards abutting a street, the minimum side yard setback shall be 10-feet.
- ⁵: Lots with double frontage shall have a minimum rear yard setback of 15 feet.

- (3) **Building Standards.** Housing type and construction shall generally conform to the *Architectural Styles* depicted in *Exhibit 'G'* of this ordinance; however, all development shall adhere to the following building standards:
 - (a) **Masonry Requirements.** The minimum masonry requirement for all exterior façades (*excluding walls on a porch, patio, courtyard, or breezeway*) greater than 100 SF shall be 80%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick, natural stone, and cast stone. Cementitious fiberboard horizontal lap-siding (*e.g. HardiBoard or Hardy Plank*) and/or similar cementitious products may be used for up to 100% of the exterior of the building pending conformance with the anti-monotony restrictions outlined in this ordinance. Stucco (*i.e. three [3] part stucco or similar*) shall be prohibited.
 - (b) **Anti-Monotony.** An anti-monotony standard shall not allow the same structure—in terms of materials and elevation--any closer than five (5) houses apart on either side of the street.
 - (c) **Common Areas and Open Space.** All common areas, dedicated landscape easements, and open space areas shall be maintained by a Homeowner's Association, which shall be created subject to the requirements of the City's Subdivision Ordinance and filed prior to approval of the final plat(s)

Exhibit 'F':
PD Development Standards

- (d) *Guest Quarters/Secondary Living Unit.* A guest quarters/secondary living unit shall be permitted by-right within Phases 2 & 3 and subject to the following conditions:
- (i) Such quarters must be ancillary to the primary use;
 - (ii) The area of such quarters shall not exceed 30% of the area of the main structure;
 - (iii) The area of such quarters shall also conform to the maximum lot coverage for the overall lot;
 - (iv) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the *Subdivision Ordinance*; and
 - (v) Such quarters shall be designed for temporary occupancy or as a secondary living unit. These structures are not to be used as rental accommodations.
- (4) *Access.* Lots with rear yards that abut Renfro Street shall not have access from Renfro Street.

Phase 4: Residential-Office (1.3-Acres)

- (1) *Permitted Uses.* Unless specifically provided by this Planned Development District Ordinance, *Phase 4* as depicted in *Exhibits 'C' & 'D'* of this ordinance shall be subject to the land uses permitted for the Residential-Office (RO) District as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 04-38*] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future; however, the following conditions shall apply:

The following land uses shall be expressly prohibited on the *Phase 4*:

- p Accessory Building
- p Bed and Breakfast
- p Convent or Monastery
- p Daycare (7 or more children)
- p Residential Care Facility
- p Assisted Living Facility
- p Convalescent Care Facility/Nursing Home
- p Congregate Care Facility
- p General Retail Store*
- p Group or Community Home
- p Halfway House
- p Library, Art Gallery, or Museum (Public)
- p Railroad Yard or Shop
- p Studio-Art, Photography, or Music
- p Shoe and Boot Repair and Sales
- p Transit Passenger Facility
- p Antenna, Accessory
- p Antenna, Commercial
- p Antenna, Amateur Radio
- p Antenna, Dish
- p Wireless Communication Tower
- p Utilities (Non-Municipally Owned or Controlled), Including Sanitary Landfill and Wastewater Treatment
- p Municipally Owned or Controlled Facilities, Utilities, and Use

Exhibit 'F': PD Development Standards

*General Retail Store less than 2,000 SF shall be allowed by-right. General Retail Stores larger than 2,000 SF shall require a Specific Use Permit

The following land uses shall be permitted by Specific Use Permit (SUP) on the *Phase 4*:

- Ⓟ General Retail Store*
- Ⓟ Hair Salon, Manicurist
- Ⓟ Office Building, 5,000 SF or More
- Ⓟ Restaurant, Less Than 2,000 SF w/o Drive-Thru
- Ⓟ Solar Energy Collector Panels and Systems

*General Retail Store less than 2,000 SF shall be allowed by-right. General Retail Stores larger than 2,000 SF shall require a Specific Use Permit

- (2) *Density and Dimensional Requirements.* Any development on *Phase 4* as depicted in Exhibits 'C' & 'D' of this ordinance shall be subject to the development standards required for properties in a Residential-Office (RO) District as stipulated by Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future; however, all development shall adhere to the following building standards:

Table 3. *Density and Dimensional Requirements*

<i>Minimum Lot Width</i> ⁽¹⁾	60'
<i>Minimum Lot Depth</i>	100'
<i>Minimum Lot Area</i>	6,000 SF
<i>Minimum Front Yard Setback</i> ⁽²⁾	10'
<i>Minimum Side Yard Setback</i>	5'
<i>Minimum Distance Between Buildings</i>	15'
<i>Maximum Height</i> ⁽³⁾	36'
<i>Minimum Rear Yard Setback</i>	10'
<i>Maximum Lot Coverage</i>	60%

General Notes:

¹: The minimum lot width shall be measured at the *Front Yard Building Setback*.

²: The location of the *Front Yard Building Setback* as measured from the front property line.

³: The *Maximum Height* shall be measured to the eave or top plate (*whichever is greater*) of the residential-office structure.

- (3) *Building Standards.* *Building Standards.* Housing type and construction shall generally conform to the *Architectural Styles* depicted in *Exhibit 'G'* of this ordinance; however, all development shall adhere to the following building standards:

- (a) *Masonry Requirements.* The minimum masonry requirement for all exterior façades (*excluding walls on a porch, patio, courtyard, or breezeway*) greater than 100 SF shall be 90%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick, natural stone, and cast stone. Cementitious fiberboard horizontal lap-siding (*e.g. HardyBoard or Hardy Plank*) and/or similar cementitious products may be used for up to 100% of the exterior of the building pending conformance with the anti-monotony restrictions outlined in this ordinance. Stucco (*i.e. three [3] part stucco or similar*) shall be prohibited.

- (b) *Anti-Monotony.* An anti-monotony standard shall not allow the same structure—in terms of materials and elevation--any closer than five (5) houses apart on either side of the street.

Exhibit 'F':
PD Development Standards

- (c) *Common Areas and Open Space.* All common areas, dedicated landscape easements, and open space areas shall be maintained by a Homeowner's Association, which shall be created subject to the requirements of the City's Subdivision Ordinance and filed prior to approval of the final plat(s).
- (d) *Guest Quarters/Secondary Living Unit.* A guest quarters/secondary living unit shall be permitted by-right within Phases 2 & 3 and subject to the following conditions:
 - (i) Such quarters must be ancillary to the primary use;
 - (ii) The area of such quarters shall not exceed 30% of the area of the main structure;
 - (iii) The area of such quarters shall also conform to the maximum lot coverage for the overall lot; and
 - (iv) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the *Subdivision Ordinance*.
 - (v) Such quarters shall be designed for temporary occupancy or as a secondary living unit. These structures are not to be used as rental accommodations.
- (4) *Access.* Lots with rear yards that abut Renfro Street shall not have access from Renfro Street.
- (5) *Parking Requirements.* Parking requirements for Phase 4 shall be all follows:
 - (a) Two (2) parking spaces per lot for single-family uses.
 - (b) One (1) additional space per 500 SF for non-residential uses as permitted by this ordinance. Off-site common or shared parking agreements shall be considered for Phase 4, subject the review of the proposed parking area(s) with the required development plan.

Exhibit 'G':
Conceptual Architectural Styles



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CITY OF ROCKWALL

ORDINANCE NO. 19-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT TO A SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT ON A 3.03-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-01 OF THE T. DEAN SURVEY, ABSTRACT NO. 69, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'A'* AND FURTHER DESCRIBED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Heather Cullins for a change in zoning from a Single-Family Estate 2.0 (SFE-2.0) District to a Single-Family Estate 1.5 (SFE-1.5) District on a 3.03-acre tract of land identified as Tract 1-01 of the T. Dean Survey, Abstract No. 69, City of Rockwall, Rockwall County, Texas, zoned Single-Family 2.0 (SFE-2.0) District and more fully depicted in *Exhibit 'A'* and described in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code (UDC) [Ordinance No. 04-38] should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property* from a Single-Family 2.0 (SFE-2.0) District to a Single-Family 1.5 (SFE-1.5) District;

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for a Single-Family 1.5 (SFE-1.5) District as stipulated in Section 1.1, *Use of Land and Buildings*, of Article IV, *Permissible Uses* and Section 3.2, *Single-Family Estate 1.5 (SFE-1.5) District*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in the zoning described herein;

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code (UDC) of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable; and

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect;

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 4TH DAY OF FEBRUARY, 2019.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: January 22, 2019

2nd Reading: February 4, 2019

Exhibit 'A'
Zoning Exhibit

Legal Description: Tract 1-01 of the T. Dean Survey, Abstract No. 169



Exhibit 'B'
Legal Description

All that certain lot, tract or parcel of land situated in the THOMAS DEAN SURVEY, ABSTRACT NO. 69, City of Rockwall, Rockwall County, Texas, and being all of Lot 1, Block A, HODGDON ADDITION, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet J, Slide 237 of the Plat Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap found for corner at the north most Northeast corner of Lot 2, and at the northwest corner of Lot 1, Block A of said Hodgdon Addition, and in the South right-of-way line of Dalton Road, per Volume 2459, Page 19 of the Real Property Records of Rockwall County, Texas;

THENCE N. 89 deg. 14 min. 02 sec. E. along the South right-of-way line of Dalton Road, a distance of 464.94 feet to a 1/2" iron rod with plastic cap found for corner at the northwest corner of Lot 1, Block A of SHORES NORTH PHASE 6, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet E, Slide 163 of the Plat Records of Rockwall County, Texas;

THENCE S. 00 deg. 22 min. 39 sec. E. along the west of said Addition and the east line of Hodgdon tract, a distance of 367.54 feet to a concrete City of Rockwall monument found for corner at the southeast corner of said Lot 1, Block A, Hodgdon Addition;

THENCE WEST along the south boundary line of said Lot 1, a distance of 197.12 feet to a 1/2" iron rod found for corner;

THENCE N. 30 deg. 21 min. 19 sec. W. along the west line of Lot 1, a distance of 94.23 feet to a 1/2" iron rod found for corner;

THENCE N. 66 deg. 42 min. 52 sec. W. a distance of 156.23 feet to a 1/2" iron rod found for corner;

THENCE N. 19 deg. 55 min. 06 sec. W. a distance of 232.13 feet to the POINT OF BEGINNING and containing 131,886 square feet or 3.03 acres of land.

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CITY OF ROCKWALL

CITY COUNCIL MEMO

AGENDA DATE: 02/04/2019

APPLICANT: Gerald Houser of *Collin-G Properties, LTD*

AGENDA ITEM: **P2019-002**; *Lot 2, Block A, Houser Addition*

SUMMARY:

Consider a request by Gerald Houser of Collin-G Properties, LTD for the approval of a replat for Lot 2, Block A, Houser Addition being a 6.19-acre parcel of land identified Lot 1, Block A, Houser Addition, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 1611 SH-276, and take any action necessary.

PLAT INFORMATION:

- ☒ The objective of this request is to replat a 6.19-acre tract of land [*i.e. Lot 1, Block A, Houser Addition*] for the purpose of the replat is to establishing firelane, public access & utility easements to construct an office building. Additionally, the replat will abandon a portion of a 15-ft utility easement that is located on the southern and western property boundaries. The subject property is addressed as 1611 SH-276, and zoned Heavy Commercial (HC) District.
- ☒ On October 11, 2016, the Planning and Zoning Commission approved a site plan [*i.e. SP2016-022*] for the subject property. Additionally, the City Council approved variances and exceptions associated with the site plan on October 27, 2016.
- ☒ The surveyor has completed the majority of the technical revisions requested by staff, and this plat, conforming to the requirements for a *replat* as stated in the *Subdivision Ordinance* in 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 *Recommendation* section below.
- ☒ With the exception of the items listed in the *Recommendation* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the *Municipal Code of Ordinances*.

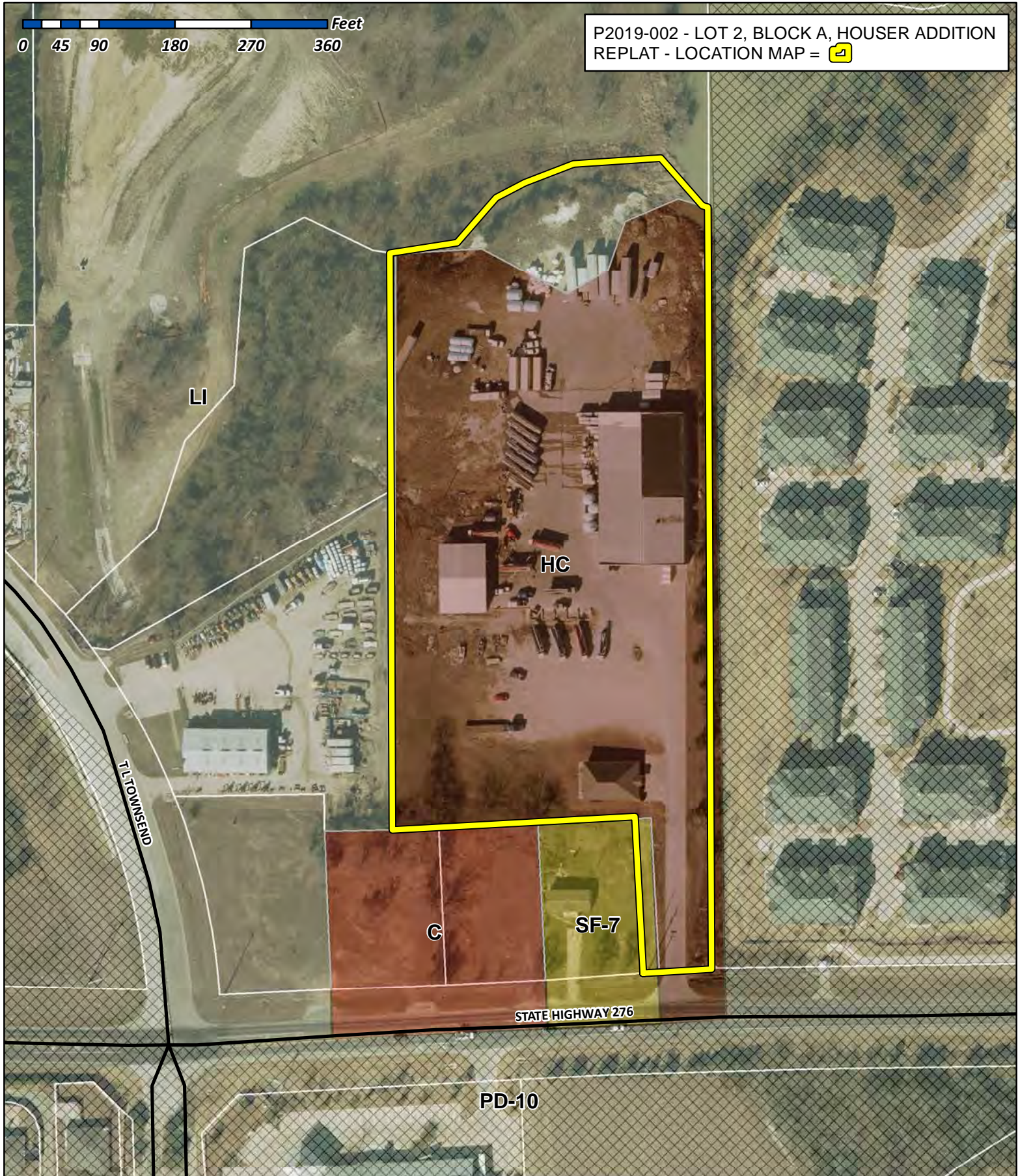
RECOMMENDATIONS:

If the City Council choses to approve the replat for *Lot 2, Block A, Houser Addition*, staff would recommend the following conditions:

- 1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat.
- 2) Any construction resulting from the approval of this *replat* shall conform to the requirements set forth by the Unified Development Code, the International Building Code, 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 RECOMMENDATION:

On January 29, 2019, the Planning and Zoning Commission's motion to recommend approval of the replat with staff conditions passed by a vote of 7 to 0.

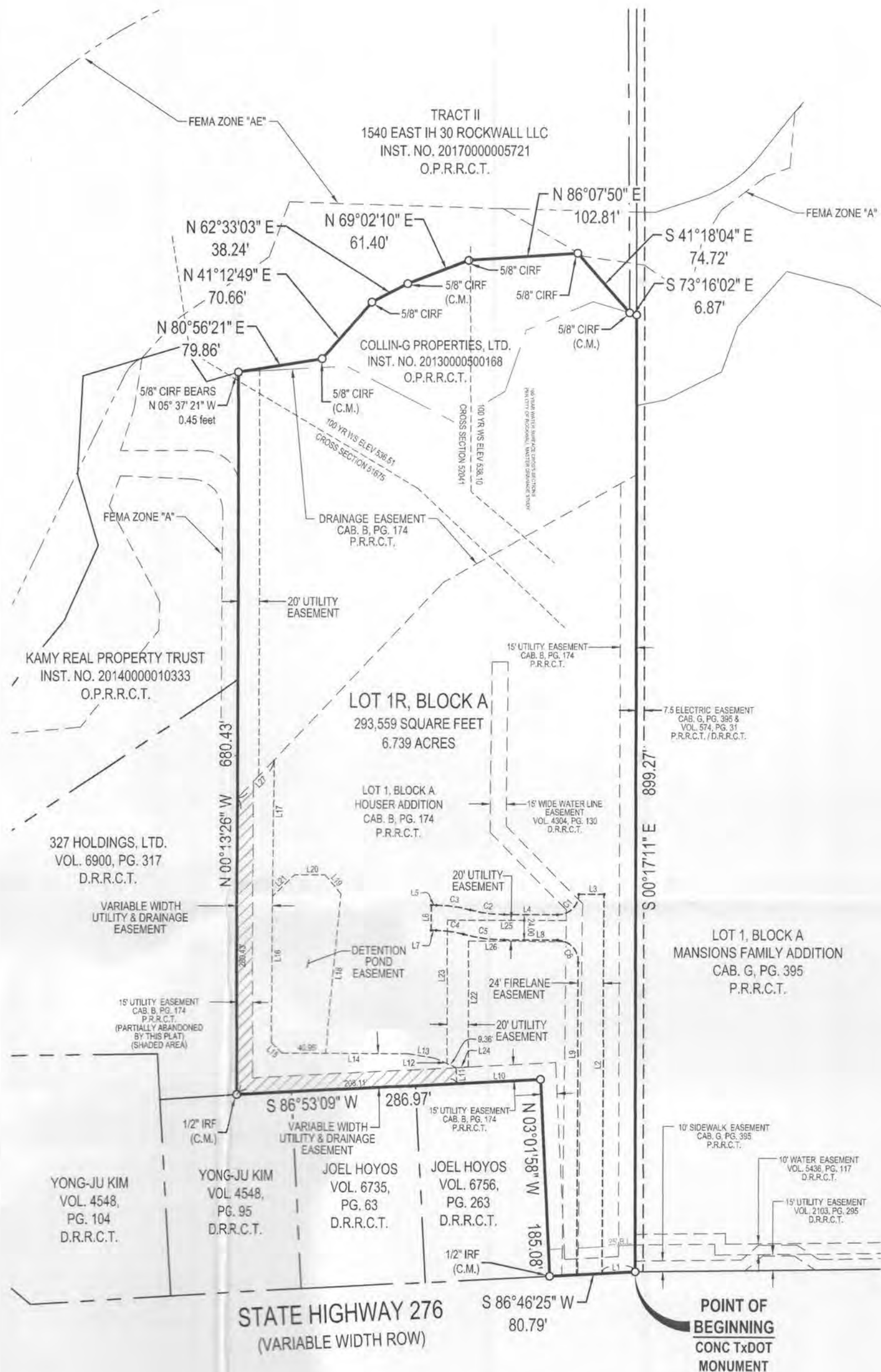


City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): 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.





- NOTES:
- THE BASIS OF BEARING FOR THIS SURVEY IS THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, (4202) GEODETIC BEARING ESTABLISHED BY GPS MEASUREMENTS TAKEN ON THE GROUND AND COMPUTED BY ONLINE POSITIONING USER SERVICE (OPUS) OFFERED BY THE NATIONAL GEODETIC SURVEY.
 - BY GRAPHIC SCALE THE PROPERTY SHOWN HEREON IS LOCATED IN ZONES "A" AND "AE" (AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD EVENT DETERMINED BY DETAILED METHODS. BASE FLOOD ELEVATIONS ARE ESTABLISHED) AND ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD HAZARD) ACCORDING TO MAP NO. 48397C0045L, DATED SEPTEMBER 26, 2008 OF THE NATIONAL INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
 - THE SURVEYOR, AS REQUIRED BY STATE LAW, IS RESPONSIBLE FOR SURVEYING INFORMATION ONLY AND BEARS NO RESPONSIBILITY FOR THE ACCURACY OF THE ENGINEERING DATA ON THIS PLAT.
 - THE PORTION OF THE EASEMENT SHOWN SHADED IS TO BE PARTIALLY ABANDONED BY THIS PLAT.
 - THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, ENCUMBRANCES, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
 - ALL CORNERS ARE 5/8 INCH IRON ROD WITH CAP STAMPED "TNP" UNLESS OTHERWISE SHOWN.

OWNERS DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS)
COUNTY OF ROCKWALL)

I the undersigned owner of the land shown on this plat, and designated herein as COLLIN-G PROPERTIES, LTD., to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. I also understand the following:

- No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
- Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
- The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
- The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
- The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
- No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall, or until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done, or until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.
- The Property Owner is responsible for all maintenance, repair, and replacement of storm drain / detention facilities in easements.

We further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Addition upon the public services required in order that the development will comport with the present and future growth needs of the City; we, our successors and assigns hereby waive any claim, damage, or cause of action that we may have as a result of the dedication of exactions made herein.

COLLIN-G PROPERTIES, LTD.,

Representative:

STATE OF TEXAS)
COUNTY OF ROCKWALL)

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.
Given upon my hand and seal of office this _____ day of _____, 2018.

Notary Public in and for the State of Texas

My Commission Expires: _____

OWNERS CERTIFICATE

STATE OF TEXAS)
COUNTY OF ROCKWALL)

WHEREAS, Collin-G Properties, LTD., being the owner of a tract of land out of the N.M. Ballard Survey, Abstract No. 24, in the City of Rockwall, Rockwall County, Texas, Being all of a Lot 1, Block A, Houser Addition, an addition to The City of Rockwall as recorded in Cabinet B, Page 174 of the Plat Records of Rockwall County, Texas, and all of a tract of land to Collin-G Properties as recorded in Instrument Number 20130000500168 Official Public Records Rockwall County Texas, and being more particularly described as follows:

BEGINNING at a Concrete TxDOT Monument found lying on the Northerly Right-of-Way Line of State Highway 276, (a variable width public right-of-way) at the southwest corner of Lot 1, Block A, Mansions Family Addition, an addition to the City of Rockwall as recorded in Cabinet G, Page 395, Plat Records Rockwall County Texas and the southeast corner of said Lot 1, Block A, Houser Addition;

THENCE South 86 degrees 46 minutes 25 seconds West along the Northerly right-of-way of said State Highway 276, a distance of 80.79 feet to a 1/2 inch iron rod found for the southeast corner of a tract of land to Joel Hoyos as recorded in Volume 6756, Page 263 of the Deed Records Rockwall County Texas, said point also being the most southerly southwest corner of said Lot 1, Block A, Houser Addition;

THENCE North 03 degrees 01 minutes 58 seconds West along a common line of said Hoyos tract and said Lot 1, Block A, Houser Addition, a distance of 185.08 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner at an inner ell corner of said Lot 1, Block A, Houser Addition;

THENCE South 86 degrees 53 minutes 09 seconds West, a distance of 286.97 feet to a 1/2 inch rod found lying on the northerly line of a tract of land to to Yong-Ju Kim as recorded in Volume 4548, Page 95 of the Deed Records Rockwall County Texas, said point also being the most westerly southwest corner of said Lot 1, Block A, Houser Addition and the southeast corner of a tract of land to 327 Holdings, LTD as recorded in Volume 6900, Page 317, of the Deed Records Rockwall County Texas;

THENCE North 00 degrees 13 minutes 26 seconds West along the common line of said 327 Holdings, LTD tract and said Lot 1, Block A, Houser Addition, passing the northeast corner of said 327 Holdings, LTD tract, same being the southeast corner of a tract of land to Kamy Real Property Trust as recorded in Instrument number 2014000010333 of the Official Public Records Rockwall County Texas and continuing along the common line of said Kamy tract and said Lot 1, Block A, Houser Addition, a distance of 680.43 feet to the northwest corner of said Lot 1, Block A, Houser Addition said point also lying on the southerly line of a tract of land called Tract II to 1540 East IH 30 Rockwall LLC as recorded in Instrument Number 2017000005721 of the Official Public Records Rockwall County Texas and being the west corner of said Collin-G Properties tract, from which 5/8 inch iron rod with cap stamped "R-DELTA ENGINEERS" found for reference bears North 05 degrees 37 minutes 21 seconds West, a distance of 0.45 feet;

THENCE along the common line of said Collin-G Properties tract and said Tract II the following courses and distances:

North 80 degrees 56 minutes 21 seconds East, a distance of 79.86 feet to a 5/8 inch iron rod with cap stamped "R-DELTA ENGINEERS" found for corner;

North 41 degrees 12 minutes 49 seconds East, a distance of 70.66 feet to a 5/8 inch iron rod with cap stamped "R-DELTA ENGINEERS" found for corner;

North 62 degrees 33 minutes 03 seconds East, a distance of 38.24 feet to a 5/8 inch iron rod with cap stamped "R-DELTA ENGINEERS" found for corner;

North 69 degrees 02 minutes 10 seconds East, a distance of 61.40 feet to a 5/8 inch iron rod with cap stamped "R-DELTA ENGINEERS" found for corner;

North 86 degrees 07 minutes 50 seconds East, a distance of 102.81 feet to a 5/8 inch iron rod with cap stamped "R-DELTA ENGINEERS" found for corner;

South 41 degrees 18 minutes 04 seconds East, a distance of 74.72 feet to a 5/8 inch iron rod with cap stamped "R-DELTA ENGINEERS" found for the common southeast corner of said Collin-G Properties tract and said Tract II, said point also lying on the north line of said Lot 1, Block A, Houser Addition;

THENCE South 73 degrees 16 minutes 02 seconds East along the north line of said Lot 1, Block A, Houser Addition, a distance of 6.87 feet to a 5/8 inch iron rod with cap stamped "TNP" set for the northeast corner of same lying on the west line of said Lot 1, Block A, Mansions Family Addition;

THENCE South 00 degrees 17 minutes 11 seconds East along the common line of said Mansions Family Addition and said Lot 1, Block A, Houser Addition, a distance of 899.27 feet to the POINT OF BEGINNING containing 293,559 square feet, or 6.739 acres of land.

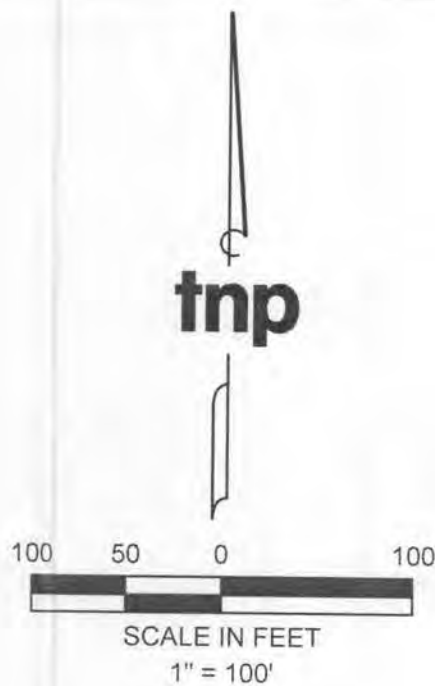
SURVEYOR'S CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I, Brian J. Maddox, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2018

BRIAN J. MADDOX, R.P.L.S. NO. 5430



LEGEND

IRF-IRON ROD FOUND
(C.M.)-CONTROLLING MONUMENT
5/8" CIRF- 5/8" CAPPED IRON ROD FOUND "R-DELTA ENGINEERS"
WS ELEV- WATER SURFACE ELEVATION
VOL.-VOLUME
PG.-PAGE
CAB.-CABINET
NO.-NUMBER
P.R.R.C.T.-PLAT RECORDS ROCKWALL COUNTY, TEXAS
D.R.R.C.T.-DEED RECORDS ROCKWALL COUNTY, TEXAS
O.P.R.R.C.T.-OFFICIAL PUBLIC RECORDS ROCKWALL COUNTY, TEXAS

EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L1	31.41'	S88°46'12"W
L2	356.57'	S00°01'43"E
L3	24.00'	S89°57'09"E
L4	50.05'	S89°49'20"E
L5	4.71'	S89°49'20"E
L6	24.00'	N01°10'40"E
L7	4.71'	N89°49'20"W
L8	50.29'	N89°49'58"W
L9	293.95'	N90°00'00"W
L10	78.88'	S86°53'09"W
L11	15.00'	S03°23'13"E
L12	21.99'	N86°19'50"W
L13	25.79'	N80°36'40"W
L14	118.88'	S89°47'55"W
L15	13.96'	S45°56'22"E

EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L16	138.85'	S00°09'01"W
L17	128.95'	S00°09'02"E
L18	151.78'	S05°13'08"W
L19	23.61'	S39°46'52"E
L20	28.73'	N89°46'34"E
L21	29.17'	N44°46'34"E
L22	118.07'	N00°11'18"W
L23	134.80'	N00°11'31"W
L24	11.46'	N86°53'09"E
L25	112.05'	S89°55'06"E
L26	91.85'	S89°53'13"E
L27	49.74'	N43°33'56"E

EASEMENT CURVE TABLE				
CURVE #	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH
C1	90°12'19"	20.00'	N 45°04'31" E	28.33'
C2	14°57'36"	123.96'	S 82°20'32" E	32.27'
C3	14°57'36"	123.96'	S 82°20'32" E	32.27'
C4	8°51'17"	99.96'	N 79°17'23" W	15.43'
C5	14°57'36"	147.96'	N 82°20'32" W	38.52'
C6	89°47'41"	20.00'	N 44°55'29" W	28.23'

REPLAT
HOUSER ADDITION
LOT 1R, BLOCK A
293,559 SQUARE FEET
6.739 ACRES

BEING ALL OF LOT 1, BLOCK A, HOUSER ADDITION AND ALL OF ATRACT OF LAND TO COLLIN-G PROPERTIES AS RECORDED IN INSTRUMENT NUMBER 20130000500168 SITUATED IN THE N.M. BALLARD SURVEY ABSTRACT NO. 24 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

ENGINEER
DOUPHRAE & ASSOCIATES, INC.
P.O. BOX 1336
Rockwall, Texas 75087
Rockwall County, Texas

OWNER
COLLIN-G PROPERTIES, LTD.
P.O. Box 847
Rockwall, TX. 75087-0847
Rockwall County, Texas

PROJECT INFORMATION
Project No.: DPH 18146
Date: NOVEMBER 26, 2018
Drawn By: GS9
Scale: 1"=100'
SHEET 1 of 1



SURVEYOR
825 Watters Creek Boulevard, Suite M300
Allen, Texas 75013
214.461.9867 ph 214.461.9864 fx
T.B.P.L.S. Registration No. 10194381
www.tnpsc.com

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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 02/04/2019

APPLICANT: Maria C. Bonilla of *Winkelmann & Associates, Inc.*

AGENDA ITEM: **P2019-003**; *Lot 2, Block B, R.W. Marketcenter Addition*

SUMMARY:

Consider a request by Maria C. Bonilla of Winkelmann & Associates, Inc. on behalf of Jill Fisher of Dunhill Partners, Inc. for the approval of a replat for Lot 2, Block B, R. W. Marketcenter Addition being a replat of a 21.424-acre parcel identified as Lot 1A, Block B, R. W. Marketcenter Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, situated at the southwest corner of Market Center Drive and the E. IH-30 Frontage Road, and take any action necessary.

PLAT INFORMATION:

- ☒ The objective of this request is to replat a 21.424-acre tract of land [*i.e. Lot 1A, Block B, R. W. Marketcenter Addition*] for the purpose of the replat is to abandoning a portion of an existing firelane, access & utility easement and realigning the easement to accommodate the expansion of an existing Bath and Body Works retail store [*i.e. SP2018-034*]. The site is located on the southeastern portion of the lot, adjacent to Ralph Hall Parkway and Market Center Drive, and is zoned Commercial (C) District.
- ☒ The surveyor has completed the majority of the technical revisions requested by staff, and this plat, conforming to the requirements for a *replat* as stated in the *Subdivision Ordinance* in 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 *Recommendation* section below.
- ☒ With the exception of the items listed in the *Recommendation* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the *Municipal Code of Ordinances*.

RECOMMENDATIONS:

If the City Council choses to approve the replat for *Lot 2, Block B, Marketcenter Addition*, staff would recommend the following conditions:

- 1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat.
- 2) Any construction resulting from the approval of this *replat* shall conform to the requirements set forth by the Unified Development Code, the International Building Code, 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 RECOMMENDATION:

On January 29, 2019, the Planning and Zoning Commission's motion to recommend approval of the replat with staff conditions passed by a vote of 7 to 0.

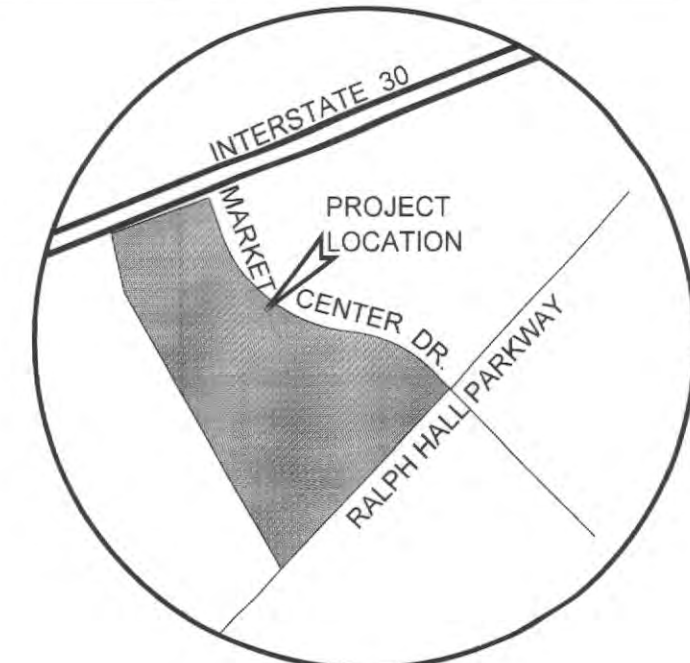
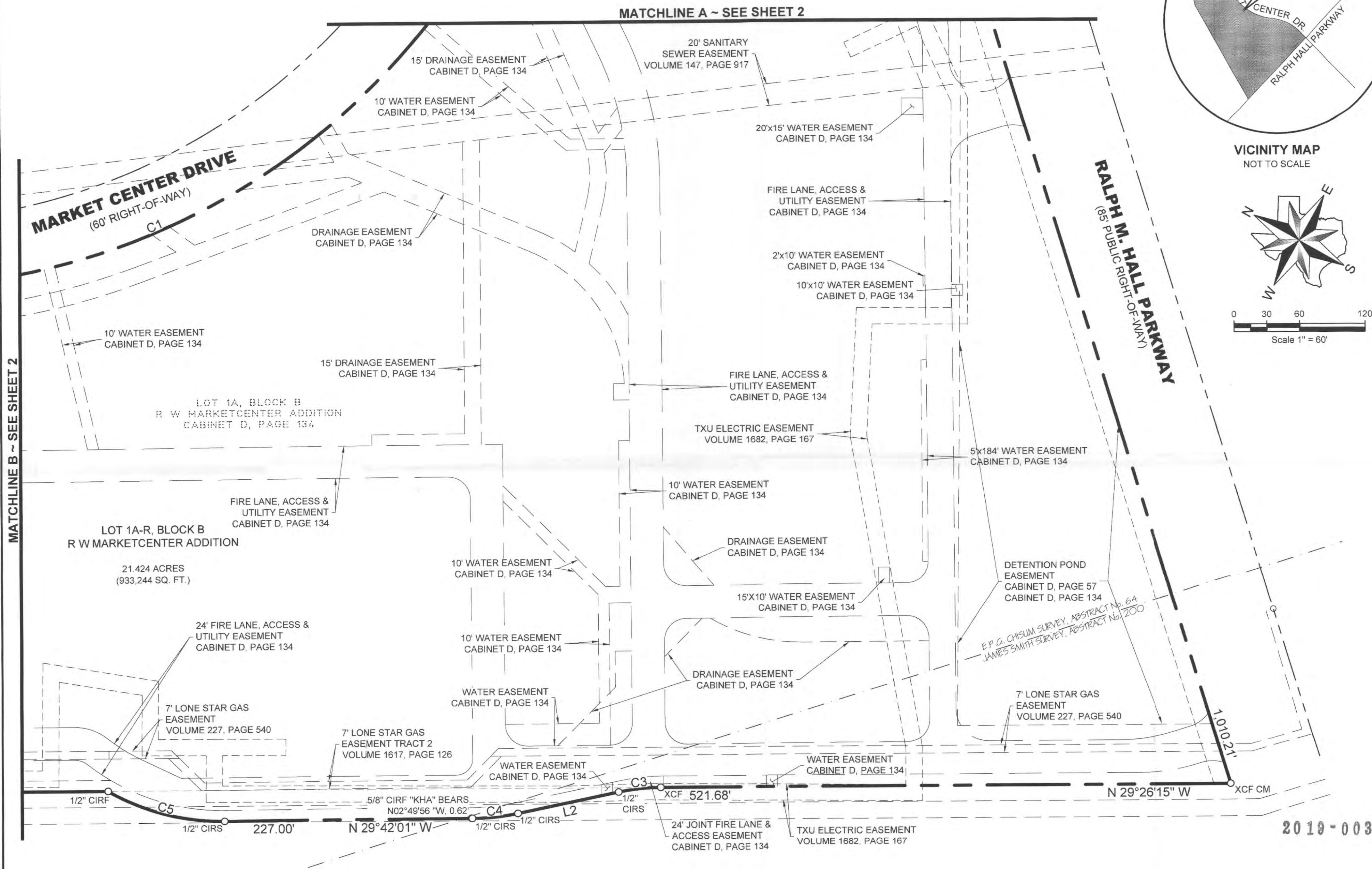


City of Rockwall

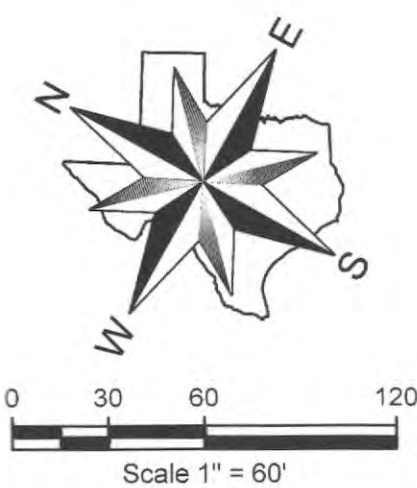
Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75032
 (P): (972) 771-7745
 (W): www.rockwall.com

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.





VICINITY MAP
NOT TO SCALE



MATCHLINE B ~ SEE SHEET 2

MATCHLINE A ~ SEE SHEET 2

RALPH M. HALL PARKWAY
(85' PUBLIC RIGHT-OF-WAY)

ABBREVIATION LEGEND

ABBR.	DEFINITION
IRF	IRON ROD FOUND
CIRF	IRON ROD FOUND w/CAP
CIRS	1/2" IRON ROD w/ RED PLASTIC CAP "W.A.I."
XCS	"X" CUT IN CONCRETE SET
XCF	"X" CUT IN CONCRETE FOUND
PKF	PK NAIL FOUND
CC#	COUNTY CLERK'S INSTRUMENT NO.
CM	CONTROLLING MONUMENT

CONSULTING ENGINEERS:
Winkelmann & Associates Inc.
6750 Hillcrest Plaza Drive
Suite 325
Dallas, TX 75230
(972) 490-7090

OWNER: (Lot 1A)
ROCKWALL DUNHILL, LLC
3100 Monticello Avenue
Suite 300
Dallas, Texas 75205
Phone: 214-261-9588

REPLAT
R W MARKETCENTER ADDITION

LOT 1A-R, BLOCK B
BEING A REPLAT OF LOT 1A, BLOCK B
R W MARKETCENTER ADDITION
BEING 21.424 ACRES OUT OF THE
JAMES SMITH SURVEY, ABSTRACT NO. 200 and
the E. P. GAINES SURVEY, ABSTRACT NO. 64
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
CASE NO. _____

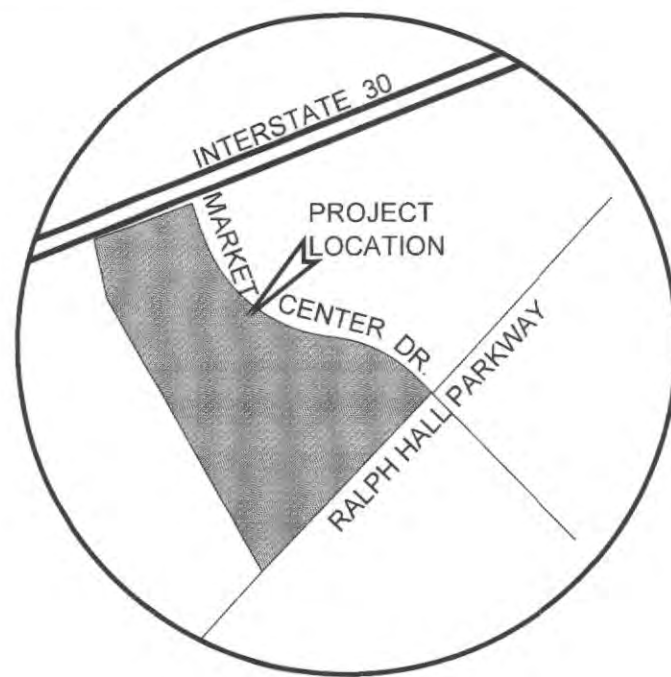
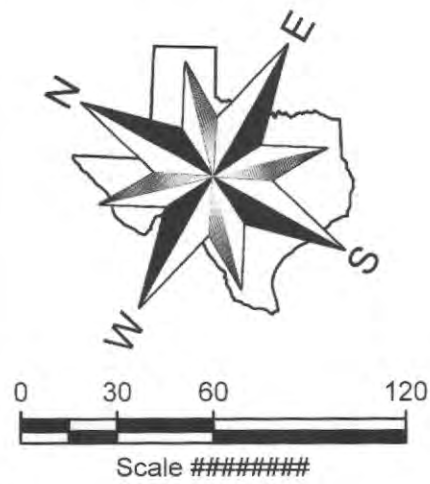
Winkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS & SURVEYORS
6750 HILLCREST PLAZA, SUITE 325
DALLAS, TEXAS 75230
Texas Engineers Registration No. 89
Texas Surveyors No. 1008600 Expires 12/31/2018
COPYRIGHT © 2018, Winkelmann & Associates, Inc.

JAMES SMITH, ABSTRACT NO. 200 and the E. P. GAINES
SURVEY, ABSTRACT NO. 64
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
ROCKWALL DUNHILL, LLC
3100 MONTICELLO AVENUE, SUITE 300
ROCKWALL COUNTY, TEXAS

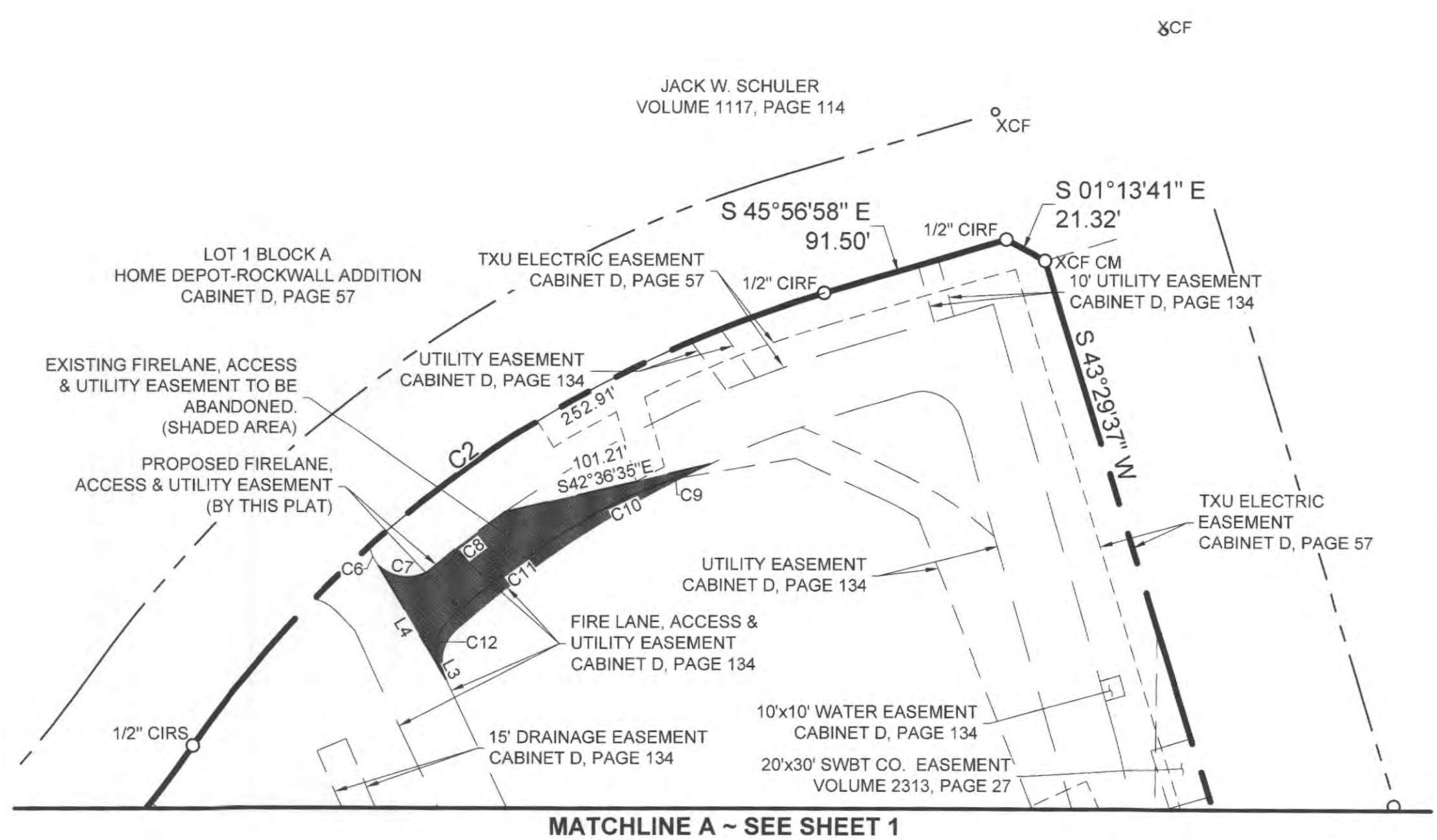
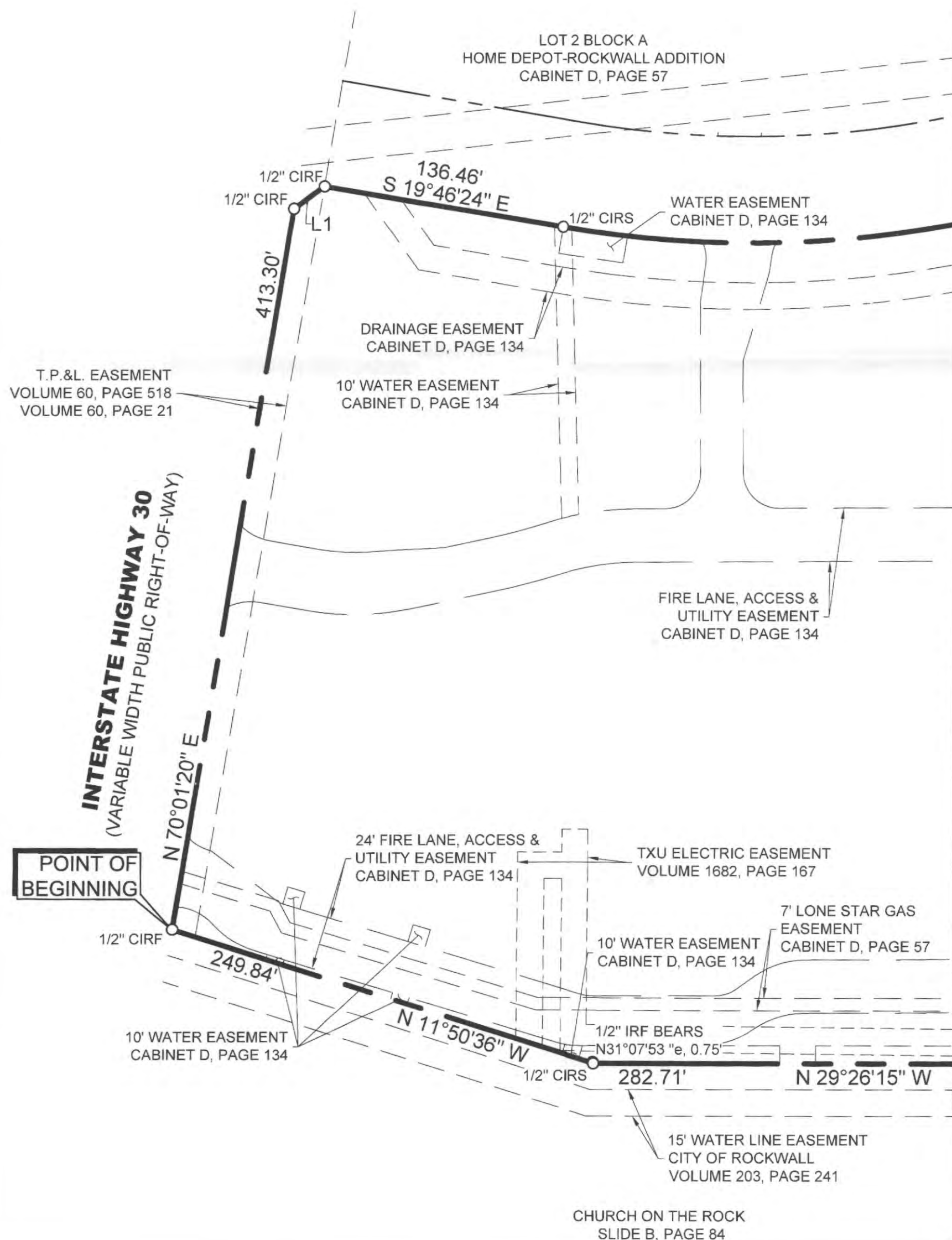
REPLAT
R W MARKETCENTER ADDITION
LOT 1A-R, BLOCK B
21.424 ACRES

Date : 9.12.18
Scale : 1" = 60'
File : 50402.0B-PPLT
Project No. : 50402.0B

SHEET 1 OF 3



VICINITY MAP
NOT TO SCALE



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S64°52'32"E	21.18'
L2	N41°07'33"W	94.02'
L3	S32°55'18"W	6.10'
L4	N29°46'18"E	63.24'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CH. L	CH. B
C1	64°32'45"	630.00'	709.72'	672.78'	S52°02'46"E
C2	38°22'10"	570.00'	381.71'	374.62'	S65°08'03"E
C3	11°41'18"	190.00'	38.76'	38.69'	N35°16'54"W
C4	11°25'32"	210.00'	41.88'	41.81'	N35°24'47"W
C5	30°23'13"	210.00'	111.37'	110.07'	N14°30'24"W

CONSULTING ENGINEERS:
Winkelmann & Associates Inc.
6750 Hillcrest Plaza Drive
Suite 325
Dallas, TX 75230
(972) 490-7090

OWNER: (Lot 1A)
ROCKWALL DUNHILL, LLC
3100 Monticello Avenue
Suite 300
Dallas, Texas 75205
Phone: 214-261-9588

REPLAT
R W MARKETCENTER ADDITION
LOT 1A-R, BLOCK B
BEING A REPLAT OF LOT 1A, BLOCK B
R W MARKETCENTER ADDITION
BEING 21.424 ACRES OUT OF THE
JAMES SMITH SURVEY, ABSTRACT NO. 200 and
the E. P. GAINES SURVEY, ABSTRACT NO. 64
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
CASE NO. _____

Winkelmann & Associates, Inc.

CONSULTING CIVIL ENGINEERS

6750 HILLCREST PLAZA DRIVE, SUITE 325
DALLAS, TEXAS 75230

TELEPHONE: (972) 490-7090
FAX: (972) 490-7090

ROCKWALL DUNHILL, LLC

3100 MONTICELLO AVENUE, SUITE 300
ROCKWALL COUNTY, TEXAS

REPLAT

R W MARKETCENTER ADDITION

LOT 1A-R, BLOCK B

21.424 ACRES

Date : 12.26.18

Scale : 1" = 60'

File : 50402.0B-PPLT

Project No. : 50402.0B

SHEET

2

OF

3

JAMES SMITH, ABSTRACT NO. 200 and the E. P. GAINES SURVEY, ABSTRACT NO. 64
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

ROCKWALL DUNHILL, LLC
3100 MONTICELLO AVENUE, SUITE 300
ROCKWALL COUNTY, TEXAS

DATE: 12.26.18

SCALE: 1" = 60'

FILE: 50402.0B-PPLT

PROJECT NO.: 50402.0B

SHEET

2

OF

3

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF ROCKWALL §

WHEREAS, ROCKWALL DUNHILL, LLC being the owner of a tract of land in the County of Rockwall, State of Texas, said tract being described as follows:

BEING a tract of land situated in the JAMES SMITH SURVEY, ABSTRACT No. 200, and the E. P. GAINES SURVEY, ABSTRACT NO. 64, in the City of Rockwall, Rockwall County, Texas, being all of Lot 1A, Block B, R W Marketcenter Addition, an addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet D, Page 134, Official Public Records of Rockwall County, Texas, and all of a tract of land described in Warranty Deed with Vendor's Lien to R W Marketplace Associates, Ltd. as recorded in Volume 1522, Page 279, Official Public Records, Rockwall County, Texas, said tract being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" found for the Northwest corner of said Lot 1A and the Northeast corner of Church on the Rock Addition, an addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet B, Slide 84, Official Public Records of Rockwall County, Texas, on the Southeast right-of-way of Interstate Highway 30, a variable width right-of-way;

THENCE North 70 deg 01 min 20 sec East, with the Southeast right-of-way of said Interstate Highway 30 and the Northwest line of said Lot 1A, a distance of 413.30 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" found for corner at the Northwest end of a corner clip at the intersection of the Southeast right-of-way of said Interstate Highway 30 and the West right-of-way for Market Center Drive, a 60-foot right-of-way, as established by Home Depot-Rockwall Addition, an addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet D, Page 57, Official Public Records of Rockwall County, Texas:

THENCE South 64 deg 52 min 32 sec East, along said corner clip, a distance of 21.18 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" found for corner at the Southeast end of said corner clip on the West right-of-way of said Market Center Drive;

THENCE in a Southeasterly direction with the Southwest right-of-way of said Market Center Drive and the Northeast lines of said Lot 1A, the following courses and distances:

South 19 deg 46 min 24 sec East, a distance of 136.46 feet to a 1/2-inch iron rod with plastic cap stamped "W.A.I. 5714" set for corner, said point being the beginning of a curve to the left having a radius of 630.00 feet, a central angle of 64 deg 32 min 45 sec, a chord bearing of South 52 deg 02 min 46 sec East, and a chord length of 672.78 feet;

Along said curve to the left, an arc distance of 709.72, to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for, said point being the beginning of a curve to the right having a radius of 570.00 feet, a central angle of 38 deg 22 min 10 sec, a chord bearing of South 65 deg 08 min 03 sec East, and a chord length of 374.62 feet;

Along said curve to the right, an arc distance of 381.71 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" found for corner;

South 45 deg 56 min 58 sec East, a distance of 91.50 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" found for corner at the North end of a corner clip at the intersection of the West right-of-way with the Northwest right-of-way of Ralph M. Hall Parkway, an 85-foot right-of-way, as established by Plat of said Home Depot-Rockwall Addition;

THENCE South 01 deg 13 min 41 sec East, along said corner clip, a distance of 21.32 feet to an "X" cut in concrete found for corner on the Northwest right-of-way of said Ralph M. Hall Parkway;

THENCE South 43 deg 29 min 37 sec West, along the Northwest right-of-way of said Ralph M. Hall Parkway and the Southeast line of said Lot 1A, a distance of 1,010.21 feet to an "X" cut in concrete found for the Southwest corner of said Lot 1A on the Northeast line of said Church on the Rock Addition;

THENCE North 29 deg 26 min 15 sec West, along the Southwest line of said Lot 1A and the Northeast line of said Church on the Rock Addition, a distance of 521.68 feet to an "X" cut in concrete found for the Southeast corner of said R W Marketplace Associates tract, said point being the beginning of a curve to the left having a radius of 190.00 feet, a central angle of 11 deg 41 min 18 sec, a chord bearing of North 35 deg 16 min 54 sec West, and a chord length of 38.69 feet;

THENCE along the Southwest lines of said R W Marketplace Associates tract, the following courses and distances:

Along said curve to the left, an arc distance of 38.76 feet, to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner;

North 41 deg 07 min 33 sec West, a distance of 94.02 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner, said point being the beginning of a curve to the right having a radius of 210.00 feet, a central angle of 11 deg 25 min 32 sec, a chord bearing of North 35 deg 24 min 47 sec West, and a chord length of 41.81 feet;

Along said curve to the right, an arc distance of 41.88 feet, to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner from which a 5/8-inch iron rod with plastic cap stamped "KHA" found bears North 02 deg 49 min 56 sec West, a distance of 0.62 feet;

North 29 deg 42 min 01 sec West, a distance of 227.00 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner, said point being the beginning of a curve to the right having a radius of 210.00 feet, a central angle of 30 deg 23 min 48 sec, a chord bearing of North 14 deg 30 min 06 sec West, and a chord length of 110.11 feet;

Along said curve to the right, an arc distance of 111.41 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" found for the Northwest corner of said R W Marketplace Associates tract;

THENCE North 29 deg 26 min 15 sec West, along the Southwest line of said Lot 1A and the Northeast line of said Church on the Rock Addition, a distance of 282.69 feet to a 1/2-inch iron rod with plastic cap stamped "W.A.I. 5714" set for corner from which a 1/2-inch iron rod found bears North 31 deg 07 min 53 sec East, a distance of 0.75 feet;

THENCE North 11 deg 50 min 36 sec West, along the Southwest line of said Lot 1A and the Northeast line of said Church on the Rock Addition, a distance of 249.84 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 933,244 square feet or 21.424 acres of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 22nd day of August, 2013, utilizing the Southeast line of Lot 1A, Block B, R W Marketcenter Addition, an addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet D, Page 134, Official Public Records of Rockwall County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS §
COUNTY OF ROCKWALL §

We the undersigned owner(s) of the land shown on this plat, and designated herein as the **R W MARKETCENTER ADDITION**, Lots 1A-R, Block B, subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. We further certify that all other parties who have a mortgage or lien interest in the R W Marketcenter Addition subdivision have been notified and signed this plat.

We understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. We also understand the following:

1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.

3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.

4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.

5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.

6. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or

7. All detention systems to be maintained and repaired by property owner.

Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or

Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.

We further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; We, our successors and assigns hereby waive any claim, damage, or cause of action that We may have as a result of the dedication of exactions made herein.

Rockwall Dunhill LLC

By: _____
Name: Tim Denker
Title: Authorized Person

STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned Notary Public in and for said county and state on this day personally appeared Stephen Brookshire, and acknowledge that he executed this instrument on behalf of the corporation, which acted for the partnership.

Given upon my hand and seal of office this _____ day of _____, 2019.

Notary Public in and for the State of _____ My Commission Expires:

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned Notary Public in and for said county and state on this day personally appeared Randall H. Noe and acknowledge that he executed this instrument on behalf of the corporation, which acted for the partnership.

Given upon my hand and seal of office this _____ day of _____, 2019.

Notary Public in and for the State of _____ My Commission Expires:

SURVEYOR'S CERTIFICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Leonard J. Lueker, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

Leonard J. Lueker
Registered Professional Land Surveyor
Texas Registration No. 5714
Winkelmann & Associates, Inc.
6750 Hillcrest Plaza Drive, Suite 325
Dallas, Texas 75230
(972) 490-7090
l.lueker@winkelmann.com

STATE OF TEXAS §
COUNTY OF DALLAS §

Before me, the undersigned authority, on this day personally appeared Leonard J. Lueker, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this _____ day of _____, 2019.

Notary Public in and for the State of Texas _____ My Commission Expires:

RECOMMENDED FOR FINAL APPROVAL

Planning and Zoning Commission _____ Date

APPROVED

I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the ____ day of _____, 2019.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of final approval.

WITNESS OUR HANDS, this _____ day of _____, _____.

Mayor, City of Rockwall _____ City Secretary _____ City Engineer

REPLAT
R W MARKETCENTER ADDITION

LOT 1A-R, BLOCK B
BEING A REPLAT OF LOT 1A, BLOCK B
R W MARKETCENTER ADDITION
BEING 21.424 ACRES OUT OF THE
JAMES SMITH SURVEY, ABSTRACT NO. 200 and
the E. P. GAINES SURVEY, ABSTRACT NO. 64
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
CASE NO. _____

Winkelmann & Associates, Inc.



CONSULTING CIVIL ENGINEERS ■ SURVEYORS
(972) 490-7090
6750 HILLCREST PLAZA DRIVE, SUITE 325
DALLAS, TEXAS 75230
Texas Engineers Registration No. 89 (972) 490-7090 FAX
Texas Surveyors No. 0086600 Expires 12/31/2015
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JAMES SMITH, ABSTRACT NO. 200 and the E. P. Gaines
SURVEY, ABSTRACT NO. ##
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

ROCKWALL DUNHILL, LLC
3100 MONTICELLO AVENUE, SUITE 300
ROCKWALL COUNTY, TEXAS

REPLAT
R W MARKETCENTER ADDITION
LOTS 1A-R, BLOCK B
21.424 ACRES

Date : 9.12.18
Scale : N/A
File : 50402.0B-PPLT
Project No. : 50402.0B

SHEET
3
OF
3

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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 02/04/2019

APPLICANT: Tony Degeli of A & W Surveyors.

AGENDA ITEM: P2019-004; Lot 7, Block A, Temunovic Addition

SUMMARY:

Consider a request by Tony Degeli of A & W Surveyors on behalf of Michael Fisher for the approval of a replat for Lot 7, Block A, Temunovic Addition being a 1.082-acre parcel of land identified as Lot 6, Block A, Temunovic Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District, situated within the Scenic Overlay (SOV) District, addressed as 1306 Summer Lee Drive, and take any action necessary.

PLAT INFORMATION:

- ☑ The objective of this request is to replat a 1.082-acre tract of land [*i.e. Lot 6, Block A, Temunovic Addition*] for the purpose of establishing firelane, public access, drainage & utility easements to allow for the construction of a medical office building. The subject property is situated within the Scenic Overlay (SOV) District, addressed as 1306 Summer Lee Drive, and zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses.
- ☑ A Specific Use Permit (SUP) [*i.e. Ordinance No. 17-52, S-175*] was approved by the City Council on October 2, 2017 allowing for a structure to exceed 36-feet in height within the Scenic Overlay District (SOV).
- ☑ A site plan [*i.e. SP2017-023*] was approved by the Planning and Zoning Commission on September 26, 2017.
- ☑ The surveyor has completed the majority of the technical revisions requested by staff, and this plat, conforming to the requirements for a *replat* as stated in the *Subdivision Ordinance* in 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 *Recommendation* section below.
- ☑ With the exception of the items listed in the *Recommendation* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the *Municipal Code of Ordinances*.

RECOMMENDATIONS:

If the City Council chooses to approve the replat for *Lot 7, Block A, Temunovic Addition*, staff would recommend the following conditions:

- 1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat.
- 2) Any construction resulting from the approval of this *replat* shall conform to the requirements set forth by the Unified Development Code, the International Building Code, 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 RECOMMENDATION:

On January 29, 2019, the Planning and Zoning Commission's motion to recommend approval of the replat with staff conditions passed by a vote of 7 to 0.



P2019-004 - LOT 7, BLOCK A, TEMUNOVIC ADDITION
REPLAT - LOCATION MAP = [icon]

PD-9

SUMMER LEE

OAK

RALPH HALL

ARISTA

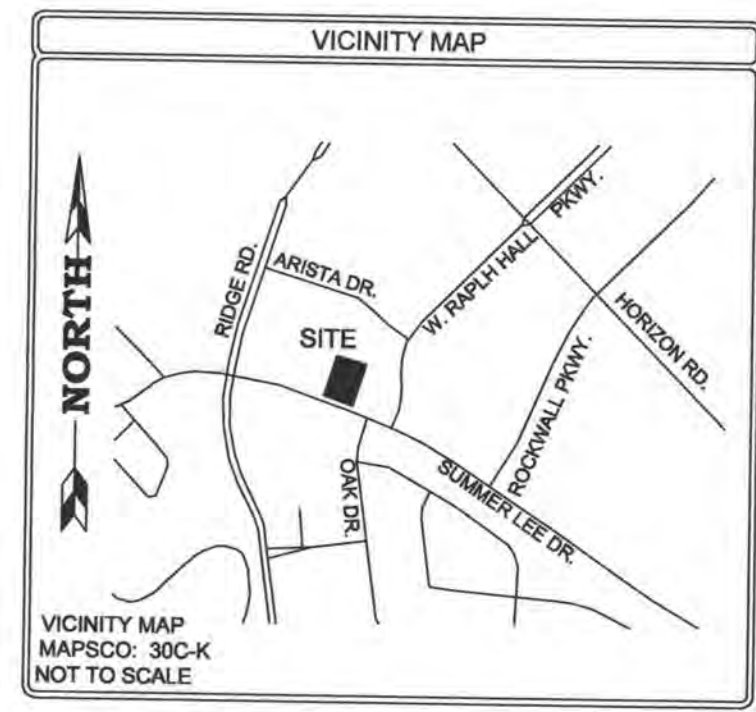
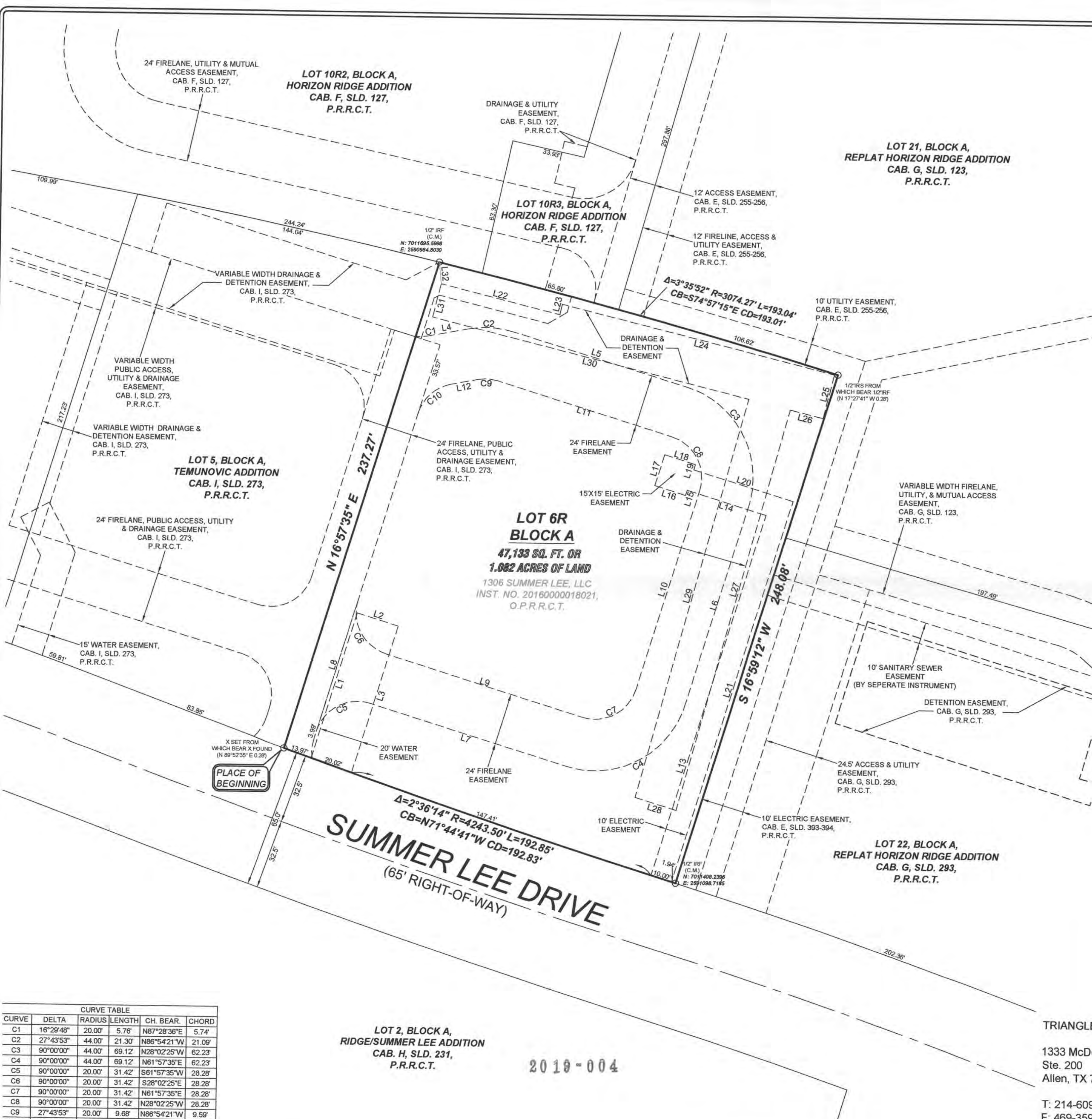


City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): 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.





- GENERAL NOTES**
- 1) Any structure new or existing may not extend across new property lines.
 - 2) The purpose of this Replat is to define easements conditional to new development.
 - 3) Basis of bearing determined by Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 (2011).
 - 4) Coordinates shown are Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale, No Projection
 - 5) 16" Water lines shown are approximate location.
 - 6) It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee by the City of the adequacy and availability for water for personal use and fire protection within such plat, as required under Ordinance 83-54.

LINE TABLE		
LINE	LENGTH	BEARING
L1	70.66'	N16°57'35"E
L2	20.00'	S73°02'25"E
L3	71.45'	S16°57'35"W
L4	19.18'	N79°13'42"E
L5	84.96'	S73°02'25"E
L6	96.90'	S16°57'35"W
L7	95.82'	N73°02'25"W
L8	64.00'	S16°57'17"W
L9	95.82'	N73°02'25"W
L10	96.90'	S16°57'35"W
L11	84.96'	S73°02'25"E
L12	12.27'	N79°13'42"E
L13	175.80'	N16°57'35"E
L15	2.50'	S16°57'35"W
L17	15.00'	N16°57'35"E
L18	15.00'	S73°02'25"E
L19	2.50'	S16°57'35"W
L20	48.63'	S73°02'25"E
L21	185.82'	S16°57'35"W
L22	57.00'	S76°10'25"E
L23	5.00'	N13°49'35"E
L24	131.00'	S76°10'25"E
L25	21.00'	S13°49'35"W
L26	15.79'	N76°10'25"W
L27	193.50'	S15°10'47"W
L28	20.01'	N73°02'25"W
L29	192.41'	N15°10'47"E
L30	152.20'	N76°10'25"W
L31	16.00'	N13°49'35"E
L32	10.07'	S05°37'20"E

LEGEND	
D.R.R.C.T.	Deed Records, Rockwall County, Texas
P.R.R.C.T.	Plat Records, Dallas County, Texas
O.P.R.R.C.T.	Official Public Records, Rockwall County, Texas
C.M.	Controlling Monument
VOL.	Volume
PG.	Page
CAB.	Cabinet
SLD.	Slide
INST. NO.	Instrument Number
IRF	iron rod found
IRS	1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set
SQ. FT.	square feet

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CH. BEAR.	CHORD
C1	16°29'48"	20.00'	5.76'	N87°28'36"E	5.74'
C2	27°43'53"	44.00'	21.30'	N86°54'21"W	21.09'
C3	90°00'00"	44.00'	69.12'	N28°02'25"W	62.23'
C4	90°00'00"	44.00'	69.12'	N61°57'35"E	62.23'
C5	90°00'00"	20.00'	31.42'	S61°57'35"W	28.28'
C6	90°00'00"	20.00'	31.42'	S28°02'25"E	28.28'
C7	90°00'00"	20.00'	31.42'	N61°57'35"E	28.28'
C8	90°00'00"	20.00'	31.42'	N28°02'25"W	28.28'
C9	27°43'53"	20.00'	9.68'	N86°54'21"W	9.59'
C10	62°16'07"	20.00'	21.74'	S48°05'39"W	20.68'

LOT 2, BLOCK A,
RIDGE/SUMMER LEE ADDITION
CAB. H, SLD. 231,
P.R.R.C.T.

2019-004

TRIANGLE ENGINEERING
1333 McDermott Drive
Ste. 200
Allen, TX 75013
T: 214-609-9271
F: 469-3595-6709
E: kpatel@triangle-engr.com
W: www.triangle-engr.com

Job No: 18-0032 | Drawn by: 517 | Date: 01-08-2018 | Revised:
"A professional company operating in your best interest"

PAGE 1 OF 2
REPLAT
LOT 6R, BLOCK A
TEMUNOVIC ADDITION
1.082 ACRES OF LAND
BEING A REPLAT OF LOT 6, BLOCK A
TEMUNOVIC ADDITION
AN ADDITION TO THE CITY OF ROCKWALL,
ROCKWALL COUNTY, TEXAS
EDWARD TEAL SURVEY ABSTRACT NO. 207
CASE FILE NO. SP2017-023

A&W SURVEYORS, INC.
Professional Land Surveyors
TEXAS REGISTRATION NO. 100174-00
P.O. BOX 870029, MESQUITE, TX. 75187
PHONE: (972) 681-4975 FAX: (972) 681-4954
WWW.AWSURVEY.COM
Owner: 1306 Summer Lee, LLC
~ 2344 Harvest Ridge Drive, Rockwall, Texas 75032 ~

OWNER'S CERTIFICATE

WHEREAS 1306 Summer Lee, LLC is the sole owner of a tract of land located in the EDWARD TEAL SURVEY, Abstract No. 207, City of Rockwall, Rockwall County, Texas, and being Lot 6, Block A, of Temunovic Addition, an Addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet I, Slide 237, Plat Records, Rockwall County, Texas, and being the same tract of land described in deed to 1306 Summer Lee, LLC, recorded in Instrument No. 20160000018021, Official Public Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning at an "X" set in the North line of Summer Lee Drive, a 65' right-of-way, at the common Southerly corner of Lot 5, and said Lot 6, Block A, of said Temunovic Addition;

Thence North 16°57'35" East, a distance of 237.27' to a 1/2" iron rod found in the South line of Lot 10R2, Block A, of Horizon Ridge Addition, an Addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet F, Slide 127, Plat Records, Rockwall County, Texas, said point being at the beginning of a non-tangent curve to the right, having a central angle of 03°35'52", a radius of 3074.27', and a chord bearing and distance of South 74°57'15" East, 193.01';

Thence Southeasterly, along said curve to the right, an arc distance of 193.04' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the interior 'el' corner of Lot 21, Block A, of Replat Horizon Ridge Addition, an Addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet G, Slide 123, Plat Records, Rockwall County, Texas, same being the Northeast corner of said Lot 6, Block A;

Thence South 16°59'12" West, a distance of 248.08' to a 1/2" iron rod found in the said North line of Summer Lee Drive, at the Southwest corner of Lot 22, Block A, of Replat Horizon Ridge Addition, an Addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet G, Slide 293, Plat Records, Rockwall County, Texas, same being the Southeast corner of said Lot 6, Block A, and being at the beginning of a non-tangent curve to the left, having a central angle of 02°36'14", a radius of 4243.50', and a chord bearing and distance of North 71°44'41" West, 192.83';

Thence Northwesterly, along said curve to the left and said North line, an arc distance of 192.85' to the PLACE OF BEGINNING and containing 47,133 square feet or 1.082 of an acre of land.

SURVEYOR'S CERTIFICATE

THAT I, John S. Turner, do hereby certify that I prepared this amending plat from an actual survey on the land and that the corner monuments shown thereon were found and/or properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the Planning and Zoning Commission of the City of Rockwall, Texas.

Witness my hand at Mesquite, Texas,
This _____ day of _____, 20__.

John S. Turner
Registered Professional Land Surveyor #5310

STATE OF TEXAS
COUNTY OF ROCKWALL

BEFORE ME, the undersigned, a Notary Public in and for the said County and State on this day personally appeared John S. Turner, R.P.L.S. NO. 5310, State of Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office,
This _____ day of _____, 20__.

Notary Public in and for the State of Texas

OWNER'S DEDICATION

STATE OF TEXAS
COUNTY OF ROCKWALL

That, 1306 Summer Lee, LLC, the undersigned owners of the land shown on this plat, designated herein as **LOT 6R, BLOCK A, TEMUNOVIC ADDITION** to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the TEMUNOVIC ADDITION have been notified and signed this plat.
I (we) understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. I (we) also understand the following;

1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
6. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.
7. All drainage and detention on site will be maintained, repaired, and replaced by the property owner.

I further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I (we), my (our) successors and assigns hereby waive any claim, damage, or cause of action that I (we) may have as a result of the dedication of exactions made herein.

Name: _____
Title: _____

STATE OF TEXAS
COUNTY OF ROCKWALL

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared, _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this the _____ day of _____, 20__.

Notary Public in and for The State of Texas

RECOMMENDED FOR FINAL APPROVAL

Planning and Zoning Commission _____ Date _____

APPROVED

I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the _____ day of _____, 20__.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of final approval.

WITNESS OUR HANDS, this _____ day of _____, _____.

Mayor, City of Rockwall _____ City Secretary _____ City Engineer _____

TRIANGLE ENGINEERING

1333 McDermott Drive
Ste. 200
Allen, TX 75013

T: 214-609-9271
F: 469-3595-6709
E: kpatel@triangle-engr.com
W: www.triangle-engr.com



A&W SURVEYORS, INC.
Professional Land Surveyors
TEXAS REGISTRATION NO. 100174-00
P.O. BOX 870029, MESQUITE, TX. 75187
PHONE: (972) 681-4975 FAX: (972) 681-4954
WWW.AWSURVEY.COM

Owner: 1306 Summer Lee, LLC
~ 2344 Harvest Ridge Drive, Rockwall, Texas 75032 ~

Job No: 18-0032 | Drawn by: 517 | Date: 01-08-2018 | Revised:
"A professional company operating in your best interest"

PAGE 2 OF 2
REPLAT
LOT 6R, BLOCK A
TEMUNOVIC ADDITION

1.082 ACRES OF LAND
BEING A REPLAT OF LOT 6, BLOCK A
TEMUNOVIC ADDITION
AN ADDITION TO THE CITY OF ROCKWALL,
ROCKWALL COUNTY, TEXAS
EDWARD TEAL SURVEY ABSTRACT NO. 207
CASE FILE NO. SP2017-023

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MEMORANDUM

To: Rick Crowley, City Manager

From: Lea Ann Ewing, Purchasing Agent

Date: January 30, 2019

Subject: Emergency Repair – Replace Pumps at Harbor Fountain

During a routine inspection of the Harbor large fountain, staff found that both submerged pumps (one runs the inside ring and the other pump runs the outside ring) had failed. The pumps are 12 years old. Staff contacted Control Specialists to come out to examine the pumps to determine repair or replacement. Through the Buy Board Purchasing cooperative contract, Public Works and Parks uses Control Specialists for a majority of their pump repair and replacement needs.

Given the age and condition of the two pumps, Control Specialists recommended full replacement. Work began that week to get the fountain back up. A proposal estimating the cost of replacement was \$24,962 not including any unforeseen conditions. Harbor operating budget, pool repairs account had adequate funds to cover the cost of this work. Once the work was complete, the final cost was \$25,830.83.

For Council's consideration is the approval of this emergency repair and authorize the City Manager to execute a check to Control Specialists for \$25,830.83.

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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Richard Crowley, City Manager
FROM: Lea Ann Ewing, Purchasing Agent
DATE: January 23, 2019
SUBJECT: Service Center Yard Pavement Replacement

Approved is \$375,000 in the General Fund, Streets and Drainage Construction and Repair budget to remove the Service Center Yard failing asphalt pavement and replace with 8" reinforced concrete pavement. Total cost for this project is \$352,390. The City has a current Concrete Pavement Maintenance contract with XIT Paving and Construction (XIT) for this type of work.

For Council consideration is the approval of this work for \$352,390 and authorize the City Manager to execute a purchase order to XIT.

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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Richard Crowley, City Manager
FROM: Lea Ann Ewing, Purchasing Agent
DATE: January 23, 2019
SUBJECT: National Drive Reconstruction Project

Approved in the General Fund, Streets and Drainage Construction and Repair budget is the full depth asphalt pavement and base reclamation for National Drive. Total cost for this project is \$300,997 and this amount is within budget. The City has a current Asphalt Pavement Maintenance contract with Texas Bit Paving and Construction for this type of work.

For Council consideration is the approval of this work for \$300,997 and authorize the City Manager to execute a purchase order to Texas Bit.

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MEMORANDUM

To: Rick Crowley, City Manager
From: Lea Ann Ewing, Purchasing Agent
Date: January 30, 2019
Subject: New Fencing at 3 Lift Station Sites

Approved in the Water Sewer Fund, Wastewater operating budget is \$61,000 to install new aluminum fencing at three lift stations. Sealed competitive bids were solicited for new fencing at the Soroptimist, Community Building and Chevy House lift stations. The bid opening was held on January 11, 2019. Bids were received from Riverstone Fence \$43,500, Firehouse Fence \$61,247, Axis Construction \$64,580, Swift Corp \$78,000 and K Tillman Construction \$94,439.

Apparent low bidder is Riverstone Fence.

For Council consideration is the bid award to Riverstone Fence for \$43,500 and authorize the City Manager to execute a contract for the new fencing.

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MEMORANDUM

TO: Rick Crowley, City Manager

FROM: Amy Williams, P.E., Public Work Director/City Engineer

DATE: January 29, 2019

SUBJECT: Professional Engineering Services Contract
Carriage Trail (Aspen Court to Alta Vista Drive), Westway Drive (Carriage Trail to Highland Drive), and Aspen Court (Highview Lane to Carriage Trail) Reconstruction Project

Funds for the first year of the 2018 Street Bond Program were planned to be allocated for the engineering design for the reconstruction of ten existing streets sections. Designing these projects in the first bond year will allow the City to have "construction ready projects" for the upcoming years of the 2018 Street Bond Program. The City Council, to date, has approved the engineering contracts for eleven roadway sections to be designed. The total engineering design contract costs for these projects was below the estimated first year's budgeted amount, and the additional funds can be used to design additional streets.

Carriage Trail from Aspen Court to Alta Vista Drive (approximately 1,350 feet), Westway Drive from Carriage Trail to Highland Drive (approximately 2,000 feet), and Aspen Court from Highview Lane to Carriage Trail (approximately 300 feet) are streets to be reconstructed in the 2018 Street Bond Program, but the design was not included in the first year's bond funds. Due to additional funds being available, Carriage Trail, Westway Drive, and Aspen Court can be considered for engineering design in the first year of the Street Bond Program.

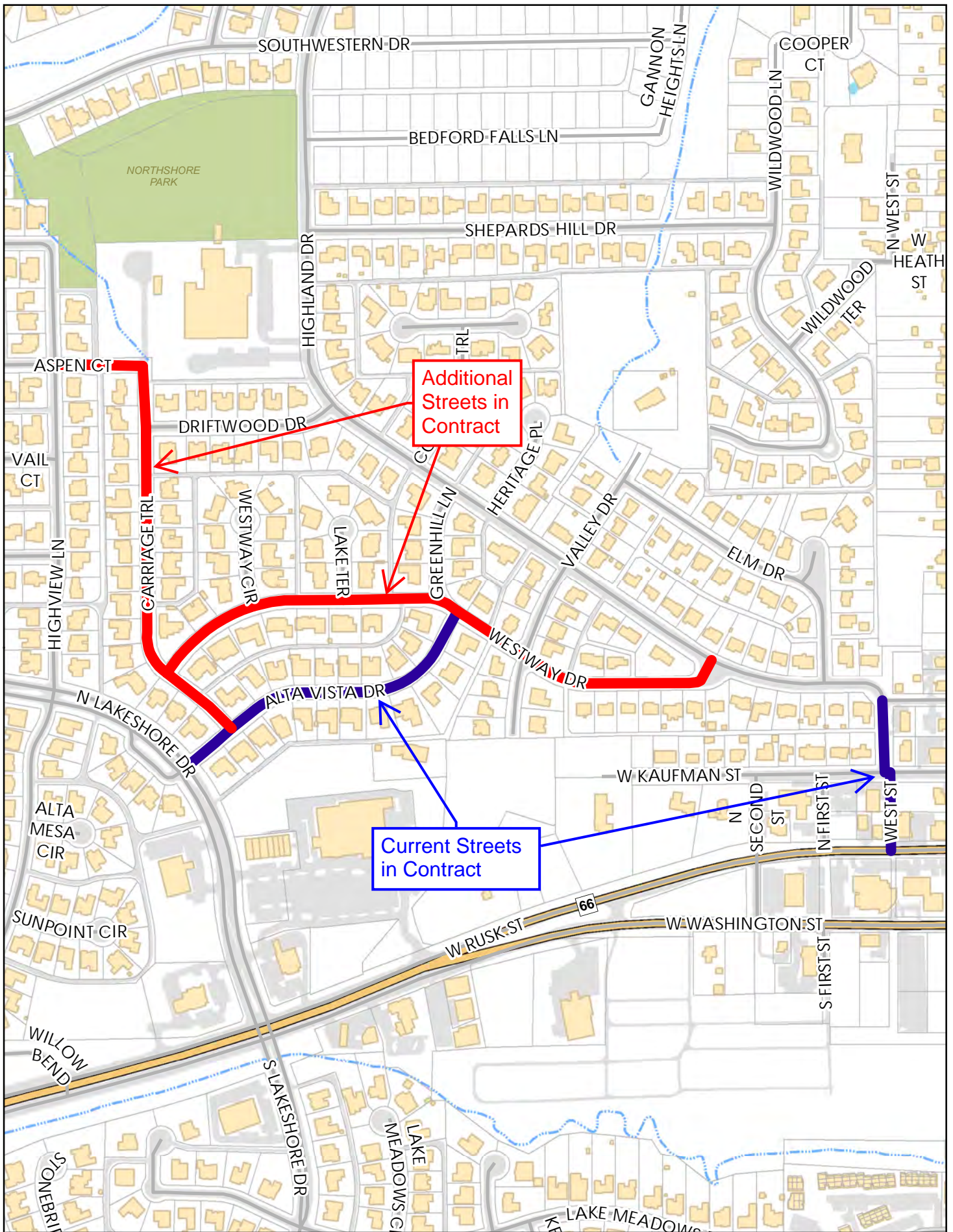
On October 15, 2018, City Council awarded Teague Nall and Perkins. the engineering design contract for Alta Vista Drive and Westway Drive in the amount of \$313,500. Carriage Trail, Westway Drive, and Aspen Court are adjacent to this section of Alta Vista Drive which is currently being designed under the above mentioned contract. Since Carriage Trail, Westway Drive, and Aspen Court are adjacent to this design area, staff requested that the consultant provide a supplement to their engineering contract (Supplemental Agreement No. 1) to include the design and construction document preparation for Carriage Trail, Westway Drive, and Aspen Court. The amendment is in the amount of \$432,000.00 for the additional services, which would revise the total contract amount to be \$745,500.00.

Staff is requesting City Council's consideration for approval of the Supplemental Agreement No. 1 in the amount of \$432,000.00 to be paid out of the 2018 Street Bond funds and water/wastewater funds, and take any action necessary.

AW:jmw

Attachments

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





**SUPPLEMENTAL AGREEMENT # 1
FOR ENGINEERING SERVICES
BETWEEN THE CITY OF ROCKWALL, TEXAS AND
TEAGUE NALL AND PERKINS, INC.**

I. INTRODUCTION

This Supplemental Agreement is executed by and between The City of Rockwall, Texas, a municipal corporation located in Rockwall County, Texas, (hereinafter called "CITY"), and Teague Nall and Perkins, Inc., a Texas corporation, (hereinafter called "ENGINEER"), located at 825 Watters Creek Boulevard, Suite M300, Allen, Texas. Engineers duly licensed and practicing under the laws of the State of Texas.

WITNESSETH, that CITY desires professional surveying and engineering services in connection with the Reconstruction of Alta Vista Drive (from Lakeshore Drive to Westway Drive) and West Street (from Rusk Street to Highland Drive) project.

NOW, THEREFORE, CITY and ENGINEER, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

II. PROJECT

In this Supplemental Agreement, the "PROJECT" means additional surveying and engineering services for Paving, Drainage, Water Line, and Wastewater Improvements for Westway Drive (from Carriage Trail to Highland Drive), Carriage Trail (from Alta Vista Drive to Aspen Court), and Aspen Court (from Carriage Trail to Valleyview Drive) in accordance with the applicable CITY codes, regulations and standards. A map with approximate project limits is attached in Attachment "E". This Supplemental Agreement shall serve as an addendum to the Agreement for the Reconstruction of Alta Vista Drive (from Lakeshore Drive to Westway Drive), and West Street (from Rusk Street to Highland Drive) project executed between CITY and ENGINEER on October 16, 2018.

III. BASIC AGREEMENT AND TERMS

CITY agrees to employ ENGINEER and ENGINEER agrees to perform professional surveying and engineering services in connection with the PROJECT, as stated in the original Agreement. All standard terms and conditions of the original Agreement apply to the additional services to be performed under this Supplemental Agreement.

IV. SCOPE OF SERVICES

ENGINEER shall render the professional services necessary for development of the PROJECT, in accordance with the schedule in Attachment "C": "Project Schedule" and scope as detailed in Attachment "A": "Scope of Services", said exhibits being attached hereto and incorporated herein for all purposes. ENGINEER shall be responsible, to the

level of competency presently maintained by other practicing professional engineers in the same type of work in the Dallas/Fort Worth Metroplex area, for professional and technical soundness, accuracy, and adequacy of all designs, drawings, specifications, and other work and materials furnished under this Agreement.

V. COMPENSATION

Total payments including without limitation salary and reimbursable expenses, to ENGINEER by CITY for the Scope of Services stated in Section IV above shall not exceed Four Hundred Thirty-Two Thousand Dollars (\$432,000.00) billed as lump sum/hourly/unit price basis as indicated in Attachment "B".

EXECUTED in triplicate originals on this 29th day of January 2019.

Teague Nall and Perkins, Inc.

By: _____



Name: Michael G. DeMotte, P.E.

Title: Director of Engineering Services-
Allen Office

EXECUTED in triplicate originals on this ____ day of _____ 201__.

ATTEST:

City of Rockwall, Texas

Richard Crowley
City Manager

ATTACHMENT “A”

Scope of Services

Attachment “A”
Reconstruction of
Westway Drive from Carriage Trail to Highland Drive,
Carriage Trail from Alta Vista Drive to Aspen Court,
and Aspen Court from Carriage Trail to Valleyview Drive
For
City of Rockwall

Scope of Services

Project Understanding

The City of Rockwall (City) wishes to reconstruct Westway Drive (from Carriage Trail to Highland Drive), Carriage Trail (from Alta Vista Drive to Aspen Court), and Aspen Court (from Carriage Trail to Valleyview Drive) existing two-lane residential roadways, approximately 3,700 feet in total length. The roadways lie within an area zoned Single Family (SF-10) of the City of Rockwall. Improvements generally be within the existing 50’ Right-of-Way (ROW) for all streets. The contract will include a provision for up to fourteen (14) parcels for corner clip takes or easements in the event that they are required. There will be no traffic signal modifications necessary for the roadway improvements. For Westway Drive, the paving improvements will begin at the eastern curb return of the intersection of Westway Drive and Highland Drive, and end at the intersection of Westway Drive and Carriage Trail. For Carriage Trail, the paving improvements will begin at the intersection of Carriage Trail and Alta Vista Drive and end at the intersection of Carriage Trail and Aspen Court. For Aspen Court, the paving improvements will be from eastern curb return of the interaction of Aspen Court and Valleyview Drive to the intersection of Aspen Court and Carriage Trail.

Additional design will include storm sewer, sanitary sewer and water line improvements. The existing storm sewer will be analyzed using current City drainage criteria. Storm drain improvements are limited to analyzing the existing system from the existing outfall north of the intersection of Carriage Trail and Aspen Court to the existing sump inlets in Driftwood Street. The existing storm drain will be evaluated for capacity and ENGINEER will make recommendations if undersized. The proposed system begins at the intersection of Alta Vista Drive and Carriage Trail and ends at the intersection of Alta Vista Drive and Westway Drive. Sanitary sewer and water lines will be replaced, and upsized if required by the City’s Wastewater and Water Master Plans. Wastewater and water lines will be evaluated to be placed behind the back of curb and within the right-of-way line where possible. The scope of services also includes replacement of existing wastewater line by open cut or trenchless method in the alley located between Valley Drive and Greenhill Drive. The limits of improvements will be from Highland Drive to Westway Drive.

Other design components include coordination with ONCOR for street lighting, coordination with franchise utilities, TDLR compliance with ADA, erosion control plans, and traffic control plans.

ENGINEER will provide plans, specifications, estimates, and permits (if applicable) for the project. Support services for the project bidding, and the construction phase is excluded from the scope of services at the CITY’s request. The scope of services also includes splitting the plan set into up to three (3) sets including Alta Vista Drive and West Street.

BASIC SERVICES

1. Schematic Conceptual Design (30%)

1.1. Project Management

- 1.1.1. TNP will update the Project Work Plan to include the additional scope of services.
- 1.1.2. TNP will conduct a kickoff meeting with City to discuss the key design elements for the additional streets.
- 1.1.3. Revise and submit project schedule to City staff to incorporate the additional services and provide general project management activities.

1.2. Project stakeholder coordination

- 1.2.1. Conduct progress meetings to monitor the development of the project. During this phase of the project, conduct up to two (2) additional meetings with the City staff regarding project status and coordination issues.

1.3. Schematic Roll Plot and Graphics (30%)

The following services will be provided as part of the Conceptual Design Phase (30%):

- 1.3.1. Review and research previously prepared construction plans record documents, and other pertinent information related to additional streets.
- 1.3.2. Develop complete and accurate base map showing all existing Right-of-Way (ROW), easements, and utilities.
- 1.3.3. Develop and evaluate typical sections (up to two (2)) to use for Westway Drive, Carriage Trail, Aspen Court, and other intersecting streets and alleys within the project limits.
- 1.3.4. Develop horizontal alignments for roadways.
- 1.3.5. Develop and evaluate up to two (2) alignments for proposed water lines and wastewater lines.
- 1.3.6. Develop vertical alignment for roadway and cut cross sections at critical points, at center of driveways, alley approaches, cross streets, lead walks, at alignment geometric points and at 25' intervals to evaluate the grading.
- 1.3.7. Review City Master Trail Plan and incorporate hike and bike trails if necessary.
- 1.3.8. Prepare 30% schematic paving plan and profile roll plots, produced at 1"=20' horizontal scale and 1"=5' vertical scale. The horizontal alignment of proposed water lines and sewer lines will be included in the roll plots.
- 1.3.9. Prepare cross sections sheets.
- 1.3.10. It is anticipated that the 30% submittal for the added streets, and Alta Vista Drive and West Street will be at the same time and will follow the updated overall project schedule.
- 1.3.11. Meet with City staff and present concept paving plan and profile roll plots.
- 1.3.12. Incorporate comments and feedback from City staff and other stakeholders prior to public meetings.

1.4. Drainage Analysis (30%)

The following services will be provided as part of the Conceptual Design Phase (30%):

- 1.4.1. Review and research existing construction plans and record documents, historical flooding events and other pertinent information related to the existing drainage infrastructure within the project limits, and upstream and downstream of the proposed project.
- 1.4.2. Prepare a hydrologic and hydraulic analysis of the existing drainage infrastructure and prepare a report in memo format signed and sealed. Analysis/report shall include the following.
 - Existing drainage infrastructure analysis
 - Drainage Area Map of existing conditions/infrastructure.

- Analysis effect on existing system of proposed off-site development or infrastructure improvements currently being planned.
- Drainage calculations – Drainage Area, Inlet, Street Capacity, Storm Sewer grade line computations in City Standard’s tabular format.
- Synopsis of hydraulic deficiencies in written and plan format, includes downstream off-site drainage infrastructure (if any).
- The drainage analysis will also include any proposed storm drain system to remedy the existing drainage problems in Westway Drive, Carriage Trail and Aspen Court.
- The proposed infrastructure analysis will include drainage areas delineation, evaluation of street capacities, and performing hydraulic grade line computations for proposed systems. Starting hydraulic grade line of existing storm drain at the outfall will be determined either from record drawings or free outfall will be assumed.
- The drainage analysis will include analysis of existing and proposed storm drain systems in Carriage Trail. There are two existing systems in Carriage Trail. One at the south end (South system) which begins at Lakeshore Drive and ends at the intersection of Carriage Trail and Westway Drive. Another system (North system) begins at existing outfall located north of the intersection of Carriage Trail and Aspen Court and ends at the existing sump inlets in Driftwood street. The proposed south system will be analyzed to reroute the existing storm drain system through Carriage Trail and Alta Vista Drive.
- The drainage analysis will also include analysis of existing and proposed systems.
- Recommendation of improvements to existing drainage system to meet the City’s current 100-year design storm criteria. The recommendations will be limited to
 - Drainage Area Map of proposed improvements
 - Proposed drainage calculations – Drainage Area, Inlet, and Street Capacity, and Storm Sewer HGL Calculations (to be in City Standard’s tabular format).
 - Summary of proposed improvement of drainage infrastructure in written and plan format to fix hydraulic deficiencies in order to meet current City drainage criteria standards.

1.5. Existing Traffic Analysis and Recommendation (30%)

The following services will be provided as part of the Conceptual Design Phase (30%):

- 1.5.1. City will conduct Traffic Counts, Speed Studies, and will provide Accident Reports from Police Department along Westway Drive, Carriage Trail and Aspen Court.
- 1.5.2. ENGINEER shall take the data provided by the City and analyze in order to provide recommendations to the City. Such recommendations will serve as basis of design of speed calming devices, traffic signage or striping plans. The recommendations will be provided in memo format signed and sealed of proposed improvements along the corridor.
- 1.5.3. The recommendations will be in one memorandum which will include Westway Drive, Carriage Trail and Aspen Court.
- 1.5.4. A Traffic Impact Analysis (TIA) is not anticipated for this project and excluded from the scope of services.

2. Construction Documents

The preparation of construction documents (60%, 90%, and 100%) will generally follow the original scope and will include:

2.1. Project Management

- 2.1.1. Conduct progress meetings at each stage of the construction documents phase to monitor the development of the project regarding the project status, coordination issues and go over City review comments of the plans for the added scope of services.
- 2.1.2. Coordinate with franchise utilities, (electric power, cable TV, phone, gas, optic fiber, etc.) for the additional streets.
- 2.1.3. Update project schedule and interim milestones (coordinate with City staff as necessary)
- 2.1.4. Additional site visits (up to two (2) trips)

2.2. Construction Plans, Specifications and Estimates (60%, 90%, 100%)

2.2.1. Submittals

ENGINEER will submit 60%, 90% and 100% submittals for Westway Drive, Carriage Trail and Aspen Court for the City for review and comments. The following will be required for each submittal:

- Construction Plans
 - Two (2) Full Size copies – 22"x34"
 - Two (2) Half Size copies – 11"x17"
 - One (1) PDF copy
 - One (1) PDF copy– Scanned City comments previous submittal
- Engineers Opinion of Construction Cost
- Construction Contract /Specification Book
- City to provide the front end documents, and City special provisions to NCTCOG standard in electronic format.

2.2.2. Construction Plans (60%, 90%, 100%)

Each plan sheet in the construction plans set will conform to the Engineering Drawing Requirements set forth in the City of Rockwall's Standards of Design and Construction. Plan sheets will also include any other additional documentation, notation, and clarification required by the City's Project Manager to prove design and constructability of the project. Each stage of the construction plan review process will incorporate any changes associated with City comments on previous submittals.

The scope of services also includes preparation of up to two (2) plan sets which will include Alta Vista Drive and West Street improvements.

Below is a table of the required construction plan sheets and which submittals they are required.

Plan Sheets	60%	90%	100%
Cover Sheet	X	X	X
Legend Sheet	X	X	X
General Notes Sheet	X	X	X
Summary of Quantities	X	X	X
Existing Condition Plan (1"=20' scale)	X	X	X
Horizontal/Vertical Control Sheet (1"=40' scale)	X	X	X
Typical Sections (Existing and Proposed)	X	X	X
Erosion Control Plan (1"=40' scale)		X	X
Demolition/Removals Plan (1"=20' scale)	X	X	X
Roadway Plan/Profiles (1"=20'H, 1'=5'V scale)	X	X	X
Alley and Driveway Plan/Profile (1"=20'H, 1'=5'V scale)		X	X

Intersection Grading Plan (major and critical intersections)		X	X
Pavement Signage and Striping Plan (1"=20' scale)		X	X
Drainage Area Map (Existing and Proposed)	X	X	X
Drainage Calculations (Runoff, Street Capacity, Inlet, and Storm Sewer Pipes)	X	X	X
Drainage Plan/Profile (Trunks and Laterals) (1"=20'H, 1'=5'V scale)	X	X	X
Water Line Plan (1"=20'H)	X	X	X
Wastewater Plan/Profile (1"=20'H, 1'=5'V scale)	X	X	X
Retaining Wall Plan/Profile (1"=20'H, 1'=5'V scale) (if applicable)	X	X	X
Construction Sequencing Phasing Narrative	X	X	X
Detour Plan (for each Phase)		X	X
Traffic Control Plan (for each phase & typ. sections) (1"=40' scale)		X	X
Roadway Cross-Sections (25' int. & crit. pts.) (1"=20'H, 1'=5'V scale)	X	X	X
Details (for each section of plans)		X	X

Each subsection below details out the services to be performed for each section of the construction plan set.

2.2.3. Roadway Design

- Incorporate the previous design submittal review comments
- Prepare plan / profile sheets (224"x34" plan sheets at a scale of 1" =20' horizontal, and 1" =5' vertical).
- Analyze all driveways within the project and develop driveway adjustment and crosswalk profiles as needed. Typically, driveways will be defined vertically by profiles.
- Develop design cross-sections
 - Develop on 25' station intervals and other critical points.
 - Show pavement and subgrade, right-of-way limits, sides slopes, pavement cross slopes, curbs, and retaining walls (if applicable)
 - Cross-sections will be provided in the plan set.
- Prepare roadway details to clarify intent of design
- Modify and include standard details as needed

2.2.4. Drainage

- Create Drainage Area Maps (existing and proposed). Proposed Drainage Area Map will be only prepared if there is no change in the drainage pattern from the existing conditions.
- Create Drainage Calculation Sheets (Tables to be formatted to match City Standard's tabular format)
- Identify the need for additional drainage easements to accommodate the proposed offsite drainage improvements (if required)
- Perform final storm sewer sizing and alignment design. Prepare final inlet design sheets and hydraulic design sheets for inclusion in the plans.
- The design of storm drain system is limited to a proposed line in Alta Vista Drive from Lakeshore Drive to Carriage Trail. The proposed line will be stubbed out at Carriage Trail for future connection to existing storm drain in Carriage Trail. The intent of proposed line is to eliminate the existing 18" storm drain line between the lots with address 303 and 305 Carriage Trail.

- The design of storm drain system also includes addition of two flanking inlets in Alta Vista Drive at Lakeshore Drive intersection.
- Analysis of existing storm drain system in Lakeshore Drive is not anticipated for this project; however, it may be provided as additional services if it is discovered and needed during the design phase.
- The starting hydraulic grade line of existing storm drain in Lakeshore Drive will be either derived from the record documents or an assumed starting HGL will be utilized. Calculation of the existing HGL is not included in this scope, but may be provided as an Additional Service.
- Storm drain improvements is not anticipated for West street.
- The proposed grading for West Street will be evaluated to collect the discharge from the alley between Kaufman Street and Highland Drive.
- Prepare storm sewer plan/profile sheets depicting storm sewer lines, inlets, junction boxes, connections, manholes, utility crossings and the hydraulic grade lines.
- Prepare profiles for all trunks and laterals (to be profiled along centerline of pipe)
- Prepare drainage details to clarify intent of design.
- Compile applicable City standard details. Modify standard details as needed.
- Prepare erosion control plan.

2.2.5. Utilities

- Public (Water, Wastewater, Storm Drainage, etc.)
 - Establish the location of existing public utilities based upon information provided by the City, SUE and field survey information
- Franchise Utility Coordination
 - Send one set of plans to each franchise utility for their review at each phase. Request each franchise utility to mark up the plans to show the size, type and location of their utilities.
 - Notify the City if any relocations are required
 - ENGINEER shall perform the coordination with the franchise utilities if any relocations are required.
 - Attend City ran Franchise Utility Coordination Meetings (typically 2-4 meetings per year are held). ENGINEER will give back ground on particular project and coordinate with franchise utility companies on foreseen conflicts and pass out current plan set.

2.2.6. Water

- Prepare all water plan sheets. Water line profiles are not anticipated as the proposed water lines will be 8 inches in diameter.
- Check coverage of Fire Hydrants to meet City Standard.
- Prepare water details to clarify intent of design. Compile applicable City Standard details, modify standard details as needed.

2.2.7. Wastewater

- Prepare all wastewater plans and profiles for proposed line in Westway Drive, Carriage Trail and Aspen Court.
- City will provide the video of existing sewer lines to verify the service connections.
- Prepare wastewater details to clarify intent of design. Compile applicable City Standard details, modify standard details as needed.

2.2.8. Street Lighting

- ENGINEER will coordinate with ONCOR for the relocation of street lights.

- It is assumed that the ONCOR is responsible for the design and installation of street lights.
- ENGINEER shall coordinate with ONCOR for the location of proposed street lights and underground conduits.

2.2.9. Structural

- Structural design is not anticipated; however, structural design services can be provided as an Additional Services if it is needed or discovered during the design.

2.2.10. Traffic

- Traffic Signals
 - The project does not include traffic signals. Traffic signal improvements are not anticipated for this project.
- Pavement Marking and Signing Plans
 - Determine potential conflicts with existing signs and propose sign relocations.
 - Prepare crosswalk pavement marking and signing layouts in accordance with City design standards and the Texas Manual on Uniform Traffic Control Devices (TMUTCD) if required.
 - Prepare details to clarify intent design
 - Compile applicable City standard details. Modify standard details as needed.

2.2.11. Traffic Control Plans, Detour Plans, Construction Sequencing/Phasing

- Develop construction sequence plan showing:
 - Construction area for each phase of construction and closure of existing travel lanes (if needed).
 - Temporary signing and striping, barricades, and other channelization device
 - Narrative of the sequence of work.
 - Detour Plan for each construction phase
 - Storm sewer construction phasing shall be incorporated by sequencing notes.
 - Public utilities relocation phasing.
 - Pedestrian routing during construction.
- Develop typical cross section showing lane widths, edge conditions, channelization and proposed construction area.
- Develop typical driveway staging plans for similar driveways. Develop custom driveway staging layouts for special conditions.
- Prepare traffic control details to clarify intent of design.

2.2.12. Specifications/Construction Contracts

Prepare general notes, specification data, and final Bid Book in accordance with City of Rockwall requirements. Identify and prepare special specifications and/or special provisions applicable to the project. Prepare Bid-Tab sheets of applicable items for Contractor to fill/present bid prices.

- Contact documents, including the following:
 - City of Rockwall standard construction contract forms
 - Notice to bidders
 - Special instructions to bidders
 - Bid form (Bid-Tab) – Electronic for Bidding
 - Pay Items Description

- Standard construction contract
 - Performance bond
 - Payment bond
 - Maintenance bond
 - Certificate of insurance
 - General conditions
 - Special conditions
 - Technical specifications
 - Permits (TXDOT, City of Dallas, etc.)
 - Geotechnical Report
 - The scope of services includes preparation of up to two (2) Specifications/Construction Contracts which will incorporate Alta Vista Drive and West Street improvements.
- 2.2.13. Estimates
- Compile an overall opinion of probable construction cost based on current market values. Cost shall be broken out in to separate schedules for each section of the job.

2.3. Agency Permitting/Coordination (TDLR)

2.3.1. Accessibility Review (TDLR)

- Prepare a completed application for submittal to the Texas Department of Licensing and Regulation for review in accordance with the Elimination of Architectural Barriers Act.
- ENGINEER to complete application and submit with set of plans to a Registered Accessibility Specialist (RAS) from review and TDLR project registration. All coordination and fees with TDLR compliance will be done by the ENGINEER.
- While we do not anticipate accessibility revisions to be required, we will address minor revisions to the plans based on review comments from the RAS.

SPECIAL SERVICES

3. Public Meetings and Public Input Survey

3.1. Meetings

- 3.1.1. It is assumed that the City hold the public meeting for Westway Drive, Carriage Trail, and Aspen Court Improvements at the same time as for Alta Vista Drive and West Street.
- 3.1.2. It is assumed that the Public Input Survey for Westway Drive, Carriage Trail, and Aspen Court Improvements will be mailed at the same time as for Alta Vista Drive and West Street.
- 3.1.3. Attendance of Public Involvement Meetings (up to two (2)) and Public Input Survey is included under the original scope of services for Alta Vista Drive and West Street.

4. Data Collection & Property Research / Topographic and Design Survey

4.1. Data Collection and Property Research

- 4.1.1. Gather existing plat information
- 4.1.2. Collect property owner and record information
- 4.1.3. Gather existing ROW and easement information, identify all easements through typical research methodologies (i.e. plats, court house filings, etc.). Undocumented easements may not be identified.

4.2. Topographic and Design Survey

- 4.2.1. The limits of the survey for Westway Drive shall be from the intersection of Carriage Trail and Westway Drive to the intersection of Westway Drive and Highland Drive. The limits of the survey for Carriage Trail shall be from the intersection of Alta Vista Drive and Carriage Trail. The limits of the survey for Aspen Court shall be from the intersection of Carriage Trail and Aspen Court to the intersection of Aspen Court and Valleyview Drive. The survey shall extend twenty (20) feet outside of the ROW (50-foot ROW for Westway Drive, Carriage Trail and Aspen Court where accessible. Survey will include intersecting roadways extending 250 feet along each leg of the major intersections and 100 feet along each leg of the minor intersections. The survey will include the entire intersection of Westway Drive and Highland Drive and Aspen Court and Valleyview Drive. The topographic survey also includes approximately 300 feet of existing alley between Valley Drive and Greenhill Lane. The limits of survey for alley will be from Highland Drive to Westway Drive.
- 4.2.2. Establish horizontal control points at 500' maximum spacing.
- 4.2.3. Establish a vertical control benchmark circuit as needed throughout the project. Use existing City established monument information for the City and tie survey into.
- 4.2.4. Set control points, which shall be based on NAD-83, on both sides of the roadway, as required to maintain horizontal control throughout the project limits.
- 4.2.5. Perform a field survey to identify and locate existing topographic elements within the roadway corridor. All identified topographic elements shall be tied down horizontally and vertically. The field survey shall include but not limited to the following:
- Property corner monumentation
 - Existing pavement, curbs, sidewalks, barrier free ramps, etc.
 - Roadway and lane striping
 - Driveways
 - Existing storm sewer inlets, manholes, junction boxes Headwalls (including culvert sizes and invert elevations)
 - Existing driveway culverts and swales (flowlines, sizes, types, etc.)
 - Guardrail
 - Utility manholes, vaults, water valves, water meters, wastewater cleanouts, sprinkler heads, telephone poles, power poles, utility markers, other public utilities and franchise utilities
 - Traffic Signal poles, cabinets, pull boxes and other signal equipment
 - Signs (excluding temporary signs)
 - Trees, including species and caliper (all sizes)
 - Landscape planters, Shrubs, rocks and other features.
 - Buildings and permanent structures
 - Retaining walls
 - Fencing walls
 - Fence limits and material types (excluding temporary fences)
 - Mailboxes (types – wood, brick, stone)
 - Other applicable physical features that could impact design
- 4.2.6. Perform cross-sections throughout project limits at 25-foot intervals and at grade breaks and prepare cross-section field notes.
- 4.2.7. Prepare a final topographic drawing in digital format (including contours and breaklines) showing the features located in the field, an ASCII coordinate file of the points located in the field, and a hard copy of the coordinates and feature descriptions.
- 4.2.8. ENGINEER will perform site visits for the purposes of reviewing the provided survey in the field and making notes for additional survey needs and design considerations.

- 4.2.9. ENGINEER shall arrange and make provisions for access to perform the services specified within this scope. The surveyor shall provide the City with the name and address of the property owners.
- 4.2.10. The City shall be responsible for the coordination of all ROW and easement acquisitions. ENGINEER will provide survey information and easement/ROW documents (sketch and legal description) to the City. Additional ROW and easement documentation services are detailed below in Section 6.

5. Subsurface Utility Engineering (S.U.E.) Services

Provide S.U.E. Services for the purpose of locating horizontal and vertical locations of underground city and franchise utilities, in conjunction with and /or prior to the field survey.

- 5.1. S.U.E. Level 'B' Services will be provided to determine horizontal location of utilities up to 5,600 linear feet for Westway Drive, Carriage Trail and Aspen Court. The Quality Level 'B' also includes Quality Level 'C/D' S.U.E. services.
- 5.1.1. Determine horizontal location of utilities up to 5,600 linear feet which will include 2,000 linear feet along Westway Drive from Highland Drive to Carriage Trail, 280 linear feet along Aspen Court from Carriage Trail to Highview Drive, and 100 LF along each cross streets and alleys (11 individual intersections).
- 5.1.2. Engineer will create and call in locate tickets for Texas811 for the project corridor. Timing of locates will be coordinated to help ensure that locates are performed in conjunction with surveying operations.
- 5.1.3. As part of the services provided in the Topographic and Boundary Survey Phase, Engineer will visibly investigate surface features and appurtenances or all utility systems shown on the record drawings that are included within the project site, including but not limited to:
- sanitary sewer manholes (including measure down)
 - storm sewer manholes (including measure down)
 - communication/fiber manholes
 - hand holds
 - pull boxes
 - water valves
 - water meters
 - fire hydrants
 - cleanouts
 - blow-offs
 - pedestals (communication, fiber, electric)
 - gas meters
 - signal boxes
 - electric poles (transmission and distribution)
 - electric transformers
 - light poles
 - utility signs
- 5.1.4. Investigate all utility systems shown on the record drawings that are included within the project site. Visible surface features and appurtenances of subsurface utilities found within the project site will also be evaluated. Using appropriate surface geophysical methods, Engineer will search for detectible indications of the horizontal location of anticipated subsurface utilities.
- 5.1.5. Mark all locations that can be validated, using paint, flags or other devices.

- 5.1.6. These services are for the purpose of aiding the design of the project by providing information related to subsurface utilities in order to allow potential utility conflicts to be minimized or eliminated.
 - 5.1.7. Prepare documentation of the utilities encountered and marked, including their general location, orientation, type & size, if known.
 - 5.1.8. Deliverable will consist of a Quality Level B – AutoCad DWG 2D file depicting all subsurface utilities found and verified and above ground appurtenances. The drawing will be signed and sealed by a Professional Engineer licensed in the State of Texas.
- 5.2. Provide Quality Level ‘A’ S.U.E. Services for the purpose of vertically locating the utility lines.
- 5.2.1. Provide S.U.E. Quality Level ‘A’ Services will be provided as defined in CI/ASCE 38-02.
 - Quality Level A (QL-“A”) – Generally, QL-“A” indicates precise horizontal and vertical location of utilities obtained by the actual exposure (or verification of previously exposed and surveyed utilities) and subsequent measurement of subsurface utilities, usually at a specific point. Minimally intrusive excavation equipment is typically used to minimize the potential for utility damage. A precise horizontal and vertical location, as well as other utility attributes, is shown on plan documents. Accuracy is typically set to 15-mm vertical and to applicable horizontal survey and mapping accuracy as defined or expected by the project owner.
 - 5.2.2. Provide all necessary personnel, equipment, supplies, management and supervision needed for the test hole excavation, backfill and restoration.
 - 5.2.3. Coordinating with CLIENT, property owner, and/or permitting authorities, as needed and assisting the City in obtaining any required permits, permission or rights-of-entry.
 - 5.2.4. Contacting the appropriate One-call system to request utilities to be marked on-the-ground prior to beginning excavation of test holes.
 - 5.2.5. Providing and utilizing appropriate traffic control devices, as necessary, in conformance with the MUTCD, including any state or locally adopted supplements.
 - 5.2.6. Excavate by air-vacuum or other minimally invasive methods up to ten (10) test holes, at locations yet to be determined within the project limits in order to identify the exact horizontal & vertical locations of crucial utilities. For the purpose of the scope, five of such test holes are assumed will be in the paved area and five will be in outside paving area. Furthermore, following assumptions are made for the depth of test holes:
 - Up to Ten (10) test holes of 0-12 ft depth will be provided
 - 5.2.7. Test holes in addition to those listed above will be provided at the rate per test hole agreed to by the City of Rockwall.
 - 5.2.8. Prepare documentation for each test hole attempted. This documentation will include the horizontal and vertical position of the targeted utility or structure, a general description of the target utility, with condition, material and general orientation noted a generalized description of the material encountered in the test hole, and any other field observations noted during the excavation.
 - 5.2.9. Deliverable will consist of a Quality Level A – AutoCA DWG 2d (DGN) file showing X, Y and Z w/ depth, a PDF of the same signed and sealed, Utility Summary Sheet, Individual Sheets on Test Holes and ASCII Point List.
- 6. Right-of-Way / Easement Instruments of Conveyance**
- 6.1. Prepare ROW instruments (narrative and graphic exhibits of ROW takes) and setting new property corners (for new ROW only) in the field.
 - 6.2. For the purpose of the scope services, fourteen (14) corner clips ROW documents are planned.

- 6.3. Individual parcel exhibits shall be on 8"x11" paper and pdf copy shall be sealed, dated, and signed by a Registered Professional Land Surveyor and shall contain the following:
 - 6.3.1. Parcel number
 - 6.3.2. Area required
 - 6.3.3. Area remaining
 - 6.3.4. Legal description
 - 6.3.5. Current owner
 - 6.3.6. Any existing platted easements or easements filed by separate instrument including easements provided by utility companies
 - 6.3.7. All physical features
 - 6.3.8. Metes and bounds description of parcel to be acquired. The description shall be provided on a separate sheet from the exhibit. Each type of easement shall be described separately.
- 6.4. Upon written notification by the City of acceptance of the ROW exhibits and instruments, and as directed by the City, the surveyor shall set all corners and points of curvature for the proposed ROW and submit final sealed plans and exhibits, including location of the control points and their NAD-83 reference
- 6.5. ENGINEER will provide the information listed in Section 6.2 to the City and/or their selected ROW and easement acquisition agent. This task will include the following:
 - 6.5.1. Transmittal of survey and existing property information.

7. Geotechnical

- 7.1. Subsurface Exploration
 - 7.1.1. Four (4) borings are planned for this project. The borings and geotechnical report will be thru a subconsultant.
The locations are as follows (or as determined by Geotechnical Engineer):
 - Two borings will be located approximately every 1,000 feet along Westway Drive, and
 - Two borings will be located approximately every 1,000 feet along Carriage Trail and Aspen Court.
 - 7.1.2. Boring Services – Pavement borings will be sampled to 15 feet. A total of 60 feet for drilling is planned.
 - Check samples for consistency with a hand penetrometer
 - Stake the boring locations using normal taping procedures
 - Backfill bore holes and plug at the surface
- 7.2. Laboratory Services
 - 7.2.1. Considering the planned facilities, anticipated soil conditions, and geology, the following laboratory test will be required for classification purpose and to determine strength characteristics:
 - Visual Classification
 - Moisture content and soil identification
 - Liquid and plastic limit determinations
 - Unconfined compression
 - Calibrated hand penetrometer tests
 - Lime/ph series tests
 - Soluble sulfate tests (to determine lime-induced heaving potential)
- 7.3. Engineering Services
 - 7.3.1. Prepare an engineering report presenting the following:
 - Sample boring location map
 - Boring logs and laboratory results
 - General soil and ground-water conditions

- Recommendations will be based on a 30-year design life.
 - Subgrade design recommendations for lime treated and cement treated subgrade.
 - Pavement design recommendation for reinforced concrete, (including pavement thickness, strength, reinforcement size and spacing, and joint spacing)
 - Pavement design alternatives: Provide recommendations for the following street sections:
 - Reinforced concrete pavement on lime and or cement treated subgrade.
 - Reinforced concrete pavement on flex base.
 - Reinforced concrete pavement on compacted subgrade.
 - Earthwork recommendations
- 7.3.2. The geotechnical engineer's design recommendations shall be relied upon by the civil and structural engineers for their design.
- 7.3.3. Submit one (1) paper copy and one pdf file copy of the report to the City

8. Additional Services

Services not specifically identified in the Scope of Services above shall be considered additional and shall be performed on an individual basis upon authorization by the City of Rockwall. Such services shall include, but are not limited to the following:

- 8.1. Construction staking.
- 8.2. Geotechnical recommendations for the design of retaining wall.
- 8.3. Structural design of retaining walls, junction boxes or any other structures.
- 8.4. Photometric or coverage study/analysis for street lighting.
- 8.5. Design or modification of traffic signal.
- 8.6. Traffic Impact Analysis
- 8.7. Quality control and testing services during construction.
- 8.8. Offsite storm drains design and analysis.
- 8.9. Environmental or Archeological study and permitting through state agencies.
- 8.10. Support services for Project Bidding
- 8.11. Support services for Right-of-Way Acquisition and Negotiation
- 8.12. Flood study for streams/creeks and permitting through FEMA or US Army Corps of Engineers.
- 8.13. Construction phase services, including responding contractor questions, reviewing contractor pay application, performing site visits to observe construction, reviewing shop drawings/submittals, preparation of record drawings etc.

-End of Scope of Service-

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:

No.	Task	Fee Basis	Original Agreement	Supplemental Agreement # 1	Project Total
	BASIC SERVICES				
1.	Schematic Conceptual Design (30%)	Fixed Fee	\$ 57,000	\$ 73,900	\$ 130,900
2.	Construction Documents				
2.1	60% Design	Fixed Fee	\$ 67,000	\$ 102,200	\$ 169,200
2.2	90% Design	Fixed Fee	\$ 49,500	\$ 70,000	\$ 119,500
2.3	100% Design	Fixed Fee	\$ 24,200	\$ 38,300	\$ 62,500
	Basic Services Subtotal:		\$ 197,700	\$ 284,400	\$ 482,100
Compensation for Special Services under Tasks 3-7 shall be on a lump sum, unit price, or labor fee plus expense (reimbursable) basis with the estimated fee shown below.					
	SPECIAL SERVICES				
3.	Public Meetings and Public Input Surveys	Fixed Fee	\$ 6,000	-	\$ 6,000
4.	Data Collection & Property Research / Topographic and Design Survey	Fixed Fee	\$ 26,500	\$ 38,800	\$ 65,300
5.	Subsurface Utility Engineering (S.U.E.) Services				
5.1	Quality Level ‘B’ (Including Level ‘C/D’) S.U.E. Services	Hourly*	\$ 23,400	\$ 15,400	\$ 38,800
5.2	Quality Level ‘A’ S.U.E. Services (\$1,800/test holes)	Unit Price	\$ 9,000	\$ 18,000	\$ 27,000
6.	Right-of-Way/Easement Instruments of Conveyance (\$1,250/document)	Unit Price	\$ 7,500	\$ 18,600	\$ 26,100
7.	Geotechnical	Fixed Fee	\$ 14,900	\$ 17,500	\$ 32,400
	Special Services Subtotal*		\$ 87,300	\$ 108,300	\$ 195,600
	ENGINEERING SERVICES CONTINGENCY**		\$ 28,500	\$ 39,300	\$ 67,800
	**(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)				
	Total*		\$ 313,500	\$ 432,000	\$ 745,500

*Estimate only (see notes below).

Notes:

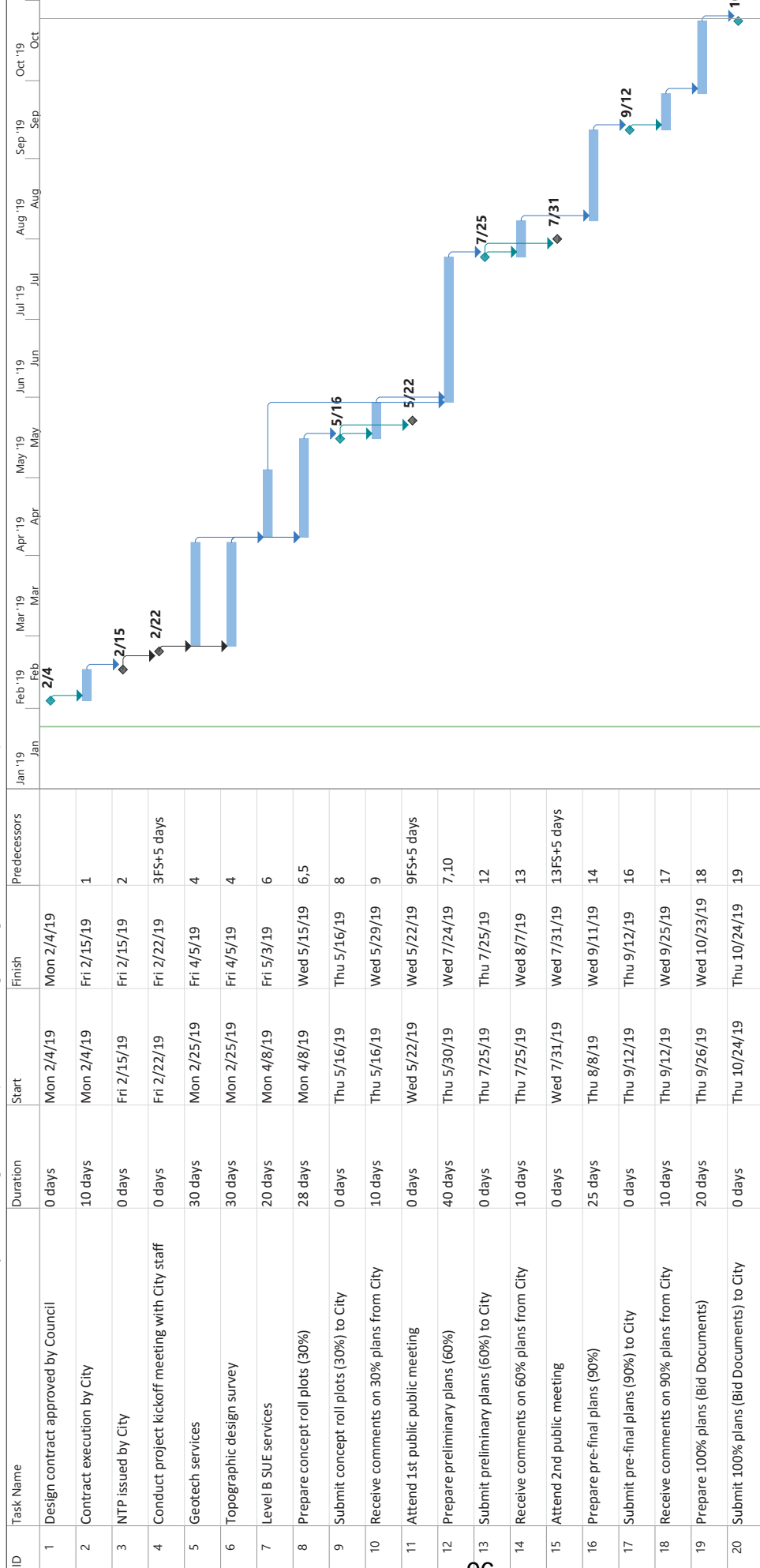
Hourly Consulting Services: Services shall be provided on an hourly, reimbursable basis at the ENGINEER’S standard hourly rates when the Fee Basis is defined as hourly. Actual fees for the services will be based on actual hours required to perform the services, and will vary based upon actual cost, and could potentially exceed the estimates provided above. ENGINEER shall notify the City in writing before exceeding the budgeted fees, and obtain written authorization from City to exceed the contract amount.

Please refer to attached schedule of TNP's standard hourly rates. Services shall be billed monthly based on actual time spent working on the project by the ENGINEER'S staff. Actual out-of-pocket expenses that are incurred during the progress of the work for hourly services tasks shall be billed at TNP's cost plus 10%. Any project related fees paid by the ENGINEER on behalf of the City shall be reimbursed by the City under the hourly services task. Examples of these type fees include, but are not limited to, application fees, filing fees, permit fees, review fees, title company/closing fees, or fees related to the purchase or acquisition of information or documents requested by the City for inclusion in the Project's deliverables.

1. **Fixed Fee Consulting Services:** Fees for tasks described as "fixed fee" (lump sum) are total fees for all labor and expenses associated with those tasks. Lump Sum fee for each task will be invoiced monthly based upon the overall percentage of services performed.

ATTACHMENT C” **Project Schedule**

Schedule for Alta Vista Drive, West Street Westway Drive, Carriage Trail and Aspen Court - Paving, Drainage, Water, and Wastewater Improvements



Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Progress

Manual Progress

ATTACHMENT “D”

Sub-Consultants

1. Sub-Consultant:

Company Name: HVJ Associates

Services of the Scope Being Provided: *Geotechnical Engineering*

Contact Person: Fadi Faraj, P.E. Title: Vice President/Office Manager

Email: ffaraj@hvj.com Phone: 214-678-0227

ATTACHMENT "E"

Approximate Project Limits



STATE OF TEXAS

COUNTY OF ROCKWALL



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 Teague Nall and Perkins, Inc., ("ENGINEER"), located at 825 Watters Creek Boulevard, Suite M300, Allen, Texas, 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 Reconstruction of Alta Vista Drive from Lakeshore Drive to Westway Drive, and West Street from Rusk Street to Highland Drive

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 detailed 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 of One Hundred Ninety-Seven Thousand Seven Hundred Dollars (\$197,700.00) billed as a lump sum basis for Basic Services, and Eighty-Seven Thousand Three Hundred Dollars (\$87,300.00) billed on a lump sum/hourly/unit price basis for Special Services, per rates 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~~ 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

Michael G. DeMotte, P.E.
Director of Engineering Services-Allen Office
Teague, Nall, and Perkins, Inc.
825 Watters Creek Blvd, Suite M300
Allen, TX, 75013

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 ENGINEER 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 11th day of October 2018.

Teague Nall and Perkins, Inc.

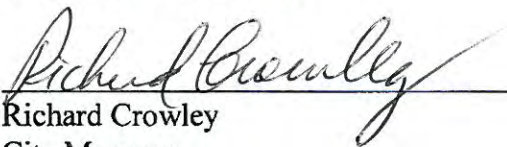
By: 
Name: Michael G. DeMotte, P.E.
Title: Director of Engineering Services-
Allen Office

EXECUTED in triplicate originals on this 16 day of October 2018.

ATTEST:


Laura Perez
Exec. Secretary

City of Rockwall, Texas


Richard Crowley
City Manager

ATTACHMENT “A”

Scope of Service

8.

Attachment "A"
Reconstruction of Alta Vista Drive from Lakeshore Drive to Westway Drive and
West Street from Rusk Street to Highland Drive
For
City of Rockwall
Scope of Services

Project Understanding

The City of Rockwall (City) wishes to reconstruct Alta Vista Drive (from Lakeshore Drive to Westway Drive) and North West Street (from Rusk Street to Highland Drive), existing two-lane residential roadways, approximately 1670 feet in total length. The roadways lie within an area zoned Single Family (SF-10) of the City of Rockwall. Improvements generally be within the existing 50' Right-of-Way (ROW) for Alta Vista Drive, and within the existing 60' Right-of-Way for West Street from Kaufman Street to Highland Drive, and within the 28'(+/-) Right-of-Way for West Street from Rusk Street to Kaufman Drive. The contract will include a provision for up to six (6) parcels for corner clip takes or easements in the event that they are required. There will be no traffic signal modifications necessary for the roadway improvements. For Alta Vista Drive, the paving improvements will begin at the eastern curb return of the intersection of Alta Vista Drive and Lakeshore Drive, and end at the western curb return of the intersection of Alta Vista Drive and Westway Drive. For West Street, the paving improvements will begin at the northern curb return of the intersection of West Street and Rusk Street, and end approximately at the northern curb return of the intersection of West Street and Highland Drive. The West Street improvements also includes the intersection of West Street and Kaufman Street.

Additional design will include storm sewer, sanitary sewer and water line improvements. The existing storm sewer will be analyzed using current City drainage criteria. Storm drain improvements are limited to rerouting of the existing storm drain pipe between the lots with address 303 and 305 Carriage Trail. The proposed storm drain will begin at the intersection of Alta Vista Drive and Lakeshore Drive, and end at the intersection of Alta Vista Drive and Carriage Trail. Sanitary sewer and water lines will be replaced, and upsized if required by the City's Wastewater and Water Master Plans. Wastewater and water lines will be evaluated to be placed behind the back of curb and within the right-of-way line where possible.

Other design components include coordinating with ONCOR for street lighting, support services for TXDOT permit application for West Street improvements, utility coordination, TDLR compliance with ADA, erosion control plans, and traffic control plans.

ENGINEER will provide plans, specifications, estimates, and permits (if applicable) for the project. Support services for the project bidding, and the construction phase is excluded from the scope of services at the CITY's request.

BASIC SERVICES

1. Schematic Conceptual Design (30%)

1.1. Project Management

- 1.1.1. Prepare a detailed Project Work Plan for TNP internal use. The work plan will serve as guide and communication tool for the TNP project team and will include the following elements:

- Project description
- Client critical success factors and project budget

- TNP's project goals
 - Contract provisions
 - Scope of services, person-hour estimate and fees
 - List and description of deliverables
 - Schedule and milestones
 - Project contracts
 - Communication protocols
 - Quality control plan
 - Filing and project administration requirements
 - Design standards and criteria
 - Applicable codes
 - Permitting requirements
 - CADD standards (if applicable)
 - Mock plans
 - Labor and expense phases (billings)
 - Project close-out requirements
- 1.1.2. Conduct TNP internal project kickoff meeting with entire project team and City Staff.
- 1.1.3. Conduct weekly TNP internal project review meetings to review project status, review and update schedule, identify and assign next action items, etc.
- 1.1.4. Prepare and send Project Status Update (PSU) to City's Project Manager on monthly basis. PSU will address work completed in previous period, work in progress and/or anticipated to be completed in next period, actions or information needed from City, and a schedule update.
- 1.1.5. Develop design criteria and design decisions tables.
- 1.1.6. Prepare project correspondence and invoicing documents.
- 1.1.7. Prepare and submit project schedule to City staff and provide general project management activities.
- 1.1.8. Project Administration
- Prepare project correspondence and invoicing documents
- 1.2. Project stakeholder coordination
- Develop project stakeholder contact list including but not limited to franchise utilities, City's water and sewer department, traffic department, and TXDOT.
 - Conduct progress meetings to monitor the development of the project. During this phase of the project, conduct up to two (2) meetings with the City staff regarding project status and coordination issues. The first meeting will be the project kick-off meeting, and the second meeting will be the conceptual design presentation and review.
- 1.3. Schematic Roll Plot and Graphics (30%)
- The following services will be provided as part of the Conceptual Design Phase (30%):
- Review and research previously prepared construction plans record documents, and other pertinent information related to proposed project.
 - Review City master plans, design standards, specifications, construction details, and other pertinent information that may impact the design. Review of documents will include but not limited to:
 - City of Rockwall Master Thoroughfare Plan
 - City of Rockwall Water/Wastewater Master Plan
 - City of Rockwall Standards of Design and Construction

- City of Rockwall Trail Master Plan
- Develop complete and accurate base map showing all existing Right-of-Way (ROW), easements, and utilities.
- Develop and evaluate typical sections (up to two (2)) to use for Alta Vista Drive and West Street and other intersecting streets within the project limits.
- Develop drainage area maps and analyze street and inlet capacities, and proposed storm drain system to reroute the existing 18" RCP between the lots with address 303 Carriage Trail and 305 Carriage Trail. The proposed storm drain system will begin at the intersection of Lakeshore Drive and Alta Vista Drive and will end at the intersection of Alta Vista Drive and Carriage Trail. The analysis will also include addition to flanking inlets in Alta Vista Drive east of the intersection of Lakeshore Drive.
- Develop horizontal alignments for roadway,
- Develop and evaluate up to two (2) alignments for proposed water lines and wastewater lines.
- Develop vertical alignment for roadway and cut cross sections at critical points, at center of driveways, alley approaches, cross streets, lead walks, at alignment geometric points and at 25' intervals to evaluate the grading.
- Review City Master Trail Plan and incorporate hike and bike trails if necessary.
- Prepare 30% schematic paving plan and profile roll plots, produced at 1" = 420' horizontal scale and 1" = 5' vertical scale. The horizontal alignment of proposed water lines and sewer lines will be included in the roll plots.
- Prepare cross sections sheets.
- Meet with City staff and present concept paving plan and profile roll plots.
- Incorporate comments and feedback from City staff and other stakeholders prior to public meetings.

1.4. Drainage Analysis (30%)

The following services will be provided as part of the Conceptual Design Phase (30%):

- Review and research existing construction plans and record documents, historical flooding events and other pertinent information related to the existing drainage infrastructure within the project limits, and upstream and downstream of the proposed project.
- Prepare a hydrologic and hydraulic analysis of the existing drainage infrastructure and prepare a report in memo format signed and sealed. Analysis/report shall include the following.
 - Existing drainage infrastructure analysis
 - Drainage Area Map of existing conditions/infrastructure.
 - Analysis effect on existing system of proposed off-site development or infrastructure improvements currently being planned.
 - Drainage calculations – Drainage Area, Inlet, Street Capacity, Storm Sewer grade line computations in City Standard's tabular format.
 - Synopsis of hydraulic deficiencies in written and plan format, includes downstream off-site drainage infrastructure (if any). The drainage study will also include evaluation of flooding issue in or around the alley for a lot with address 305 Highland Drive. Recommendations will be included in the drainage memo to resolve the drainage issue.
 - The drainage analysis will include analysis of proposed storm drain system beginning at the existing storm drain in Lakeshore Drive and end at the intersection of Alta Vista Drive and Carriage Trail. This proposed system will be analyzed to reroute the existing storm drain system of Carriage Trail. The proposed system will be stubbed out in Carriage Trail for future connection.

- The proposed infrastructure analysis will include drainage areas delineation, evaluation of street capacities, and performing hydraulic grade line computations for proposed system in Alta Vista Drive. Starting hydraulic grade line of existing storm drain in Lakeshore Drive will be either derived from the record documents or an assumed starting HGL will be utilized.
- Analysis of existing storm drain system in Lakeshore Drive is not anticipated for this project; however, it may be provided as additional services if it is discovered and needed during the design phase.
- Recommendation of improvements to existing drainage system to meet the City's current 100-year design storm criteria. The recommendations will be limited to
 - Drainage Area Map of proposed improvements
 - Proposed drainage calculations – Drainage Area, Inlet, and Street Capacity, and Storm Sewer HGL Calculations (to be in City Standard's tabular format).
 - Summary of proposed improvement of drainage infrastructure in written and plan format to fix hydraulic deficiencies in order to meet current City drainage criteria standards.

1.5. Existing Traffic Analysis and Recommendation (30%)

The following services will be provided as part of the Conceptual Design Phase (30%):

- City will conduct Traffic Counts, Speed Studies, and Accident Reports from Police Department along Alta Vista Drive and West Street.
- ENGINEER shall take the data provided by the City and analyze in order to provide recommendations to the City. Such recommendations will serve as basis of design of speed calming devices, traffic signage or striping plans. The recommendations will be provided in memo format signed and sealed of proposed improvements along the corridor.
- A Traffic Study (TIA) is not anticipated for this project and excluded from the scope of services.

2. Construction Documents

2.1. Project Management

- Conduct progress meetings at each stage of the construction documents phase to monitor the development of the project regarding the project status, coordination issues and go over City review comments of the plans.
- Coordinate with other utilities, (electric power, cable TV, phone, gas, optic fiber, etc.)
- Prepare and send Project Status Update (PSU) to City's Project Manager on monthly basis. PSU will address work completed in previous period, work in progress and/or anticipated to be completed in next period, actions or information needed from City, and a schedule update.
- Update project schedule and interim milestones (coordinate with City staff as necessary)
- Project site visits (up to two (2) trips)

2.2. Construction Plans, Specifications and Estimates (60%, 90%, 100%)

2.2.1. Submittals

ENGINEER will submit 60%, 90% and 100% submittals for the City for review and comments. The following will be required for each submittal:

- Construction Plans
 - Two (2) Full Size copies – 22"x34"
 - Two (2) Half Size copies – 11"x17"

- One (1) PDF copy
- One (1) PDF copy– Scanned City comments previous submittal
- Engineers Opinion of Construction Cost
- Construction Contract /Specification Book
- City to provide the front end documents, and City special provisions to NCTCOG standard in electronic format.

2.2.2. Construction Plans

Each plan sheet in the construction plans set will conform to the Engineering Drawing Requirements set forth in the City of Rockwall's Standards of Design and Construction. Plan sheets will also include any other additional documentation, notation, and clarification required by the City's Project Manager to prove design and constructability of the project. Each stage of the construction plan review process will incorporate any changes associated with City comments on previous submittals.

Below is a table of the required construction plan sheets and which submittals they are required.

Plan Sheets	60%	90%	100%
Cover Sheet	X	X	X
Legend Sheet	X	X	X
General Notes Sheet	X	X	X
Summary of Quantities	X	X	X
Existing Condition Plan (1"=20' scale)	X	X	X
Horizontal/Vertical Control Sheet (1"=40' scale)	X	X	X
Typical Sections (Existing and Proposed)	X	X	X
Erosion Control Plan (1"=40' scale)		X	X
Demolition/Removals Plan (1"=20' scale)	X	X	X
Roadway Plan/Profiles (1"=20'H, 1'=5'V scale)	X	X	X
Alley and Driveway Plan/Profile (1"=20'H, 1'=5'V scale)		X	X
Intersection Grading Plan (major and critical intersections)		X	X
Pavement Signage and Striping Plan (1"=20' scale)		X	X
Drainage Area Map (Existing and Proposed)	X	X	X
Drainage Calculations (Runoff, Street Capacity, Inlet, and Storm Sewer Pipes)	X	X	X
Drainage Plan/Profile (Trunks and Laterals) (1"=20'H, 1'=5'V scale)	X	X	X
Water Line Plan (1"=20'H)	X	X	X
Wastewater Plan/Profile (1"=20'H, 1'=5'V scale)	X	X	X
Retaining Wall Plan/Profile (1"=20'H, 1'=5'V scale) (if applicable)	X	X	X
Construction Sequencing Phasing Narrative	X	X	X
Detour Plan (for each Phase)		X	X
Traffic Control Plan (for each phase & typ. sections) (1"=40' scale)		X	X
Roadway Cross-Sections (25' int. & crit. pts.) (1"=20'H, 1'=5'V scale)	X	X	X
Details (for each section of plans)		X	X

Each subsection below details out the services to be perform for each section of the construction plan set.

- Roadway Design

- Incorporate the previous design submittal review comments
 - Prepare plan / profile sheets (224"x34" plan sheets at a scale of 1" =20' horizontal, and 1" =5' vertical).
 - Analyze all driveways within the project and develop driveway adjustment and crosswalk profiles as needed. Typically, driveways will be defined vertically by profiles.
 - Develop design cross-sections
 - Develop on 25' station intervals and other critical points.
 - Show pavement and subgrade, right-of-way limits, sides slopes, pavement cross slopes, curbs, and retaining walls (if applicable)
 - Cross-sections will be provided in the plan set.
 - Prepare roadway details to clarify intent of design
 - Modify and include standard details as needed
- Drainage
 - Create Drainage Area Maps (existing and proposed). Proposed Drainage Area Map will be only prepared if there is no change in the drainage pattern from the existing conditions.
 - Create Drainage Calculation Sheets (Tables to be formatted to match City Standard's tabular format)
 - Identify the need for additional drainage easements to accommodate the proposed offsite drainage improvements (if required)
 - Perform final storm sewer sizing and alignment design. Prepare final inlet design sheets and hydraulic design sheets for inclusion in the plans.
 - The design of storm drain system is limited to a proposed line in Alta Vista Drive from Lakeshore Drive to Carriage Trail. The proposed line will be stubbed out at Carriage Trail for future connection to existing storm drain in Carriage Trail. The intent of proposed line is to eliminate the existing 18" storm drain line between the lots with address 303 and 305 Carriage Trail.
 - The design of storm drain system also includes addition of two flanking inlets in Alta Vista Drive at Lakeshore Drive intersection.
 - Analysis of existing storm drain system in Lakeshore Drive is not anticipated for this project; however, it may be provided as additional services if it is discovered and needed during the design phase.
 - The starting hydraulic grade line of existing storm drain in Lakeshore Drive will be either derived from the record documents or an assumed starting HGL will be utilized. Calculation of the existing HGL is not included in this scope, but may be provided as an Additional Service.
 - Storm drain improvements is not anticipated for West street.
 - The proposed grading for West Street will be evaluated to collect the discharge from the alley between Kaufman Street and Highland Drive.
 - Prepare storm sewer plan/profile sheets depicting storm sewer lines, inlets, junction boxes, connections, manholes, utility crossings and the hydraulic grade lines.
 - Prepare profiles for all trunks and laterals (to be profiled along centerline of pipe)
 - Prepare drainage details to clarify intent of design.
 - Compile applicable City standard details. Modify standard details as needed.
 - Prepare erosion control plan.
 - Utilities

2.2.2..1. Public (Water, Wastewater, Storm Drainage, etc.)

- Establish the location of existing public utilities based upon information provided by the City, SUE and field survey information

2.2.2..2. Franchise Utility Coordination

- Identify franchise utility contacts
- Send one set of plans to each franchise utility for their review at each phase. Request each franchise utility to mark up the plans to show the size, type and location of their utilities.
- Notify the City if any relocations are required
- ENGINEER shall perform the coordination with the franchise utilities if any relocations are required.
- Attend City ran Franchise Utility Coordination Meetings (typically 2-4 meetings per year are held). ENGINEER will give back ground on particular project and coordinate with franchise utility companies on foreseen conflicts and pass out current plan set.

2.2.2..3. Water

- Prepare all water plan sheets. Water line profiles are not anticipated as the proposed water lines will be 8 inches in diameter.
- Check coverage of Fire Hydrants to meet City Standard.
- Prepare water details to clarify intent of design. Compile applicable City Standard details, modify standard details as needed.

2.2.2..4. Wastewater

- Prepare all wastewater plans and profiles for proposed line in Alta Vista Drive and West Street.
- The proposed wastewater improvements include replacement of existing wastewater lines in Alta Vista Drive, and replacement of existing 6" line between lots with address 206 and 208 Alta Vista Drive by pipe bursting or other trenchless method. City will provide the video of line to evaluate the adequacy of the replacement by pipe bursting method.
- The rerouting of existing 6" line between the lots with address 206 and 208 Alta Vista Drive will also be evaluated.
- The proposed wastewater improvements for West Street include replacements of existing 4" line from Rusk Street to Kaufman Street, existing 4" line from Kaufman Street to existing manhole at 400 feet north of the intersection of Interurban and Highland Drive.
- Evaluate options to eliminate the existing 4" line between lots with address 202 Interurban Street and 302 Highland Drive. ENGINEER shall coordinate with City of Rockwall Sewer Department to verify the location and depth of the existing 4" line and service locations.
- Prepare wastewater details to clarify intent of design. Compile applicable City Standard details, modify standard details as needed.

- Street Lighting

- ENGINEER will coordinate with ONCOR for the relocation of street lights.
- It is assumed that the ONCOR is responsible for the design and installation of street lights.
- ENGINEER shall coordinate with ONCOR for the location of proposed street lights and underground conduits.

- Structural
 - Structural design is not anticipated for this project; however, structural design services can be provided as an Additional Services if it is needed or discovered during the design.
- Traffic
 - 2.2.2..1. Traffic Signals
 - The project does not include traffic signals. Traffic signal improvements are not anticipated for this project.
 - 2.2.2..2. Pavement Marking and Signing Plans
 - Determine potential conflicts with existing signs and propose sign relocations
 - Prepare crosswalk pavement marking and signing layouts in accordance with City design standards and the Texas Manual on Uniform Traffic Control Devices (TMUTCD).
 - Prepare details to clarify intent design
 - Compile applicable City standard details. Modify standard details as needed.
- Traffic Control Plans, Detour Plans, Construction Sequencing/Phasing
 - Develop construction sequence plan showing:
 - Construction area for each phase of construction and closure of existing travel lanes (if needed).
 - Temporary signing and striping, barricades, and other channelization device
 - Narrative of the sequence of work.
 - Detour Plan for each construction phase
 - Storm sewer construction phasing shall be incorporated by sequencing notes.
 - Public utilities relocation phasing.
 - Pedestrian routing during construction.
 - Develop typical cross section showing lane widths, edge conditions, channelization and proposed construction area.
 - Develop typical driveway staging plans for similar driveways. Develop custom driveway staging layouts for special conditions.
 - Prepare traffic control details to clarify intent of design.
- 2.2.3. Specifications/Construction Contracts

Prepare general notes, specification data, and final Bid Book in accordance with City of Rockwall requirements. Identify and prepare special specifications and/or special provisions applicable to the project. Prepare Bid-Tab sheets of applicable items for Contractor to fill/present bid prices.

 - Contact documents, including the following:
 - City of Rockwall standard construction contract forms
 - Notice to bidders
 - Special instructions to bidders
 - Bid form (Bid-Tab) – Electronic for Bidding
 - Standard construction contract
 - Performance bond
 - Payment bond
 - Maintenance bond
 - Certificate of insurance
 - General conditions

- Special conditions
 - Technical specifications
 - Permits (TXDOT, City of Dallas, etc.)
 - Geotechnical Report
- 2.2.4. Estimates

Compile an overall opinion of probable construction cost based on current market values. Cost shall be broken out in to separate schedules for each section of the job.
- 2.3. Agency Permitting/Coordination (TXDOT, TDLR, etc.)
 - 2.3.1. TXDOT
 - ENGINEER to coordinate with City for the items related to the project for work within the TXDOT right-of-way. This will include preparation of package for TXDOT submittal to achieve the acceptance of proposed improvements. West Street improvements within the Highway 66 right-of-way is anticipated to be permitted through TXDOT. ENGINEER will prepare the necessary documents and City will apply for the permit.
 - 2.3.2. Accessibility Review (TDLR)
 - Prepare a completed application for submittal to the Texas Department of Licensing and Regulation for review in accordance with the Elimination of Architectural Barriers Act.
 - ENGINEER to complete application and submit with set of plans to a Registered Accessibility Specialist (RAS) from review and TDLR project registration. All coordination and fees with TDLR compliance will be done by the ENGINEER.
 - While we do not anticipate accessibility revisions to be required, we will address minor revisions to the plans based on review comments from the RAS.

SPECIAL SERVICES

3. Public Meetings and Public Input Survey

- 3.1. Meetings
 - Attend two (2) public involvement meeting as directed by City staff. Provide exhibits suitable for public meeting use depicting street section, alignments etc. Support City staff during meetings by providing technical information, responding to citizen questions, and recording citizen input.
 - 3.1.1. First Public Meeting will be with adjacent property owners and residents.
 - Mail out all first public meeting notification for the City.
 - Revise 30% Schematics Roll Plots based on public input from first public meeting and City direction to be used in second public meeting.
 - 3.1.2. Second Public Meeting will be with adjacent property owners and residents as well as the neighborhood.
 - Mail out all second meeting public meeting notification for the City (Neighborhood to be at a typical 500ft buffer off the street)
 - Revise 30% Schematics Roll Plots based on public input from second public meeting and City direction to be used in City Council presentation for schematic and typical section approval.
- 3.2. Public Input Surveys
 - Work with City to develop Public Input Survey to be sent to adjacent property owners and residents.

- Mail out surveys to adjacent property owner and residents.
- Tally survey results and other received public input into presentable format to City Staff and City Council.

4. Data Collection & Property Research / Topographic and Design Survey

4.1. Data Collection and Property Research

- 4.1.1. Gather existing plat information
- 4.1.2. Collect property owner and record information
- 4.1.3. Gather existing ROW and easement information, identify all easements through typical research methodologies (i.e. plats, court house filings, etc.). Undocumented easements may not be identified.

4.2. Topographic and Design Survey

- 4.2.1. The limits of the survey for Alta Vista Drive shall be from the intersection of Alta Vista Drive and Lakeshore Drive to the intersection of Alta Vista Drive and Westway Drive. The limits of the survey for West Street shall be from the intersection of West Street and Rusk Street to the intersection of West Street and Highland Drive. The survey shall extend twenty (20) feet outside of the ROW (50-foot ROW for Alta Vista Drive and Variable width ROW for West Drive) where accessible of Alta Vista Drive and West Street. Survey will include intersecting roadways extending 250 feet along each leg of the major intersections and 100 feet along each leg of the minor intersections. The survey will only include the east half (from median east ROW line) of Lakeshore Drive at the intersection of Alta Vista Drive. The survey will include entire intersection of West Street and Rusk Street.
- 4.2.2. The Alta Vista Drive survey also includes survey of area between the houses with address 206 Alta Vista Drive and 208 Alta Vista Drive. The survey shall extend to alley and existing sewer manhole located at the southeast corner of a lot with address 206 Alta Vista Drive. The survey limits shall be sufficient for the replacement of wastewater line between the lots with address 206 Alta Vista Drive and 208 Alta Vista Drive.
- 4.2.3. The West Street survey includes survey of approximately 300 feet alley between the houses with address 202 Interurban Street and 302 Highland Drive. This survey shall extend approximately 300 feet north of the intersection of West Street and Highland Drive. The survey shall be sufficient for the replacement of existing 4" wastewater line to a manhole located approximately 250 feet north of the intersection of West Street and Highland Drive.
- 4.2.4. The West Street Survey also includes survey of approximately 400 feet long alley (from ROW to ROW) located between Kaufman Street and Highland Drive. The survey limits shall be from the intersection of the alley and West Street to the west lot line of lot with address 307 Highland Drive. The design survey shall be sufficient for the drainage study to surface drain the alley on the back of lots with address 301, 303, 305, and 307 Highland Drive, to West Street.
- 4.2.5. Establish horizontal control points at 500' maximum spacing.
- 4.2.6. Establish a vertical control benchmark circuit as needed throughout the project. Use existing City established monument information for the City and tie survey into.
- 4.2.7. Set control points, which shall be based on NAD-83, on both sides of the roadway, as required to maintain horizontal control throughout the project limits.
- 4.2.8. Perform a field survey to identify and locate existing topographic elements within the roadway corridor. All identified topographic elements shall be tied down horizontally and vertically. The field survey shall include but not limited to the following:
 - Property corner monumentation
 - Existing pavement, curbs, sidewalks, barrier free ramps, etc.

- Roadway and lane striping
 - Driveways
 - Existing storm sewer inlets, manholes, junction boxes Headwalls (including culvert sizes and invert elevations)
 - Existing driveway culverts and swales (flowlines, sizes, types, etc.)
 - Guardrail
 - Utility manholes, vaults, water valves, water meters, wastewater cleanouts, sprinkler heads, telephone poles, power poles, utility markers, other public utilities and franchise utilities
 - Traffic Signal poles, cabinets, pull boxes and other signal equipment
 - Signs (excluding temporary signs)
 - Trees, including species and caliper (all sizes)
 - Landscape planters, Shrubs, rocks and other features.
 - Buildings and permanent structures
 - Retaining walls
 - Fencing walls
 - Fence limits and material types (excluding temporary fences)
 - Mailboxes (types – wood, brick, stone)
 - Other applicable physical features that could impact design
- 4.2.9. Perform cross-sections throughout project limits at 25-foot intervals and at grade breaks and prepare cross-section field notes.
- 4.2.10. Prepare a final topographic drawing in digital format (including contours and breaklines) showing the features located in the field, an ASCII coordinate file of the points located in the field, and a hard copy of the coordinates and feature descriptions.
- 4.2.11. ENGINEER will perform site visits for the purposes of reviewing the provided survey in the field and making notes for additional survey needs and design considerations.
- 4.2.12. ENGINEER shall arrange and make provisions for access to perform the services specified within this scope. The surveyor shall provide the City with the name and address of the property owners.
- 4.2.13. The City shall be responsible for the coordination of all ROW and easement acquisitions. ENGINEER will provide survey information and easement/ROW documents (sketch and legal description) to the City. Additional ROW and easement documentation services are detailed below in Section 6.

5. Subsurface Utility Engineering (S.U.E.) Services

Provide S.U.E. Services for the purpose of locating horizontal and vertical locations of underground city and franchise utilities, in conjunction with and /or prior to the field survey.

- 5.1. S.U.E. Level 'B' Services will be provided to determine horizontal location of utilities up to 3,150 linear feet. The Quality Level 'B' also includes Quality Level 'C/D' S.U.E. services.
- S.U.E. Quality Level 'B' Services will be provided as defined in CI/ASCE 38-02.
 - Quality Level B (QL-"B") – Generally, QL-"B" indicates information obtained through the application of appropriate surface geophysical methods to determine the existence and approximate horizontal position of subsurface utilities. Quality level B data should be reproducible by surface geophysics at any point of their depiction. This information is surveyed to applicable tolerances defined by the project and reduced onto plan documents.
 - Determine horizontal location of utilities up to 3,150 linear feet which will include 1,150 linear feet along Alta Vista Drive from Lakeshore Drive to Westway Drive, 650 linear feet

along West Street from Rusk Street to Highland Drive, 100 LF along each cross street (7 individual intersections), and 4" wastewater line to an existing manhole approximately 220 feet north of the intersection of Interurban and West Street. Level "B" S.U.E. shall also include around the existing wastewater manhole in the alley at the southeast corner of the property with address 206 Alta Vista Drive.

- Engineer will create and call in locate tickets for Texas811 for the project corridor. Timing of locates will be coordinated to help ensure that locates are performed in conjunction with surveying operations.
- As part of the services provided in the Topographic and Boundary Survey Phase, Engineer will visibly investigate surface features and appurtenances or all utility systems shown on the record drawings that are included within the project site, including but not limited to:
 - sanitary sewer manholes (including measure down)
 - storm sewer manholes (including measure down)
 - communication/fiber manholes
 - hand holds
 - pull boxes
 - water valves
 - water meters
 - fire hydrants
 - cleanouts
 - blow-offs
 - pedestals (communication, fiber, electric)
 - gas meters
 - signal boxes
 - electric poles (transmission and distribution)
 - electric transformers
 - light poles
 - utility signs
- Investigate all utility systems shown on the record drawings that are included within the project site. Visible surface features and appurtenances of subsurface utilities found within the project site will also be evaluated. Using appropriate surface geophysical methods, Engineer will search for detectible indications of the horizontal location of anticipated subsurface utilities.
- Mark all locations that can be validated, using paint, flags or other devices.
- These services are for the purpose of aiding the design of the project by providing information related to subsurface utilities in order to allow potential utility conflicts to be minimized or eliminated.
- Prepare documentation of the utilities encountered and marked, including their general location, orientation, type & size, if known.
- Deliverable will consist of a Quality Level B – AutoCad DWG 2D file depicting all subsurface utilities found and verified and above ground appurtenances. The drawing will be signed and sealed by a Professional Engineer licensed in the State of Texas.

5.2. Provide Quality Level 'A' S.U.E. Services for the purpose of vertically locating the utility lines.

- Provide S.U.E. Quality Level 'A' Services will be provided as defined in CI/ASCE 38-02.
 - Quality Level A (QL-"A") – Generally, QL-"A" indicates precise horizontal and vertical location of utilities obtained by the actual exposure (or verification of previously exposed and surveyed utilities) and subsequent measurement of subsurface utilities, usually at a specific point. Minimally intrusive excavation equipment is typically used to minimize the potential for utility damage. A precise horizontal and

vertical location, as well as other utility attributes, is shown on plan documents. Accuracy is typically set to 15-mm vertical and to applicable horizontal survey and mapping accuracy as defined or expected by the project owner.

- Provide all necessary personnel, equipment, supplies, management and supervision needed for the test hole excavation, backfill and restoration.
- Coordinating with CLIENT, property owner, and/or permitting authorities, as needed and assisting the City in obtaining any required permits, permission or rights-of-entry.
- Contacting the appropriate one-call system to request utilities to be marked on-the-ground prior to beginning excavation of test holes.
- Providing and utilizing appropriate traffic control devices, as necessary, in conformance with the MUTCD, including any state or locally adopted supplements.
- Excavate by air-vacuum or other minimally invasive methods up to ten (10) test holes, at locations yet to be determined within the project limits in order to identify the exact horizontal & vertical locations of crucial utilities. For the purpose of the scope, five of such test holes are assumed will be in the paved area and five will be in outside paving area. Furthermore, following assumptions are made for the depth of test holes:
 - Up to Five (5) test holes of 0-12 ft depth will be provided
- Test holes in addition to those listed above will be provided at the rate per test hole agreed to by the City of Rockwall.
- Prepare documentation for each test hole attempted. This documentation will include the horizontal and vertical position of the targeted utility or structure, a general description of the target utility, with condition, material and general orientation noted a generalized description of the material encountered in the test hole, and any other field observations noted during the excavation.
- Deliverable will consist of a Quality Level A – AutoCAD DWG 2d (DGN) file showing X, Y and Z w/ depth, a PDF of the same signed and sealed, Utility Summary Sheet, Individual Sheets on Test Holes and ASCII Point List.

6. Right-of-Way / Easement Instruments of Conveyance

- 6.1. Prepare ROW instruments (narrative and graphic exhibits of ROW takes) and setting new property corners (for new ROW only) in the field. For the purpose of the scope services, six (6) corner clips ROW documents are planned.
 - 6.1.1. Up to Six (6) parcels
- 6.2. Individual parcel exhibits shall be on 8"x11" paper and pdf copy shall be sealed, dated, and signed by a Registered Professional Land Surveyor and shall contain the following:
 - 6.2.1. Parcel number
 - 6.2.2. Area required
 - 6.2.3. Area remaining
 - 6.2.4. Legal description
 - 6.2.5. Current owner
 - 6.2.6. Any existing platted easements or easements filed by separate instrument including easements provided by utility companies
 - 6.2.7. All physical features
 - 6.2.8. Metes and bounds description of parcel to be acquired. The description shall be provided on a separate sheet from the exhibit. Each type of easement shall be described separately.
- 6.3. Upon written notification by the City of acceptance of the ROW exhibits and instruments, and as directed by the City, the surveyor shall set all corners and points of curvature for the

- proposed ROW and submit final sealed plans and exhibits, including location of the control points and their NAD-83 reference
- 6.4. ENGINEER will provide the information listed in Section 6.2 to the City and/or their selected ROW and easement acquisition agent. This task will include the following:
- 6.4.1. Transmittal of survey and existing property information.

7. Geotechnical

7.1. Subsurface Exploration

- 7.1.1. Three (3) borings are planned for this project. The borings and report will be thru a subconsultant.

The locations are as follows (or as determined by Geotechnical Engineer):

- One boring will be located nearby the intersection of Lakeshore Drive and Alta Vista Drive.
- One boring will be located nearby the intersection of Alta Vista Drive and Westway Drive.
- One boring will be located nearby the intersection of West Street and Kaufman Street.

- 7.1.2. Boring Services – Pavement borings will be sampled to 15 feet. A total of 45 feet for drilling is planned.

- Check samples for consistency with a hand penetrometer
- Stake the boring locations using normal taping procedures
- Backfill bore holes and plug at the surface

7.2. Laboratory Services

- 7.2.1. Considering the planned facilities, anticipated soil conditions, and geology, the following laboratory test will be required for classification purpose and to determine strength characteristics:

- Visual Classification
- Moisture content and soil identification
- Liquid and plastic limit determinations
- Unconfined compression
- Calibrated hand penetrometer tests
- Lime/ph series tests
- Soluble sulfate tests (to determine lime-induced heaving potential)

7.3. Engineering Services

- 7.3.1. Prepare an engineering report presenting the following:

- Sample boring location map
- Boring logs and laboratory results
- General soil and ground-water conditions
- Recommendations will be based on a 30-year design life.
- Subgrade design recommendations for lime treated and cement treated subgrade.
- Pavement design recommendation for reinforced concrete, (including pavement thickness, strength, reinforcement size and spacing, and joint spacing)
- Pavement design alternatives: Provide recommendations for the following street sections:
 - Reinforced concrete pavement on lime and or cement treated subgrade.
 - Reinforced concrete pavement on flex base.
 - Reinforced concrete pavement on compacted subgrade.
- Earthwork recommendations

- 7.3.2. The geotechnical engineer's design recommendations shall be relied upon by the civil and structural engineers for their design.

7.3.3. Submit one (1) paper copy and one pdf file copy of the report to the City

8. Additional Services

Services not specifically identified in the Scope of Services above shall be considered additional and shall be performed on an individual basis upon authorization by the City of Rockwall. Such services shall include, but are not limited to the following:

- 8.1. Construction staking.
- 8.2. Geotechnical recommendations for the design of retaining wall.
- 8.3. Structural design of retaining walls, junction boxes or any other structures.
- 8.4. Photometric or coverage study/analysis for street lighting.
- 8.5. Design or modification of traffic signal.
- 8.6. Traffic Impact Analysis
- 8.7. Quality control and testing services during construction.
- 8.8. Offsite storm drains design and analysis.
- 8.9. Environmental or Archeological study and permitting through state agencies.
- 8.10. Support services for Project Bidding
- 8.11. Support services for Right-of-Way Acquisition and Negotiation
- 8.12. Flood study for streams/creeks and permitting through FEMA or US Army Corps of Engineers.
- 8.13. Construction phase services, including responding contractor questions, reviewing contractor pay application, performing site visits to observe construction, reviewing shop drawings/submittals, preparation of record drawings etc.

-End of Scope of Service-

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:

	Task	Fee Basis	Fee
	BASIC SERVICES		
1.	Schematic Conceptual Design (30%)	Fixed Fee	\$ 57,000
2.	Construction Documents		
2.1	60% Design	Fixed Fee	\$ 67,000
2.2	90% Design	Fixed Fee	\$ 49,500
2.3	100% Design	Fixed Fee	\$ 24,200
	Basic Services Subtotal:		\$ 197,700
Compensation for Special Services under Tasks 3-7 shall be on a lump sum, unit price, or labor fee plus expense (reimbursable) basis with the estimated fee shown below.			
	SPECIAL SERVICES		
3.	Public Meetings and Public Input Surveys	Fixed Fee	\$ 6,000
4.	Data Collection & Property Research / Topographic and Design Survey	Fixed Fee	\$ 26,500
5.	Subsurface Utility Engineering (S.U.E.) Services		
5.1	Quality Level ‘B’ (Including Level “C/D”) S.U.E. Services (assumes 3,150 LF)	Hourly*	\$ 23,400
5.2	Quality Level ‘A’ S.U.E. Services (5 test holes assumed @ 1,800/test holes)	Unit Price	\$ 9,000
6.	Right-of-Way/Easement Instruments of Conveyance (6 ROW documents are assumed @ \$1,250/document)	Unit Price	\$ 7,500
7.	Geotechnical	Fixed Fee	\$ 14,900
	Special Services Subtotal*		\$ 87,300.00
	ENGINEERING SERVICES CONTINGENCY**		\$ 28,500
	<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>		
	Project Total*		\$ 313,500.00

*Estimate only (see notes below).

Notes:

1. **Hourly Consulting Services:** Services shall be provided on an hourly, reimbursable basis at the ENGINEER’S standard hourly rates when the Fee Basis is defined as hourly. Actual fees for the services will be based on actual hours required to perform the services, and will vary based upon actual cost, and could potentially exceed the estimates provided above. ENGINEER shall notify the City in writing before exceeding the budgeted fees, and obtain written authorization from City to

exceed the contract amount. Please refer to attached schedule of TNP's standard hourly rates. Services shall be billed monthly based on actual time spent working on the project by the ENGINEER'S staff. Actual out-of-pocket expenses that are incurred during the progress of the work for hourly services tasks shall be billed at TNP's cost plus 10%. Any project related fees paid by the ENGINEER on behalf of the City shall be reimbursed by the City under the hourly services task. Examples of these type fees include, but are not limited to, application fees, filing fees, permit fees, review fees, title company/closing fees, or fees related to the purchase or acquisition of information or documents requested by the City for inclusion in the Project's deliverables.

2. **Fixed Fee Consulting Services:** Fees for tasks described as "fixed fee" (lump sum) are total fees for all labor and expenses associated with those tasks. Lump Sum fee for each task will be invoiced monthly based upon the overall percentage of services performed.

ATTACHMENT "B"
TEAGUE NALL AND PERKINS, INC.
Standard Rate Schedule for Time and Expense Contracts
Effective January 1, 2018 to December 31, 2018*

Engineering /Landscape Architecture/ROW	From	-	To	
Principal	\$200	-	\$250	Per Hour
Team Leader	\$190	-	\$230	Per Hour
Senior Project Manager	\$160	-	\$220	Per Hour
Project Manager	\$120	-	\$175	Per Hour
Senior Engineer	\$180	-	\$225	Per Hour
Project Engineer	\$120	-	\$160	Per Hour
Engineer III/IV	\$95	-	\$120	Per Hour
Engineer I/II	\$ 90	-	\$110	Per Hour
Landscape Architect / Planner	\$110	-	\$200	Per Hour
Landscape Designer	\$80	-	\$110	Per Hour
Senior Designer	\$110	-	\$150	Per Hour
Designer	\$100	-	\$130	Per Hour
Senior CAD Technician	\$90	-	\$120	Per Hour
CAD Technician	\$70	-	\$110	Per Hour
IT Consultant	\$100	-	\$170	Per Hour
Clerical	\$50	-	\$90	Per Hour
Construction Inspector II	\$75	-	\$100	Per Hour
Construction Inspector III	\$90	-	\$110	Per Hour
Senior Construction Inspector	\$100	-	\$125	Per Hour
Construction Superintendent	\$150	-	\$180	Per Hour
ROW Manager	\$120	-	\$150	Per Hour
Senior ROW Agent	\$90	-	\$130	Per Hour
ROW Agent	\$80	-	\$110	Per Hour
Relocation Agent	\$100	-	\$130	Per Hour
Senior Utility Coordinator	\$90	-	\$140	Per Hour
Utility Coordinator	\$80	-	\$130	Per Hour
Intern	\$50	-	\$70	Per Hour

Surveying

Survey Manager	\$190	-	\$230	Per Hour
Registered Professional Land Surveyor (RPLS)	\$140	-	\$190	Per Hour
Field Coordinator	\$100	-	\$130	Per Hour
S.I.T. or Senior Survey Technician	\$70	-	\$120	Per Hour
Survey Technician	\$65	-	\$100	Per Hour
1-Person Field Crew w/Equipment**	\$125			Per Hour
2-Person Field Crew w/Equipment**	\$160			Per Hour
3-Person Field Crew w/Equipment**	\$180			Per Hour
4-Person Field Crew w/Equipment**	\$200			Per Hour
Flagger	\$40			Per Hour
Abstractor (Property Deed Research)	\$85			Per Hour

Subsurface Utility Engineering (SUE)

SUE Project Manager	\$185 Per Hour
SUE Engineer	\$160 Per Hour
Sr. Utility Location Specialist	\$100 Per Hour
Utility Location Specialist	\$ 85 Per Hour
1-Person Designator Crew w/Equipment***	\$120 Per Hour
2-Person Designator Crew w/Equipment***	\$145 Per Hour
2-Person Vac Excavator Crew w/Equip (Exposing Utility Only)	\$250 Per Hour (4 hr. min.)
2-Person Vac Excavator Crew w/Equip for QL-A ****	\$450 Per Hour (4 hr. min.)
Core Drill (equipment only)	\$750 Per Day

All subcontracted and outsourced services shall be billed at rates comparable to TNP's billing rates above or cost times a multiplier of 1.10.

* Rates shown are for calendar year 2018 and are subject to change in subsequent years.

** Survey equipment may include truck, ATV, Robotic Total Station, GPS Units and Digital Level.

*** Includes crew labor, vehicle costs, and field supplies.

**** Rate applies to Quality Level A (QL-A) test holes on utilities that were designated by TNP as QL-B.

TEAGUE NALL AND PERKINS, INC.

Standard Rate Schedule for Time and Expense Contracts
Reimbursed Direct Cost Items
Effective January 1, 2018 to December 31, 2018*

Direct Cost Reimbursables

Photocopies:	\$0.154/sf \$0.7701/sf	letter, legal and 11" x 17" size bond paper, B&W letter, legal and 11" x 17" bond paper, color
Prints:	\$0.154/sf \$0.7701/sf	letter, legal and 11" x 17" bond paper, B&W letter, legal and 11" x 17" bond paper, color
Plots:	\$0.154/sf \$0.7701/sf \$0.50/sf \$1.00/sf	letter, legal and 11" x 17" bond paper, B&W letter, legal and 11" x 17" bond paper, color 22" x 34" and larger bond paper or vellum, B&W 22" x 34" and larger mylar or acetate, B&W
Mileage	\$0.545/mile	
Plans on CD	\$20/each	

ATTACHMENT “C”

Project Schedule

Alta Vista Drive and West Street- Paving, Drainage, Water, and Wastewater Improvements

ID	Task Name	Duration	Start	Finish	Predecessors	Apr '18	May '18	Jun '18	Jul '18	Aug '18	Sep '18	Oct '18	Nov '18	Dec '18	Jan '19	Feb '19	Mar '19	Apr '19	May '19	Jun '19
1	Design contract approved by Council	0 days	Mon 10/15/18	Mon 10/15/18								10/15								
2	Contract execution by City	10 days	Mon 10/15/18	Fri 10/26/18	1							10/26								
3	NTP issued by City	0 days	Fri 10/26/18	Fri 10/26/18	2								11/2							
4	Conduct project kickoff meeting with City staff	0 days	Fri 11/2/18	Fri 11/2/18	3FS+5 days															
5	Geotech services	30 days	Mon 11/5/18	Fri 12/14/18	4															
6	Topographic design survey	30 days	Mon 11/5/18	Fri 12/14/18	4															
7	Level B SUE services	15 days	Mon 12/17/18	Fri 1/4/19	6															
8	Submit concept roll plots (30%) to City	28 days	Mon 12/17/18	Wed 1/23/19	6.5															
9	Attend 1st public public meeting	0 days	Wed 1/30/19	Wed 1/30/19	8FS+5 days								1/30							
10	Receive comments on 30% plans from City	10 days	Thu 1/24/19	Wed 2/6/19	8															
11	Submit preliminary plans (60%) to City	45 days	Thu 2/7/19	Wed 4/10/19	10															
12	Attend 2nd public meeting	0 days	Wed 4/17/19	Wed 4/17/19	11FS+5 days															
13	Receive comments on 60% plans from City	10 days	Thu 4/11/19	Wed 4/24/19	11															
14	Submit final plans (90%) to City	21 days	Thu 4/25/19	Thu 5/23/19	13															
15	Receive comments on 100% plans from City	10 days	Fri 5/24/19	Thu 6/6/19	14															
16	Submit 100% plans (Bid Documents) to City	15 days	Fri 6/7/19	Thu 6/27/19	15															

Project Schedule

Date: Mon 10/8/18

Task

Split Milestone Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Progress

Manual Progress

ATTACHMENT “D”

Sub-Consultants

1. Sub-Consultant:

Company Name: HVJ Associates

Services of the Scope Being Provided: *Geotechnical Engineering*

Contact Person: Fadi Faraj, P.E. Title: Vice President/Office Manager

Email: ffaraj@hvj.com Phone: 214-678-0227

ATTACHMENT "E"

Approximate Project Limits



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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Kirk Riggs, Chief of Police
DATE: January 29, 2019
SUBJECT: 2018 Racial Profiling Report

To comply with Article 2.132 of the Texas Code of Criminal Procedure addressing racial profiling, each law enforcement agency must collect information relating to motor vehicle stops where a citation has been issued or an arrest has been made. The law enforcement agency must also report this information to the governing body no later than March 1st of the following year and must submit the report to the Texas Commission on Law Enforcement (TCOLE), who is the designated central depository for all reports in the state.

There was one racial profiling complaint made against a Rockwall Police Officer in 2018. The complaint was investigated by Internal Affairs and the outcome of the investigation found no violation of departmental policies. The complaint was classified as unfounded.

Attached is our comparative analysis report and annual report that was prepared by Del Carmen Consulting LLC, and submitted to TCOLE on the racial breakdown resulting from motor vehicle stops by the Rockwall Police Department for 2018.



City of Rockwall
The New Horizon

MEMORANDUM

TO: Kirk H. Riggs, Chief of Police

FROM: Kirk Aldridge, Assistant Chief of Police

DATE: January 24, 2019

SUBJECT: Racial Profiling Comparative Analysis Report for 2018

The Racial Profiling analysis for the calendar year of 2018 has been completed. The data showed the Department conducted 13,996 traffic stops in 2018. Results of the traffic stops showed 64% received warnings, 33% received citations and 3% of the stops resulted in an arrest. The race and ethnicity of the persons stopped showed 61% White, 19% Hispanic, 17% Black, 1.5% Asian/Pacific Islander and 0.40% Alaska Native/American Indian. The percentage of minorities stopped equaled 39% compared to city population makeup of minorities which is estimated at 31.7%. It should also be noted that the race or ethnicity was known prior to the stop only 2% of the time. Data collected also showed that a search was conducted during 5% of the traffic stops, 55% of those searches were consensual and contraband was discovered in 40% of the searches.

During the 2018 calendar year, the Department received one racial profiling complaint. The complaint was investigated by Internal Affairs and the outcome of the investigation found no violation of departmental policies and the complaint was classified as *unfounded*. In reviewing the Police Department's public education efforts concerning the racial profiling complaint process, printed information on how to file a racial profiling complaint was found in the police department lobby and on the police department's webpage at www.rockwallpolice.org.

A review of documentation also showed that the patrol supervisors completed the required monthly audits for their assigned officers. During the audits, there were no indicators found that officers were acting outside of state law and/or departmental policies.

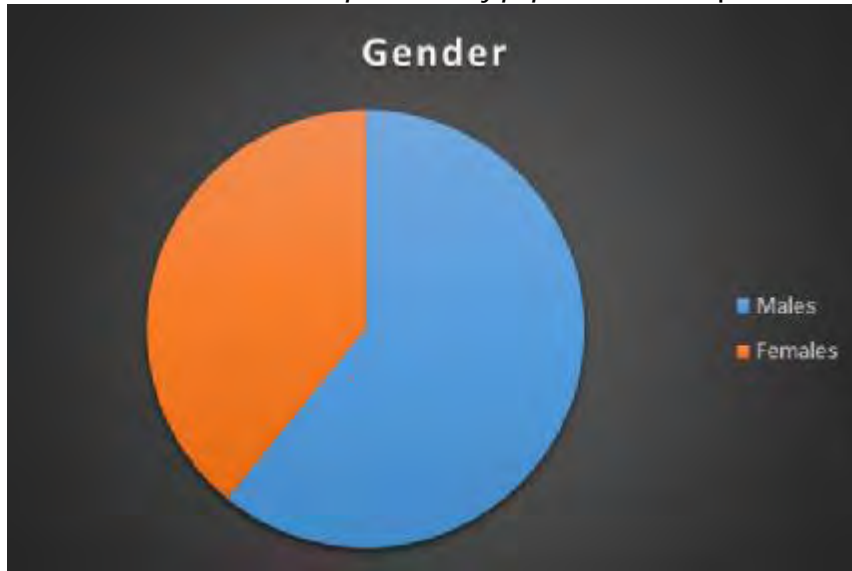
Attached to this memo is the comparative analysis of the data collected for 2018. Based on this review and analysis, it appears that officers and supervisors are following the procedures outlined in the Rockwall Police Department General Orders Policy 412.00 Bias Based Profiling. It is my recommendation that no changes be made to our current policies and/or procedures regarding Racial Profiling.

Rockwall Police Department

2018 Racial Profiling Statistics

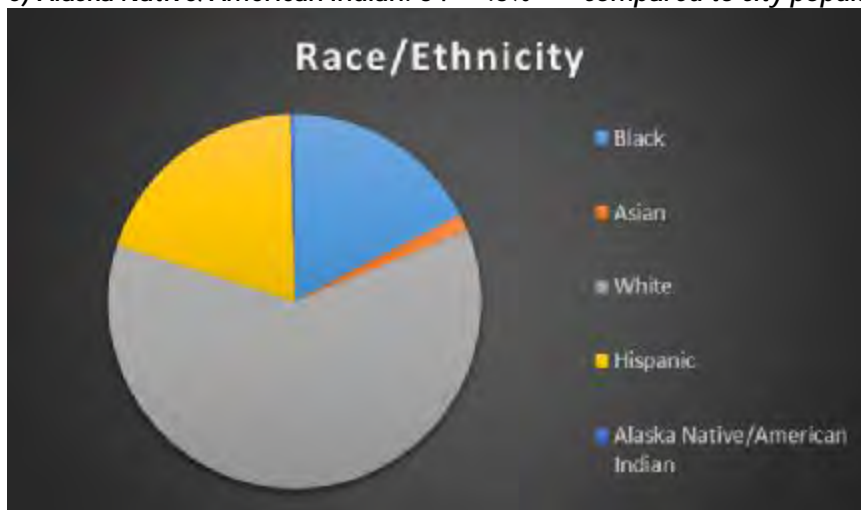
1. Gender

Female: 5474 39% compared to city population makeup of 51%
Male: 8522 61% compared to city population makeup of 49%



2. Race or Ethnicity

a) Black: 2423 17% compared to city population makeup of 7.2%
b) Asian/Pacific Islander: 203 1.5% compared to city population makeup of 4.2%
c) White: 8557 61% compared to city population makeup of 78.1%
d) Hispanic/Latino: 2759 19% compared to city population makeup of 19.7%
e) Alaska Native/American Indian: 54 .5% compared to city population makeup of 0.6%



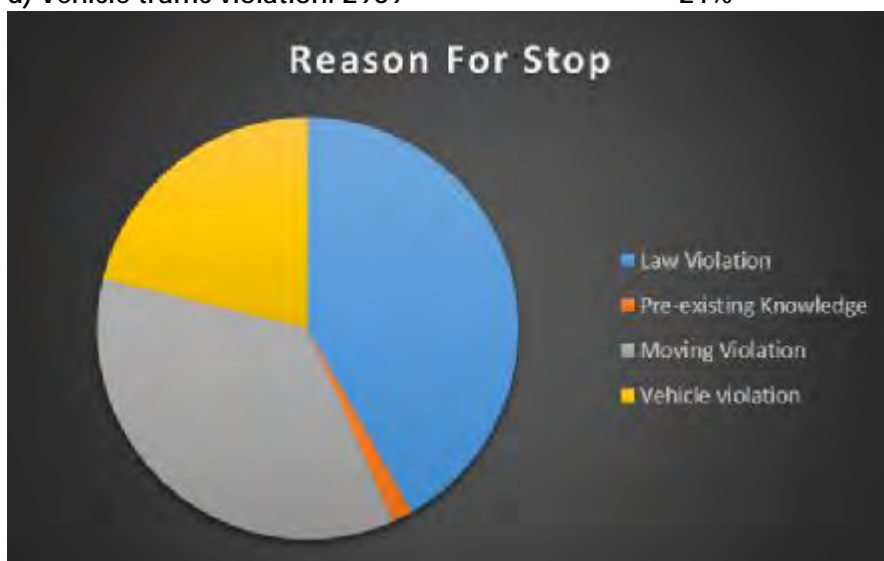
3. Race or Ethnicity known prior to stop?

- a) Yes: 724 2%
- b) No: 13272 98%



4. Reason for stop

- a) Violation of law: 5850 42%
- b) Pre-existing knowledge (i.e. warrant): 219 2%
- c) Moving traffic violation: 4958 35%
- d) Vehicle traffic violation: 2969 21%



5. Location of the stop

a) City Street: 9366	70%
b) US Highway: 1787	12%
c) State Highway: 139	1%
d) County Road: 33	.2
e) Private Property or other: 2671	17%



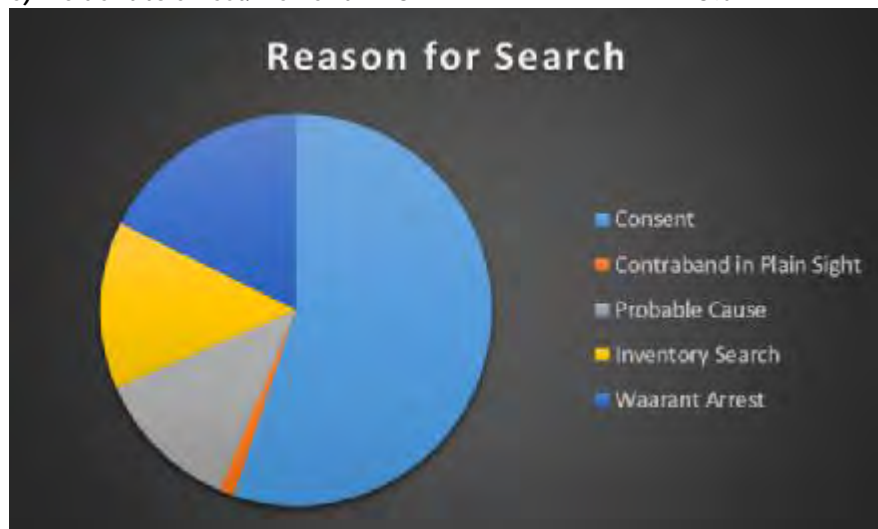
6. Was a search conducted?

Yes: 667	5%
No: 13329	95%



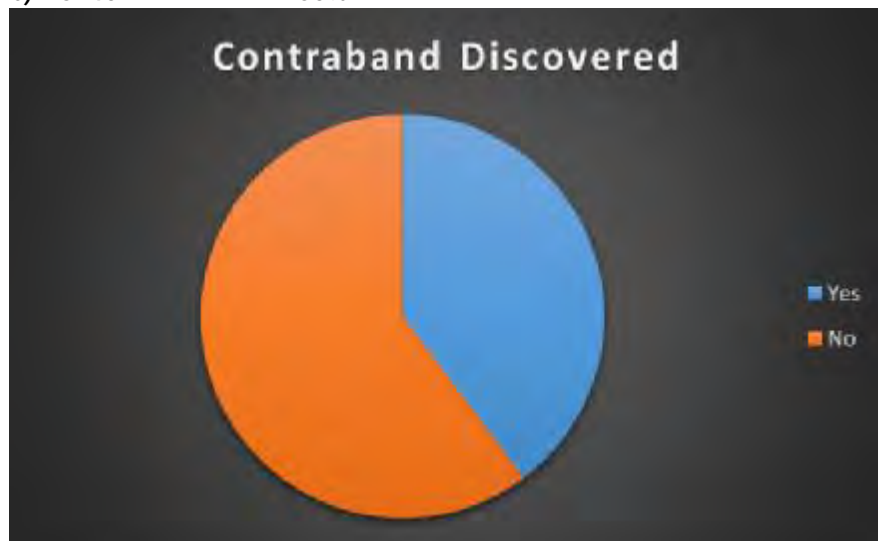
7. Reason for Search

a) Consent: 368	55%
b) Contraband/evidence in plain sight: 8	1%
c) Probable cause or reasonable suspicion: 81	12%
d) Inventory search performed (towing): 92	14%
e) Incident to arrest/warrant: 118	18%



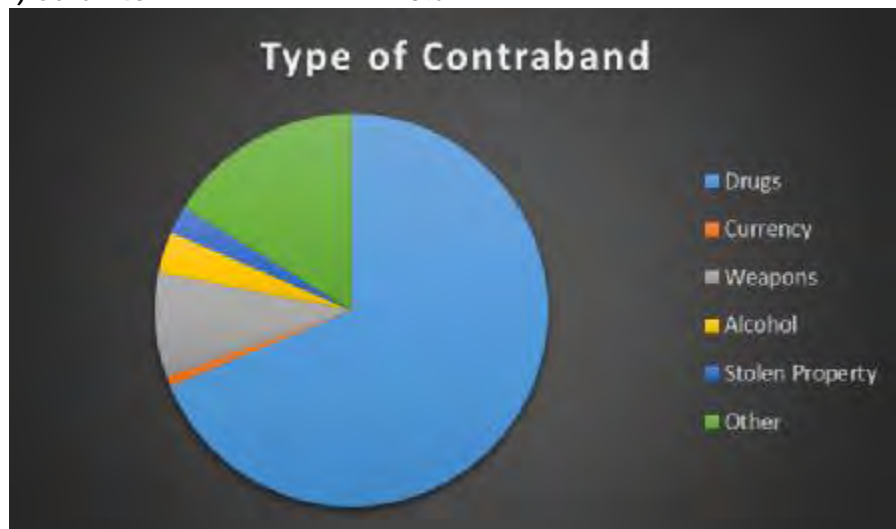
8. *Was Contraband discovered?*

a) Yes: 265	40%
b) No: 402	60%



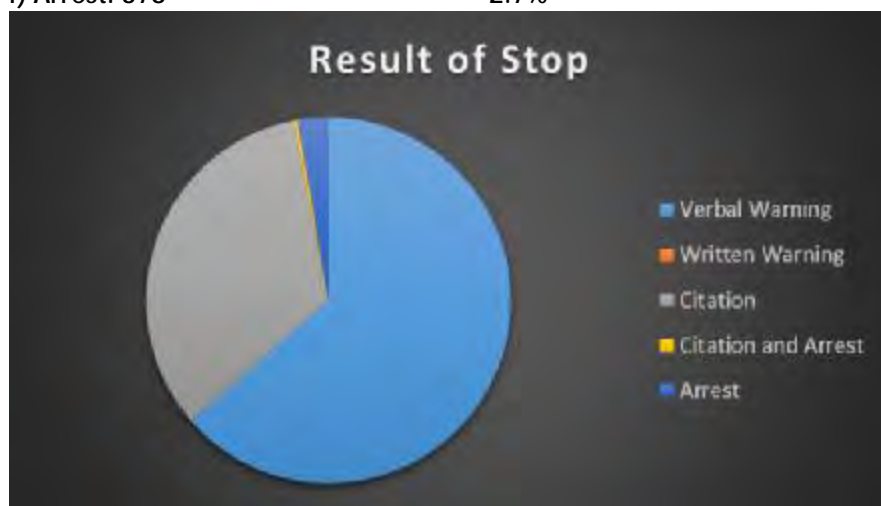
9. *Description of contraband*

a) Drugs: 182	67%
b) Currency: 2	1%
c) Weapons: 23	9%
d) Alcohol: 9	3%
e) Stolen property: 6	2%
f) Other: 43	18%



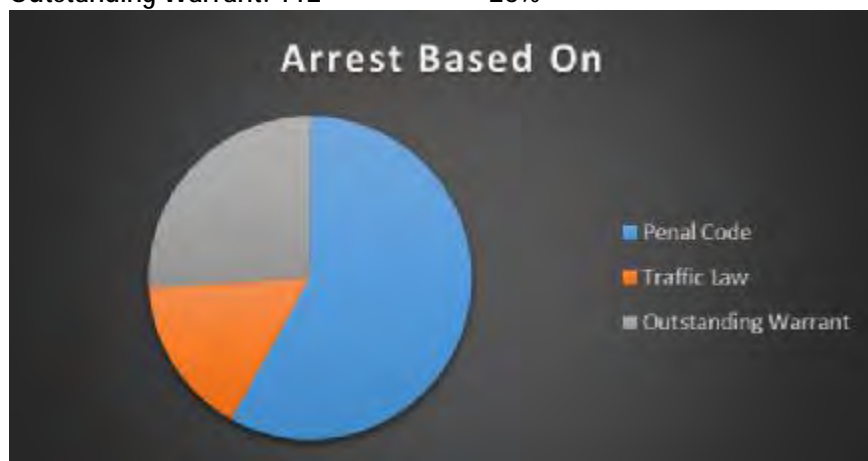
10. *Result of the stop*

a) Verbal warning: 8894	64%
b) Written warning: 2	0.01%
c) Citation: 4668	33%
d) Written warning and arrest: 0	0.0
e) Citation and arrest: 54	0.38
f) Arrest: 378	2.7%



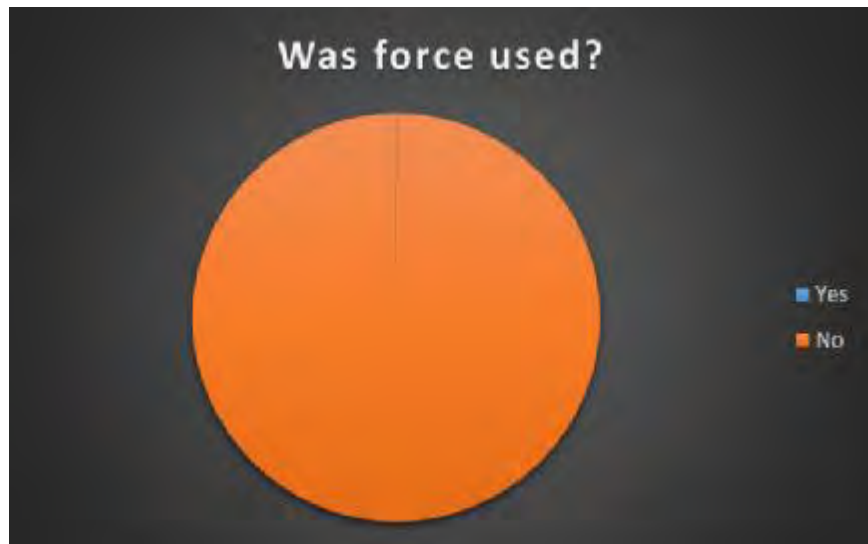
11. *Arrest based on*

Violation of Penal Code: 251	58%
Violation of Traffic Law: 69	16%
Violation of City Ordinance: 0	0.0%
Outstanding Warrant: 112	26%



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

Yes: 8	0.5%
No: 13988	99.5%



2018

Rockwall Police Department ANNUAL REPORT



January 19, 2019

www.texasracialprofiling.com delcarmen@delcarmenconsulting.com

Rockwall City Council
385 S. Goliad St.
Rockwall, Texas 75087
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Dear Distinguished Members of the City Council,

The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted in 2001, the Texas Racial Profiling Law. During the past year, 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 1/1/18 and 12/31/18. 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,

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- e) Modifications to the Original Law (H.B. 3389)
- f) Designations for Racial and Ethnic Categories (H.B. 3051)
- g) The Sandra Bland Act (S.B. 1849)

(II) Responding to the Texas Racial Profiling Law

- a) Institutional Policy on Racial Profiling
- b) Public Education on Filing Compliments and Complaints—
Addressing Allegations of Racial Profiling Practices
- c) Racial Profiling Training of Law Enforcement Personnel
- d) Report on Compliments and Racial Profiling Complaints Filed on Officers
(includes outcome of investigation)
- e) Tier 2 Tables, Known Ethnicity and Race and TCOLE Form
- f) Comprehensive Analysis and Interpretation of Data

(III) Summary

- a) Checklist
- b) Contact Information

TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th 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 77th 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 and 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

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, 200

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.

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.

Chief Clerk of the House

Approved:

Date

Governor

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

Amend CSHB 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[+]

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

~~[+]~~ ~~"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 [mental retardation] 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 nonsubstantive 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.

President of the 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

(II) Responding to the Law

Institutional Policy on Racial Profiling

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 (LEMITE), not later than September 1, 2003.

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.

Racial Profiling Training

Racial Profiling Training

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

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 1/1/18---12/31/18, 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 1/1/18 ---- 12/31/18.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint No.	Alleged Violation			Disposition of the Case
18-04 RP	Harassment/Intimidation			Unfounded

Additional Comments:

Tables Illustrating Motor Vehicle- Related Contacts

Tier 2 Data

Total stops: 13,996

1. Gender

1.1 Female: 5,474

1.2 Male: 8,522

2. Race or ethnicity

2.1 Black: 2,423

2.2 Asian/Pacific Islander: 203

2.3 White: 8,557

2.4 Hispanic/Latino: 2,759

2.5 Alaska Native/American Indian: 54

3. Was race or ethnicity known prior to stop?

3.1 Yes: 723

3.2 No: 13,996

4. Reason for stop?

4.1 Violation of law: 5,850

4.2 Pre-existing knowledge: 219

4.3 Moving traffic violation: 4,958

4.4 Vehicle traffic violation: 2,969

5. Street address or approximate location of the stop

5.1 City street: 9,366

5.2 US highway: 1,787

5.3 County road: 33

5.4 State Highway: 139

5.5 Private property or other: 2,671

6. Was a search conducted?

6.1 Yes: 667

6.2 No: 13,996

7. Reason for Search?

7.1 Consent: 368

7.2 Contraband in plain view: 8

7.3 Probable cause: 81

7.4 Inventory: 92

7.5 Incident to arrest: 118

8. Was Contraband discovered?

8.1 Yes: 265

8.2 No: 402

9. Description of contraband

9.1 Drugs: 182

9.2 Currency: 2

9.3 Weapons: 23

9.4 Alcohol: 9

9.5 Stolen property: 6

9.6 Other: 43

10. Result of the stop

10.1 Verbal warning: 8,894

10.2 Written warning: 2

10.3 Citation: 4,668

10.4 Written Warning and Arrest: 0

10.5 Citation and Arrest: 54

10.6 Arrest: 378

11. Arrest based on

11.1 Violation of Penal Code: 251

11.2 Violation of Traffic Law: 69

11.3 Violation of City Ordinance: 0

11.4 Outstanding Warrant: 112

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

12.1 Yes: 8

12.2 No: 13,996

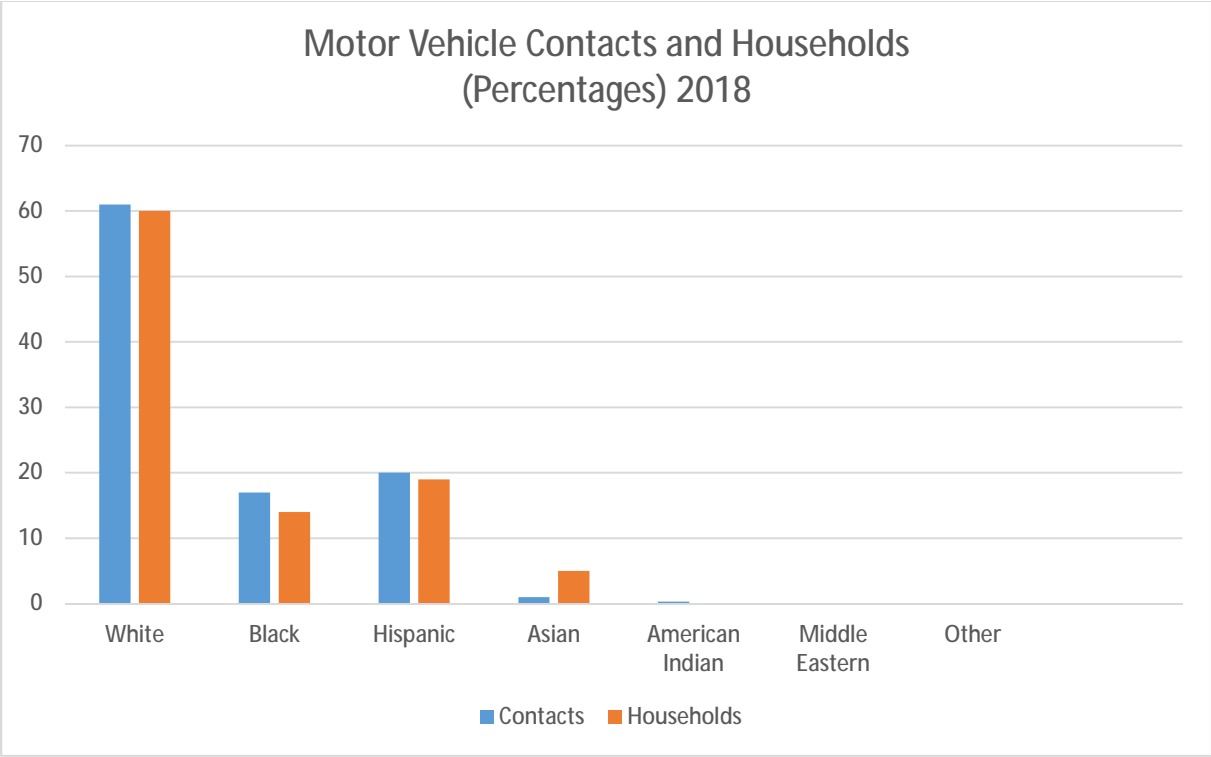
Table 1. Motor Vehicle-Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households in DFW that have vehicle access (in percentages). (1/1/18—12/31/18)

Race/Ethnicity*	Contacts (in percentages)	Households with vehicle access (in percentages)
White	51	60
Black	17	14
Hispanic	20	19
Asian	1	5
American Indian	.3	N/A
Middle Eastern	0	N/A
Other	0	N/A
Total	100	98**

* Race/Ethnicity are defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern”.

**Represents rounded figure



Analysis and Interpretation of Data

Analysis

In order to understand the analysis provided in this report, it is imperative 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 stated 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 2018 contact data. Thus, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2018 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,

The additional data analysis performed was based on a comparison of the 2018 motor vehicle contact data with a specific baseline. When reviewing this particular analysis, it should be noted that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Rockwall Police Department opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2010) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It is clear that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Rockwall Police Department in 2018 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

Since 2002, several civil rights groups in Texas expressed their desire and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, the Rockwall Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort-Worth (DFW) Metroplex).

Tier 2 (2018) Motor Vehicle-Related Contact Analysis

When analyzing the enhanced Tier 2 data collected in 2018, 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 “violation of the law”. This was followed by “moving traffic violation”.

In 2018, 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

consensual. The second most significant reason for a search was “incident to arrest”. 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, 8 of the contacts resulted in the use of physical force which caused bodily injury.

Comparative Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of “households” in DFW who indicated, in the 2010 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of Blacks and Hispanics that came in contact with the police was higher than the percentage of Black and Hispanic households in DFW that claimed, in the 2010 census, to have access to vehicles. It should be noted that in the case of Blacks and Hispanics, the percentage difference was within the margin of error and is considered to be statistically insignificant. With respect to Whites and Asians, a lower percentage of contacts were detected. That is, the percentage of White and Asian drivers that came in contact with the police in 2018 was the lower than the percentage of White and Asian households in DFW with access to vehicles. The analysis of the searches performed shows that most searches did not produce contraband. This is consistent with national law enforcement trends.

Summary of Findings

The most recent Texas Racial Profiling Law requires that police department perform data audits in order to validate the data being reported. Consistent with this requirement, the Rockwall Police Department reports having conducted at least one internal data audit. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

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 continue to:

- 1) Perform an independent analysis on contact and search data in future years.

- 2) Commission data audits in 2019 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 complied 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, performs internal audits in order to ensure validity and reliability, collects and commissions the analysis of tier 2 data, and ensures that the practice of racial profiling is not tolerated.

(III) Summary

Checklist



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, 2019.
- ☒ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.

Contact Information

Contact Information

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

Del Carmen Consulting, LLC
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: Kristy Cole, City Secretary / Assistant to the City Manager

DATE: February 1, 2019

SUBJECT: Order (resolution) Calling May 4, 2019 General Election

Included in the packet for Council's consideration is an order calling the Saturday, May 4, 2019 General Election. The purpose of the election will be to elect the Mayor and City Council Members for Places 1, 3, and 5.

A joint elections contract between the City, (possibly) the school district, and the Rockwall County Elections Administrator, will be brought forth for Council consideration, likely at the next regular meeting, depending on if there ends up being contested races.

Staff will be available to answer any questions the Council may have at the meeting Monday evening.

CITY OF ROCKWALL, TEXAS

RESOLUTION NO. 19-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, CALLING A GENERAL TO BE HELD JOINTLY WITH THE ROCKWALL INDEPENDENT SCHOOL DISTRICT (RISC) AND DESIGNATING ROCKWALL COUNTY ELECTIONS ADMINISTRATOR AS THE ELECTION ADMINISTRATOR TO CONDUCT SAID GENERAL ELECTION ON BEHALF OF THE CITY ON SATURDAY, MAY 4, 2019 FOR THE PURPOSE OF ELECTING A MAYOR AND THREE (3) COUNCIL MEMBERS, ONE (1) FOR PLACE 1, ONE (1) FOR PLACE 3, AND ONE (1) FOR PLACE 5, EACH FOR TWO (2) YEAR TERMS; DESIGNATING THE ENTIRE CITY AS ONE ELECTION PRECINCT; DESIGNATING POLLING PLACES, DATES AND TIMES; DESIGNATING FILING DEADLINES; ORDERING NOTICES OF ELECTION TO BE POSTED AND PUBLISHED AS PRESCRIBED BY LAW IN CONNECTION WITH SAID ELECTION; PROVIDING FOR OTHER ELECTION-RELATED PROCEDURES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 41.001 of the Texas Election Code, as amended (the "Code") specifies that the first Saturday in May shall be a "uniform election date" and that a general election of a city may be held on such day; and

WHEREAS, the City Council of the City of Rockwall, Texas (hereinafter referred to as the "City"), in accordance with the Rockwall City Charter, Section 5.01, has determined that a general municipal election shall be conducted on the first Saturday in May 2019; and

WHEREAS, Section 271.002 of the Texas Election Code authorizes two or more political subdivisions to enter into an agreement to hold elections jointly in the election precincts that can be served by common polling places; and

WHEREAS, the City of Rockwall, the Rockwall Independent School District, and Rockwall County desire that a joint election be held in order to provide a convenient, simple, and cost-saving election for the voters; and

WHEREAS, the City of Rockwall, the Rockwall Independent School District, and Rockwall County will enter into a joint agreement setting out each entity's respective duties, responsibilities and costs associated with the May 4, 2019 election; and

WHEREAS, by this Resolution, it is the intention of the Rockwall City Council to: (1) call for said election to be held on the above named date, (2) designate the entire City as one election precinct, (3) designate the Rockwall County Library as the polling place for the election and (4) establish and set forth general procedures for conducting said election; and

WHEREAS, it is hereby officially found and determined that said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. Findings. The statements contained in the preamble of this Resolution are true and correct and are adopted as findings of fact hereby, which findings are conclusive and incontestable.

Section 2. Election Date, Purpose of Election, Officers and Terms of Office. That a General Election is hereby ordered to be held jointly with the Rockwall Independent School District in and throughout the City on Saturday, May 4, 2019, for the purpose of electing a (1) Mayor and three (3) Council Members - one (1) for Place 1, one (1) for Place 3, and one (1) for Place 5, each for two (2) year terms.

Section 3. Eligibility for Candidacy & Winner(s) Declared via Plurality Vote. That in accordance with Section 5.02 of the City Charter of the City of Rockwall, no person shall be eligible for the office of Council Member, unless he is at least twenty-one years of age at the time of the election for which he is filing; is a qualified voter (of the City); has resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months prior to the filing deadline; after notice of any delinquency, not in arrears in payment of taxes or other liabilities due the City. In accordance with Section 5.04(1) of the City Charter, a plurality vote is required to be elected and declared the winner.

Section 4. Application for a Place on the Ballot. That in accordance with Section 143.007 of the Texas Election Code, any eligible and qualified person may have his name printed upon the official ballot as a candidate for the offices herein before set forth by filing his sworn application with the City Secretary not earlier than 8:00 a.m., January 16, 2019 and not later than 5:00 p.m., February 15, 2019. Each such application shall be on a form as prescribed by Section 141.031 of the Texas Election Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary as provided by Section 52.094 of the Code. Notice of the time and place for said drawing shall be given in accordance with the Code.

Section 5. Election Precinct, Polling Place, and Election Hours. That the entire City of Rockwall, Texas shall constitute one (1) election precinct for the election, and the polling place is hereby designated to be located at the Rockwall County Library, 1215 E. Yellowjacket Lane, Rockwall, Texas 75087. In accordance with and pursuant to the requirements of the Code, said polling place shall be open from 7:00 a.m. until 7:00 p.m. on the date of the election.

Section 6. Early & Election Day Voting and Ballots by Mail. That early voting by personal appearance shall be administered by the Rockwall County Elections Administrator as set forth in the Election Contract and the Code. Early voting shall be conducted on/at the dates, times and locations specified below with the exception of Sunday and State holidays, and the designated Election Day polling location for Rockwall voters shall be: Rockwall County Library (1215 E. Yellowjacket Ln. Rockwall, TX 75087).

MONDAY (Lunes)	TUESDAY (Martes)	WEDNESDAY (Miercoles)	THURSDAY (Jueves)	FRIDAY (Viernes)	SATURDAY (Sabado)
APR 22 8am-5pm Early Voting	APR 23 7am-7pm Early Voting	APR 24 8am - 5pm Early Voting	APR 25 7am - 7pm Early Voting	APR 26 8am - 5pm Early Voting	APR 27 10am - 3pm Early Voting

MONDAY (Lunes)	TUESDAY (Martes)	WEDNESDAY (Miercoles)	THURSDAY (Jueves)	FRIDAY (Viernes)	SATURDAY (Sabado)
APR 29 8am–5pm Early Voting	APR 30 8am–5pm Early Voting				MAY 4 7am–7pm ELECTION DAY

CITY (ciudad)	LOCATION & ADDRESS (lugar y direccion)
ROCKWALL	COUNTY LIBRARY 1215 E. YELLOWJACKET LN
HEATH	HEATH CITY HALL 200 LAURENCE DR
FATE	FATE CITY HALL 1900 CD BOREN PKWY
ROYSE CITY	ROYSE CITY HALL 200 N. ARCH ST
MCLENDON- CHISHOLM	MCLENDON-CHISHOLM CITY HALL 1371 W FM 550

Applications for ballot by mail shall be requested from and mailed to the Rockwall County Election Administrator and Early Voting Clerk, Attn: Christopher Lynch, 915 Whitmore Drive, Suite D, Rockwall, TX 75087 (e-mail: clynch@rockwallcountytexas.com). Applications for ballots by mail must be received (not postmarked) no later than the close of business on Tuesday, April 23, 2019. If application to vote by mail is made by personal delivery, the application must be delivered by the close of business on Friday, April 19, 2019.

Section 7. Governing Law and Qualified Voters. That the election shall be held in accordance with the constitution of the State of Texas, the City Charter, and the Texas Election Code, and all resident, qualified electors of the city, shall be eligible to vote at the election.

Section 8. Notice and Conduct of the Election. Proper notice of the Election shall be given and, in all respects, the Election shall be conducted in accordance with the Code.

Section 9. Election Officers and Authorization of Further Procedures. That the Elections Administrator, early ballot board, voting judges, voting clerks and all other election officers and officials designated or to be designated pursuant to law and the Election Contract are hereby appointed and confirmed to hold the Election at said polling places and all early voting places. The Elections Administrator, the City and the County may employ other personnel necessary for the proper administration of the Election, including such part-time help as is necessary for the Election, to ensure the timely delivery of supplies during early voting and on Election Day

The City Council hereby authorizes and directs the Mayor, City Manager, Assistant City Manager, City Secretary, and all other officers, employees and agents of the City, in consultation with the City Attorney, if necessary, to do and perform all such acts and to execute, acknowledge and deliver in the name and on behalf of the City such documents, agreements, certificates and other instruments, whether or not mentioned in this Resolution, as may be necessary or desirable in order to carry out the terms, provisions and actions provided for in this Resolution.

Section 10. Delivery of Returns and Preservation of Election Records. That in accordance with the Code and the City's contract with the Rockwall County Elections Administrator, immediately after the closing of the poll on the day of the election, the election officers shall make and deliver the returns of the election in triplicate as follows: one copy shall be retained by the Presiding Election Judge and by the Presiding Election Judge of the Early Voting Ballot Board, one copy shall be delivered to the Mayor of the City, and one copy of the returns, together with the ballot boxes and all election supplies, shall be delivered to the Rockwall County Elections Administrator. All election records and supplies shall be preserved in accordance with the Code.

Section 11. Representatives. That the following slate of officials and other designated persons are hereby authorized to be present to observe the election counting process:

- a. The Mayor and members of the City Council of the City of Rockwall;
- b. Candidates for Mayor and City Council of the City of Rockwall;
- c. The Rockwall City Secretary or his/her designated representative.

Section 12. Canvassing of Returns. That the City Council of the City shall convene between May 7, 2019 and May 15, 2019 to canvass the returns of the election in accordance with the Texas Election Code.

Section 13. Severability. That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

Section 14. Effective Date. That this resolution shall be in full force and effect from and after its passage and it is accordingly so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 4th day of February, 2019.

ATTEST:

Jim Pruitt, Mayor

Kristy Cole, City Secretary

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MEMORANDUM

TO: Mayor and Councilmembers
FROM: Judge David Sweet, ART Commission Chair
DATE: February 4, 2019
SUBJECT: Art in Public Places – Fiberglass Guitar Project

Overview:

At their November meeting, the Art Commission voted unanimously to recommend the fiberglass art project to City Council for their consideration and approval. Each fiberglass guitar measures approximately 5' in stature; bases included they should stand approximately 6'. Guitars will be painted by local artists and the City's "Free Live Music Capital of North Texas" logo will be included on the base of each guitar. The project embodies both the visual and performing arts. The Commission has chosen five public venues for installation: San Jacinto Plaza, The Harbor, Ted Cain's Corner Park, City Hall and Harry Myers Park. Five local artists volunteered to paint the guitars at no cost to the City. They include: Kenyon Walter, Nancy Kuntz, James Kuntz, Suzy Varner and Jake Bays. Samples of their work along with a few conceptual drawings are included in your packet. The Commission will return to Council in the coming weeks with the artists' renderings for Council's final approval.

Installation/Promotion:

The Art Commission worked with City staff in the selection process of the venues listed above. Guitars will be mounted to a concrete base and situated in visible areas with high pedestrian traffic. The target date for installation is June 2019 – with an unveiling and public display slated for Founders Day on May 18, 2019. This year marks the 20th Anniversary of the Concert by the Lake Music Series, providing an additional promotional opportunity this summer. The Commission recognizes this is a tight schedule and that it is dependent on manufacturing and delivery of statues.

Maintenance:

Fiberglass is a relatively low maintenance product. Per the manufacturer, anticipated maintenance will include an annual cleaning and reapplication of the clear coat every 5-7 years.

Funding:

The Art Commission is requesting \$5,500.00 from the Art in Public Places fund for the purchase of five fiberglass guitars, paint supplies, logo and concrete bases. Current Art fund balance is \$77,000.00. Future CIP funds are projected at \$63,000.00 bringing the overall balance to \$140,000.00.

Cost Breakdown:

\$2800.00 Fiberglass Guitars
\$ 500.00 Shipping
\$ 500.00 Bases
\$ 500.00 Paint
\$ 200.00 Adhesive Logo
\$ 500.00 Clear Coating
\$ 500.00 Contingency
\$5,500.00 Total

\$

Fiberglass Guitar Manufacturer: Cowpainters: <http://cowpainters.com/>

Art Commission Members:

David Sweet, Chair
Kathleen Morrow, Vice-Chair
Betty Jean Hoaglund
Jane Braddock
Doug Agee

Exhibits:

Exhibit A: Fiberglass guitars
Exhibit B: Map
Exhibit C: Artists' information

EXHIBIT A

UNPAINTED FIBERGLASS MOLD OF ELECTRIC GUITAR

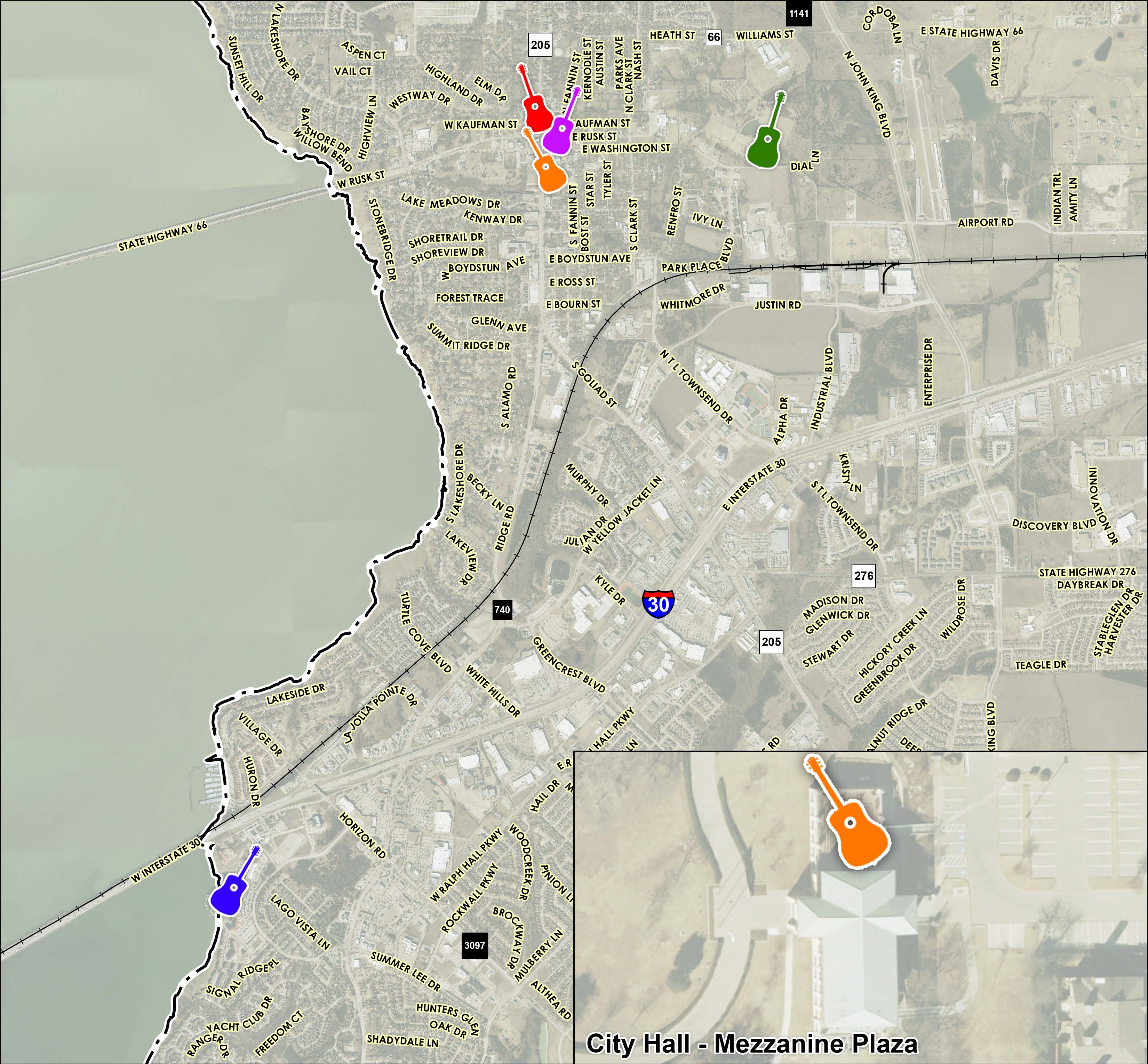


EXHIBIT A

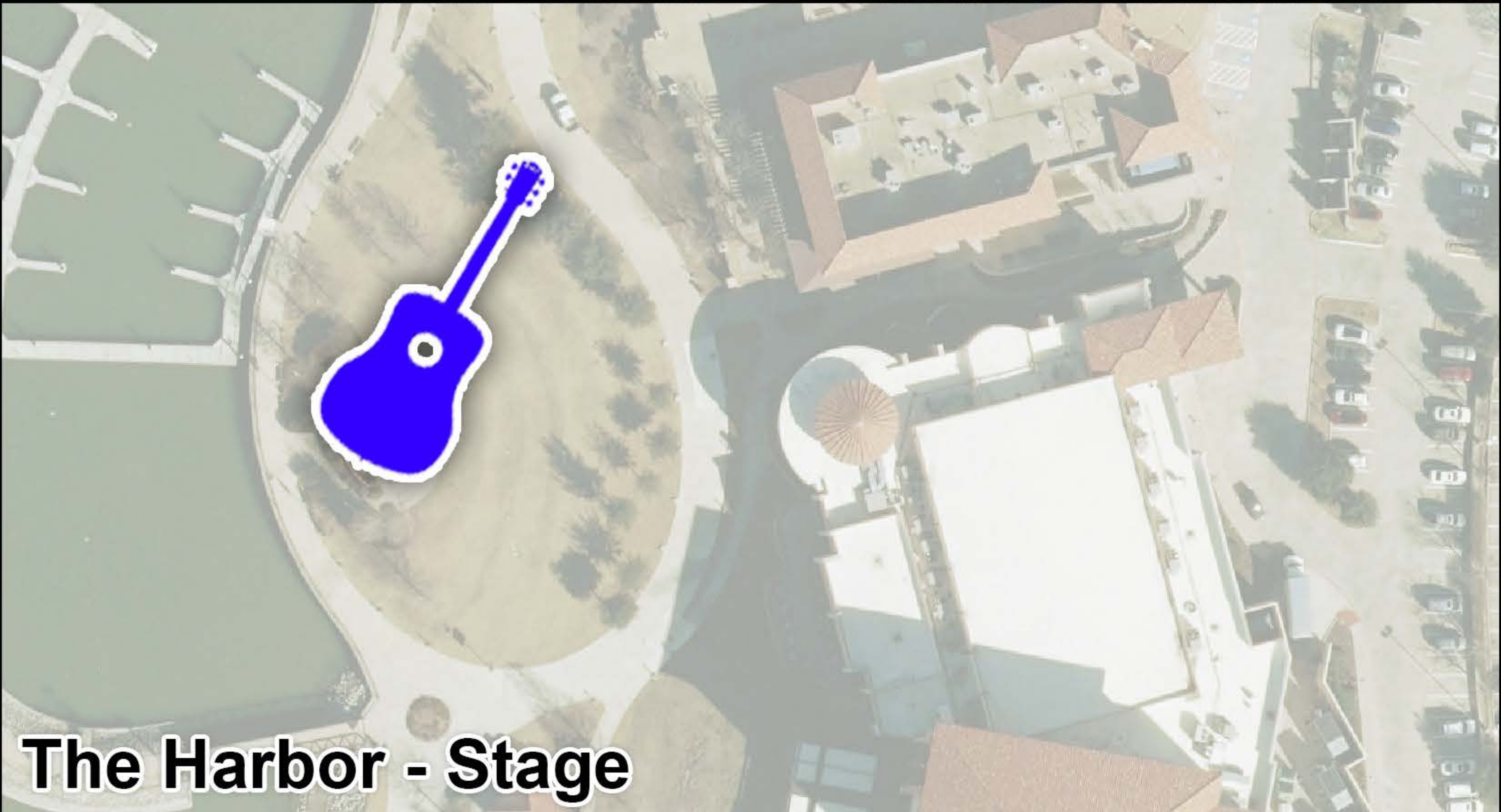
PAINTED GUITAR – STREET VIEW



EXHIBIT B
LOCATION MAP
(See next page)



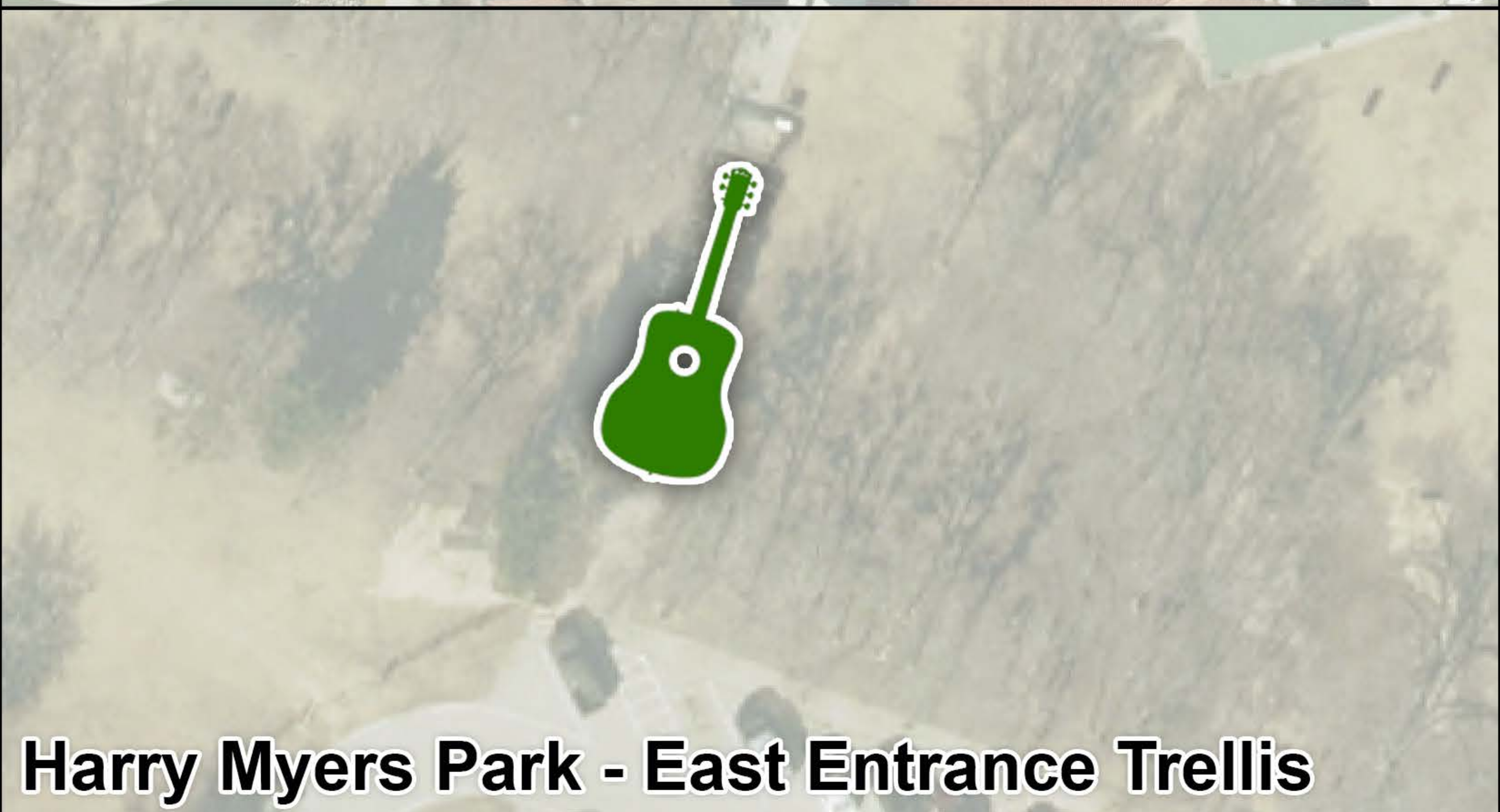
City Hall - Mezzanine Plaza



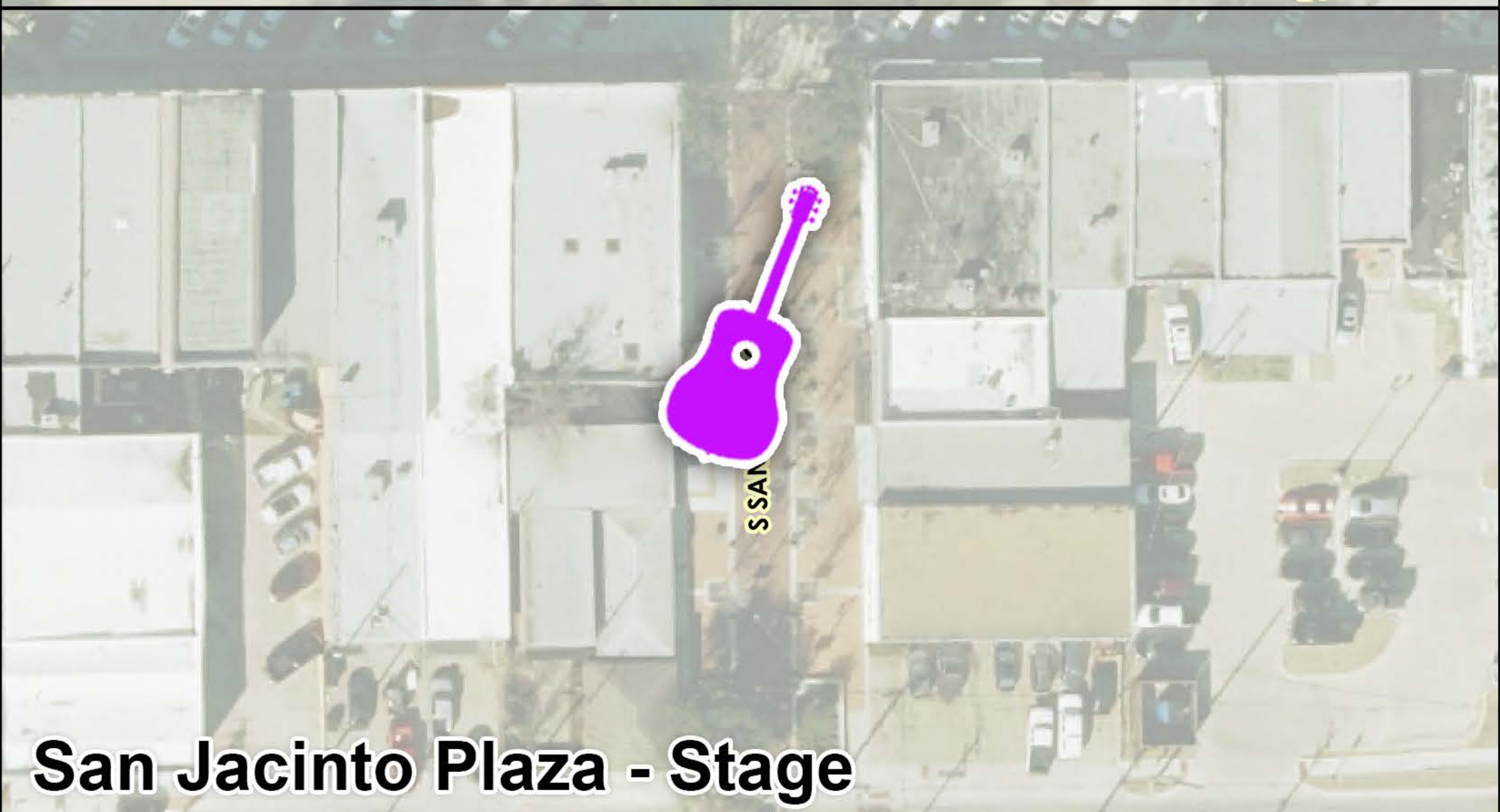
The Harbor - Stage



Ted Cain's Corner Park - East Facing Wall



Harry Myers Park - East Entrance Trellis



San Jacinto Plaza - Stage



**City of
Rockwall**



Date: 2/1/2019

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 end user. The City of Rockwall does not guarantee the accuracy of contained information. All information is provided 'As Is' with no warranty being made, either expressed or implied.

GUITAR SITE LOCATIONS

EXHIBIT C

Kenyon Hill Walters

Sample of her Artwork/Guitar Concept to Follow



EXHIBIT C

Nancy Kuntz

Actual Guitar Concept



EXHIBIT C

James Kuntz

Actual Guitar Concept

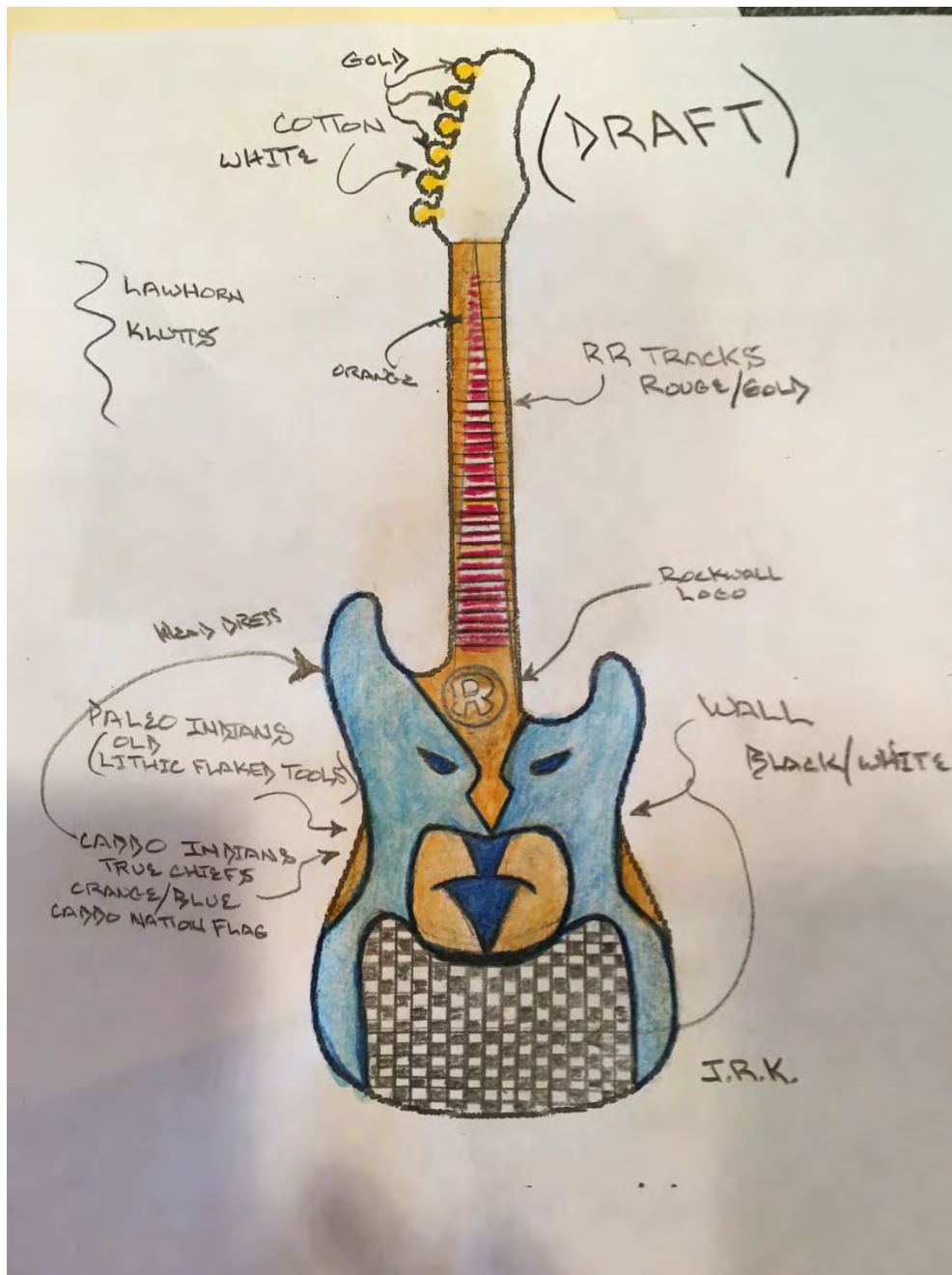


EXHIBIT C

Susan Varner

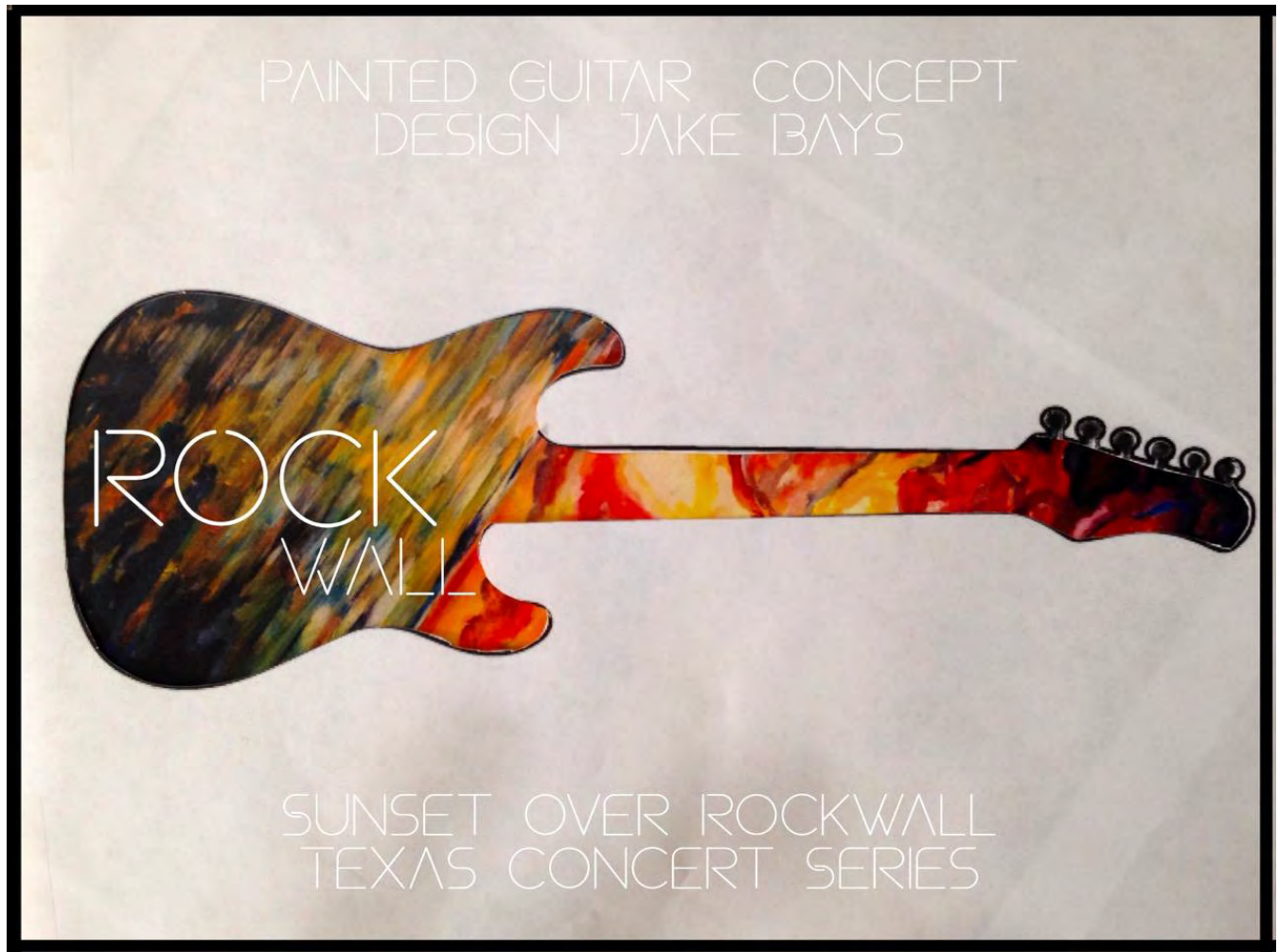
Sample of Her Artwork/Guitar Concept to Follow



EXHIBIT C

Jake Bays

Actual Guitar Concept



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Cole, Kristy

Subject: FW: City Council Meeting

From: Jillian Gaines [mailto: [REDACTED]]

Sent: Tuesday, January 29, 2019 11:33 AM

To: Cole, Kristy

Cc: Tim Rodgers-NB; [REDACTED]; Rhonda-Next Door; [REDACTED]; [REDACTED]

Subject: Re: City Council Meeting

Mrs. Cole,

My neighbors and I plan on being at the Rockwall City Council meeting on Monday, Feb. 4 at 6 p.m. We are currently putting together and plan on showing a power point presentation when addressing the City Council as well.

Thank you for confirming. See you soon.

Thank you,
Jillian Gaines

On Jan 29, 2019, at 9:37 AM, Cole, Kristy <KCole@rockwall.com> wrote:

Ms. Gaines

Just want to confirm with you that you still would like to come address the city council this coming Mon., Feb. 4 at the 6PM meeting. Please let me know, and please also let me know if you plan to send me information for inclusion in their informational meeting packet by noon tomorrow, Jan. 30.

Thank you,

Kristy Cole

**Assistant to the City Manager/
City Secretary, TRMC**

City of Rockwall

Ph: (972) 772-6406

From: Jillian Gaines [mailto: [REDACTED]]

Sent: Wednesday, January 16, 2019 2:41 PM

To: Cole, Kristy

Cc: Rhonda-Next Door; Tim Rodgers; Gail Wong; Nathan Fieldsmith; Gene Sholtis; Brian Sanders

([REDACTED]); Leslie Hearn; C Samples; [REDACTED]; Lennie Walker; [REDACTED]

[REDACTED]; Brittany Darcangelo; [REDACTED]; Alvin Sissel;

[REDACTED]; Landon Fisher;

[REDACTED]; Nolan Merrill; [REDACTED]; Rudy Barron;

Hali Bauman; Cherie Raymond; Emilie Mendala-Mathew; [REDACTED]; Sandra Saenz;

Mark Olgin

Subject: Re: City Council Meeting

Thank you, Mrs. Cole. I will be presenting a power point presentation that will include photos, videos, and maps of the water that has been invading the properties and homes in the surrounding area. I will try to have documents sent to you before Jan. 30 at noon.

Please let me know if you have any questions or concerns.
Hope you enjoy the rest of your day.

Thank you,
Jillian Gaines

On Wed, Jan 16, 2019 at 11:16 AM Cole, Kristy <KCole@rockwall.com> wrote:

Yes, ma'am. I will place you on the agenda as an "appointment item." Will you be sending me any information in advance for me to pass along to the Council in their informational meeting packet? If so, please let me know. I'll need to receive it from you by Wed., Jan. 30 at noon.

Thank you!

Kristy Cole

From: Jillian Gaines [mailto:]
Sent: Wednesday, January 16, 2019 11:05 AM
To: Cole, Kristy
Cc: Rhonda-Next Door; Tim Rodgers; Gail Wong; Nathan Fieldsmith; Gene Sholtis; Brian Sanders ; Leslie Hearn; C Samples; ; Lennie Walker; ; Brittany Darcangelo; ; Alvin Sissel; ; Landon Fisher; ; lan Merrill; ; Rudy Barron; Hali Bauman; Cherie Raymond; Emilie Mendala-Mathew; Sandra Saenz; Mark Olgin
Subject: Re: City Council Meeting

Mrs. Cole,

I was just following up from my last email to see if I can be scheduled to speak to the City Council on Monday, February 4 2019. Is this possible?

Please let me know if you have any questions or concerns.

Thank you,

Jillian Gaines

On Jan 13, 2019, at 3:03 PM, Jillian Gaines < > wrote:

Mrs. Cole,

I would like to speak at the Rockwall City Council Meeting on Monday, February, 4 about the Water Issues my neighbors and I are still suffering from to this day. I will be presenting a power point presentation that will include

photos, videos, and maps of the water that has been invading the properties and homes in the North Shores of Rockwall.

Please let me know if you have any questions or concerns.

Thank you,

Jillian Gaines

1305 Clear Meadow Court

512.968.6295 cell

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CITY OF ROCKWALL

CITY COUNCIL MEMO

AGENDA DATE: 02/04/2019

APPLICANT: Tim McCallum

AGENDA ITEM: **Z2018-058;** *SUP for a Craft Winery and Commercial Amusement/Recreation (Outdoor)*

SUMMARY:

Hold a public hearing to discuss and consider a request by Tim McCallum of He Wines She Dines, LLC on behalf of Buffalo Creek Business Park, LTD for the approval of a Specific Use Permit (SUP) for a *Craft Winery and Commercial Amusement/Recreation (Outdoor)* on a 7.2-acre tract of land identified as Tracts 20-01 & 20-7 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 203 County Line Road, and take any action necessary.

PURPOSE AND CHARACTERISTICS OF THE REQUEST:

The applicant, Tim McCallum, has submitted a request for a Specific Use Permit (SUP) to allow a *Craft Winery and Commercial Amusement/Recreation (Outdoor)* facility to be located within a Commercial (C) District. Currently, the subject property -- at 203 County Line Road -- is being operated as a warehouse and shipping facility for the applicant's wine club (*i.e. no retail sales*). The applicant has stated that they would like the opportunity to expand this use to a *Craft Winery* for the purpose of allowing wine to be mixed, produced and sold on-site. With this request, the applicant has submitted a floor plan showing the proposed *Craft Winery* layout, which will be situated in a 1,250 SF building. Of this area, 500 SF of the building [*i.e. 40% of total SF*] will be dedicated for the retail sales and tasting component of the on-site manufactured product. The remaining 750 SF will be used for wine display racks, an overhead storage area, blending tanks, and wine barrels. Additionally, the applicant has provided a concept plan for the *Commercial Amusement/Recreation (Outdoor)* use [*i.e. outdoor venue*], which will be located outdoors in front of the facility. The applicant has indicated to staff that this area will be used on a limited and infrequent basis. In addition, Mr. McCallum has submitted a letter indicating that the use of the outdoor venue will only take place on a scheduled basis, Thursday through Monday (*i.e. nights, weekends, and occasionally on Mondays and holidays*). The outdoor venue will include a seating area, space for food vendors, and space for live music [*e.g. acoustic guitar*].

According to Section 1.1, *Land Use Schedule*, of Article IV, *Permissible Uses*, of the Unified Development Code (UDC), both the *Craft Winery* and *Commercial Amusement/Recreation (Outdoor)* land uses require approval of a Specific Use Permit (SUP) in a Commercial (C) District. Additionally, Section 2.1.6, of Article IV, *Permissible Uses*, of the UDC, defines a *Craft Winery* as being a small scale manufacturing and retail operation that is subject to the following conditions: (1) the total building area (*i.e. area under roof*) is less than 12,000 SF, and (2) the total floor area dedicated to the direct sale of the on-site manufactured product does not exceed a maximum of 40% of the total floor area. The section also goes on to list the permitted accessory uses as:

- (a) a tasting room to dispense product manufactured on site for on premise consumption,
- (b) a meeting/banquet facility,

- (c) a restaurant, and/or
- (d) the retail sales of on-site manufactured product for off-premise consumption.

Included in the attached packet is the applicant's letter outlining the proposed business plan, a concept plan depicting the outdoor venue, a floor plan for the *Craft Winery*, and a draft ordinance containing regulations for the proposed land uses. Based on staff's review, the applicant's request does appear to be in conformance with these requirements; however, the approval of a Specific Use Permit (SUP) is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

ADJACENT LAND USES AND ACCESS:

The subject property is generally situated north of the intersection of Horizon Road [FM-3097] and County Line Road, and is addressed as 203 County Line Road. The land uses adjacent to the subject property are as follows:

- North:* Directly north of the subject property is a 14.374-acre tract of land, restricted as open space and drainage per the requirements of Planned Development District 75 (PD-75).
- South:* Directly south of the subject property is a continuation of the Buffalo Creek Business Park, LTD, which represents a 6.841-acre portion of a larger 9.84-acre tract of land identified as Tracts 20, 20-05, and 20-06 of the W. W. Ford Survey, Abstract No. 80. Currently on this property are several non-residential structures, which are occupied (*i.e. multi-tenant strip centers and individual standing buildings*). All of these properties are zoned Commercial (C) District.
- East:* Directly east of the subject property is a continuation of Buffalo Creek Business Park, LTD, which represents a 1.00-acre portion of a larger 9.84-acre tract of land identified as Tracts 20-03 of the W. W. Ford Survey, Abstract No. 80. This property is currently occupied with a non-residential structure, and is zoned Commercial (C) District.
- West:* Directly west of the subject property and beyond the Buffalo Creek Business Park, LTD is Horizon Road [FM-3097], which is identified as an TXDOT4D (*i.e. Texas Department of Transportation, four [4] lane, roadway*) on the City's Master Thoroughfare Plan. Beyond this thoroughfare is a 39.347-acre tract of land identified as Tract 93-01, of the E. Teal Survey, Abstract No. 207 and is zoned Agricultural (AG) District. The Buffalo Creek Business Park, LTD is zoned Commercial (C) District.

NOTIFICATION:

On January 2, 2019, staff mailed 63 notices to property owners and residents within 500-feet of the subject property. Staff did not send a neighborhood notification as there were no Home Owners Associations (HOA's) participating in the Neighborhood Notification Program within 1500-feet of the subject property. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this report was drafted, staff had received one e-mail opposed to the applicant's request.

RECOMMENDATIONS:

Should the City Council choose to approve the applicant's request, staff would offer the following conditions of approval:

- 1) The operation of the *Craft Winery* and *Commercial Amusement/Recreation (Outdoor)* on the subject property shall be subject to the following operational conditions, which are contained in the SUP ordinance:

A. *Craft Winery:*

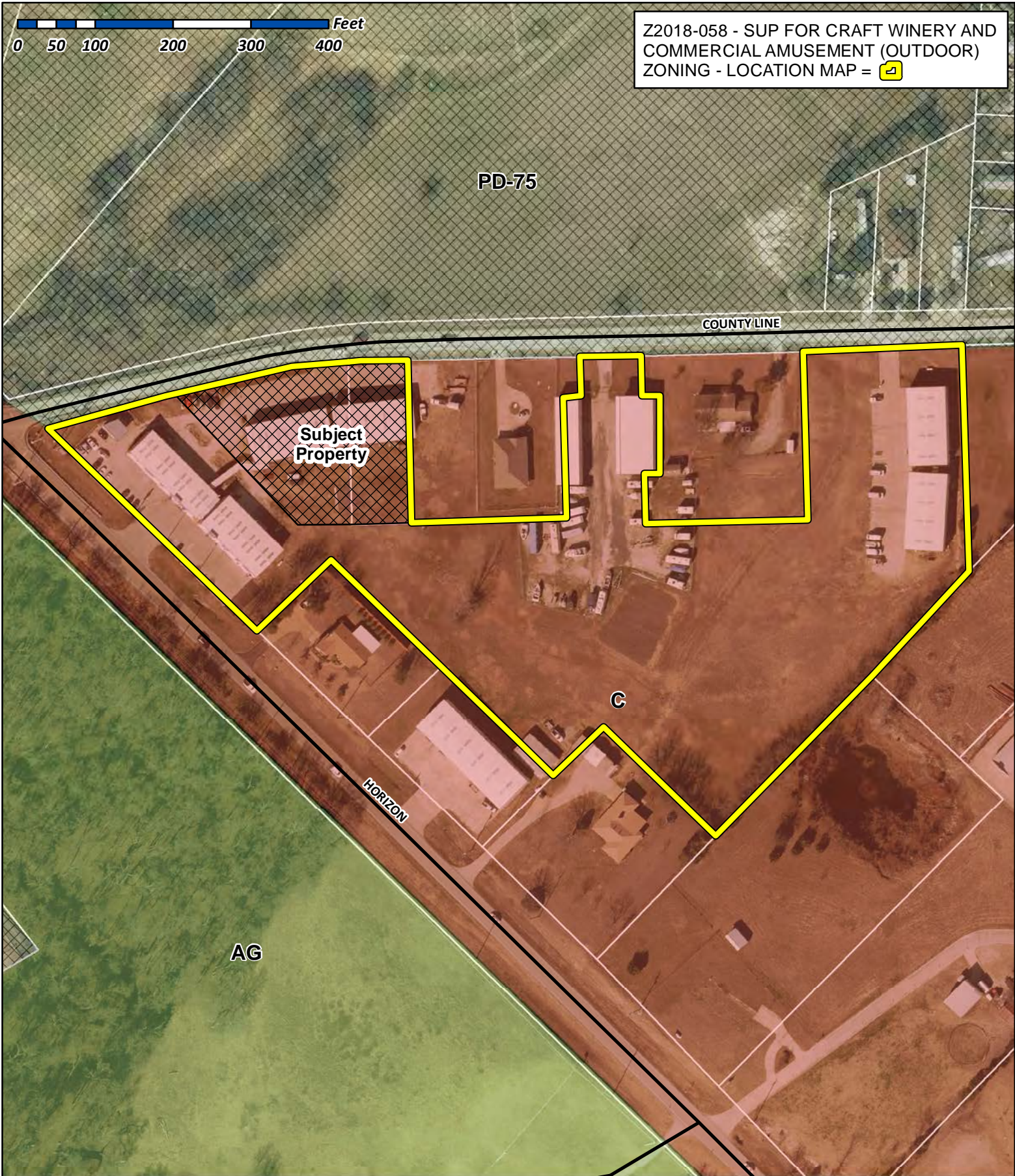
- 1) The maximum square footage of the building used for a winery shall not exceed 12,000 SF in total building area, and is depicted in *Exhibit 'C'* of the draft ordinance.
- 2) The areas dedicated to the direct sale of the on-site manufactured product shall not exceed 40% of the total floor area of the building, and is depicted in *Exhibit 'D'* of the draft ordinance.
- 3) The hours open to the public for this facility shall be limited to Sunday through Saturday, 11:00 AM to 12:00 AM.

B. *Commercial Amusement/Recreation (Outdoor)*

- 1) The operation of a *Commercial Amusement/Recreation (Outdoor)* use shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance.
 - 2) The *Subject Property* may be used for all permitted accessory uses as well as the use of an *outdoor venue* that may include live music and food truck vendors as depicted in *Exhibit 'B'* of this ordinance. The use of temporary tents or similar uses must be made of fire retardant materials and meet the City's fire codes.
 - 3) The hours of operation associated with the *Outdoor Venue* for this facility shall be limited to Thursday through Monday, 11:00 AM to 12:00 AM.
 - 4) There shall be no outside storage of equipment, furniture, or other materials associated with the operation of this business or from any outdoor gatherings on the *Subject Property*.
 - 5) No parking associated with the uses permitted on the *Subject Property* shall be permitted along County Line Road or Horizon Road [FM-3097].
- 2) Any construction or building necessary to complete this request must conform to the requirements set forth by the *UDC*, the *International Building Code*, 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 RECOMMENDATION:

On January 15, 2019, the Planning and Zoning Commission's motion to recommend approval of the Specific Use Permit (SUP) to allow for a *Craft Winery* and *Commercial Amusement/Recreation (Outdoor)* with staff conditions passed by a vote of 5 to 2 with Commissioners Lyons and Chodun dissenting.



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): 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.

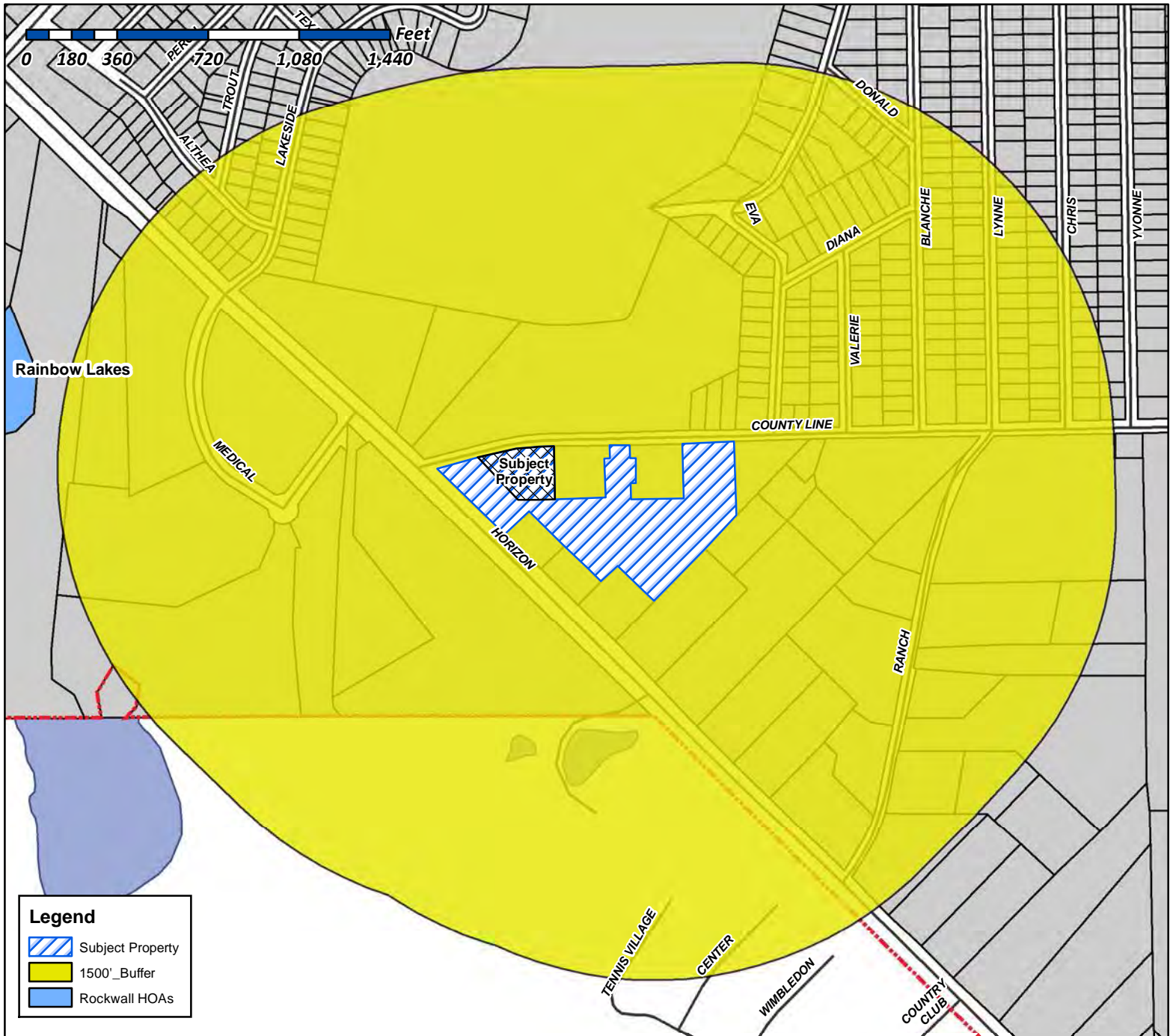




City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

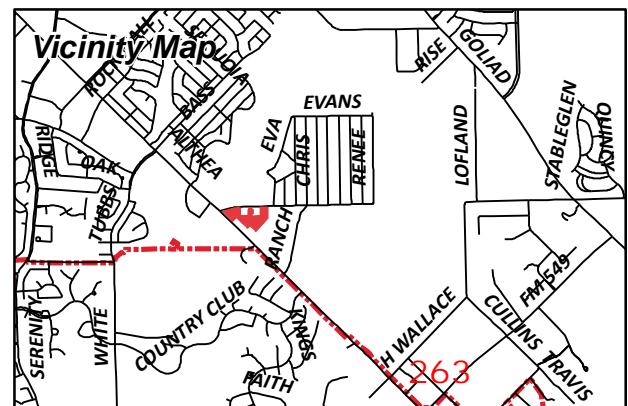
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Case Number: Z2018-058
Case Name: SUP for a Craft Winery and Commercial Amusement (Outdoor)
Case Type: Zoning
Zoning: Commercial (C) District
Case Address: 203 County Line Road

Date Created: 12/18/2018

For Questions on this Case Call (972) 771-7745

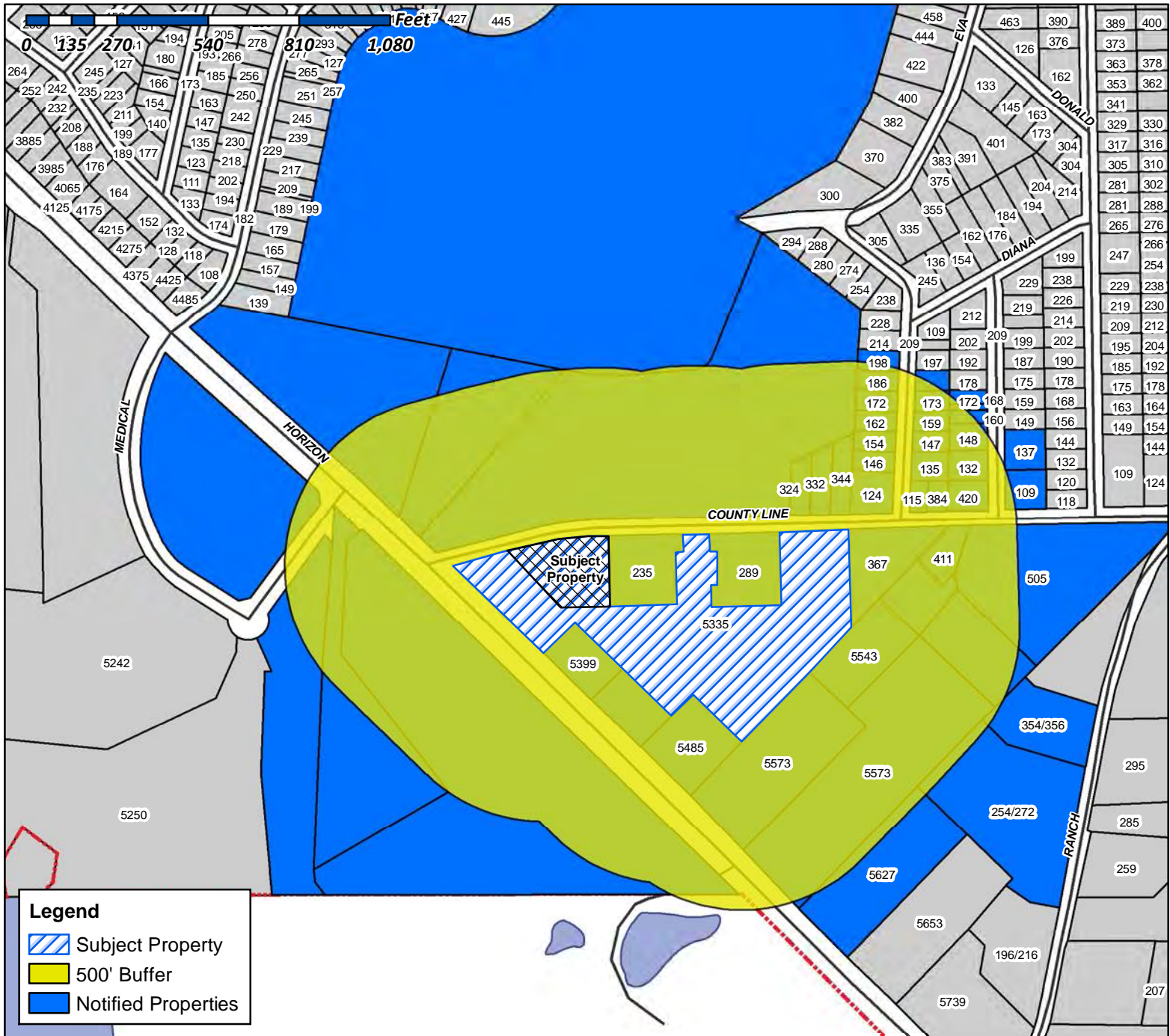




City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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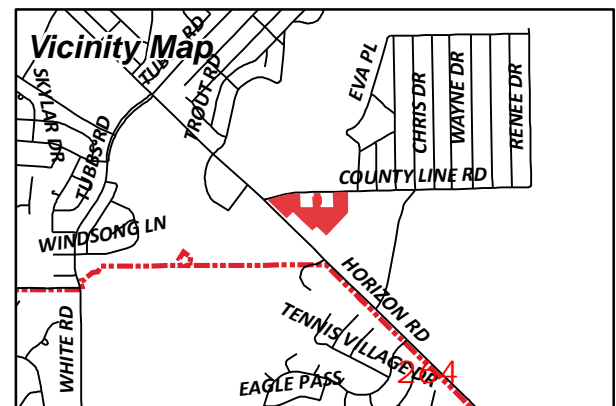
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WOLFORD BILLY E & KATHY 103 EAGLE NEST MABANK, TX 75156	SILVA BERTHA 1041 E FM 552 ROCKWALL, TX 75087	SALAS ALBERTO R & ADELA A 109 VALERIE PL ROCKWALL, TX 75032
CURRENT RESIDENT 115 EVA PL ROCKWALL, TX 75032	GRIZZEL ROYCE LEE JR 124 EVA PLACE ROCKWALL, TX 75032	PAVON MARISOL 132 VALERIE PL ROCKWALL, TX 75032
MONTELONGO MOISES 135 EVA PLACE ROCKWALL, TX 75032	MOONEY GERALD M & JEWELL F REV LIV TR 137 VALERIE PL ROCKWALL, TX 75032	CURRENT RESIDENT 146 EVA ROCKWALL, TX 75032
CURRENT RESIDENT 147 EVA PL ROCKWALL, TX 75032	VALDEZ MARY ESTHER 148 VALERIE PL ROCKWALL, TX 75032	CURRENT RESIDENT 154 EVA PL ROCKWALL, TX 75032
MORALES RAMIRO JR 159 EVA PLACE ROCKWALL, TX 75032	DURAN ROCIO 160 VALERIE PL ROCKWALL, TX 75032	DEL RIO ALBERTO & MONICA 162 EVA PL ROCKWALL, TX 75032
CURRENT RESIDENT 168 VALERIE PL ROCKWALL, TX 75032	LOZANO ISIDRO 1705 HIGH MEADOW DR GARLAND, TX 75040	CURRENT RESIDENT 172 EVA PL ROCKWALL, TX 75032
CURRENT RESIDENT 172 VALERIE PL ROCKWALL, TX 75032	CURRENT RESIDENT 173 EVA PL ROCKWALL, TX 75032	5543 FM3097 LLC 1809 BRISTOL LANE ROCKWALL, TX 75032
SILVA MARIA 186 EVA PL ROCKWALL, TX 75032	ORTEGA RUBEN 187 EVA PL ROCKWALL, TX 75032	BARRON BENICIO 195 ROSEMARIE DR LEBANON, OH 45036
CONTRERAS MANUEL AND MARIA G 198 EVA PL ROCKWALL, TX 75032	BUFFALO CREEK BUSINESS PARK LTD 2324 EAST I 30 ROYSE CITY, TX 75189	BUFFALO CREEK BUSINESS PARK LTD 2324 W INTERSTATE 30 ROYSE CITY, TX 75189
CURRENT RESIDENT 235 COUNTY LINE RD ROCKWALL, TX 75032	PATRIOT PAWS SERVICE DOGS 254 RANCH TRL ROCKWALL, TX 75032	CURRENT RESIDENT 254/272 RANCH TRL ROCKWALL, TX 75032

KELLY EDDY D & SHARON RENEE REV LIV TR
289 COUNTY LINE RD
ROCKWALL, TX 75032

JIMENEZ TERESA HERNANDEZ &
321 PANOLA CT
ROYSE CITY, TX 75189

CURRENT RESIDENT
324 COUNTY LINE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
332 COUNTY LINE RD
ROCKWALL, TX 75032

SILVA JUAN C
332 E LINDA LN
ROYSE CITY, TX 75189

CURRENT RESIDENT
344 COUNTY LINE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
354/356 RANCH TRL
ROCKWALL, TX 75032

RAMIREZ RAUL & TERESA
358 TROUT ST
ROCKWALL, TX 75032

RAMIREZ RAUL
358 TROUT ST
ROCKWALL, TX 75032

CURRENT RESIDENT
367 COUNTY LINE RD
ROCKWALL, TX 75032

RAMIREZ PETRA & JOSE ARTURO
384 COUNTY LINE RD
ROCKWALL, TX 75032

BIG LEAGUE SPORTS ACADEMY INC
405 CHATHAM ST
SUNNYVALE, TX 75182

CURRENT RESIDENT
411 COUNTY LINE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
420 COUNTY LINE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
505 COUNTY LINE RD
ROCKWALL, TX 75032

BIG LEAGUE SPORTS ACADEMY INC
505 COUNTY LINE RD
ROCKWALL, TX 75032

LEJ PARTNERS LTD
5100 ELDORADO PKWY O
MCKINNEY, TX 75070

MARKSQUARED INVESTMENTS LLC
517 COYOTE RD
SOUTHLAKE, TX 76092

CURRENT RESIDENT
5335 FM3097
ROCKWALL, TX 75032

KELLY REX ALLEN
5399 FM 3097
ROCKWALL, TX 75032

KELLY A R
5485 FM 3097
ROCKWALL, TX 75032

RANGELL JUAN JOSE
554 WILLOW RIDGE CIR
ROCKWALL, TX 75032

CURRENT RESIDENT
5543 FM3097
ROCKWALL, TX 75032

MATTHEWS GERALD W & DONNA C
5550 HORIZON RD
ROCKWALL, TX 75032

CURRENT RESIDENT
5573 FM3097
ROCKWALL, TX 75032

ALONZO JOSE O
5627 HORIZON RD
ROCKWALL, TX 75032

JWS LAND LTD
5900 S LAKE FOREST DR O
MCKINNEY, TX 75070

GAMEZ DAVID
614 E BOYDSTUN ST
ROCKWALL, TX 75087

JERRY KISICK CUSTOM HOMES INC
6505 W PARK BLVD O
PLANO, TX 75093

FINCHER LINDA
916 BROWNFIELD
MESQUITE, TX 75150

NORTH TEXAS MUNICIPAL WATER DIST
P O BOX 2408
WYLIE, TX 75098

PEOPLES BILLY
P O BOX 35
ROCKWALL, TX 75087

NORTH TEXAS MUNICIPAL WATER DIST
PO BOX 2408
WYLIE, TX 75098

Gonzales, David

From: Planning
Sent: Tuesday, January 15, 2019 8:45 AM
To: Gonzales, David
Subject: FW: Craft Winery

From: Patty Ramirez [mailto: [REDACTED]]
Sent: Monday, January 14, 2019 5:44 PM
To: Planning
Subject: Craft Winery

It has come to my notice that we were sent a letter over the proposition of a winery in our neighborhood. Although some individuals would be in favor of said winery, we would oppose the construction of the winery in our neighborhood to avoid issues with intoxicated people near the area that is home to many families. The traffic that builds up in the area would rather be an inconvenience to this business.

Sincerely,
Jose Arturo and Petra Ramirez
384 County Line Rd. Rockwall, Tx 75032

To Whom It May Concern:

He Wines She Dines began as a food review and blog website in 2014. We are a husband and wife team that travels the world looking for the best places to eat, drink and enjoy time together! After garnering thousands of followers, we had so many people asking us about wines to drink, what to buy, and how to order, that we decided we would start a wine club. Pursuing that effort, we quickly realized we needed to be a winery to ship product to our followers. With that in mind, we got our federal winery permit and import license and begin working with wineries in California and France to produce amazing wines to bring to Rockwall. We began operating in the Fall of 2016 at 203 County Line Rd, Rockwall, TX 75032. Until the Fall of 2018, we had never been open to the public. We are predominately an online business that sells to individual members through an e-commerce business model and directly to restaurants. To date, 100% of our production has been done in either Lodi, California or Champagne, France. Additionally, we buy wines from other distributors and wineries to offer a diverse mix of high-quality wines to our members.

In October of 2018, we began hosting a series of periodic “warehouse sales and tastings”. During these periodic Saturday events we have been open for limited hours(12-5pm) for patrons to come, try and purchase our wines at lower than retail prices. We have only hosted 3 events this year and they have been very well received.

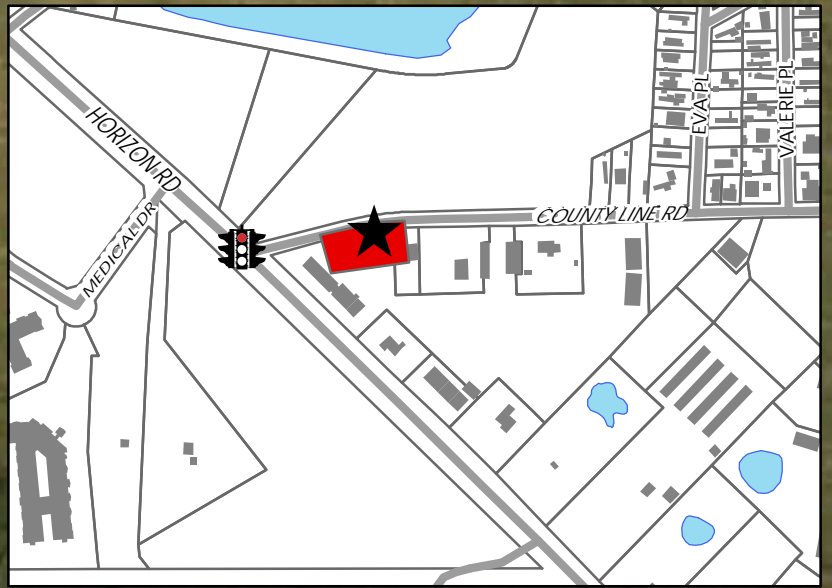
Moving forward we need a SUP for two primary reasons. First, we are preparing to begin limited production runs, barrel storage and some blending operations at our facility. A new SUP is required for this. Second, we want to expand our ability to have tastings and host events at our facility. These events would be limited in scope, but would potentially include live music, food trucks and seating areas for patrons to enjoy our wines. During these events, the guest area would be contained with a temporary barrier. We may use temporary tents or other covers, umbrellas, etc. for sun and rain protection. We plan to keep a conservative schedule but would like for these events to be held on nights, weekends and holidays ranging from Thursdays-Sundays with occasional Mondays or key National holidays. Our maximum operating hours would be between 11am-12am. No equipment, furniture or materials would be stored outside of the facility.

Thank you for your consideration and Cheers!

Tim and Jennifer McCallum
He Wines She Dines

Legend

- Seating Area
- Music
- Food Vendors
- Event Area
- Overall Site



City of
Rockwall

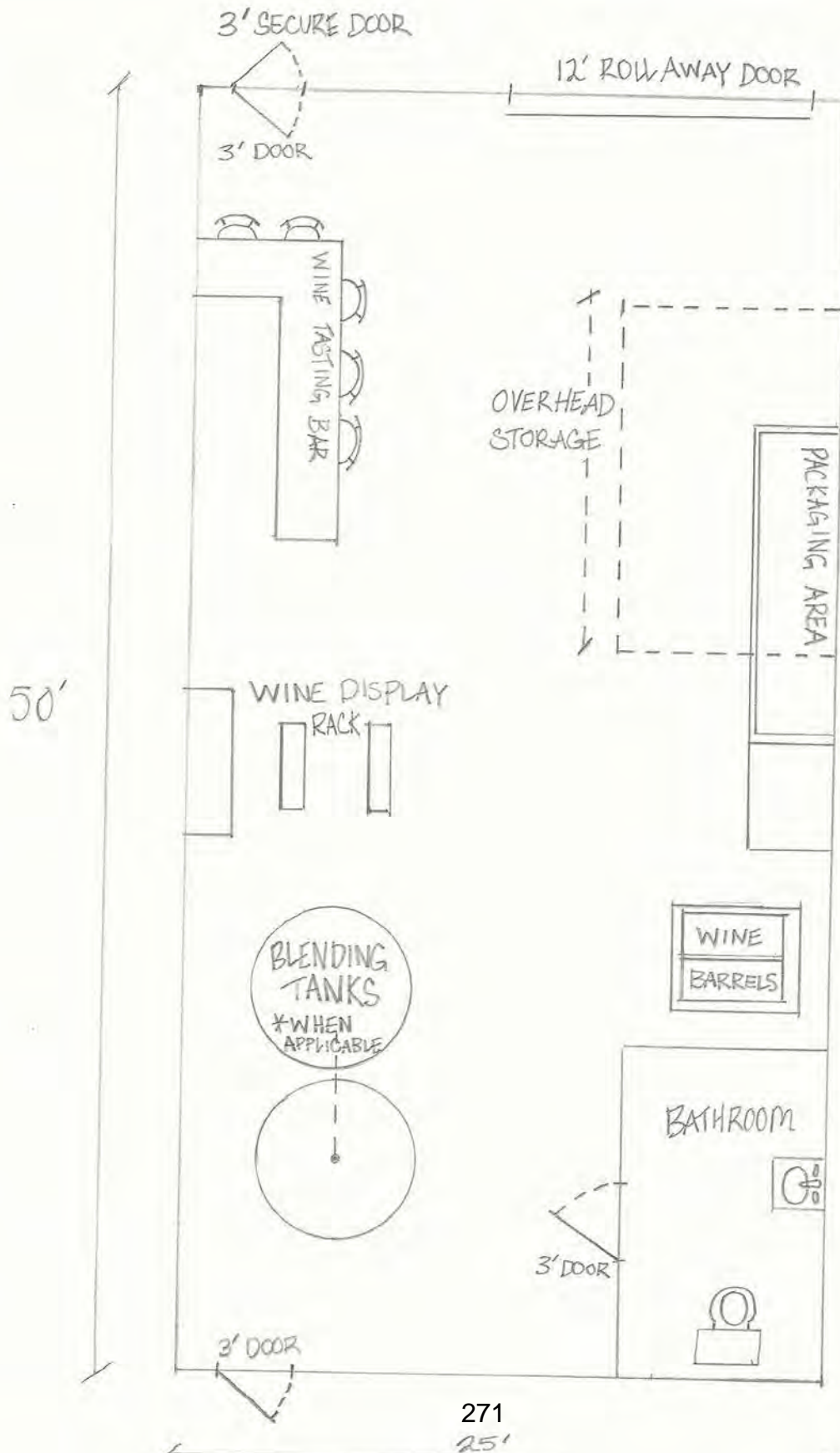


Date: 12/19/2018
0 40 Feet
GEOGRAPHIC INFORMATION SYSTEMS

Z2018-058

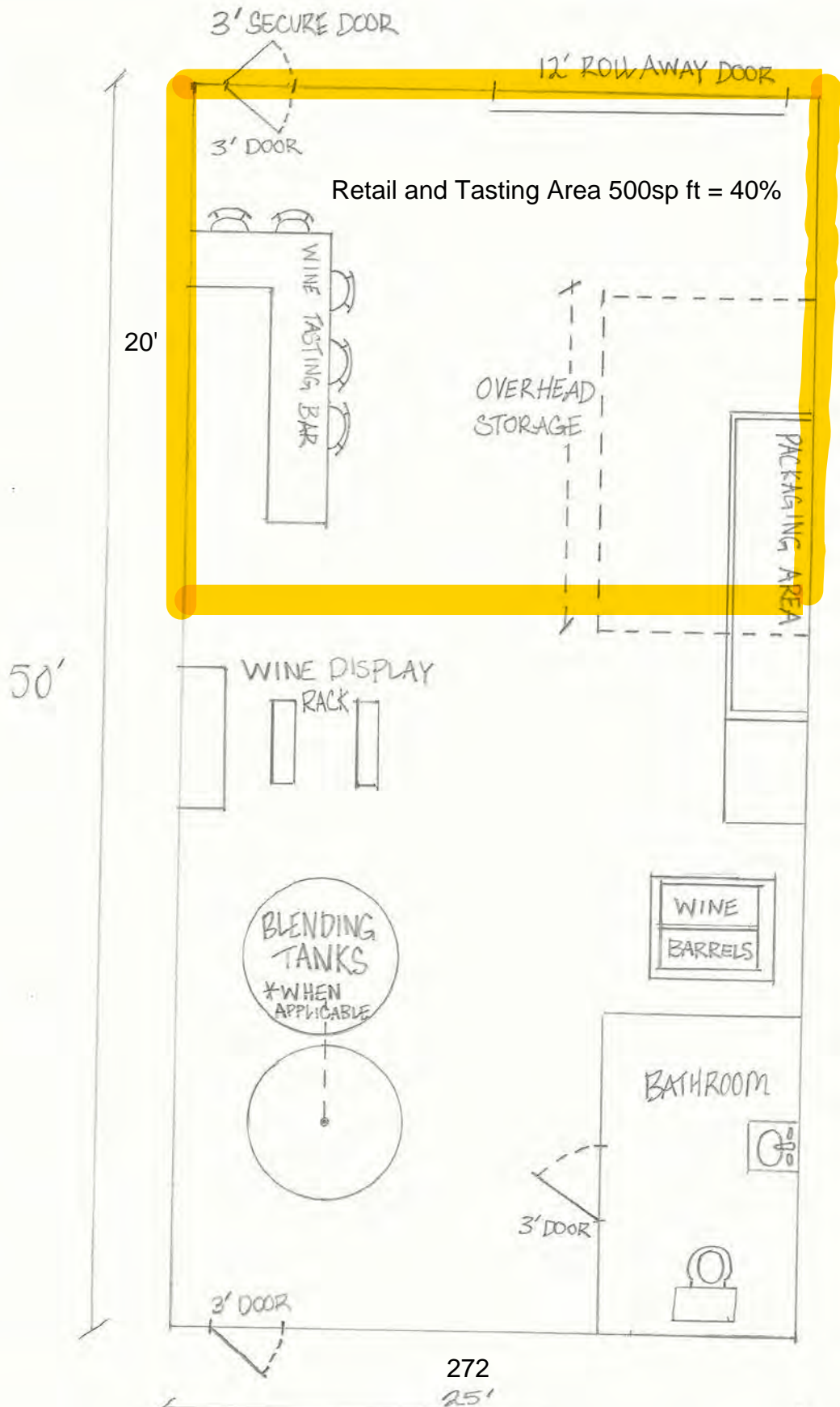
HE WINE'S SHE DINES, LLC
 203 COUNTY VINE RD.
 ROCKWALL TX, 75082

Sqft. 1,250



HE WINE'S SHE DINES, LLC
 203 COUNTY VINE RD.
 ROCKWALL TX, 75032

Sqft. 1,250



CITY OF ROCKWALL

ORDINANCE NO. 19-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A CRAFT WINERY AND COMERCIAL AMUSEMENT/RECREATION (OUTDOOR) ON A 7.2-ACRE TRACT OF LAND, ADDRESSED AS 203 COUNTY LINE ROAD AND BEING IDENTIFIED AS TRACTS 20-01 & 20-07 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made by Tim McCallum of He Wines She Dines, LLC for the approval of a Specific Use Permit (SUP) for a *Craft Winery* and *Commercial Amusement/Recreation (Outdoor)* for the purpose of establishing a *Craft Winery* in conjunction with an outdoor venue on a 7.2-acre Tract of land, zoned Commercial (C) District, being identified as Tract 20-01 & 20-07 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, addressed as 203 County Line Road, and being more specifically depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the establishment of a *Craft Winery* and *Commercial Amusement/Recreation (Outdoor)* as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [Ordinance No. 04-38] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in *Section 1.1, Land Use Schedule*, of Article IV, *Permissible Uses*, and *Section 4.5, Commercial (C) District*, of Article V, *District Development Standards*, of the Unified

Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Craft Winery* and *Commercial Amusement/Recreation (Outdoor)* use on the *Subject Property* and conformance to these requirements is necessary for continued operations:

A. *Craft Winery:*

- 1) The maximum square footage of the building used for a winery shall not exceed 12,000 SF in total building area, and is depicted in *Exhibit 'C'* of the draft ordinance;
- 2) The areas dedicated to the direct sale of the on-site manufactured product shall not exceed 40% of the total floor area of the building, and is depicted in *Exhibit 'D'* of the draft ordinance; and,
- 3) The hours open to the public for this facility shall be limited to Sunday through Saturday, 11:00 AM to 12:00 AM.

B. *Commercial Amusement/Recreation (Outdoor)*

- 1) The development and operation of a *commercial amusement/recreation (outdoor)* use shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance;
- 2) The *Subject Property* may be used for all permitted accessory uses as well as the use of an *outdoor venue* that may include live music and food truck vendors as depicted in *Exhibit 'B'* of this ordinance. The use of temporary tents or similar uses must be made of fire retardant materials and meet the City's fire codes;
- 3) The hours of operation associated with the *outdoor venue* for this facility shall be limited to Thursday through Monday, 11:00 AM to 12:00 AM;
- 4) There shall be no outside storage of equipment, furniture, or other materials associated with the operation of this business or from any outdoor gatherings on the *Subject Property*; and,
- 5) No parking associated with the uses permitted on the *Subject Property* shall be permitted along County Line Road or Horizon Road [FM-3097].

2.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) Upon obtaining a Certificate of Occupancy (CO), should any business or establishment operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified

Development Code (UDC).

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 19TH DAY OF FEBRUARY, 2019.

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: February 4, 2019

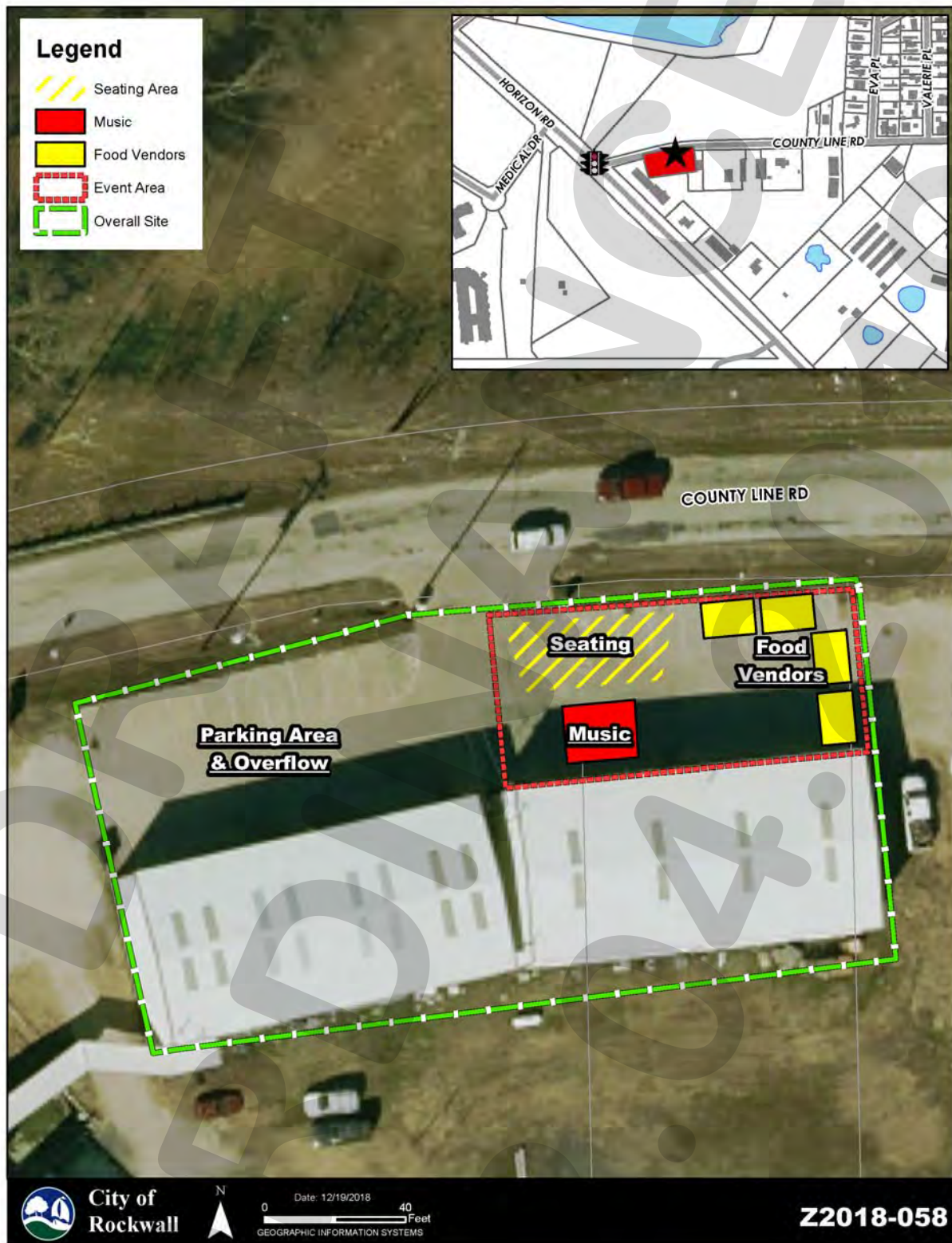
2nd Reading: February 19, 2019

Exhibit 'A':

Legal Description: Tracts 20-01 & 20-7 of the W.W. Ford Survey, Abstract No. 80



Exhibit 'B':
Concept Plan



**Exhibit 'C':
Floor Plan**

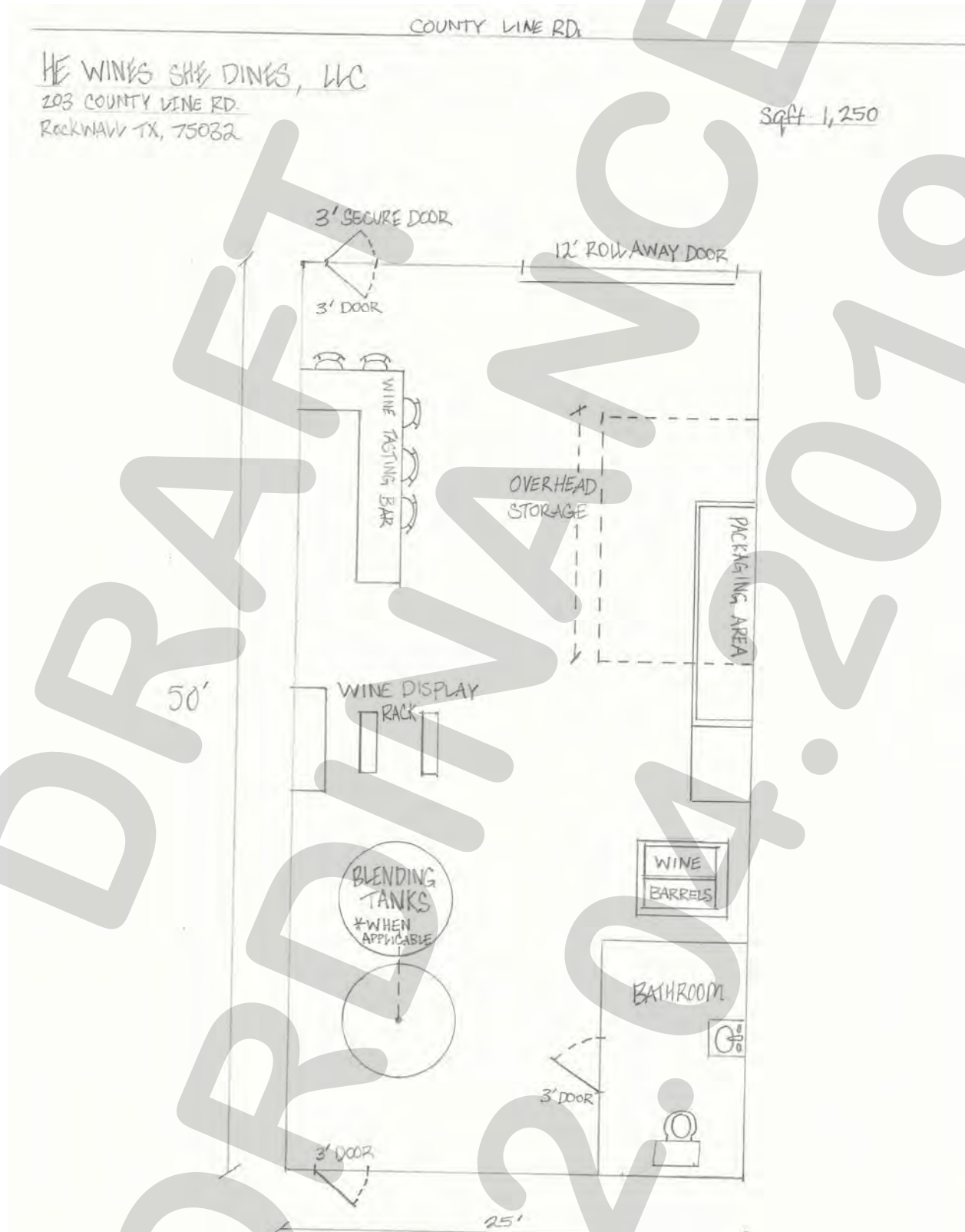
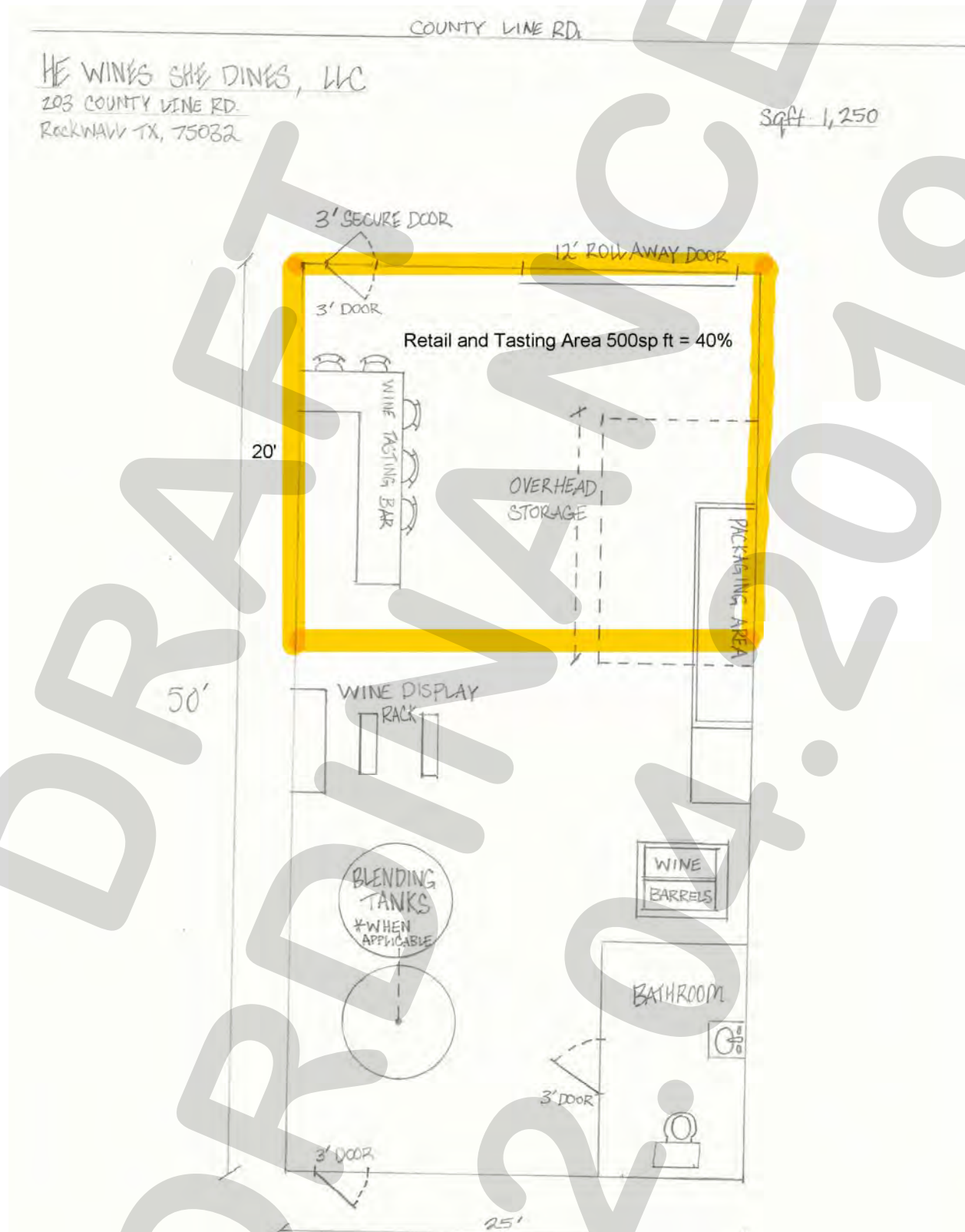


Exhibit 'D':
Retail and Tasting Area Plan



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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 02/04/2019

APPLICANT: Tom Jones

AGENDA ITEM: **Z2018-056**; *Zoning Change (AG to LI)*

SUMMARY:

Hold a public hearing to discuss and consider a request by Tom Jones on behalf of Shanon Thomas of Rockwall Friendship Baptist Church for the approval of a zoning change from an Agricultural (AG) District to a Light Industrial (LI) District for a 6.03-acre tract of land being identified as Tract 2-4 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, located east of the intersection of Justin Road and John King Boulevard, and take any action necessary.

PURPOSE AND BACKGROUND:

The applicant is requesting a change in zoning from an Agricultural (AG) District to a Light Industrial (LI) District for the purpose of constructing a *house of worship* on the subject property. The subject property is situated on a 6.03-acre tract of land, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, and located east of the intersection of Justin Road and John King Boulevard. The subject property was annexed in 1985 [*Ordinance No. 85-69*] and is zoned Agricultural (AG) District. The Agricultural (AG) District is a holding district with the intent that a property will be rezoned in conformance with the Future Land Use Plan contained in the Comprehensive Plan. According to Section 1.0, *Use of Land and Buildings*, of Article IV, *Permissible Uses*, of the Unified Development Code (UDC), a house of worship is permitted in an Agricultural (AG) District by Specific Use Permit (SUP) or permitted by-right in a Light Industrial (LI) District. The proposed request to rezone the property to Light Industrial (LI) District is in conformance with the City's Future Land Use Plan.

ADJACENT LAND USES AND ACCESS:

The land uses adjacent to the subject property are all follows:

North: Directly north of the subject property is a railroad (*i.e. Union Pacific/Dallas Garland N. E.*) followed by several vacant tracts of land. Beyond this is Airport Road which is identified as a M4U (*Major Collector, four [4] lane, undivided roadway*) on the City's Master Thoroughfare Plan. Beyond this is the Rockwall Municipal Airport. These areas are zoned Agriculture (AG) District.

South: Directly south of the subject property is Justin Road, which is identified M4D (*Major Collector, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan. Beyond this are several vacant tracts of land zoned Light Industrial (LI) District and Commercial (C) District followed by IH-30, which is identified as a TxDOT roadway on the City's Master Thoroughfare Plan.

East: Directly east of the subject property are several vacant tracts of land zoned Agricultural (AG) District and Light Industrial (LI) District. Beyond this is FM-3549, which is identified as a TxDOT Roadway, which delineates the city limits of Rockwall.

West: Directly west of the subject property is a small vacant tract of land followed by S. John King Boulevard, which is identified as a P6D (*Principal Arterial, six [6] lane, divided roadway*) on the City's Master Thoroughfare Plan. Beyond this are two (2) manufacturing companies (*i.e. Channell Commercial Corporation and Graham Packaging Technologies*). These areas are zoned Light Industrial (LI) District.

UNIFIED DEVELOPMENT CODE:

According to the purpose statements stipulated in Subsection 5.02, *Light Industrial (LI) District*, of Article V, *District Development Standards*, of the Unified Development Code (UDC), the Light Industrial (LI) District is intended for industrial parks and larger cleaner types of industries and located close to an arterial capable of carrying commercial traffic. In this case, the subject property is located at the intersection of an arterial and a major collector (*i.e. S. John King Blvd and Airport Road*) and conforms to these requirements. The following is a summary of the minimum development standards for a property within a Light Industrial (LI) District:

<i>Ordinance Provisions</i>	<i>Zoning District Standards</i>
<i>Minimum Lot Area</i>	12,500 SF
<i>Minimum Lot Width</i>	100-Feet
<i>Minimum Lot Depth</i>	125-Feet
<i>Minimum Front Yard Setback</i>	25-Feet
<i>Minimum Rear Yard Setback</i>	10-Feet
<i>Minimum Side Yard Setback</i>	15-Feet 1/2 Building Height
<i>Maximum Height</i>	60-Feet
<i>Minimum Masonry Requirement</i>	90%
<i>Maximum Impervious Parking</i>	90-95%
<i>Maximum Building Coverage</i>	60%
<i>Floor Area Ratio</i>	2:1

CONFORMANCE WITH THE COMPREHENSIVE PLAN:

The Future Land Use Plan adopted with the OurHometown Vision 2040 Comprehensive Plan, designates the subject property for Technology/Employment land uses, which is characterized by employment-oriented businesses, typically situated in larger centers that have access to key transportation networks. In this case, the applicant's request to rezone the property to Light Industrial (LI) District is in conformance with the Future Land Use Plan; however the land use (*i.e. a house of worship*) is considered to be a Quasi-Public land use. This will necessitate a change in the Future Land Use Plan and this change has been made a condition of approval.

STAFF ANALYSIS:

According to the Future Land Use Plan, the subject property is located within the Central District and is designated for Technology/Employment land uses. The Technology/Employment designation is typically associated with Light Industrial (LI) District zoning. Alternatively, the plan allows the City Council to consider requests conforming to the Special Commercial Corridor, which is typically associated with Commercial (C) District zoning. In this case, the applicant originally submitted a request for Commercial (C) District zoning; however, after reviewing the case staff suggested that the applicant consider Light Industrial (LI) District zoning. The reason for this suggestion is two (2) fold: (1) this property is directly adjacent to John King Boulevard and would hinder the visibility of adjacent properties that do not front onto John King Boulevard, therefore it is a reasonable expectation that the adjacent properties will develop in accordance with the Technology/Employment designation, and (2) the adjacent properties proximity to the existing railroad tracks may make the adjacent property better suited to Light Industrial (LI) District zoning in the future.

Staff should also note that while the Church could maintain its Agricultural (AG) District zoning by requesting a Specific Use Permit (SUP), a SUP would necessitate that the Church amend

said SUP with every proposed change on the property. The Light Industrial (LI) District zoning will allow the church the flexibility to make improvements to the property in conformance with the UDC without the burden of a public hearing process for every proposed improvement. With that being said, approval of a zoning change is discretionary to the City Council, pending a recommendation from the Planning and Zoning Commission. In this case, the Planning and Zoning Commission and City Council have the discretion to approve the request as submitted (*i.e. Light Industrial [LI] District*) or choose to downzone the property to a Commercial (C) District. Either zoning district allows the *House of Worship* land use *by-right*.

NOTIFICATION:

On January 14, 2019, staff mailed 10 notices to property owners and residents within 500-feet of the subject property. There are no HOA's/Neighborhood Associations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Staff also advertised the public hearings in the Rockwall Herold Banner as required by the Unified Development Code (UDC). At the time this case memo was drafted staff had not received any notices concerning this case.

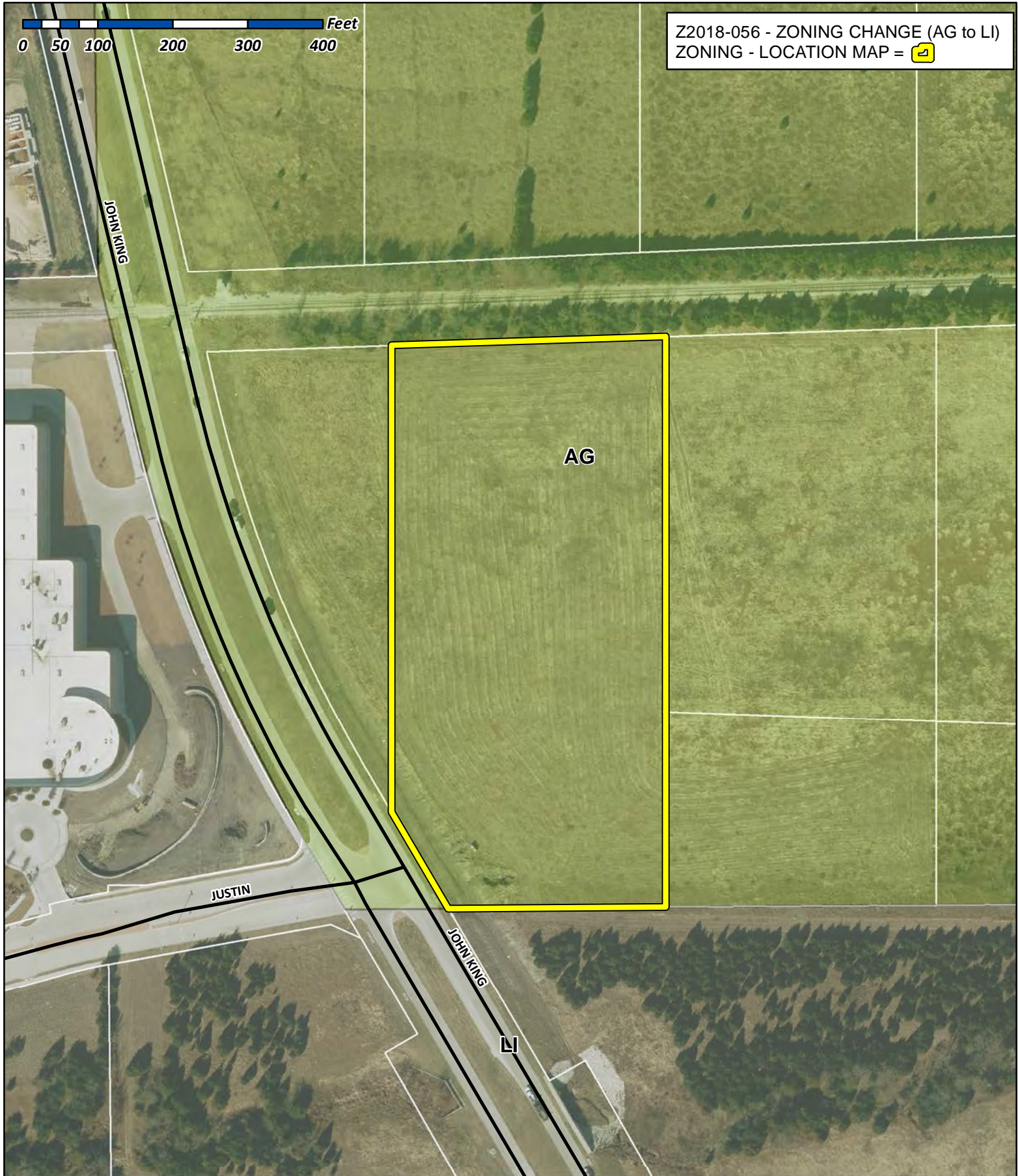
RECOMMENDATIONS:

Should the City Council approve the change in zoning, staff would recommend the following conditions of approval:

- 1) Any construction or building necessary to complete this change in zoning request must conform to the requirements set forth by the UDC, the International Building Code, 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.
- 2) By approving this zoning change, the City Council will effectively be approving changes to the Comprehensive Plan and Future Land Use Plan. Specifically, this will change the designation of the subject property from a Technology/Employment land use designation to a Quasi-Public land use designation;

PLANNING AND ZONING COMMISSION:

On January 29, 2019, the Planning and Zoning Commission's motion to recommend approval of the change in zoning from an Agricultural (AG) District to a Light Industrial (LI) District 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

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.

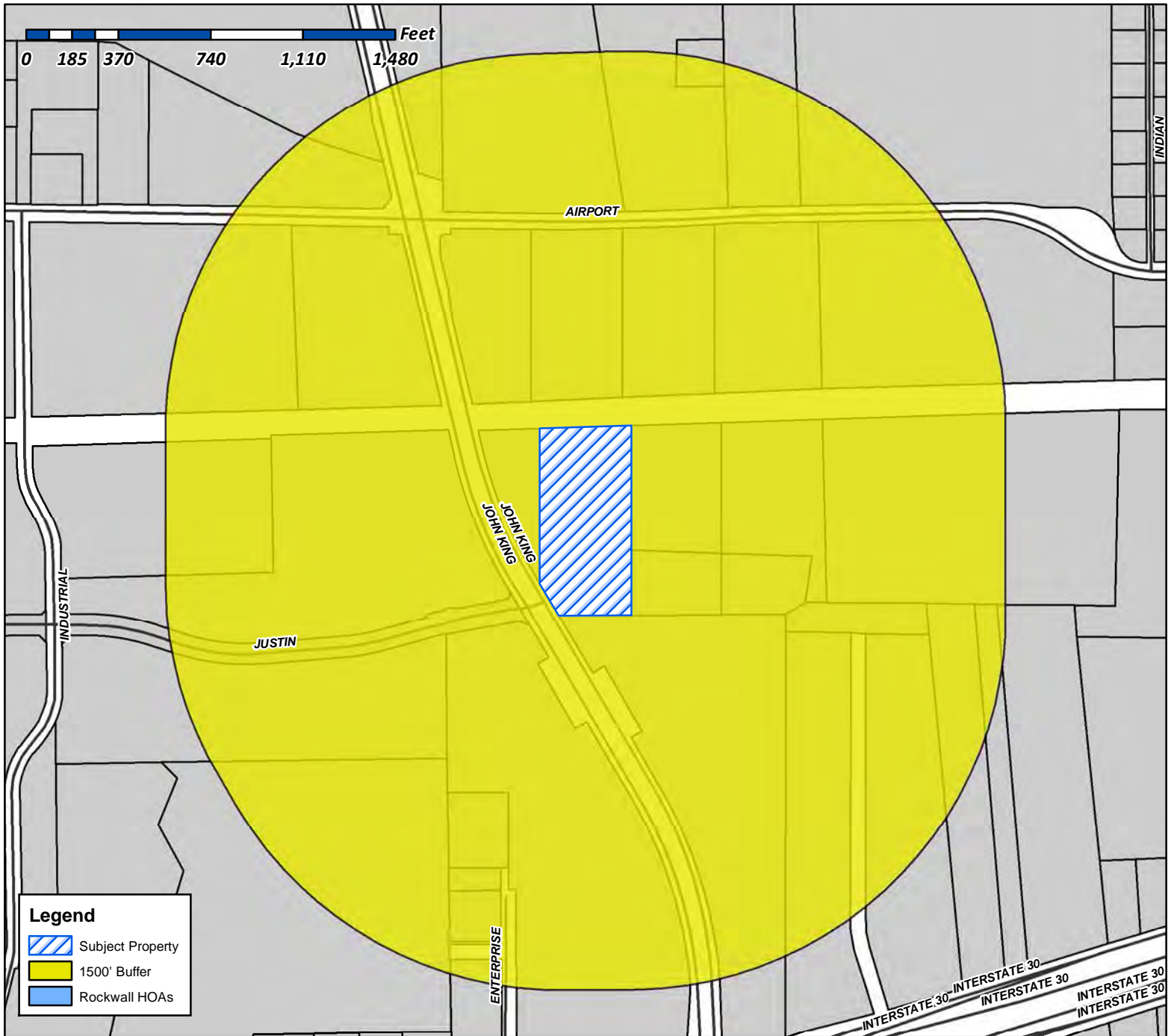




City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

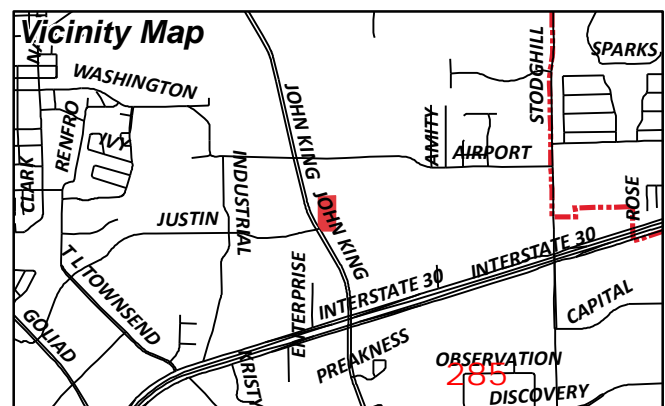
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Case Number: Z2018-056
Case Name: Zoning Change (AG to LI)
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: East of the Intersection of Justin Road and John King Blvd.

Date Created: 1/25/2019

For Questions on this Case Call (972) 771-7745





City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

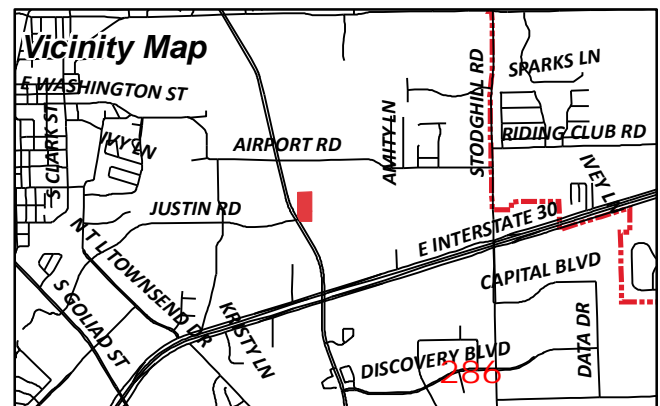
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Case Number: Z2018-056
Case Name: Zoning Change (AG to LI)
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: East of the Intersection of Justin Road and John King Blvd.

Date Created: 12/14/2018

For Questions on this Case Call (972) 771-7745



CURRENT RESIDENT
1780 AIRPORT RD
ROCKWALL, TX 75087

ATHEY JACKIE RAY
1780 AIRPORT RD
ROCKWALL, TX 75087

VALK RON
1834 S FM 551
FATE, TX 75189

WILLCAR HOLDINGS LLC
ATTN: WILLIAM H CHANNELL JR
26040 YNEZ ROAD
TEMECULA, CA 92591

TEMUNOVIC PARTNERSHIP LTD
3021 RIDGE RD SUITE A57
ROCKWALL, TX 75032

ROCKWALL FRIENDSHIP BAPTIST CHURCH
REV SHANON THOMAS, PASTOR
5651 STATE HIGHWAY 276
ROYSE CITY, TX 75189

ATHEY JO ANN
PO BOX 219
LAVON, TX 75166

ATHEY BOBBY FRANK
PO BOX 472051
GARLAND, TX 75047

ATHEY BOBBY FRANK
PO BOX 472051
GARLAND, TX 75047

ROCKWALL ECONOMIC DEVELOPMENT
PO BOX 968
ROCKWALL, TX 75087

01 CENTRAL DISTRICT

DISTRICT DESCRIPTION

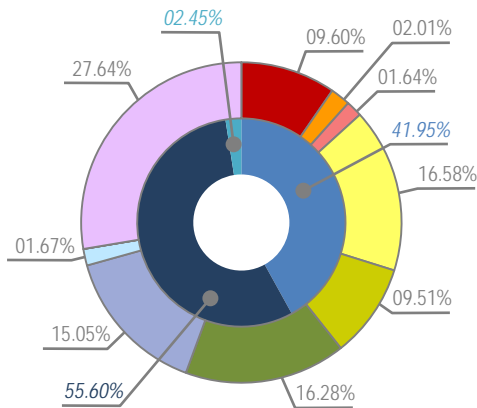
The *Central District* is composed of a wide range of land uses that vary from single-family to industrial. The district's residential areas consist of suburban residential (e.g. *Park Place*), estate and rural residential (e.g. *Rolling Meadows Subdivision*), and higher density residential developments (e.g. *Evergreen Senior Living*). The *Central District* also incorporates a high volume of industrial land uses adjacent to the *Union Pacific/Dallas Garland and Northeastern Rail Road* line that bisects the district -- and *City* -- in an east/west direction. The *Ralph Hall Municipal Airport* and several other large public/school facilities are also located within the boundaries of this district.

★ John King Boulevard Trail Plan
Rest Stop/Trailblazer Pylon

DISTRICT STRATEGIES

The *Central District* still has some key vacant and underutilized tracts of land that are anticipated to shape the area moving forward. Taking these areas into consideration the following are the strategies for this district:

- 1 **Live/Work.** The live/work designation in this district is intended to provide flexibility for land owners, adjacent to the railroad tracks, to transition their properties -- *when appropriate* -- to low intensity office/retail land uses that are similar in scale and scope to the adjacent residential properties.
- 2 **Suburban Residential.** While many of the larger tracts in this area are not large enough to support a master planned community (*which is characteristic of Northern Estates and Northwest Residential Districts*), any new *Suburban Residential* developments should include a mix of larger to mid-sized lots. Lots in these developments should not be smaller than existing *Suburban Residential* lots in this district, but should be comparable in size to newer developments (i.e. *Ridgecrest Subdivision*). In addition, newer subdivisions adjacent to existing larger lot subdivisions should provide a transition (e.g. *larger lots or a large landscape buffer*) adjacent to the existing subdivision.
- 3 **Commercial/Retail Centers.** The commercial/retail centers in this district are intended to support existing and proposed residential developments, and should be compatible in scale with adjacent residential structures (i.e. *are more characteristic of neighborhood/convenience centers*); however, areas adjacent to John King Boulevard should be capable of accommodating mid to large-scale commercial users. All commercial developments should incorporate appropriate screening (e.g. *berms, landscaping and large buffers*) to transition uses.
- 4 **Industrial/Special Commercial Corridor Opportunity Area.** The area south of the railroad tracks that is indicated by a crosshatched pattern represents an opportunity area in the City of Rockwall. Due to its adjacency to the railroad tracks, the land is naturally suitable for *Technology/Industrial* land uses; however, due to the land's adjacency to strategically located parcels along IH-30 the land could be utilized as part of a larger development in the *Special Commercial Corridor*.
- 5 **John King Boulevard Trail Plan.** A ten (10) foot hike/bike trail should be incorporated along John King Boulevard with rest stops and signage as indicated in *Appendix 'B'* of this Comprehensive Plan.



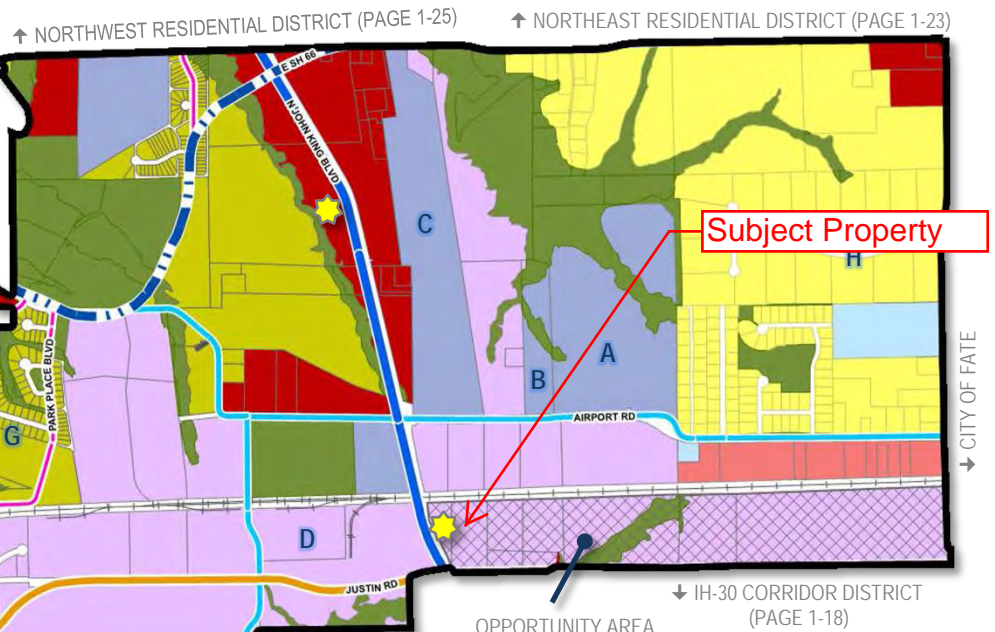
MINOR COLLECTOR	
M4U	
M4D	
P6D	
TXDOT 4D	
COMMERCIAL	55.60%
RESIDENTIAL	41.95%
MIXED USE	2.45%

POINTS OF REFERENCE

- A. Animal Adoption Center
- B. Regional Firearms Training Center
- C. Ralph Hall Municipal Airport
- D. Leon Tuttle Athletic Complex
- E. Rockwall County Courthouse
- F. Utley Middle School
- G. Park Place Subdivision
- H. Rolling Meadows Subdivision

CURRENT
 220
 71
 488

BUILD OUT
 681
 1,512
 1.10%
 3.91%
 0.82%



CEMETERY (CEM)	0.18-ACRES
COMMERCIAL/RETAIL (CR)	135.67-ACRES
HIGH DENSITY RESIDENTIAL (HDR)	28.39-ACRES
LIVE/WORK (LW)	23.13-ACRES
LOW DENSITY RESIDENTIAL (LDR)	234.39-ACRES
MEDIUM DENSITY RESIDENTIAL (MDR)	134.46-ACRES
PARKS AND OPEN SPACE (OS)	230.21-ACRES
PUBLIC (P)	212.77-ACRES
QUASI-PUBLIC (QP)	23.65-ACRES
SPECIAL COMMERCIAL CORRIDOR (SC)	0.07-ACRES
TECHNOLOGY/EMPLOYMENT CENTER (TEC)	390.78-ACRES



**ROCKWALL
FRIENDSHIP**
BAPTIST CHURCH

NEW WORSHIP CENTER





**ROCKWALL
FRIENDSHIP**
BAPTIST CHURCH

MASTER SITE PLAN





**ROCKWALL
FRIENDSHIP**
BAPTIST CHURCH

FLOOR PLAN



CITY OF ROCKWALL

ORDINANCE NO. 19-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT ON A 6.03-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-4 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'A'* AND FURTHER DESCRIBED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Tom Jones on behalf of Susan Thomas of Rockwall Friendship Baptist Church for a change in zoning from an Agricultural (AG) District to a Light Industrial (LI) District on a 6.03-acre tract of land identified as Tract 2-4 of the D. Harr Survey, Abstract No. 103, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and more fully depicted in *Exhibit 'A'* and described in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code (UDC) [*Ordinance No. 04-38*] should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 04-38*] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property* from an Agricultural (AG) District to a Light Industrial (LI) District;

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for a Light Industrial (LI) District as stipulated in Section 1.1, *Use of Land and Buildings*, of Article IV, *Permissible Uses* and Subsection 5.02, *Light Industrial (LI) District*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in the zoning described herein;

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code (UDC) of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable; and

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect;

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 19TH DAY OF FEBRUARY, 2019.

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: February 4, 2019

2nd Reading: February 19, 2019

Legal Description: Tract 2-4 of the D. Harr Survey, Abstract No. 102



All that certain lot, tract or parcel of land situated in the DAVID HARR SURVEY, ABSTRACT NO. 120, City of Rockwall, Rockwall County, Texas, and being a part of a 50 acres tract of land as described in a Warrantydeed to F.B. Athey, as recorded in Volume 42, Page 91 of the Deed Records of Rockwall County, Texas, and being a part of Tract B2 as described in a Deed to Bobby Frank Athey, as recorded in Volume 4875, Page 117 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the south right-of-way line of M.K. & T. Railroad, said point being at the northwest corner of Tract B2, said point being N. 89 deg. 23 min. 21 sec. E, a distance of 360.54 feet from the intersection of the west boundary of said 50 acres and said railroad right-of-way;

THENCE N. 89 deg. 23 min. 21 sec. E. along said right-of-way line, a distance of 365.97 feet to a 1/2" iron rod found for corner;

THENCE S. 00 deg. 56 min. 05 sec. W. a distance of 732.64 feet to a 1/2" iron rod found for corner;

THENCE N. 89 deg. 08 min. 42 sec. W. a distance of 301.94 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner in the northeast right-of-way line of John King Boulevard, per Volume 5659, Page 39 of the Official Public Records of Rockwall County, Texas;

THENCE N. 29 deg. 20 min. 00 sec. W. along said right-of-way line, a distance of 126.54 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE N. 00 deg. 55 min. 26 sec. E. a distance of 613.93 feet to the POINT OF BEGINNING and containing 262,780 square feet or 6.03 acres of land.

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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Honorable Mayor and City Council

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

FROM: Andy Hesser, Director of Parks and Recreation

DATE: January 30, 2019

SUBJECT: HARBOR URBAN BEACH PARK

During the work session, staff will present additional information regarding the Harbor Urban Beach Park concept plan and phase one options and associated costs. Staff will also provide copies of three possible phase one options and estimated costs for each option. We are seeking direction on the concept plan, preferred phase one amenities and timing of project construction.

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City of Rockwall
The New Horizon

Building Inspections Department Monthly Report

December 2018

Permits

Total Permits Issued: 267

Building Permits: 47

Contractor Permits: 220

Total Permit Values: \$ 17,368,700.45

Building Permits: \$15,955,176.57 Contractor Permits: 1,413,523.88

Total Fees Collected: \$266,328.43

Building Permits: \$252,635.26

Contractor Permits: \$13,693.17

Board of Adjustment

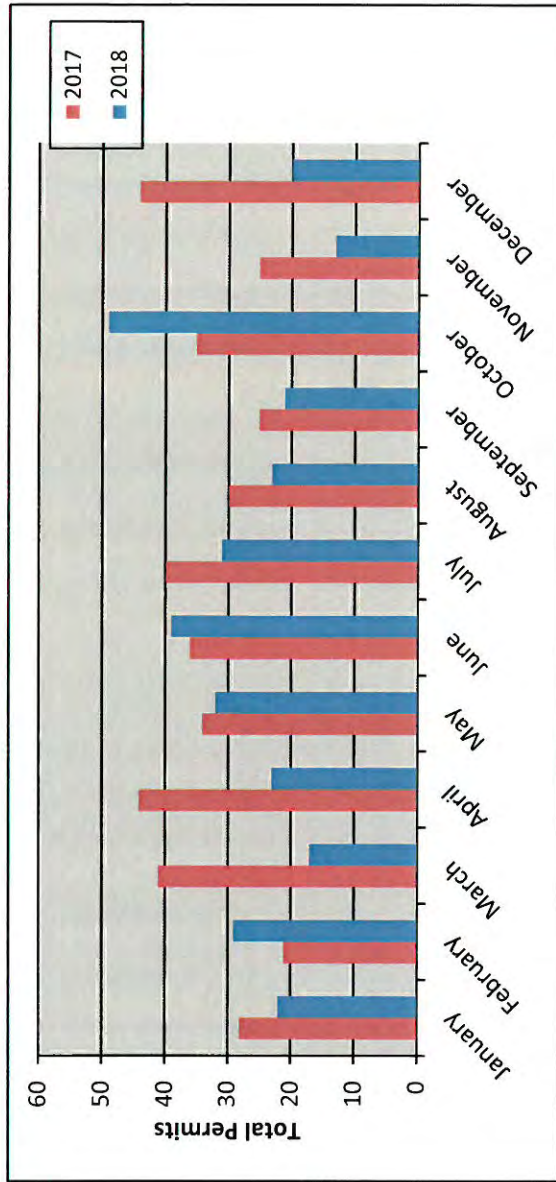
Board of Adjustment Cases 0

PERMITS ISSUED - Summary by Type and Subtype
For the Period 12/1/2018 thru 12/31/2018

Type / SubType	# of Permits Issued	Valuation of Work	Fees Charged
BANNER	2	\$0.00	\$101.50
	2	\$0.00	\$101.50
BOARD OF ADJUSTMENTS	1	\$0.00	\$200.00
	1	\$0.00	\$200.00
CLEAN SHOW	1	\$0.00	\$75.00
	1	\$0.00	\$75.00
CO	1	\$0.00	\$76.50
INTERIOR	1	\$0.00	\$76.50
COMM	18	\$10,618,346.00	\$134,215.73
CONST TRAILER	1	\$2,000.00	\$102.00
ELECTRICAL	1	\$1,800.00	\$0.00
FENCE	1	\$3,500.00	\$35.00
INTERIOR COMP	3	\$879,869.00	\$5,966.90
MECHANICAL	3	\$70,500.00	\$1,112.81
NEW	3	\$9,427,800.00	\$124,744.34
REMODEL	4	\$207,800.00	\$2,183.98
ROOF	1	\$20,000.00	\$35.70
WINDOWS	1	\$5,077.00	\$35.00
NONPROFIT SIGN	1	\$0.00	\$0.00
	1	\$0.00	\$0.00
SIGNAGE	3	\$7,500.00	\$376.50
WALL	3	\$7,500.00	\$376.50
SINGLE FAMILY	237	\$6,742,854.45	\$131,223.20
ACC BLDG	3	\$14,425.57	\$368.31
ADDITION	1	\$5,000.00	\$122.75
ALTERATION	1	\$1,864.00	\$35.70
CONCRETE	1	\$10,000.00	\$196.60
DECK	1	\$9,000.00	\$182.33
DEMO	1	\$15,000.00	\$51.00
ELECTRICAL	2	\$4,280.00	\$154.59
FENCE	78	\$145,142.00	\$2,741.20
IRRIGATION	31	\$60,800.00	\$1,104.60
MECHANICAL	16	\$150,980.00	\$3,056.74
NEW	20	\$5,072,758.00	\$116,703.90
PATIO COVER	7	\$56,260.00	\$1,184.71
PERGOLA	2	\$9,400.00	\$245.50
PLUMBING	30	\$38,520.48	\$1,679.69
REMODEL	3	\$280,000.00	\$1,079.17
RETAINING WALL	1	\$15,000.00	\$35.00
ROOF	29	\$479,823.90	\$1,033.20
SWIM POOL	7	\$362,000.00	\$1,053.00
WINDOWS	3	\$12,600.50	\$195.21
SPECIAL EVENT	3	\$0.00	\$60.00
	3	\$0.00	\$60.00
Totals:	267	\$17,368,700.45	\$266,328.43

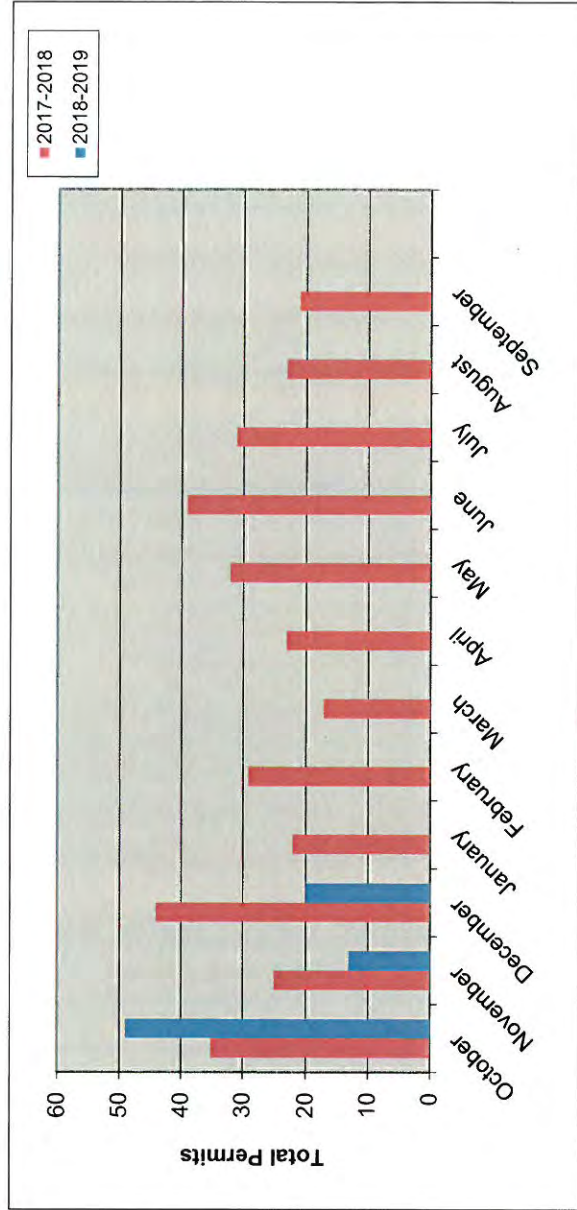
New Residential Permits Calendar Year

Year		
	2017	2018
January	28	22
February	21	29
March	41	17
April	44	23
May	34	32
June	36	39
July	40	31
August	30	23
September	25	21
October	35	49
November	25	13
December	44	20
Totals	403	319



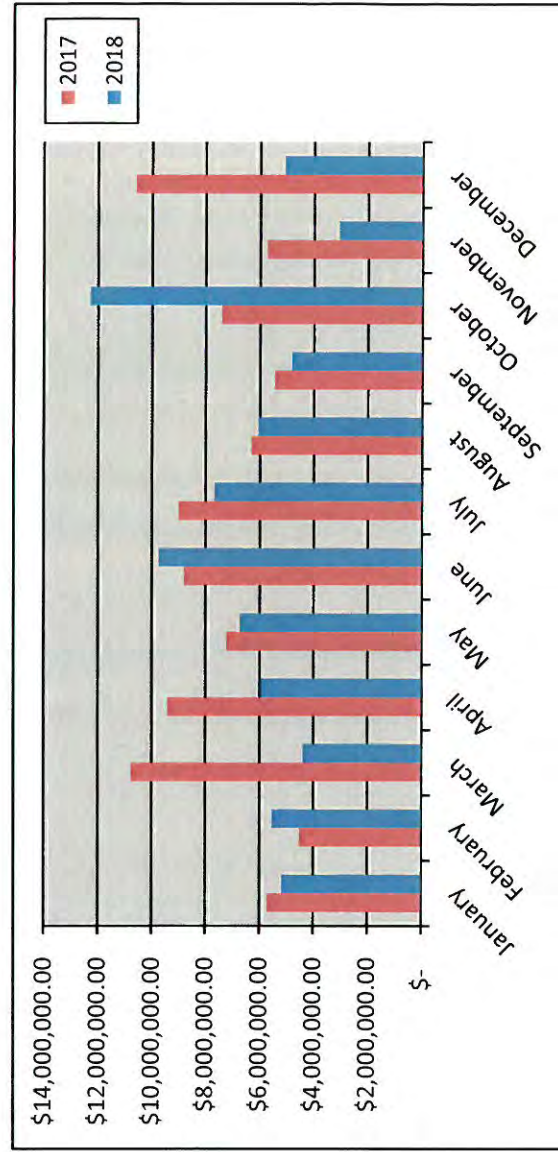
New Residential Permits Fiscal Year

Year		
	2017-2018	2018-2019
October	35	49
November	25	13
December	44	20
January	22	
February	29	
March	17	
April	23	
May	32	
June	39	
July	31	
August	23	
September	21	
Totals	341	82



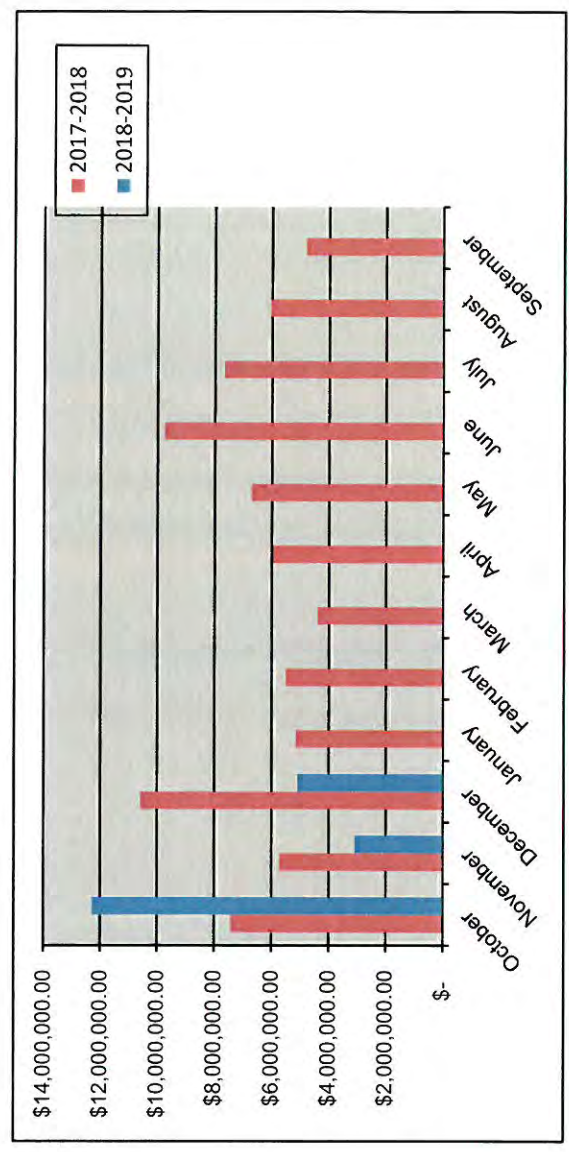
New Residential Value Calendar Year

Year		
	2017	2018
January	\$ 5,698,431.00	\$ 5,145,624.00
February	\$ 4,497,500.00	\$ 5,505,704.00
March	\$ 10,740,233.00	\$ 4,374,886.00
April	\$ 9,394,785.27	\$ 5,946,813.00
May	\$ 7,210,632.79	\$ 6,706,301.00
June	\$ 8,782,481.00	\$ 9,728,069.00
July	\$ 8,983,999.47	\$ 7,660,917.00
August	\$ 6,295,770.00	\$ 6,049,208.00
September	\$ 5,443,098.00	\$ 4,799,404.00
October	\$ 7,402,565.06	\$ 12,263,973.00
November	\$ 5,722,063.00	\$ 3,064,499.00
December	\$ 10,576,719.30	\$ 5,072,758.00
Totals	\$ 90,748,277.89	\$ 76,318,156.00



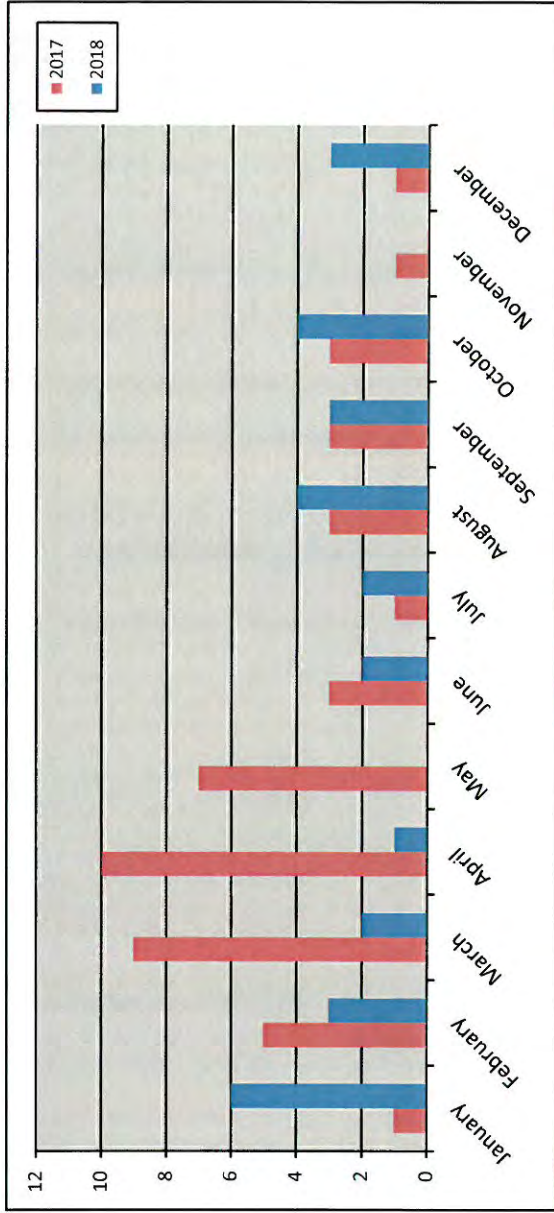
New Residential Value Fiscal Year

Year		
	2017-2018	2018-2019
October	\$ 7,402,565.06	\$ 12,263,973.00
November	\$ 5,722,063.00	\$ 3,064,499.00
December	\$ 10,576,719.30	\$ 5,072,758.00
January	\$ 5,145,624.00	
February	\$ 5,505,704.00	
March	\$ 4,374,886.00	
April	\$ 5,946,813.00	
May	\$ 6,706,301.00	
June	\$ 9,728,069.00	
July	\$ 7,660,917.00	
August	\$ 6,049,208.00	
September	\$ 4,799,404.00	
Totals	\$79,618,273.36	\$ 20,401,230.00



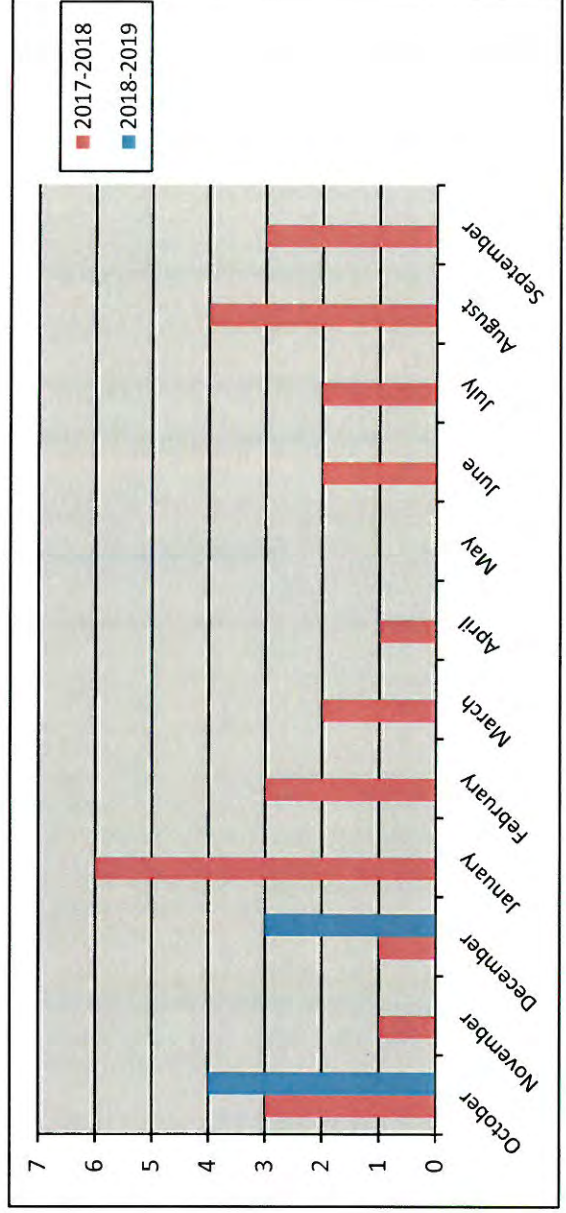
Residential Remodel Permits Calendar Year

	Year	
	2017	2018
January	1	6
February	5	3
March	9	2
April	10	1
May	7	0
June	3	2
July	1	2
August	3	4
September	3	3
October	3	4
November	1	0
December	1	3
Totals	47	30



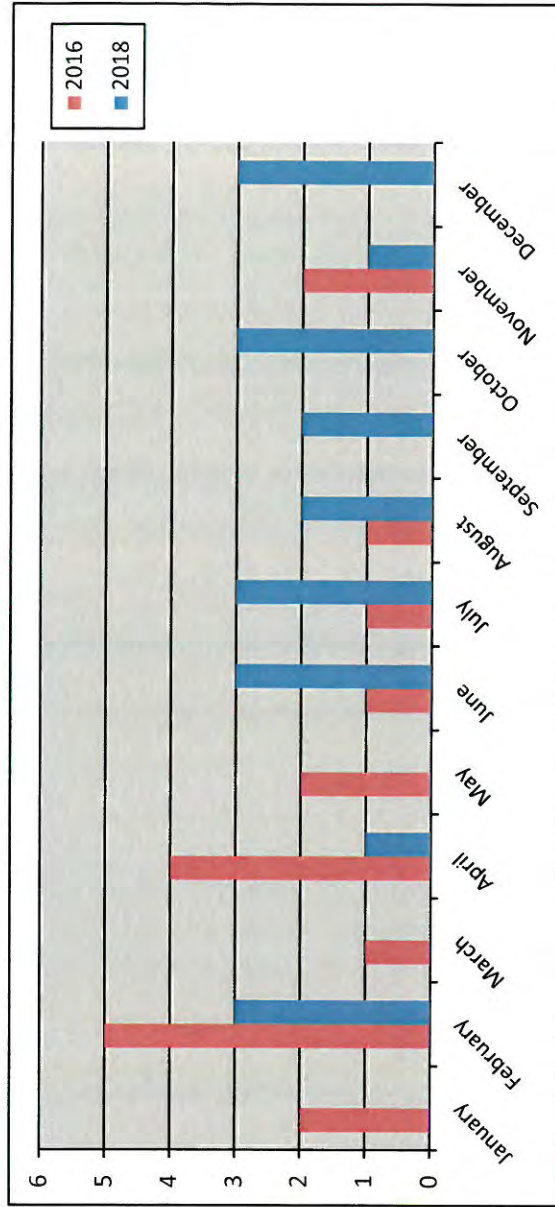
Residential Remodel Permits Fiscal Year

	Year	
	2017-2018	2018-2019
October	3	4
November	1	0
December	1	3
January	6	
February	3	
March	2	
April	1	
May	0	
June	2	
July	2	
August	4	
September	3	
Totals	28	7



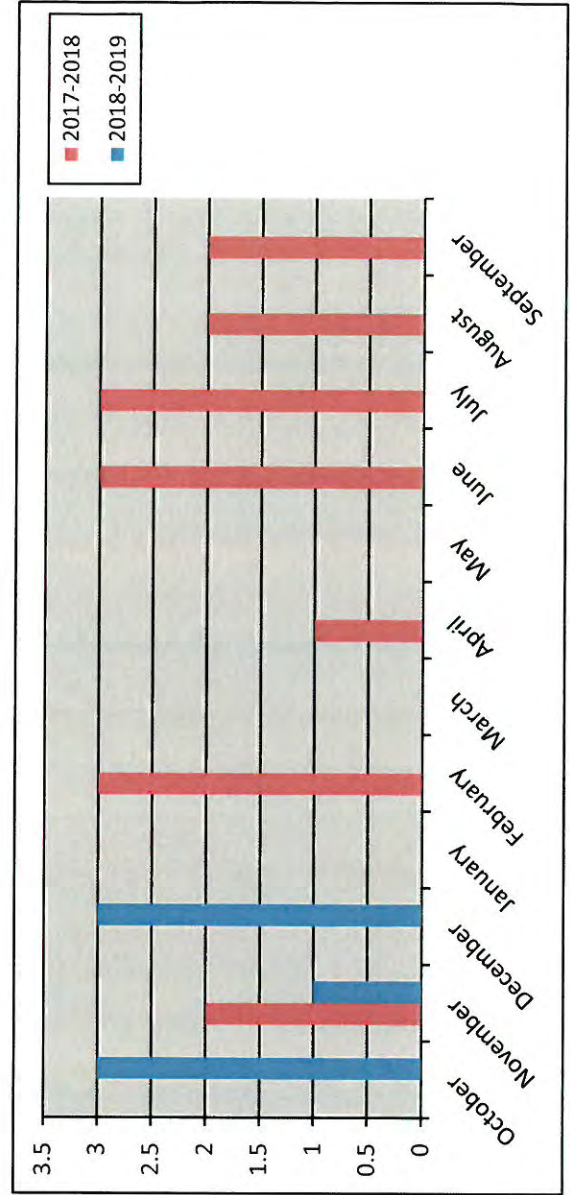
New Commercial Permits Calendar Year

	Year	
	2016	2018
January	2	0
February	5	3
March	1	0
April	4	1
May	2	0
June	1	3
July	1	3
August	1	2
September	0	2
October	0	3
November	2	1
December	0	3
Totals	19	21



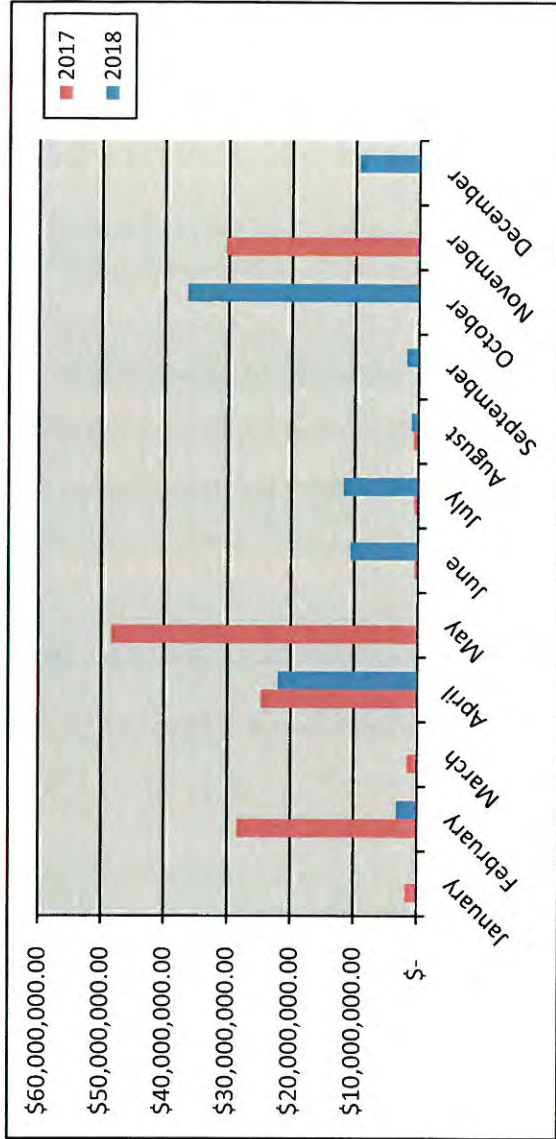
New Commercial Permits Fiscal Year

	Year	
	2017-2018	2018-2019
October	0	3
November	2	1
December	0	3
January	0	0
February	3	0
March	0	0
April	1	0
May	0	0
June	3	0
July	3	0
August	2	0
September	2	0
Totals	16	7



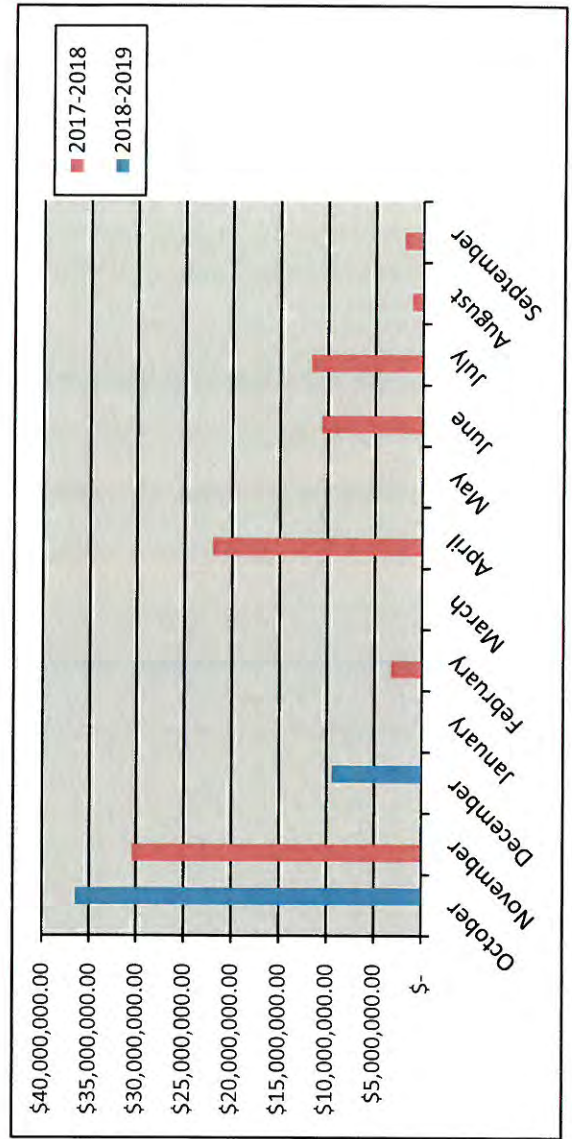
New Commercial Value Calendar Year

Year		
	2017	2018
January	\$ 1,800,000.00	-
February	\$ 28,400,000.00	\$ 3,221,771.00
March	\$ 1,599,026.00	-
April	\$ 24,650,000.00	\$ 22,000,000.00
May	\$ 48,300,000.00	-
June	\$ 569,400.00	\$ 10,602,430.88
July	\$ 700,000.00	\$ 11,712,500.00
August	\$ 726,506.00	\$ 1,111,950.00
September	-	\$ 1,930,813.00
October	-	\$ 36,425,000.00
November	\$ 30,390,000.00	\$ 180,000.00
December	-	\$ 9,427,800.00
Totals	\$ 137,134,932.00	\$ 96,612,264.88



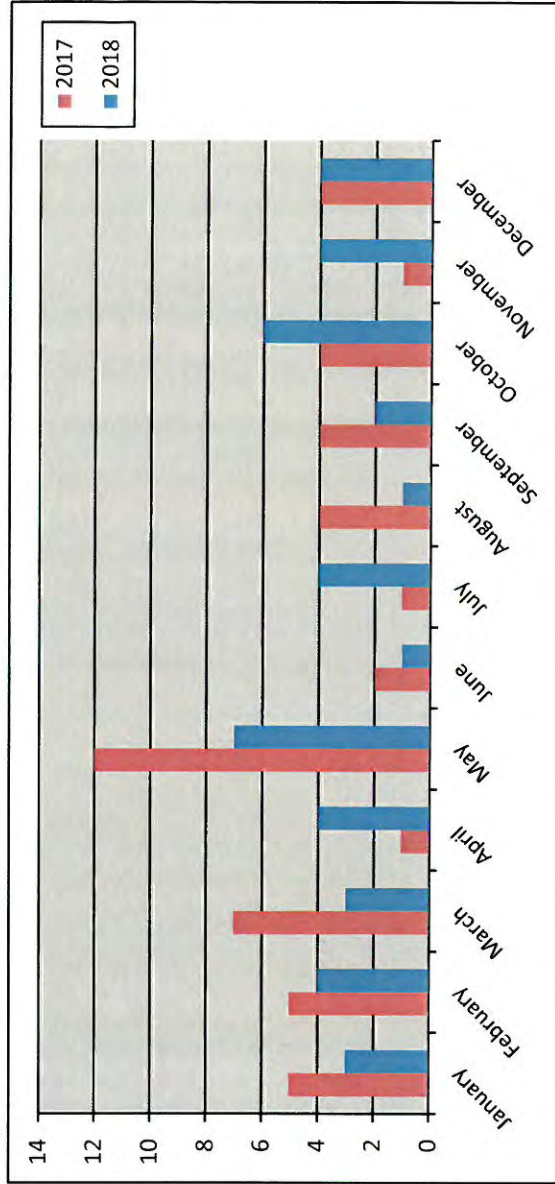
New Commercial Value Fiscal Year

Year		
	2017-2018	2018-2019
October	-	\$ 36,425,000.00
November	\$ 30,390,000.00	\$ 180,000.00
December	-	\$ 9,427,800.00
January	-	-
February	\$ 3,221,771.00	-
March	-	-
April	\$ 22,000,000.00	-
May	-	-
June	\$ 10,602,430.88	-
July	\$ 11,712,500.00	-
August	\$ 1,111,950.00	-
September	\$ 1,930,813.00	-
Totals	\$ 80,969,464.88	\$ 46,032,800.00



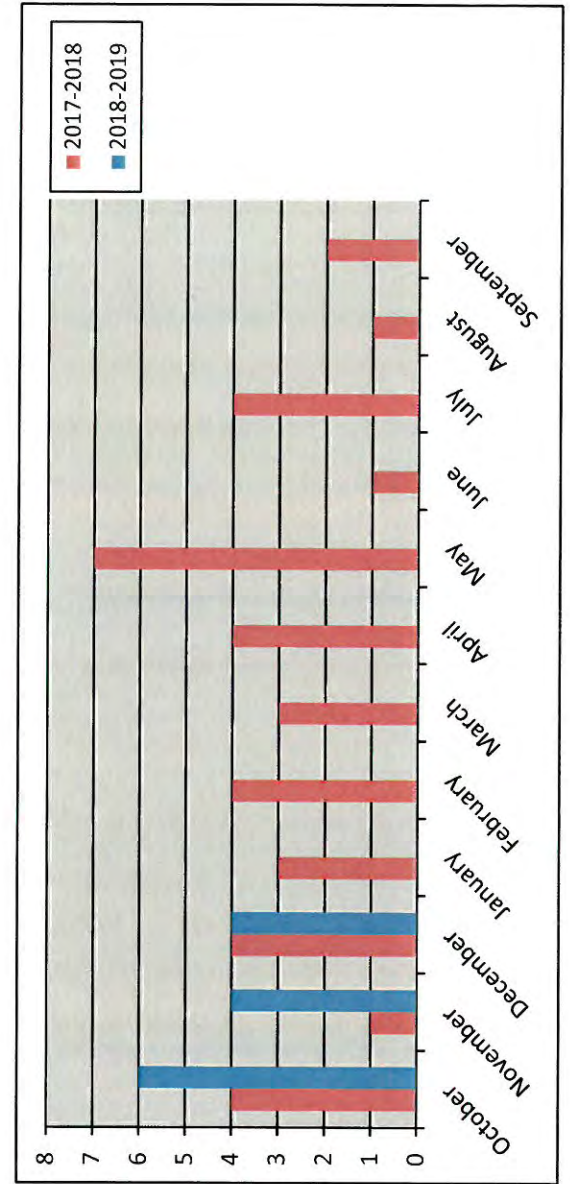
Commercial Remodel Permits Calendar Year

	Year	
	2017	2018
January	5	3
February	5	4
March	7	3
April	1	4
May	12	7
June	2	1
July	1	4
August	4	1
September	4	2
October	4	6
November	1	4
December	4	4
Totals	50	43



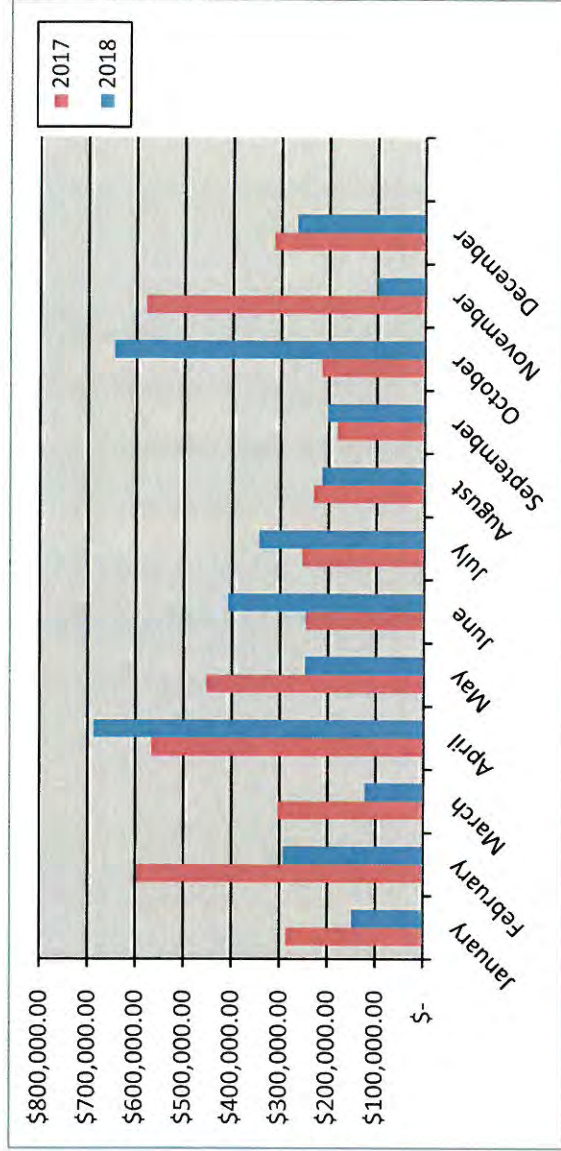
Commercial Remodel Permits Fiscal Year

	Year	
	2017-2018	2018-2019
October	4	6
November	1	4
December	4	4
January	3	
February	4	
March	3	
April	4	
May	7	
June	1	
July	4	
August	1	
September	2	
Totals	38	14



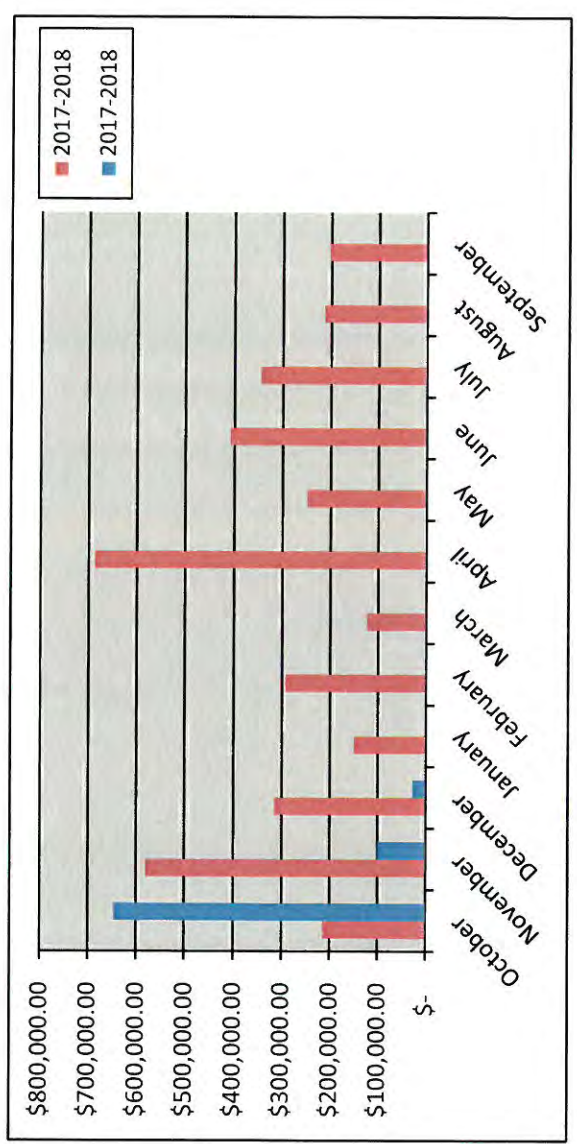
Total Fees Collected Calendar Year

Year		
	2017	2018
January	\$ 284,774.34	\$ 149,088.54
February	\$ 595,848.26	\$ 291,324.78
March	\$ 302,406.79	\$ 122,271.28
April	\$ 566,291.24	\$ 686,154.89
May	\$ 451,389.66	\$ 247,465.55
June	\$ 244,930.08	\$ 406,799.91
July	\$ 252,374.52	\$ 343,682.23
August	\$ 229,266.56	\$ 212,643.16
September	\$ 180,561.41	\$ 201,855.47
October	\$ 212,560.59	\$ 645,511.95
November	\$ 579,208.80	\$ 99,983.92
December	\$ 313,423.19	\$ 266,328.43
Totals	\$ 4,213,035.44	\$ 3,673,110.11



Total Fees Collected Fiscal Year

Year		
	2017-2018	2017-2018
October	\$ 212,560.59	\$ 645,511.95
November	\$ 579,208.80	\$ 99,983.92
December	\$ 313,423.19	\$ 26,328.43
January	\$ 149,088.54	
February	\$ 291,324.78	
March	\$ 122,271.28	
April	\$ 686,154.89	
May	\$ 247,465.55	
June	\$ 406,799.91	
July	\$ 343,682.23	
August	\$ 212,643.16	
September	\$ 201,855.47	
Totals	\$ 3,766,478.39	\$ 771,824.30



City of Rockwall
PERMITS ISSUED
For the Period 12/1/2018 thru 12/31/2018

Permit Number	Permit Type	Site Address			
Application Date	Subtype	Parcel Number			
Issue Date	Status of Permit	Permit Name	Valuation	Total Fees	Fees Paid
CO2018-0124	CO	1300 Ralph Hall pkwy 104	0.00	76.50	76.50
11/05/2018	INTERIOR	4832-000B-0001-00-0R			
12/07/2018	Active	Minced Meal Prep, LLC			
Contact Type	Contact Name	Contact Address	Phone Number		
BUS OWNER	Courtney Aspelund	1300 Ralph Hall Pkwy# 104, Rockwall, TX 75032	(469) 786-5313		
OWNER	DALLAS, EAST	ATTN: JIM VAUDAGNA, SAN JOSE, CA 95126			

Total Valuation:	0.00
Total Fees:	76.50
Total Fees Paid:	76.50

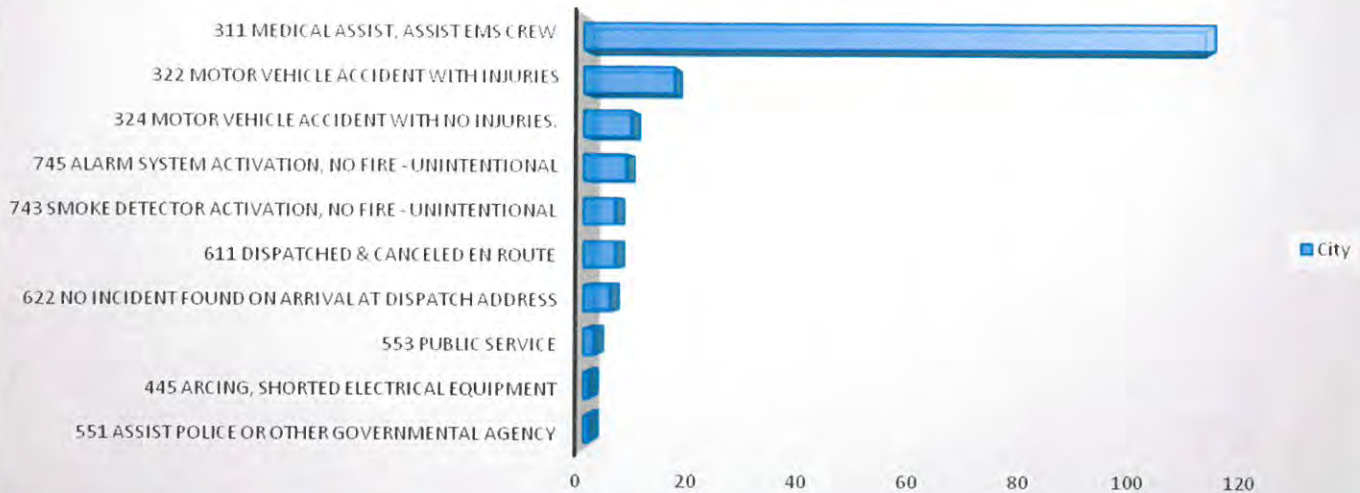
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**ROCKWALL FIRE
DEPARTMENT**

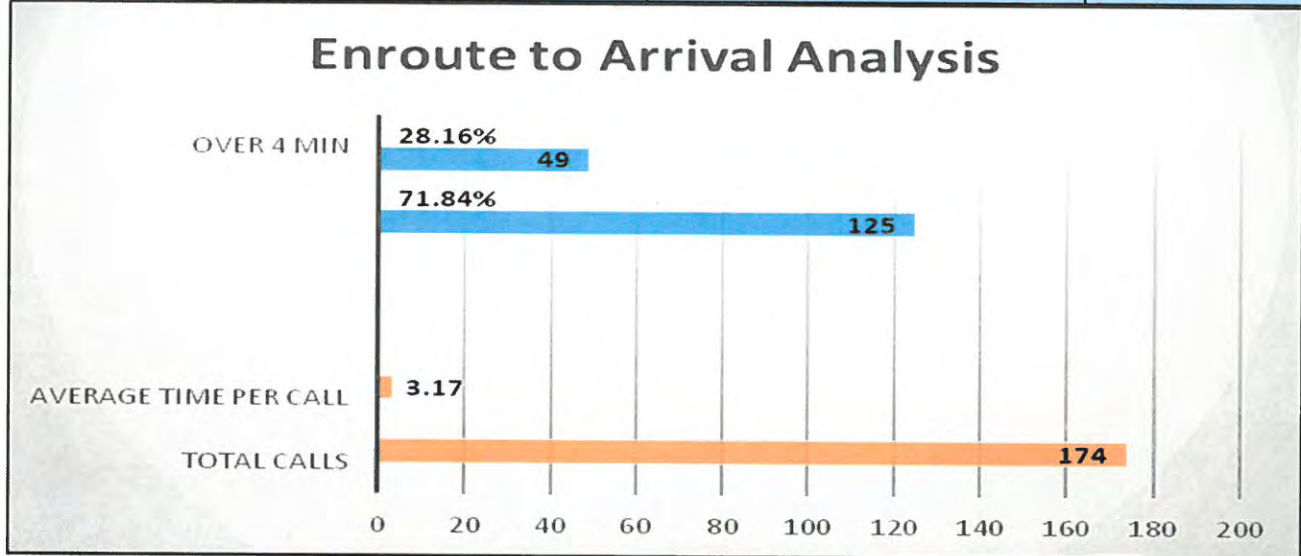
Monthly Report
December 2018

Top 10 Calls December 2018

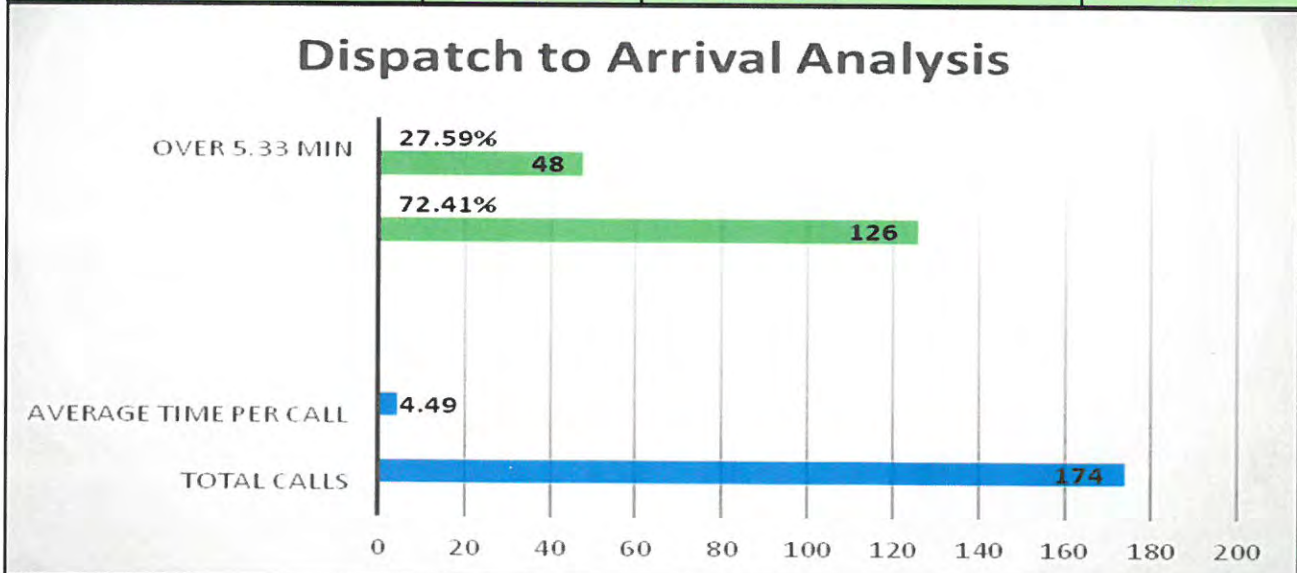


December- All Calls	
Situation Type	City
111 Building fire	4
311 Medical assist, assist EMS crew	117
322 Motor vehicle accident with injuries	17
412 Gas leak (natural gas or LPG)	3
553 Public service	2
611 Dispatched & canceled en route	6
622 No incident found on arrival at dispatch address	5
733 Smoke detector activation due to malfunction	3
735 Alarm system sounded due to malfunction	3
743 Smoke detector activation, no fire - unintentional	6
745 Alarm system activation, no fire - unintentional	8
411 Gasoline or other flammable liquid spill	1
131 Passenger vehicle fire (cars, pickups, SUV's)	2
651 Smoke scare, odor of smoke	3
736 CO detector activation due to malfunction	4
323 Motor vehicle/pedestrian accident (MV Ped)	2
324 Motor vehicle accident with no injuries.	9
442 Overheated motor	2
551 Assist police or other governmental agency	1
652 Steam, vapor, fog or dust thought to be smoke	1
671 HazMat release investigation w/no HazMat	3
740 Unintentional transmission of alarm, other	1
353 Removal of victim(s) from stalled elevator	1
424 Carbon monoxide incident	1
440 Electrical wiring/equipment problem, other	1
445 Arcing, shorted electrical equipment	1
550 Smoke Detector Battery Change/Install	2
561 Unauthorized burning	1
113 Cooking fire, confined to container	1
151 Outside rubbish, trash or waste fire	1
352 Extrication of victim(s) from vehicle	1
441 Heat from short circuit (wiring), defective/worn	1
462 Aircraft standby	1
531 Smoke or odor removal	1
554 Assist invalid	1
711 Municipal alarm system, malicious false alarm	1
714 Central station, malicious false alarm	1
746 Carbon monoxide detector activation, no CO	2
Unknown	1
Totals	312
	222

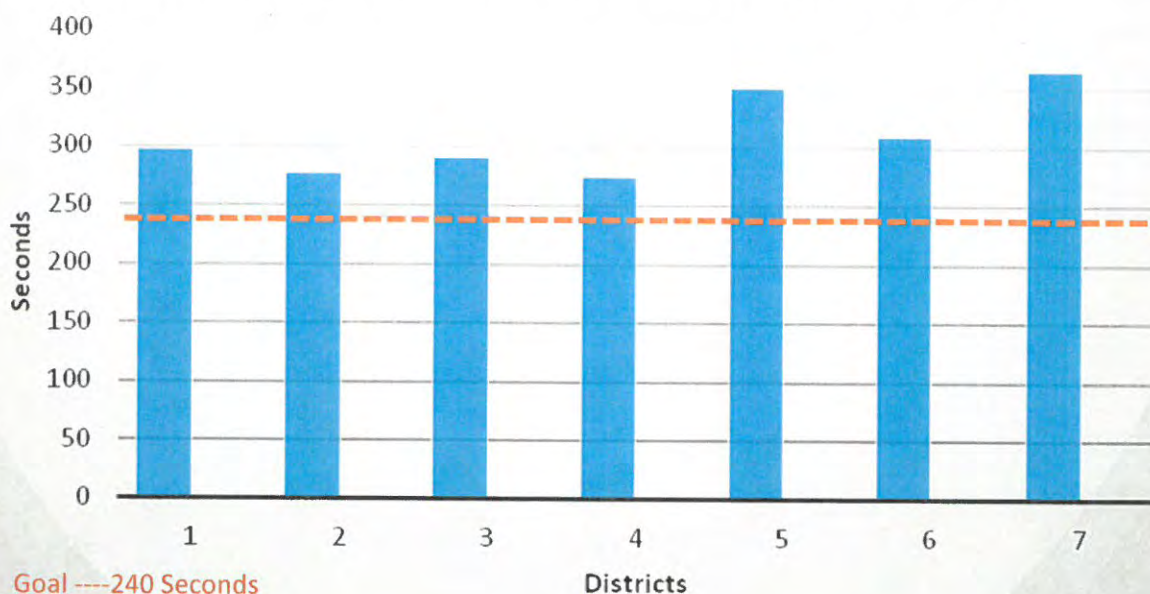
<u>Enroute to Arrival Analysis-All (No Mutual Aid)</u>				Total Calls
71%	On Scene in	4.0	minutes or less	125
87%	On Scene in	5.0	minutes or less	152
94%	On Scene in	6.0	minutes or less	165
97%	On Scene in	7.0	minutes or less	170
99%	On Scene in	8.0	minutes or less	173
99%	On Scene in	10.0	minutes or less	174



<u>Dispatch to Arrival Analysis-All (No Mutual Aid)</u>				Total Calls
71%	On Scene in	5.3	minutes or less	126
79%	On Scene in	6.0	minutes or less	139
90%	On Scene in	7.0	minutes or less	158
97%	On Scene in	8.0	minutes or less	170
99%	On Scene in	9.0	minutes or less	173
99%	On Scene in	10.0	minutes or less	174



90th Percentile Travel Time-Districts



Travel Time Analysis- <i>By District</i> (No Mutual Aid)				Total Number of	Average Travel	Percent of Runs
% 4 min or less	All Code 3 Calls			Calls	Time Minutes	per District
<u>100s with Station 1</u>						
73%	On Scene in	4.0	minutes or less	55	2.83	35.26%
<u>200s with Station 2</u>						
78%	On Scene in	4.0	minutes or less	50	2.29	32.05%
<u>300s with Station 3</u>						
85%	On Scene in	4.0	minutes or less	21	2.17	13.46%
<u>400s with Station 4</u>						
76%	On Scene in	4.0	minutes or less	35	1.30	22.44%
500s w/out Station						
0%	On Scene in	4.0	minutes or less	3	16.47	1.92%
600s w/out Station						
0%	On Scene in	4.0	minutes or less	2	6.10	1.28%
700s w/out Station						
14%	On Scene in	4.0	minutes or less	8	4.49	5.13%
800s w/out Station						
N/A	On Scene in	4.0	minutes or less			
900s w/out Station						
N/A	On Scene in	4.0	minutes or less			
1000s w/out Station						
N/A	On Scene in	4.0	minutes or less			
Total Calls				174		



City of Rockwall
The New Horizon

Total Dollar Losses

December 2018

Print Date/Time: 01/18/2019 16:37
Login ID: rocklsdean
Layer: All
Areas: All

Rockwall Fire Department

ORI Number: TX504
Incident Type: All
Station: All

	Current Month	Last Month	Same Month Last Year	Year To Date	Last Year To Date
Total Property Loss:	\$0.00	\$0.00	\$400,000.00	\$608,248.00	\$810,383.49
Total Content Loss:	\$15,000.00	\$0.00	\$0.00	\$185,216.80	\$217,605.51
Total Property Pre-Incident Value:	\$0.00	\$0.00	\$483,000.00	\$8,137,170.00	\$1,635,379.15
Total Contents Pre-Incident Value	\$0.00	\$0.00	\$0.00	\$1,696,573.00	\$646,811.49
Total Losses:	\$15,000.00	\$0.00	\$400,000.00	\$793,464.80	\$15,000.00
Total Value:	\$0.00	\$0.00	\$483,000.00	\$9,833,743.00	\$2,282,190.64



Fire Marshal Division

Annual Report for 2018

Inspection Status Report

Total for 2018	828
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Fire Investigations Status Report

Total for 2018	11
----------------	----

Plan Review Report

Above Ground Storage	2
Banner Non-Profit	1
Capital Improvements	1
Church	3
COMM	426
CO	130
Engineering	52
Industrial	2
Miscellaneous	3
Multi Family	3
Plat	43
School	2
Signage	2
Single Family	15
Site Plan	56
Special Event	20
TCO	11
Zoning	59
Total for 2018	831

Fire Permit Report

Aboveground Tank	2
Bonfire/Rec Fire	1
CO2 System	3
Doors - Access Control	8
Fire Alarm	28
Fire Sprinkler	37
Fire Sprinkler Monitoring System	1
Fireworks	6
Gates - Access Control	1
Haz Mat	2
High-Rack/Pile	1
Kitchen Suppression	9
Open Burn	2
Special Hazard	1
Temp Aboveground Tank	4
Tents	2
Traffic Calming Device	1
Underground Sprinkler	12
Underground Tank	3
UST Removal	1
Total for 2018	125

Public Education Events

Total for 2018	54
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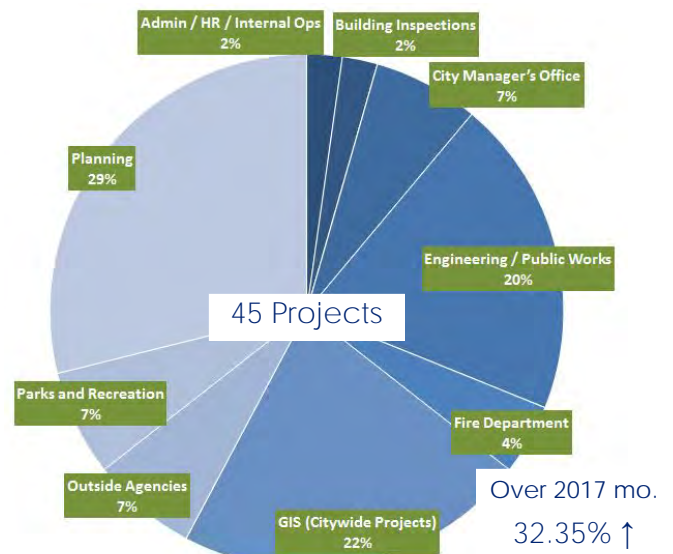
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Key Projects:

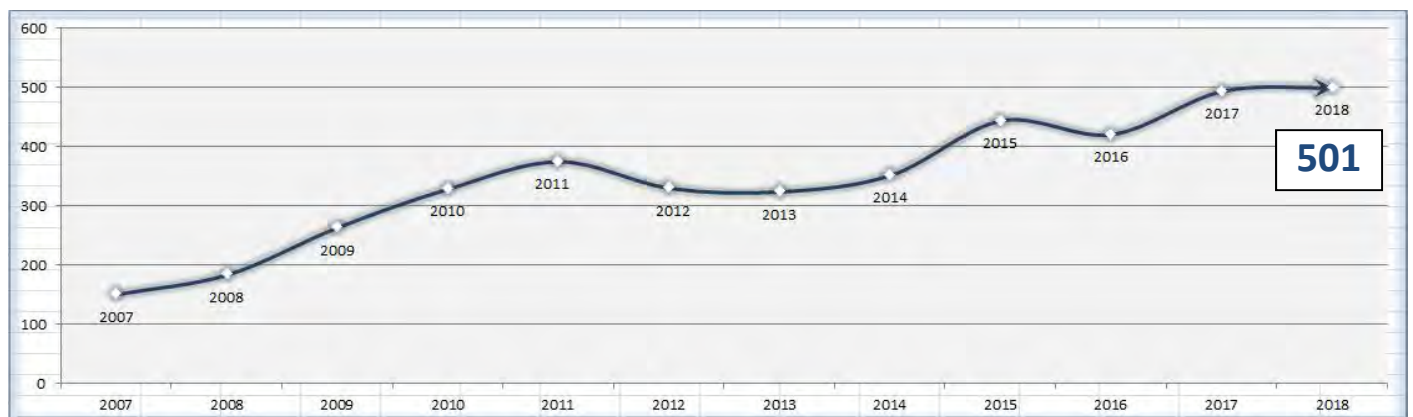
- (1) Asset Management System. Maintenance, Reports
Permitting & Project Tracking System. RFP Addendums
- (2) Outside Agencies & Citizens Request. RCAD, NTMWD,
Citizen (Addressing)
- (3) Engineering/Public Works. Engineering CIP Mailout, CIP
Base map Build, Pipeline Analytics Data / Calc's,
Infrastructure Report Data / Images, Wastewater Asset ID
Listing, Water Meter Geocode, Rockwall Floodplain
Updates, Utility edits, GPS assets
- (4) Parks and Rec. Total Participants Data, RBSL Data, Pool
Usage Data
- (5) Planning Department. I30 Restaurant Pad Site Availability
Maps and Demographic Data, Comp Plan Map Changes,
Population Research, For & Against Map, Impact Fee /
Land Use Assumption / Employment Data, Case Exhibit,
Land Use Map Inset, Service Area Maps, Location Map,
Master Thoroughfare Update with Cross Sections, Planning
Cases, Barn Pic Edit, Historical Scanning
- (6) GIS. NCTCOG NG911 maintenance, Building Footprint
(planimetrics) clean up, Cityworks Changes, Cellular Node
Antennas Data, Breezy Hill Parcels Benchmark
Coordinates, Trak-it Support Case Calls, Community Maps
Update (ESRI), GIS Updates, Online App Improvements
- (7) Fire Dept. Fire Department Community Risk Assessment
Data, Overall Fire District Area Calculations
- (8) Building Inspections. BOA Mailout
- (9) Admin / CMO / Internal Ops.- Waze App / Geo Event &
Connector, Warning Siren Map Update 2019, FCC Cell
Tower Data / City Owned Maps, City Christmas Party
Posters

Monthly Project Request by Department:



Admin / HR / Internal Ops	1
Building Inspections	1
Citizen Request	0
City Council	0
City Manager's Office	3
Neighborhood Improvement Services	0
Engineering / Public Works	9
Finance / Utility Billing	0
Fire Department	2
GIS (Citywide Projects)	10
IT	0
Main Street Program	0
Outside Agencies	3
Parks and Recreation	3
Planning	13
Police Department	0
REDC	0
Total	45

GIS Project Request (Year to Year):



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Rockwall Police Department

Harbor District Call For Service

December 2018

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CITY OF ROCKWALL
INTERNAL OPERATIONS DEPARTMENT
FACILITY MAINTENANCE REQUESTS FOR SERVICE
DECEMBER 2018

DEPARTMENT	# FMR REQUESTS	# FMR REQUESTS RESPONDED TO W / IN 24 HOURS	# FMR REQUESTS NOT RESPONDED TO W / IN 24 HOURS	% ON TIME
ADMINISTRATION	5	5	0	100%
ADMINISTRATIVE SERVICES	2	2	0	100%
AIRPORT	2	2	0	100%
ANIMAL SERVICES	10	10	0	100%
BUILDING INSPECTIONS / NEIGHBORHOOD IMPROVEMENT	1	1	0	100%
ENGINEERING	1	1	0	100%
FINANCE	2	2	0	100%
FIRE DEPARTMENT	31	31	0	100%
INTERNAL OPERATIONS	92	92	0	100%
MUNICIPAL COURT	4	4	0	100%
PARKS & RECREATION	12	12	0	100%
PLANNING & ZONING	5	5	0	100%
POLICE DEPARTMENT	24	24	0	100%
PUBLIC WORKS	7	7	0	100%
UTILITY BILLING	1	1	0	100%
TOTAL	199	199	0	100%

F46 Ralph M Hall Rockwall Municipal Airport

Operations Report DECEMBER 2018

Fuel Sales

	Gallons Sold	Gross Sales
Jet - A Sales	287	\$1,133.00
Av-Gas Sales	1759.5	\$7,918.00
Total Fuel Sales	2046.5	\$9,051.00

Hangar Rental Revenue

Overnight Tiedown Covered Overnight Tiedown	\$14.00
Open T Hangar	\$3,315.00
Enclosed Hangar	\$120.00
Community Hangar	\$440.00
Total Hangar Rentals	\$3,889

Hangar Occupancy

	Total Hangars	Qty Rentable	Quantity Leased	Occupancy Rate
Open T Hangars	46	43	40	87%
Enclosed Hangars	2	1	1	50%
Community Hangar	1	1	1	100%
Total Hangar Occupancy				77%

City Revenue

	Fee Rate	Hangar Rental	Fuel Flowage	Total Due
Fuel Sales (Gallons Sold)	\$0.10		2,046.50	\$204.65
Hangars	5.00%	\$3,889.00		\$194.45
Total Fees Due				\$399.10

2018

December

Day		Piston			Turbo Prop			JET	
		Single Engine	Multi-Engine	Helicopter	Single Engine	Multi-Engine	Helicopter		
Sat	1	6		5					
Sun	2								
Mon	3	36		8					
Tues	4	21	1	3					
Wed	5	9		4			1		
Thurs	6	5		2	1				
Fri	7								
Sat	8								
Sun	9								
Mon	10	42		5					
Tues	11			7	1				
Wed	12	24		12	1				
Thurs	13	4				1			rain
Fri	14								
Sat	15	32	1	9					
Sun	16								
Mon	17	17		18					
Tues	18	31		5					
Wed	19			5					fog/low ceilings
Thurs	20	5		6					windy
Fri	21	23							
Sat	22	32							
Sun	23								
Mon	24	12		2	1				
Tues	25								
Wed	26	3							rain/ lightning
Thurs	27	8		1	1				
Fri	28	41		1					
Sat	29	17							
Sun	30								
Mon	31								
TOTALS:		368	2	93	4	1	1	0	

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Rockwall Police Department

Monthly Activity Report

December-2018

ACTIVITY	CURRENT MONTH DECEMBER	PREVIOUS MONTH NOVEMBER	YTD 2018	YTD 2017	YTD % CHANGE
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PART 1 OFFENSES

Homicide / Manslaughter	0	0	1	0	100.00%
Sexual Assault	2	0	13	10	30.00%
Robbery	0	0	6	6	0.00%
Aggravated Assault	0	2	19	20	-5.00%
Burglary	1	2	32	72	-55.56%
Larceny	62	46	665	636	4.56%
Motor Vehicle Theft	6	6	51	48	6.25%
TOTAL PART I	71	56	787	792	-0.63%
TOTAL PART II	159	172	1807	1938	-6.76%
TOTAL OFFENSES	230	228	2594	2730	-4.98%

ADDITIONAL STATISTICS

FAMILY VIOLENCE	21	16	207	228	-9.21%
D.W.I.	26	22	258	206	25.24%

ARRESTS

FELONY	24	36	361	359	0.56%
MISDEMEANOR	84	71	885	947	-6.55%
WARRANT ARREST	12	13	154	186	-17.20%
JUVENILE	6	5	62	78	-20.51%
TOTAL ARRESTS	126	125	1462	1570	-6.88%

DISPATCH

CALLS FOR SERVICE	1484	1405	16713	17895	-6.61%
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ACCIDENTS

INJURY	8	2	118	200	-41.00%
NON-INJURY	84	63	709	643	10.26%
FATALITY	0	0	2	5	-60.00%
TOTAL	92	65	829	848	-2.24%

ROCKWALL NARCOTICS UNIT

	Number of Cases	4
	Arrests	3
	Arrest Warrants	
	Search Warrants	
	Seized	
	Cocaine	.5 Kilograms
	Methamphetamine	3 Kilograms

Rockwall Police Department

Dispatch and Response Times

December 2018

Police Department

Average Response Time		
Priority 1		Number of Calls 93
Call to Dispatch	0:01:26	
Call to Arrival	0:06:01	
% over 7 minutes	29%	
Average Response Time		
Priority 2		Number of Calls 295
Call to Dispatch	0:03:28	
Call to Arrival	0:10:42	
% over 7 minutes	61%	
Average Response Time		
Priority 3		Number of Calls 61
Call to Dispatch	0:07:31	
Call to Arrival	0:13:44	
% over 7 minutes	61%	

Average dispatch response time goals are as follows:

Priority 1: 1 Minute

Priority 2: 1 Minute, 30 Seconds

Priority 3: 3 Minutes

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DECEMBER 2018 MONTHLY REPORT



**ROCKWALL PARKS
& RECREATION**

PARTICIPATION



XMAS TREE LIGHTING: 250 ATTENDEES



BREAKFAST W/ SANTA: 225 PARTICIPANTS



SANTA'S NORTH POLE WORKSHOP:
50 PARTICIPANTS

MONTHLY OVERVIEW

DEC '18

Part Time Labor Hours	97
Program Offerings	9
Program Participants	1387
Resident Participants	834
Non-Resident Participants	553
Programs that Made	9
Cancelled Programs	0
% of Programs Cancelled	0%

FEE BASED RESIDENT VS NON-RESIDENT

9 programs

60%

40%

VOLUNTEER IN THE PARKS (V.I.P.)



ALL DEC EVENTS POSTPONED

TOTAL # OF
VOLUNTEER
HOURS

# OF VOLUNTEERS	NA
# OF VOLUNTEER HOURS	NA

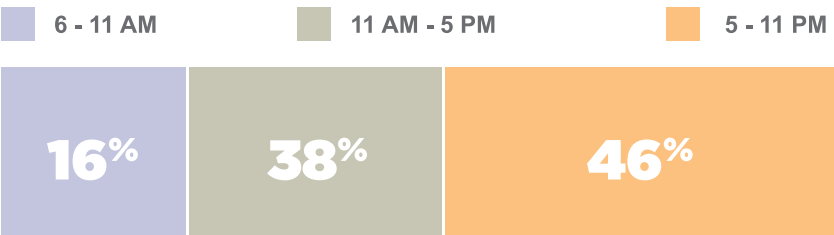
NA



HMCC	DEC '18
Time Blocks Rented	68
Monthly Revenue	\$2720

HMCC RENTAL ACTIVITY BY TIME BLOCK

68 Rentals



PAVILIONS	DEC '18
Time Blocks Rented	3
Monthly Revenue	\$120

PAVILION RENTAL ACTIVITY BY TIME BLOCK

3 Rentals



PARKS



FACILITY MANAGEMENT:

Re-lamping of Tuttle Sports field and scoreboard repairs for spring season.



EQUIPMENT MAINTENANCE:

Equipment maintenance for spring maintenance season



FACILITY MAINTENANCE:

Power washing walls and top caps at Downtown Square, and tree trimming and shrub trimming at 66 Cemetery.



MARKETING

FACEBOOK PAGE LIKES



NOV

GAIN OR LOSS

+81

DEC

+15

TOTAL LIKES THRU 12/31/2018



12,224

ONLINE REGISTRATION ACCOUNTS THROUGH ACTIVE

NOV

ACCOUNTS

7441

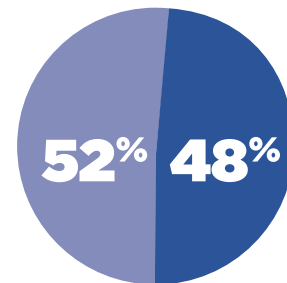
GAIN OR LOSS

+139

DEC

7642

+201



**RESIDENT VS NON-RESIDENT
ACCOUNTS**

PLAYROCKWALL.COM PERFORMANCE METRICS

PLAYROCKWALL.COM

PAGEVIEWS

Pageviews represent the total individual pages viewed by visitors to playrockwall.com within the month of December 2018.

40,511

SESSIONS

Sessions represent an individual collection of a user's visit while viewing pages on playrockwall.com

7,573

USERS

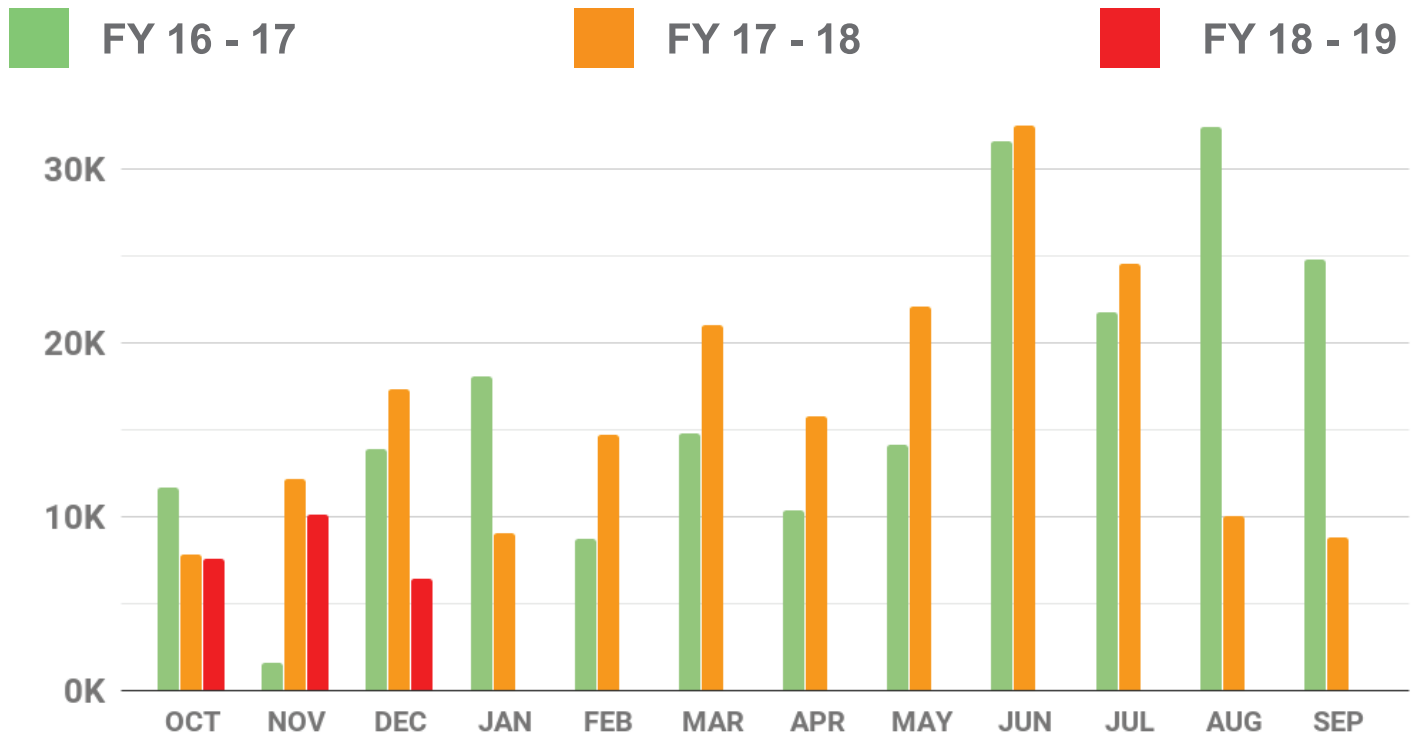
Visitors to playrockwall.com

5,582

REVENUE

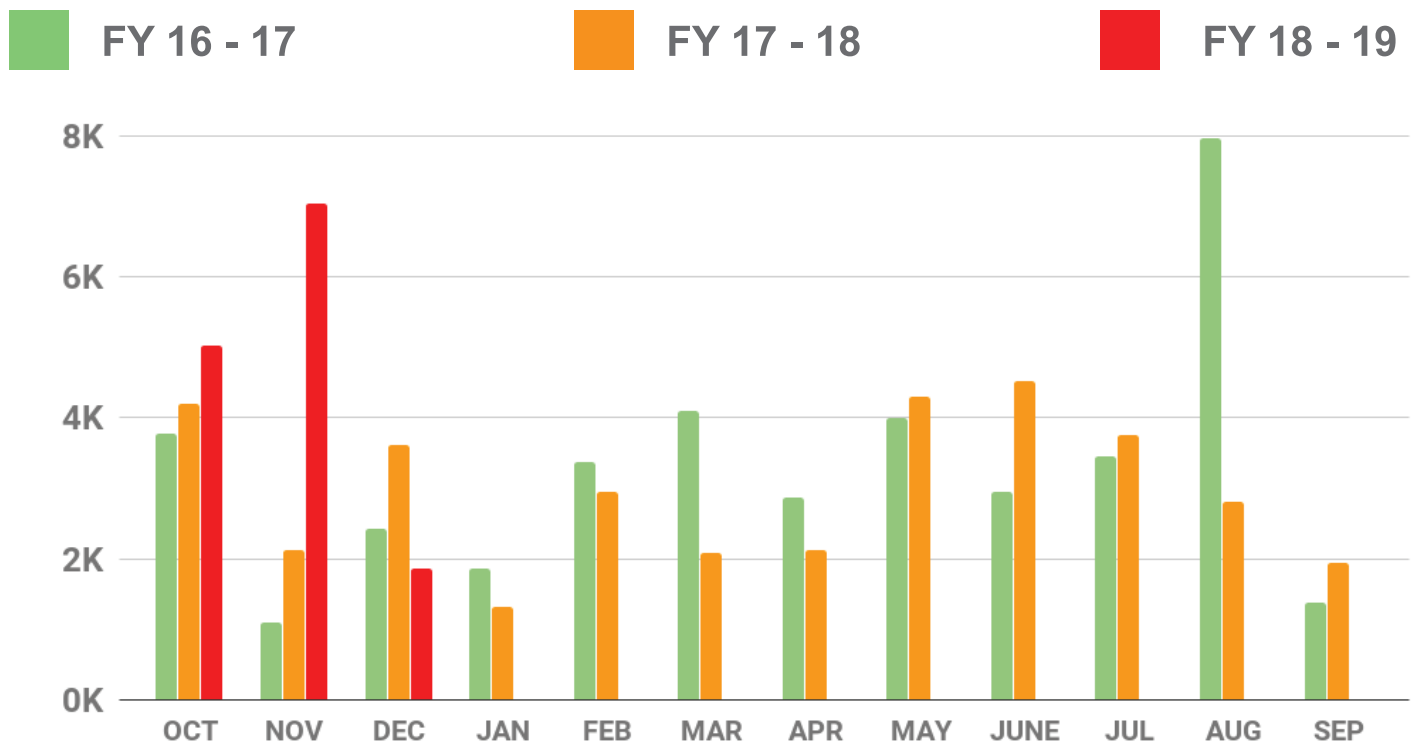
FEE BASED PROGRAM REVENUE BY MONTH

3 fiscal years



FACILITY REVENUE BY MONTH

3 fiscal years



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Rockwall Adoption Center
2018 Animal Statistics

	ADOPTIONS	RESCUED	RETURN TO OWNER	EUTHANIZED	1045*	INTAKES	DISPOSITIONS	LIVE
	Total—Average	Total-Average	Total—Average	Total—Average	Total-Average			OUTCOME
Jan '18	75-78%	7-7%	11-12%	0-0%	0-0%	112	95	97%
Feb '18	90-69%	15-12%	23-18%	2-1%	0-0%	121	130	99%
March '18	63-56%	15-13%	28-25%	3-3%	3-3%	110	112	94%
April '18	52-60%	8-1%	22-25%	4-1%	0-0%	90	87	86%
May '18	80-63%	20-16%	19-15%	2-2%	6-5%	137	127	94%
June '18	75-58%	20-16%	21-16%	4-3%	9-7%	128	129	90%
July '18	83-65%	17-13%	27-21%	0-0%	1-1%	150	128	99%
August '18	90-63%	15-11%	28-20%	4-3%	5-4%	117	142	94%
September '18	66-58%	13-11%	29-25%	2-2%	4-4%	125	114	94%
October '18	66-69%	13-14%	14-15%	2-2%	0-0%	108	96	98%
November '18	76-63%	12-10%	30-25%	0-0%	2-2%	96	120	98%
December '18	61-67%	2-2%	25-27%	3-3%	0-0%	73	91	96%

Rockwall Animal Adoption Center

PROFIT AND LOSS

December 2018

	TOTAL
Income	
4100 Adoption Fee	
4111 Adoption Fee - Dog	4,105.00
4112 Adoption Fee - Cat	1,480.00
Total 4100 Adoption Fee	5,585.00
4200 Impound Fee	750.00
4300 Owner Surrender	640.00
4350 Quarantine Fee	220.00
46400 Other Types of Income	
46430 Miscellaneous Revenue	166.75
Total 46400 Other Types of Income	166.75
4650 Medical	109.31
4700 General Donations	11,829.96
Total Income	\$19,301.02
GROSS PROFIT	\$19,301.02
Expenses	
5200 - Shelter Expense	
5202 - Micro Chip	999.00
5203 - Medication	5,709.54
5209 - Shelter Supplies	606.21
5210 - Cleaning	202.86
5220 - Truck Maintenance	180.41
5230 - Misc	18.00
Total 5200 - Shelter Expense	7,716.02
5215 - Insurance	119.00
5300 - Veterinary Expense	5,184.57
5400 - Professional Services	9,303.14
62800 Facilities and Equipment	
62840 Equip Rental and Maintenance	216.49
Total 62800 Facilities and Equipment	216.49
65000 5000 - Administrative Expense	
5004 - Paypal/Intuit fee	238.44
5005 - Postage	29.05
5006 - Bank Fees	113.91
5040 - Retirement srvs - 401K	254.00
5050 - Payroll	29,808.96
5055 - Payroll Tax	2,633.09
5056 - 401K Employer/Healthcare	729.54
5099 - Misc	2,576.81
65040 5001 - Supplies	683.24
65050 5060 -Telephone, Telecomm	240.00
Total 65000 5000 - Administrative Expense	37,307.04
68300 Travel and Meetings	149.52

	TOTAL
Total Expenses	\$59,995.78
NET OPERATING INCOME	\$ -40,694.76
NET INCOME	\$ -40,694.76

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January 3, 2019

To: City of Rockwall

From: Ashley Ando, Grant Director

Re: December 2018 Demand and Response Ridership Report

TRIP INFORMATION:

MONTH	NO. OF SERVICE DAYS	TRIPS
DECEMBER	19	743

Non-Service Days: December 24th and 25th

NO. OF TRIPS	PURPOSE
0	Contract Service
12	Education
4	Government
90	Medicaid
200	Medical
17	Nutrition (Senior Center)
161	Other (adult-day care, beauty salon, friend's homes, etc.)
135	Shopping
124	Work

DECEMBER UNDUPLICATED PASSENGERS
80
YEAR TO DATE UNDUPLICATED PASSENGERS
161

Adjusted Trip Total	653
----------------------------	------------

*Trip Totals without Contracts or Medicaid

> = 60	375
DIS >60	108
	483
% E & D Trip Total	74%

FY 2019 TOTAL DEMAND AND RESPONSE TRIPS TO DATE: 4,266

(FY 2019-SEPTEMBER 1, 2018 -AUGUST 31, 2019)

PRIOR YEAR: DECEMBER 2017 TRIP TOTAL= 1,145 (35% DECREASE) DIRECTLY RELATED TO LAKEPOINTE CHURCH SERVICE CONTRACT



ROCKWALL CITY				
CONTRACT	1Q	2Q	3Q	4Q
EDU	1,015	0	0	0
GOV	77	12	0	0
MDE	5	4	0	0
MED	219	90	0	0
NUT	632	200	0	0
OTH	34	17	0	0
SHP	544	161	0	0
WORK	533	135	0	0
	464	124	0	0
	3,523	743	0	0
				4,266

ROCKWALL CITY											
(UP) Unlinked Passenger Trips	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19
	1,413	1,225	885	743							

CONTRACT	709	306	0	0							
EDU	0	41	36	12							
GOV	1	2	2	4							
MDE	62	69	88	90							
MED	171	235	226	200							
NUT	10	11	13	17							
OTH	130	247	167	161							
SHP	171	139	223	135							
WORK	159	175	130	124							
TOTAL DR TRIPS	1,413	1,225	885	743	0	0	0	0	0	0	0
											4,266

Medicaid	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19
	62	69	88	90	0	0	0	0	0	0	0
Lakepointe Church Contract	709	306	0	0	0	0	0	0	0	0	0
Nursing Home Contracts	0	0	0	0	0	0	0	0	0	0	0
Charters	0	0	0	0	0	0	0	0	0	0	0
	771	375	88	90	0	0	0	0	0	0	0
											1,324
											110

Adjusted Trip Total	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19
	642	850	797	653	0	0	0	0	0	0	0

*Trip Totals without Contracts or Medicaid											
> = 60	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19
	345	477	393	375							
DIS < 60	142	167	137	108							
	487	644	530	483	0	0	0	0	0	0	0
% of Adjusted Trip Total	76%	76%	66%	74%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
											2,144
											179

GENERAL PUBLIC	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19
	155	206	267	170	0	0	0	0	0	0	0
% of Adjusted Total	24%	24%	34%	26%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
											798
											67

DOCS	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19
	19	23	20	19							

UNDULATED M2M	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19
	527	474	476	370							
UNDULATED YTD	82	88	94	80							
	114	144	161								
											419

Subscription Trips	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19
	323	440	360	319							
Percent Subs of Total Trips	23%	36%	41%	43%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
SUBS Can/NoShow	119	136	210	211							
											676

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