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## ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, April 06, 2020 - 5:00 PM (Executive Session) 6:00 PM (Regular Mtg.)  
City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087

IN LIEU OF ATTENDING IN PERSON AND IN AN EFFORT TO COMPLY WITH CDC RECOMMENDATIONS REGARDING SOCIAL DISTANCING, SPECIAL NOTES PERTAINING TO “REMOTELY” OR “VIRTUALLY” PARTICIPATING IN TONIGHT’S CITY COUNCIL MEETING MAY BE FOUND BELOW.

### **SUBMIT COMMENTS VIA E-MAIL**

Citizens are encouraged to submit public comments at least 30 minutes in advance of the meeting by emailing them to: [PublicComments@rockwall.com](mailto:PublicComments@rockwall.com). Please include your name and address when submitting comments. Also, please be concise, and limit your comments to those that may be read within 3 mins. or less.

### **PARTICIPATE IN THE MEETING REMOTELY VIA “ZOOM”**

Alternatively, citizens may wish to participate in the meeting virtually by joining with ZOOM, either via their computer, mobile device or telephone.

**Special Notes:** Only the two-way ‘audio’ feature of ZOOM will be utilized during the meeting - no ZOOM video will be used. If you are WATCHING remotely via our city website’s “Live Stream,” please note there is a 7 second delay, whereas, ZOOM is more “real time.” Therefore, you should decide to do one or the other – choose either ZOOM OR “Live Video Streaming.” Please do NOT try to do both at once, as the timing of the two services conflicts.

### **ZOOM REMOTE CONFERENCING INSTRUCTIONS**

Register in advance to participate in the City Council meeting at the following link:  
<https://us04web.zoom.us/j/682599128>

After registering, you will receive a confirmation email containing information about joining the meeting.

### **Or Dial-in via Telephone:**

US: +1 301 715 8592 or +1 312 626 6799  
Webinar ID: 682 599 128

**NOTE:** Press \* 9 to request to speak or to cancel your request. You will be acknowledged to provide comments during the meeting. Please limit comments to 3 mins. or less.

### **WATCH THE MEETING “LIVE STREAM” ONLINE**

The public may watch the meeting ‘live’ online by visiting:

<http://www.rockwall.com/meetings/video.asp>

Again, please do not try and do BOTH the “Live Stream” AND ZOOM at the same time, as the timing of the two services conflicts. If you feel you must watch the “Live Stream” while also on listening in on ZOOM, please MUTE the live stream’s audio (as it is delayed, as compared to ZOOM).

**I. CALL PUBLIC MEETING TO ORDER AND HOLD EXECUTIVE SESSION. (5:00 P.M.)**

**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 development in the Extraterritorial Jurisdiction (ETJ) pursuant to Section §551.071 (Attorney/Client Consultation).
2. Discussion regarding an Interlocal Cooperation Agreement between the City of Rockwall and Rockwall County 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)

**II. ADJOURN EXECUTIVE SESSION**

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

**IV. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT**

**V. PROCLAMATIONS**

1. Child Abuse Awareness & Prevention Month

**VI. OPEN FORUM**

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

**VIII. CONSENT AGENDA**

1. Consider approval of the minutes from the March 16, 2020 regular City Council meeting, and take any action necessary.
2. Consider approval of the minutes from the March 19, 2020 Emergency City Council meeting, and take any action necessary.
3. **Z2020-001** - Consider a request by Chris Kehrer of Titan Contractors on behalf of the owner David Choate for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Single-Family 1 (SF-1) District for a one (1) acre parcel of land identified as Lot 8, Block B, Zion Hill Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 844 Zion Hill Circle, and take any action necessary **(2nd Reading)**.
4. **Z2020-004** - Consider a request by Ambrocio Ibarra on behalf of the owners Arturo and Jeaniffer Osornio for the approval of an **ordinance** for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.11-acre parcel of land identified as Lot 1, Block A, Sanger Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 705 Peters Colony, and take any action necessary **(2nd Reading)**.

5. **Z2020-005** - Consider a request by Ambrocio Ibarra on behalf of the owners Arturo and Jeaniffer Osornio for the approval of an **ordinance** for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.11-acre parcel of land identified as Lot 1, Block A, Sanger Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 703 Peters Colony, and take any action necessary **(2nd Reading)**.
6. **Z2020-008** - Consider a request by Scott Mommer of Lars Andersen & Associates, Inc. on behalf of Suzanne Russo of Home Depot USA, Inc. for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow the Rental, Sales and Service of Heavy Machinery and Equipment in conjunction with an existing general retail store on an 11.389-acre parcel of land identified as Lot 1, Block A, Home Depot-Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 765 E. IH-30, and take any action necessary **(2nd Reading)**.
7. Consider approval of an **ordinance** for the temporary reduction of the current 55 miles per hour speed limit along SH-66 to 45 miles per hour from MP 609.829 to MP 610.796 during construction of FM 3549, and take action as necessary. **(1st reading)**
8. Consider approval of an **ordinance** for the increase of the current 65 miles per hour speed limit along IH-30 to 70 miles per hour from MP 03.358 to MP 06.145, and take action as necessary. **(1st reading)**
9. Consider approval of a resolution for the annual adoption of pro-rata equipment fees to be paid by developers in accordance with the Mandatory Neighborhood Park Land Dedication Ordinance, and take any action necessary.
10. Consider approval of a resolution for the annual adoption of cash-in-lieu of land fees to be paid by developers in accordance with the Mandatory Neighborhood Park Land Dedication Ordinance, and take any action necessary.
11. Consider approval of a resolution authorizing the City Manager to enter into Forbearance Agreements with local hoteliers regarding hotel occupancy taxes, and take any action necessary.

## IX. ACTION ITEMS

1. **Z2020-002** - Discuss and consider a request by Reese Baez on behalf of the owner Amanda Henry for the approval of an **ordinance** for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.161-acre parcel of land identified as Lot 8, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 702 Parks Avenue, and take any action necessary **(2nd Reading)**.
2. **Z2020-003** - Discuss and consider a request by Reese Baez on behalf of the owner Amanda Henry for the approval of an **ordinance** for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.161-acre parcel of land identified as Lot 7, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 610 Parks Avenue, and take any action necessary **(2nd Reading)**.

3. **Z2020-007** - Discuss and consider a request for the approval of an **ordinance** for a Text Amendment to amend Article 08, Landscape and Screening, of the Unified Development Code (UDC) for the purpose of changing the fence standards for existing and infill single-family and duplex properties, and take any action necessary **(2nd Reading)**.
4. Discuss and consider a request by Art Anderson with Winstead on behalf of DR Horton for the approval of an exception and/or exemption to the temporary residential moratorium in accordance with the requirements of Ordinance No. 19-44, and take any action necessary.
5. Discuss and consider provisions related to enacting and/or extending an Emergency Disaster Declaration, and take any action necessary.
6. Discuss and consider the City's current financial position and projected future revenue impacts, and take any action necessary.

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

**1. Departmental Reports**

Building Inspections Monthly Report - February 2020  
 Fire Department Monthly Report - February 2020  
 Parks & Recreation Department Monthly Report - February 2020  
 Police Department Monthly Report - February 2020  
 Sales Tax Historical Collections - February 2020  
 Water Consumption Statistics - February 2020

**2. City Manager's Report**

**XI. 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 development in the Extraterritorial Jurisdiction (ETJ) pursuant to Section §551.071 (Attorney/Client Consultation).
2. Discussion regarding an Interlocal Cooperation Agreement between the City of Rockwall and Rockwall County 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)

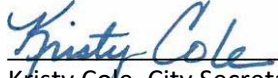
**XII. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**XIII. ADJOURNMENT**

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

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

I, Kristy Cole, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 3rd day of April, 2020 at 5:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.



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

\_\_\_\_\_  
Date Removed

Rockwall,  Texas

# Proclamation

*Whereas*, child abuse and neglect is a serious problem that affects every segment of our community, causing psychological, emotional and physical impacts that can have lifelong consequences for victims of abuse; and

*Whereas*, such atrocities not only directly harm children but also increase the likelihood of criminal behavior, substance abuse, health problems such as heart disease and obesity, as well as risky behavior such as smoking; and

*Whereas*, effective child abuse prevention is cultivated by meaningful connections and partnerships between child welfare, education, health, community and faith-based organizations, businesses and law enforcement agencies; and

*Whereas*, the Child Advocacy Center of Rockwall County provides a multi-agency coordinated approach to the investigation, prosecution, and treatment of child abuse victims while providing a safe, child-friendly environment to more effectively seek justice and promote healing for Rockwall County's most vulnerable citizens; and

*Whereas*, Court Appointed Special Advocates - CASA volunteers - are assigned by the court to speak on behalf of a child's best interests, serving as a voice to ensure that children have the opportunity to grow up in a safe, loving, permanent home; and

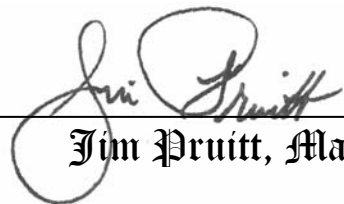
*Whereas*, the Rainbow Room is an emergency item resource center for abused children in the CPS system and is accessible 24-hours a day, 7 days a week to provide clothing, shoes and toys to children who need extra support.

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

## **CHILD ABUSE AWARENESS AND PREVENTION MONTH**

in the City of Rockwall and encourage all citizens to work together to promote awareness while taking meaningful actions that benefit children and families in our community.

*In Witness Whereof*, I hereunto set my hand and official seal on this 6<sup>th</sup> day of April, 2020.

  
Jim Pruitt, Mayor

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# MINUTES



## ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, March 16, 2020 - 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 6:00 p.m. with the following council members and staff being present: Mayor Jim Pruitt, Mayor Pro Tem Dana Macalik, Council Members Patrick Trowbridge, John Hohenshelt, Kevin Fowler, Trace Johannesen, and Bennie Daniels, City Manager Rick Crowley, Assistant City Manager Joey Boyd. City Attorney Frank Garza was absent from the meeting.

### II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT

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

### III. PROCLAMATIONS

1. Hometown Hero - Marilyn King

2. Autism Awareness Day

3. Medal of Honor Day

Mayor Pruitt Introduced our next Hometown Hero, Marilyn King, explaining that this recognition will be postponed until a later meeting because of everything going on with the COVID-19 virus outbreak.

The mayor then read into the record the proclamation for Autism Awareness Month.

Pruitt provided comments of encouragement to parents pertaining to RISD extending Spring Break for an additional week and perhaps for the remainder of this school year.

Next, he read the proclamation for Medal of Honor Day.

### IV. OPEN FORUM

Kristy Cole read the comments submitted via email by Ms. Tamara Hurd.

“Many of our neighboring cities and counties are being proactive in an effort to flatten the curve of COVID-19, including closing restaurants and bars (excluding drive-thru/carry outs). What is Rockwall doing to do its part?”

Tamara Hurd  
2908 Panhandle Dr, Rockwall, TX 75087”

There being no further public comments, Mayor Pruitt then closed Open Forum.

### V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION



See action taken at the end of the meeting (as Council did not convene in Executive Session prior to the start of the 6:00 p.m. meeting agenda).

**VI. CONSENT AGENDA**

1. Consider approval of the minutes from the March 2, 2020 regular City Council meeting, and take any action necessary.
2. Consider approval of an **ordinance** cancelling the May 2, 2020 General Election, and take any action necessary. **(2nd Reading)**
3. Consider approval of a professional engineering services contract with Birkhoff, Hendricks, & Carter, L.L.P., to perform the Risk and Resilience Analysis and the Emergency Response Plan for the City of Rockwall's water system in an amount not to exceed \$79,570.00, to be funded out of the Water and Sewer Fund, and take any action necessary.
4. Consider approval of a professional engineering services contract with Volkert, Inc., to perform the utility relocation analysis for the construction of Interstate 30 in an amount not to exceed \$52,315.00, to be funded out of the Water and Sewer Fund, and take any action necessary.
5. Consider awarding a bid to Magnum Manhole and authorizing the City Manager to execute a contract for the Manhole Rehabilitation Project totaling \$125,000 to be funded out of the Water and Sewer Fund, Sewer Operations Budget, and take any action necessary.
6. **P2020-010** - Consider a request by Rob Whittle for the approval of a Replat for Lot 24, Block E, Chandlers Landing, Phase 16 Addition being a 0.16-acre parcel of land identified as Lot 16, Block E, Chandlers Landing, Phase 16 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family land uses, addressed as 295 Victory Lane, and take any action necessary.
7. **P2020-011** - Consider a request by Jim Ziegler of Pegasus Ablon for the approval of a Replat for Lots 10, 11, & 12, Block A, Harbor-Rockwall Addition being a 6.119-acre parcel of land identified as Lot 9, Block A, Harbor-Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30 OV) District, located at the southwest corner of the intersection of Lakefront Trail and the IH-30 frontage road, and take any action necessary.

**Councilmember Daniels pulled Consent Agenda item #4 for discussion. Councilmember Daniels moved to approve the Consent Agenda, less item #4 (#s 1, 2, 3, 5, 6 and 7). Councilman Trowbridge seconded the motion. The ordinance was read as follows:**

CITY OF ROCKWALL, TEXAS  
ORDINANCE NO. 20-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF CITY COUNCILMEMBER PLACE 2, CITY COUNCILMEMBER PLACE 4, AND CITY COUNCILMEMBER PLACE 6, AS ELECTED; PROVIDING THAT THE MAY 2, 2020 GENERAL MUNICIPAL ELECTION SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.

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

Regarding Consent Agenda item #4, Councilmember Daniels sought clarification on this expenditure. Mrs. Williams clarified that this is related to 'utility conflicts,' if there are any. The State will reimburse the city – if there are any – but the city has to pay for this upfront and then be reimbursed. Mayor Pruitt moved to approve Consent Agenda item #4. Councilman Daniels seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

**VII. 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.

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

2. Appointment with Kevin Post of the NRA Foundation regarding waiving a the fees for renting The Lone Star Room at The Center on July 18th for their 3rd annual fundraising event, and take any action necessary.

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

**VIII. PUBLIC HEARING ITEMS**

1. **Z2020-001** - Hold a public hearing to discuss and consider a request by Chris Kehrer of Titan Contractors on behalf of the owner David Choate for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Single-Family 1 (SF-1) District for a one (1) acre parcel of land identified as Lot 8, Block B, Zion Hill Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 844 Zion Hill Circle, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Notices were sent out to adjacent property owners and residents located within 500' of the subject property. One notice was received back in favor. There were no homeowners associations (HOAs) to notify.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and address the Council at this time. There being no one indicating such, he then closed the Public Hearing.

Councilman Hohenshelt sought and received clarification regarding this request and the anticipated, future request that the applicant will be submitting.

Hohenshelt moved to approve Z2020-001. Councilmember Trowbridge seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 20-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY 1 (SF-1) DISTRICT FOR A ONE (1) ACRE PARCEL OF LAND IDENTIFIED AS LOT 8, BLOCK B, ZION HILL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ADDRESSED AS 844 ZION HILL CIRCLE AND BEING MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'A'* 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 7 ayes to 0 nays.

- 2. Z2020-002** - Hold a public hearing to discuss and consider a request by Reese Baez on behalf of the owner Amanda Henry for the approval of an **ordinance** for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.161-acre parcel of land identified as Lot 8, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 702 Parks Avenue, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. He indicated, in part, that notices were sent out to adjacent land and property owners (115 of them) located within 500' of the subject property, and the Caruth Lakes HOA was also notified. Two notices in favor and two notices and four emails in opposition were received by staff related to this request. The Planning & Zoning Commission has recommended approval of this item.

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

Alison Odom  
405 N. Fannin Street  
Rockwall, TX

Ms. Odom came forth and shared that she wore her downtown Rockwall shirt today, and she has lived near downtown Rockwall since 2002. She feels it is important to note that there likely may be a 3rd item coming forth for placement of a structure on two, existing lots. She went on to quote the UDC, specifying the need for things to be visually and architecturally similar. She believes that the homes being proposed are 2,600 sq. Ft. and 2,200 sq. Ft., which she feels are too large. She generally feels like the Council should deny this SUP. She acknowledged that the applicant likely also loves downtown; however, she believes that approval of these two requests would result in structures that will not be visually similar to existing homes in the area. She believes that two or three homes on this/these lots would not be visually similar. She urged the Council to deny these requests.

Jeff Carroll  
Carroll Architects  
750 E. Interstate 30<sup>SEP</sup> Rockwall, TX

Mr. Carroll came forth and shared that he is not the architect on this particular item - he is, however, the architect for the house associated with the next agenda item. He clarified that the square footage given for each of these homes includes the garage, porch, patio, etc. The actual square footage of these two houses is less than what has been specified within the request. He went on to compare the square footage of these two homes with the square footage of other, nearby homes, which he pointed out have similar square footages. He believes the 'craftsman' style of these two homes will fit in with the architecture of other, existing, nearby homes in this downtown area. He asked that Council consider his comments as part of their approval of these two requests this evening.

Jay Odom  
405 N. Fannin St.  
Rockwall, TX

Mr. Odom shared data from the remainder of the street (number of stories, sq. Footage, lot size, lot frontage size, etc). He expressed that he lives in this area and has a business in this area. So he has a specific interest in these two requests. He spoke briefly about tearing down homes versus improving existing homes. He believes that these homes will be favorable in some ways; however, he has concerns about density, and he believes that approval of these requests would set a precedence of 'tear down' and 'build new' as far as future homes and requests are concerned. He believes the density being this high is related to 'making money.' He thinks these homes would look better on larger lots, rather than putting them on two, separate, narrow lots. He went on to express that the data he has shared supports non-support / non-approval of these two requests this evening. He generally spoke in opposition of approval of these two requests.

Elizabeth Trowbridge  
601 Parks Avenue  
Rockwall, TX

Mrs. Trowbridge came forth and shared that she is completely in agreement with the sentiments previously expressed by the Odoms. She went on to share that the density concerns her. She pointed out that the proposed house are 150% larger than the other, nearby homes. Also, the density is notably larger. She wants something visually similar to other homes in the neighborhood. She has concerns about these homes being torn down in favor of developers coming in and building "McMansions." She generally spoke in opposition of these items tonight.

203 **Reese Baez**  
204 **102 S. Goliad**  
205 **Suite 108**  
206 **Triton General Contractor**  
207

208 **Mr. Baez shared that Mr. Carroll pointed out that the square footages shown are not the actual square**  
209 **footage of the homes being proposed to be built. The square footages given include non-air conditioned**  
210 **spaces. Also, at least one of the homes that was torn down was not historic – it was built in the 1980s,**  
211 **so it's not truly a historic house. He shared that both of the applicants will be living in the houses – they**  
212 **are not building them to turn around and sell them. He generally spoke in favor of approval of these**  
213 **requests this evening.**  
214

215 **Mark Fuqua**  
216 **604 Parks Avenue**  
217 **Rockwall, TX**  
218

219 **Mr. Fuqua came forth and shared that he echoes the Odom's and Mrs. Trowbridge's concerns. He lives**  
220 **two doors down from these proposed homes. He has concerns about these houses taking up a lot more**  
221 **lot size than other, existing homes nearby. He is not in favor of older homes being torn down with**  
222 **massive houses being built in their place. He believes these homes are so large in comparison to the lot**  
223 **size. He does not have a problem with some of the houses being torn down; however, he does have a**  
224 **problem with the proposed size of the homes. He is generally not in favor of approval of these two**  
225 **requests.**  
226

227 **Jim Turner**  
228 **1691 E. Quail Run Road**  
229 **Rockwall, TX**  
230

231 **City Secretary Kristy Cole read Mr. Turner's comments (submitted via email) aloud. Mr. Turner has**  
232 **concern about the size of these homes in comparison to the lot size and the size of the nearby homes.**  
233 **He generally spoke in opposition of approval of these two requests.**  
234

235 **Taylor & Price Pointer**  
236 **602 Williams St.**  
237 **Rockwall, TX**  
238

239 **The Pointers wrote, expressing concern about the two homes to be placed on two of three lots on the**  
240 **old address of 702 Parks. They asked that the owner of the land build only the proposed two houses**  
241 **on the land that is available (so use the three lots as just two). Under the Unified Development Code,**  
242 **which was recently updated to protect established neighborhoods with no HOA, building only two**  
243 **houses spaced appropriately on the land available would remain "architecturally and visually similar or**  
244 **complementary to existing housing in the established subdivision." If three houses must be approved,**  
245 **we ask that they match the surrounding houses by decreasing the square footage to about 1600 sq ft**  
246 **to, again, match the neighborhood. They believe that approval of these requests may set a precedence**  
247 **that will encourage investors to buy homes, tear them down, and built large, newer homes. They**  
248 **believe this would change the look and charm of Old Town. They indicated that huge homes on small**  
249 **lots do NOT preserve the integrity of Old Town. They asked Council to please deny the SUP, or request**  
250 **the owner to build three smaller homes.**  
251

Council and staff further discussed the nature of this SUP request and sought and received some clarification regarding language included in the existing Unified Development Code (UDC) related to homes needing to be architecturally and visually similar to nearby structures.

Mr. Miller clarified that the only factors Council may consider when deciding to approve or disapprove this request is whether or not it is architecturally and visually similar to nearby structures. Clarification was given that the two dissenting votes related to the Planning & Zoning Commission recommending approval of the request were related to height concerns (but the height is conforming, per Mr. Miller).

Mr. Crowley, City Manager, further clarified that some recent legislative changes were made related to building materials.

Councilmember Hohenshelt clarified that we are talking about land coverage ratios....we regulate the "foot print" (the lot coverage ratio). Clarification took place regarding square footage numbers being discussed and shared this evening. The lot coverage ratio and height are both in compliance with our requirements. So the only thing to consider is visual similarity of these homes as compared to ones nearby.

Pruitt asked if anyone would like to make a motion at this time. He (Pruitt) then moved to deny this SUP request because it is difficult to decide if this proposed home is "visually similar" to other, nearby structures. Councilmember Daniels seconded the motion. It was pointed out that Councilman Trowbridge has recused himself from this agenda item tonight. Following additional discussion regarding the 'ramifications of denial' and a clarification of the motion to deny this request, the motion to deny failed by a vote of 2 in favor (of denial) (Pruitt and Johannesen) and 4 against (Daniels, Fowler, Hohenshelt, Macalik) and 1 recusal (Trowbridge).

Councilman Hohenshelt then moved to approve the SUP request. Councilmember Macalik seconded the motion. Mayor Pruitt asked if anyone else would like to speak. There being no one indicating such, he then closed the public hearing. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 20-XX  
SPECIFIC USE PERMIT NO. S-1XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.161-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 8, BLOCK D, FOREE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* 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 4 in favor with 2 against (Pruitt and Johannesen) and 1 recusal (Trowbridge).

3. **Z2020-003** - Hold a public hearing to discuss and consider a request by Reese Baez on behalf of the owner Amanda Henry for the approval of an **ordinance** for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.161-acre parcel of land identified as Lot 7, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 610 Parks Avenue, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Rick Carroll came forth with Meg Murphy, new owner of Lot 16, to address Council concerning this Public Hearing item. He indicated that he is the architect of this home that is being proposed. This new landowner (Mrs. Murphy) grew up three blocks away, within this general neighborhood, and she is a Rockwall High School graduate. He pointed out that even though trees will have to be mowed down in order to actually construct this home, new trees will be planted as replacements. He pointed out that he and the landowner worked closely to ensure the Craftsman style and wood siding would fit in well with the existing neighborhood. The building elevations shown are the actual elevations that you will see once this home is built. He pointed out that existing homes could add additional square footage (i.e. a 3rd story) just by pulling a building permit.

**Meg Murphy**

**Now owns "Lot 7" (the property in question)**

Mrs. Murphy pointed out that she grew up nearby and her grandparents live two blocks away. She went on to share how important this request is to her and her family and the many reasons why. She pointed out that she and the architect (who is her dad) worked extremely hard to ensure the proposed home would match and compliment many of the other homes that are in the Old Town area of Rockwall. She pointed out that she is not asking for any variances. She shared that trees that were removed will be replaced with native, Texas, mature trees. She generally urged Council to approve this SUP request this evening.

There being on further public comments, Mayor Pruitt closed the public hearing.

Councilmember Macalik moved to approve the SUP request. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL**

**ORDINANCE NO. 20-XX**

**SPECIFIC USE PERMIT NO. S-1XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.161-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 7, BLOCK D, FOREE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A'**

345 OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS;  
346 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO  
347 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR  
348 A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
349 PROVIDING FOR AN EFFECTIVE DATE.

350 The motion to approve passed by a vote of 4 in favor, 2 against (Pruitt and Johannesen), and 1 recusal  
351 (Trowbridge).  
352

353 **4. Z2020-004** - Hold a public hearing to discuss and consider a request by Ambrocio Ibarra on  
354 behalf of the owners Arturo and Jeaniffer Osornio for the approval of an **ordinance** for a  
355 Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of  
356 constructing a single-family home on a 0.11-acre parcel of land identified as Lot 1, Block A,  
357 Sanger Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7)  
358 District, situated within the Southside Residential Neighborhood Overlay (SRO) District,  
359 addressed as 705 Peters Colony, and take any action necessary **(1st Reading)**.

360 Planning Director, Ryan Miller provided background information pertaining to this agenda item. Notices  
361 were sent out (121 notices) to property owners within 500' of the subject property, and one notice in  
362 opposition was received back by the city.

363 Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak. There  
364 being none, he closed the public hearing.

365 Councilman Hohenshelt asked and received brief clarification regarding this request.

366 Councilman Hohenshelt moved to approve the item. Councilman Trowbridge seconded the motion. The  
367 ordinance was read as follows:

368 CITY OF ROCKWALL  
369 ORDINANCE NO. 20-XX  
370 SPECIFIC USE PERMIT NO. S-XXX  
371

372 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
373 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC)  
374 [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL  
375 COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A  
376 SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN*  
377 *ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTIN OF A  
378 SINGLE-FAMILY HOME ON A 0.11-ACRE PARCEL OF LAND, IDENTIFIED  
379 AS LOT 1, BLOCK A, SANGER ADDITION, CITY OF ROCKWALL,  
380 ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN  
381 *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL  
382 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE  
383 SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
384 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
385 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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



5. **Z2020-005** - Hold a public hearing to discuss and consider a request by Ambrocio Ibarra on behalf of the owners Arturo and Jeaniffer Osornio for the approval of an **ordinance** for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.11-acre parcel of land identified as Lot 1, Block A, Sanger Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 703 Peters Colony, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak. There being no one present indicating such, he then closed the public hearing.

Councilman Trowbridge moved to approve Z2020-005. Councilman Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 20-XX  
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTIN OF A SINGLE-FAMILY HOME ON A 0.11-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, SANGER ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* 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 7 ayes to 0 nays.

6. **Z2020-006** - Hold a public hearing to discuss and consider a request by the owner Greg Givens for the approval of an **ordinance** for a Specific Use Permit (SUP) for an accessory building that exceeds the maximum size requirements on a one (1) acre parcel of land identified as Lot 2, Block B, Saddlebrook Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 2308 Saddlebrook Lane, and take any action necessary **(1st Reading)**.

**Marty Wright**  
**2340 Saddlebrook Lane**

Rockwall, TX

Mr. Wright came forth and shared that he had previously, personally come forth to ask for approval of a detached garage. He pointed out that the square footage of what Mr. Givens is proposing does fall within the same size of square footage of other detached garages that council has previously approved in the past. He urged Council to use the same methodology of previously approved requests of this nature in order to compare 'apples to apples.' Mr. Wright generally spoke in favor of Council approving Mr. Givens' request this evening. He did, however, point out what he suspects are the real reasons why his previously requested detached garage was denied by Council in the past (because it was proposed to be a metal building). If this is all about square footage, he urged Council to approve Mr. Givens' request this evening.

Jeff Barron  
2324 Saddlebrook Lane  
Rockwall, TX

Mr. Barron shared that he has only lived in this neighborhood for about 3 years. He went on point out that they live near the county, not 'in' the county, and he has concerns about a metal building being approved within the city limits. He does not believe that a metal building like this and of this size will aesthetically look appealing and fit in with the surrounding neighborhood. He believes this metal building will deteriorate faster than if it were brick. He urged Council not to approve this request tonight.

Joyce Whisenhunt  
2381 Saddlebrook  
Rockwall, TX

This neighborhood began being built in 2001. She and her husband moved into their home in 2002. This is a subdivision of about 45 homes, and it is a horseshoe shaped neighborhood that is surrounded by the County, yet it is in the city. She shared that she believes the Givens are very nice people, and she acknowledged they maintain their property very well. She and her husband acknowledge that the Council cannot regulate building material any longer due to recent, new State law. However, she has concerns about the large size of the proposed structure.

Mayor Pruitt called for a brief break and recessed the meeting at this point (7:40 p.m.).  
He called the meeting back to order at 7:50 p.m.

Mrs. Whisenhunt came forth again to address Council. She showed a handout of information she gathered on her own regarding detached garages that she obtained from the Central Appraisal District website. She shared that there are 9 detached garages in the neighborhood, but she only has information on 7 of them. All of them, she pointed out, are brick, and they all match the existing homes' structures. She generally spoke in opposition to approval of this request this evening.

474 **Lee Harvey**  
475 **2361 Saddlebrook Lane**  
476 **Rockwall, TX**  
477

478 **He shared that he moved into this neighborhood back in 2012. He explained that the neighborhood**  
479 **does not have an HOA, so the residents rely heavily on the City to help protect them. He pointed out**  
480 **that several neighbors are in opposition of this request. He generally expressed concern about the**  
481 **Council possibly approving this request this evening. He spoke in opposition of this request.**  
482

483 **Kevin Berger**  
484 **2364 Saddlebrook Lane**  
485 **Rockwall, TX**  
486

487 **Mr. Berger came forth and expressed he agrees with those other neighbors who have expressed**  
488 **opposition to this being approved. He is against it and believes one that is smaller and less obtrusive**  
489 **would be more desirable.**  
490

491 **Steve and Kristi Arenas**  
492 **2377 Saddlebrook Lane**  
493 **Rockwall, TX**  
494

495 **The Arenas' indicated that they are opposed to the 30'x40' oversized metal building (detached garage)**  
496 **being proposed within their neighborhood. It will not conform to the overall appearance of their**  
497 **community, and will be an eyesore to the neighborhood. They went on to ask Council to vote against**  
498 **all oversized metal buildings (detached garages) within their lovely neighborhood.**  
499

500 **Steve Griffin**  
501 **2348 Saddlebrook Ln.**  
502 **Rockwall, TX**  
503

504 **Mr. Griffin wrote in support of the applicant's proposed accessory building. He believes it is the right of**  
505 **the property owner to build whatever structure they feel they need in order to protect their property.**  
506 **He does not believe Mr. Givens will build a big, ugly structure, but – rather – one that has character,**  
507 **features and enhancements that will coordinate with the rest of his beautiful property. He generally**  
508 **spoke / wrote in favor of the Council approving Mr. Givens' request this evening.**  
509

510 **Patti Muggeo**  
511 **2317 Saddlebrook Lane**  
512

513 **Mrs. Muggeo wrote in opposition of approval of this request this evening. She realizes that State law**  
514 **has recently changed, but metal buildings can still be regulated. She urged Council to vote against**  
515 **oversized metal buildings in her neighborhood**  
516

517 **Mr. Willard Thomas**  
518 **2337 Saddlebrook Lane**  
519 **Rockwall, TX 75087**  
520

521 **Mr. Thomas wrote in favor of approval of this request, stating he has no problem with this proposal.**  
522

523 **One e-mail that did not provide a name or address was read by Mrs. Cole. The email stated that she**  
524 **and her husband are NOT in opposition. In fact, they may appreciate receiving the builder's information**  
525 **because they may want to build one for themselves.**  
526

527 **One, additional e-mail from someone who desired to remain anonymous was read by Mrs. Cole, with**  
528 **the writer generally stating that they are in support of Council approving Mr. Givens' request this**  
529 **evening.**  
530

531 **Mayor Pruitt then read some of the emails he received concerning this Public Hearing item this evening.**  
532

533 **Shawn and Wendy Minich**  
534 **(no address given)**  
535

536 **The couple expressed concern about the size and metal material of the proposed structure. They**  
537 **generally wrote in opposition of the request, urging Council to deny it.**  
538

539 **Dawn Defebaugh**  
540 **2380 Saddlebrook Lane**  
541 **Rockwall, TX**  
542

543 **Mrs. Defebaugh wrote, expressing concern about the large size of the structure being proposed. She**  
544 **wrote in opposition of its approval.**  
545

546 **Martha Griffey**  
547 **2325 Saddlebrook Lane**  
548 **Rockwall, TX**  
549

550 **Ms. Griffey indicated concerns related to the large size and outside appearance (metal) of the proposed**  
551 **building. She pointed out that there are larger detached garages in the neighborhood; however, they**  
552 **are bricked. She is generally opposed to approval of this request.**  
553

554 **Kevin & Debbie Berger**  
555 **2364 Saddlebrook Lane**  
556 **Rockwall**  
557

558 **Mr. and Mrs. Berger wrote, generally expressing opposition to this request being approved this evening.**  
559 **They pointed out several neighbors are in opposition of approval of this request. She believes it will**

not be aesthetically pleasing and will decrease the property values. They are opposed to approval of this request.

Mr. and Mrs. Harvey  
2361 Saddlebrook Lane

The Harveys wrote an email that Mayor Pruitt read, generally expressing opposition to this proposed metal building being approved this evening.

There being no one else wishing to come forth and speak and no other e-mailed, public comments to be read, Mr. Givens - the applicant - then came forth to address the Council concerning his request. Mr. Givens generally expressed that he is asking for this detached garage in an effort to get all of his vehicles out of the outdoor elements and 'under cover' to protect them from the elements and possible theft associated with them. He shared that he plans to put a 'porch' on the metal structure, which is solely in an effort to make it look better - he is not going to go out and sit on the porch of this structure. Mr. Givens shared aerial photographs he obtained from Google Earth that shows comparisons of existing structures in the neighborhood as compared to the size of the structure he is proposing to build. He went on to show a couple of photos of a building that is very similar to the one he would like to build. He pointed out that it will have a 30 year paint warranty, and it will be welded - not bolted. He does not believe that this building will decrease property values. In fact, he believes that any realtor will agree that accessory buildings only increase the value of a property. He expressed that the metal building he is proposing will not deteriorate over time. He works hard to maintain his property in a nice condition. If he had the money to brick it, he would; however, he cannot afford to do so. He asked Council to consider approving his request to build this detached garage this evening.

At the request of Councilman Trowbridge, Mr. Givens provided some clarification regarding the size of the structure, pointing out that it will take up less than 3% of his one acre lot's yard.

Clarification took place regarding the recent State law changes associated with disallowing a city to regulate building materials. Mr. Miller clarified that materials can be considered in this instance because the request was a Specific Use Permit (SUP), which allows the City Council to review all aspects of a proposal. If it were attached to the home, the material could not be regulated / considered by Council.

Councilmember Johannesen spoke, generally expressing a conundrum associated with the decision related to either approval or denial of this particular request this evening.

Clarification took place related to potential 'denial' and 'denial with prejudice' associated with Council action on this request.

General discussion took place pertaining to previous accessory buildings / detached garages that had been approved by Council in the past.

Following the discussion, Councilman Trowbridge moved to approve Z2020-006. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 20-XX  
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *DETACHED GARAGE* THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE AND HEIGHT ON A ONE (1) ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK B, SADDLEBROOK ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* 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 failed by a vote of 2 ayes with 5 nays (Macalik, Hohenshelt, Pruitt, Daniels and Johannesen).

Mayor Pruitt then moved to deny the request for an SUP associated with Z2020-006. Councilman Hohenshelt seconded the motion. The motion passed by a vote of 5 in favor with 2 against (Trowbridge and Fowler).

**7. Z2020-007** - Hold a public hearing to discuss and consider a request for the approval of an ordinance for a Text Amendment to amend Article 08, Landscape and Screening, of the Unified Development Code (UDC) for the purpose of changing the fence standards for existing and infill single-family and duplex properties, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Mayor Pruitt opened the public hearing. There being no one present to address the Council, he then closed the public hearing.

Councilman Trowbridge moved to approve Z2020-007. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 20-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION

08.03(B), *FENCE STANDARDS FOR EXISTING AND INFILL SINGLE-FAMILY AND DUPLEX PROPERTIES*, OF ARTICLE 08, *LANDSCAPE AND FENCE STANDARDS*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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 nay (Fowler).

**8. Z2020-008** - Hold a public hearing to discuss and consider a request by Scott Mommer of Lars Andersen & Associates, Inc. on behalf of Suzanne Russo of Home Depot USA, Inc. for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow the Rental, Sales and Service of Heavy Machinery and Equipment in conjunction with an existing general retail store on an 11.389-acre parcel of land identified as Lot 1, Block A, Home Depot-Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 765 E. IH-30, and take any action necessary (**1st Reading**).

Mr. Miller, Planning Director provided background information pertaining to this agenda item. He explained that this is related to a desire for the local Home Depot to have outside storage and sales of heavy equipment. Mr. Miller pointed out that this the storage will be required to be screened. This is not a high visibility location - it is located next to an existing building at the South of the property that is currently a salon.

Mayor Pruitt opened the public hearing and invited the applicant to come forth and speak at this time.

Reese Beerhalter  
6308 Wincrest Drive  
Plano, TX

Reese came forth, indicating he was happy to entertain any questions. There being no questions and no one else wanting to speak, Mayor Pruitt closed the public hearing.

Councilman Johannesen moved to approve Z2020-008. Councilmember Hohenshelt seconded the motion. The ordinance was then read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 20-XX  
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW RENTAL, SALES, AND SERVICE OF HEAVY MACHINERY AND EQUIPMENT ON AN 11.389-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, HOME DEPOT-ROCKWALL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS;

689 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
690 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
691 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
692

693 The motion passed by a vote of 7 ayes to 0 nays.  
694

695 Mayor Pruitt addressed Appointment Items next during the meeting.  
696

697 **IX. ACTION ITEMS**

- 698 1. Discuss and consider repealing Resolution No. 19-23 to adopt a new resolution to increase  
699 the number of members on the Comprehensive Plan Advisory Committee (CPAC), and take  
700 any action necessary.

701 Councilman Fowler shared that a citizen has come forth, expressing an interest in serving on this  
702 committee. So, the proposed resolution is to allow for an increase in the number of members allowed  
703 to serve on the CPAC. Mr. Miller shared that the word "minimum" was added to the resolution, so it  
704 now calls for a 'minimum of 7 members.' Councilmember Fowler moved to approve the resolution.  
705 Mayor Pruitt seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).  
706

707 At 8:56 p.m., Mayor Pruitt recessed the public meeting. He read the following discussion items into  
708 the public record for Executive Session.  
709

710 **X. EXECUTIVE SESSION**

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

- 713 1. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071  
714 (Consultation with Attorney).  
715 2. Discussion regarding a Temporary Access License Agreement for Breezy Hill Road pursuant to  
716 § Section 551.071 (Consultation with Attorney).  
717 3. Discussion regarding possible acquisition of real property in the vicinity of the municipal  
718 airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with  
719 Attorney).  
720 4. Discussion regarding appointment of city council subcommittees and board liaisons pursuant  
721 to Section, §551.074 (Personnel Matters).  
722 5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,  
723 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)  
724 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

725 **XI. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

726 Mayor Pruitt reconvened the public meeting at 9:09 p.m.



727 Pruitt moved to approve and authorize the execution of a temporary access license agreement for  
728 Breezy Hill Road. Trowbridge seconded the motion, which passed unanimously of those present (7 ayes  
729 to 0 nays).

730 Pruitt moved to appoint Travis Sales as the city's designated representative on the Rockwall County  
731 Open Space Alliance. Fowler seconded the motion, which passed unanimously of those present (7 ayes  
732 to 0 nays).

733 **XII. ADJOURNMENT**

734 The meeting was adjourned at 9:10 p.m.

735

736 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 6<sup>th</sup> DAY OF**  
737 **APRIL, 2020.**

738

739

740

741 **ATTEST:**

742

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

743

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

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# AGENDA

## ROCKWALL CITY COUNCIL EMERGENCY MEETING

THURSDAY, MARCH 19, 2020 – 4:00 P.M.

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

### I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:01 p.m. (remotely, through joining by cell phone).

Present in person were Mayor Pro Tem Dana Macalik and Council Members Trace Johannesen, Bennie Daniels, Kevin Fowler, John Hohenshelt and Patrick Trowbridge. Also present were Assistant City Manager Mary Smith and (by cell phone) City Attorney Frank Garza and City Secretary Kristy Cole.

### II. OPEN FORUM\*

No one was present in person to speak; however, the City Secretary read comments aloud from the following individuals:

Ben Weible  
Trout Rd.  
Rockwall, TX

Mr. Weible submitted a lengthy statement via [publiccomments@rockwall.com](mailto:publiccomments@rockwall.com) in advance of the meeting. Ms. Cole, City Secretary, read his comments aloud. He generally expressed concern about 'government' dictating what actions are and are not appropriate for citizens to take related to the COVID-19 virus. He has concerns about the city's recent disaster declaration that was issued. He generally expressed disagreement with the government shutting down local businesses, as he believes individual businesses should make those decisions on their own, for themselves. He believes the economic impact of what may result may be quite concerning. He encouraged Council to reconsider its stance on 'backyard chickens.'

Mona Garrison  
(no address given)

Mrs. Garrison wrote via [publiccomments@rockwall.com](mailto:publiccomments@rockwall.com), generally expressing concern about restaurants, gyms, businesses, etc. being allowed to remain open at this time (while the COVID-19 virus is spreading). She urged the City to take appropriate measures to protect the public from the virus.

Hal and Karen Hutchins  
(no address given)

This public comment simply suggested that the city close bars and restaurants.

Ms. Shirley Moon wrote, expressing concerns about the COVID-19 virus. She believes that businesses need to be shut down and safety measures (such as gloves being used in restaurants and other related measures) need to be taken right away. She is concerned about hospitals potentially being overwhelmed. She has concerns about how schools may eventually reopen and how bus drivers will operate (especially since a lot of them are older, retired folks). She generally encouraged the public to band together to inhibit the spread of the virus.

**III. DISCUSS AND CONSIDER EXTENSION AND/OR MODIFICATION OF MAYOR'S DECLARATION OF LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY, AND TAKE ANY ACTION NECESSARY.**

Mayor Pruitt thanked the city staff and city attorney for all of its assistance in getting to where we are today. Mayor Pruitt explained that he recently issued an emergency disaster declaration, and the Council needs to decide on modifications to that declaration at the meeting this evening. Pruitt went on to suggest that he believes it will be prudent to cancel all board and commission meetings until April 7. He reminded everyone that the Council will meet at its regular meeting on Monday, April 6, and – at that time – Council will be able to make some further decisions regarding this new disaster declaration that is being worked through this evening. It was pointed out that there are no enforcement provisions in the most recent declaration issued by the Governor.

Discussion took place pertaining to enforcement provisions outlined in Section 13 of the proposed, updated declaration. Council also discussed cancelling all boards and commission meetings, including P&Z, until April 7. Online permitting and payments were discussed, with Mrs. Smith indicating that the City has already been doing online permitting for a while now. The declaration would just serve to remind and encourage people to utilize those online services. Discussion took place related to the planning-related “shot clock.” Pruitt indicated that he and the city attorney, Mr. Garza, have evaluated this matter extensively today, and they both believe the City would be able to defend itself if it were to be sued over a “shot clock” related plan submission. Pruitt shared that the Governor waived some of the Open Meetings Act provisions, and that has allowed the Council to meet how it is meeting this evening (with the mayor attending and participating by phone).

Fowler shared that the Governor's declaration references “social gatherings” and the city's references “mass gatherings” of 50. He sought clarification from Council on this particular, proposed limitation. Pruitt suggested that Council considers following the Governor's language. Council decided that its draft declaration will be modified to reflect “social gathering” in place of anywhere where “mass gathering” appears and that it will be limited to 10 people (instead of 50 people).

Discussion ensued pertaining to Section 9 of the draft, local declaration related to places of employment, office spaces, hotels, residential buildings, grocery stores, shopping malls, etc.

Mrs. Smith shared that staff will be testing out video teleconferencing options tomorrow morning. Johannesen agreed that ‘virtual’ or ‘remote’ meetings will be critical so that business does not grind to a halt.

Hohenshelt spoke to Section 11 in the proposed declaration, and Pruitt shared he is in favor of adopting the Governor's language (in general) and then adding fine / enforcement provisions. It was

pointed out that the Governor's new declaration provisions will go into effect at midnight tomorrow night. Council spoke about the language where it talks about "avoid" certain types of places. Fowler expressed that he interprets that to mean that we would essentially be shutting those types of places down.

City Attorney Frank Garza spoke about the proposed language in Section 10, sharing that it is consistent with the Governor's declaration in that bars, restaurants, microbreweries, wineries, distilleries, etc. will be able to remain open as long as they have drive-in or drive-through services that allow for take out, delivery or drive-thru. Garza shared that the Governor's language may not be clear in the order document; however, in his press conference, he was clear that he is directing those types of business to close unless they have the ability to have pick up or drive-thru services.

Hohenshelt shared that the language seems to be addressing the citizen – not the establishment. Garza again stated that the Governor – in his press conference – was very clear that he was ordering the closure of bars, restaurants, gyms, and any facility where there could be more than 10 people. However, he was allowing bars or restaurants to stay open as long as they have pick-up or delivery services. Garza acknowledged that the Governor's order states "shall avoid" and that in his press conference he indicated that they should outright close, so he knows that it is in fact confusing.

Garza went on to brief Council on Section 14 and Section 15, generally stating that if anything is not included in the local declaration or if anything may be in conflict, then the Governor's proclamation shall control.

Hohenshelt went on to ask Council if it would like to include Section 11 language that makes it very clear that those sorts of establishments are being ordered to close. He pointed out that the City has the opportunity to clarify what is otherwise vague in the Governor's order by keeping Section 11 language in the local declaration.

Pruitt expressed concern that the language in the Governor's order allows for "drive-thru massage parlors;" however, he does not believe that was the Governor's intention. General discussion took place briefly to this end.

Hohenshelt suggested that restaurants may want to be separated out in the language from other places of business such as gyms. Garza pointed out that the draft Section 10 language addresses restaurants, and they are not addressed at all in Section 11 language.

Trowbridge expressed some concern about shopping malls being called out to be closed, but places like gas stations and grocery stores are "wide open" and will have no restrictions placed on it.

Macalik recapped the conversation, thus far, to her understanding. Sections 10 and 11 will be kept "as is." The phrase "mass gatherings" will be changed to "social gatherings." Sections 6, 7, 8, and 9 will be changed as discussed. The new Sections 14 and 15 will be kept and will remain in force. In addition, online permitting and fees will be added, and the cancellation of boards & commissions thru April 7 will be added to the document. Pruitt clarified that the new declaration will be effective thru April 7. Pruitt shared that these provisions will be effective immediately through April 7 at 11:59 p.m. Smith clarified that the Governor's provisions become effective tomorrow night at midnight, so she questions making the new, local declaration effective immediately (i.e. will restaurants close tonight?). Pruitt pointed out that under the initial, local declaration, the 50% capacity rule is already

in place. Discussion ensued pertaining to when these new regulations would become effective. Hohenshelt pointed out that we probably have 80% compliance with these new provisions anyway, stating that most restaurants already have signs on their windows and have already transitioned to drive-thru, delivery or carry-out.

Hohenshelt then moved to approve the declaration with the changes expressed being incorporated. Councilman Trowbridge seconded the motion, which passed by a vote of 6 ayes in person and 1 aye remotely (Pruitt, by cell phone).

Pruitt provided brief, closing comments, generally acknowledging that the challenges being faced by the city and the public will essentially be fluid and ever-changing / evolving in the coming days and weeks. He stated that these circumstances are very serious, and he wishes everyone the best. Council encouraged citizens to support local restaurants and businesses by ordering take-out.

#### IV. ADJOURNMENT

Pruitt adjourned the meeting at 4:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 6<sup>th</sup> DAY OF APRIL, 2020.

ATTEST:

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

\_\_\_\_\_  
KRISTY COLE, CITY SECRETARY

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## CITY OF ROCKWALL

### ORDINANCE NO. 20-06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY 1 (SF-1) DISTRICT FOR A ONE (1) ACRE PARCEL OF LAND IDENTIFIED AS LOT 8, BLOCK B, ZION HILL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ADDRESSED AS 844 ZION HILL CIRCLE AND BEING MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'A'* 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 Chris Kehrer of Titan Contractors on behalf of the owner David Choate for a change in zoning from an Agricultural (AG) District to a Single-Family 1 (SF-1) District for a one (1) acre parcel of land identified as Lot 8, Block B, Zion Hill Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 844 Zion Hill Circle and more fully depicted in *Exhibit 'A'* 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 [*Ordinance No. 20-02*] 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. 20-02*] of the City of Rockwall, Texas, as heretofore amended, be and the same is 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 Single-Family 1 (SF-1) District.

**SECTION 2.** That the *Subject Property* shall be used only in the manner and for the purposes provided for a *Single-Family 1 (SF-1) District* as stipulated in Subsection 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*, and Subsection 03.05, *Single-Family 1 (SF-1) District*, of Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*] 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 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.

**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 6<sup>TH</sup> DAY OF APRIL, 2020.**

---

Jim Pruitt, Mayor

**ATTEST:**

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Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

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Frank J. Garza, City Attorney

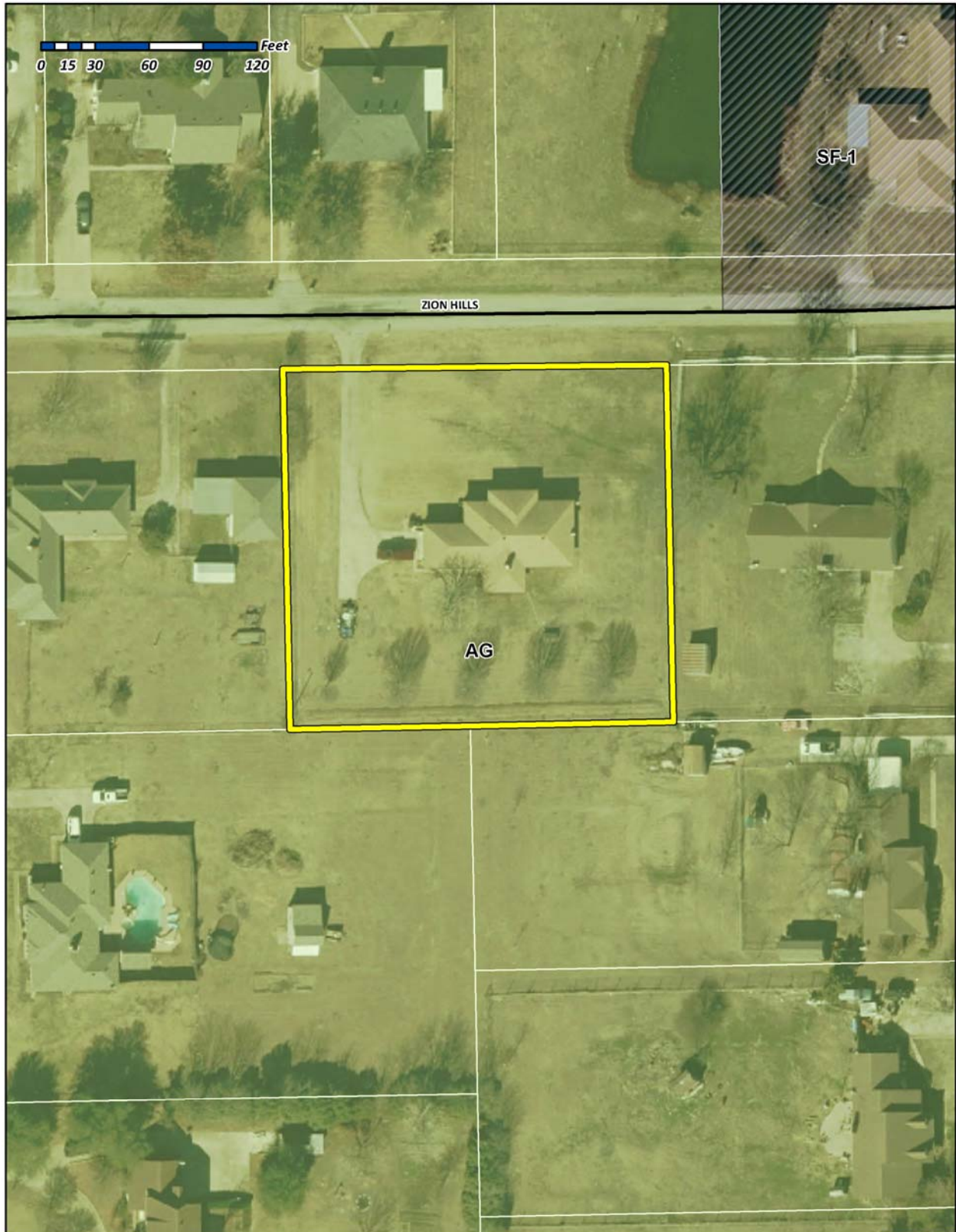
1<sup>st</sup> Reading: March 16, 2020

2<sup>nd</sup> Reading: April 6, 2020

**Exhibit 'A'**  
**Zoning Exhibit**

Address: 844 Zion Hill Circle

Legal Description: Lot 8, Block B, Zion Hill Addition



# Exhibit 'B'

## Survey

**SURVEY PLAT**

**TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:—**  
 This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. Zion Hills Circle in the City of County of Rockwall, being described as follows:

Lot No. 8, Block No. 8, City Block No.   
 of Zion Hill Estates, an addition to the City of County of Rockwall  
 Texas, according to the 11th plat thereof recorded in Vol. , at page 23 of the Plat  
 Map Deed Records of Rockwall, County, Texas

**ZION HILLS CIRCLE**

The plat hereon is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location, and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street, or road, is as shown on said plat.

**THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN**

**SCALE:** 1" = 40'  
**DATE:** 2-10-79  
**RE-SURVEY:**

Bob O. Brown Land Surveyor  
 302 W. 1st St. Rockwall, Texas 75087  
 Rockwall 722-3036 Dallas 226-7522

*Bob O. Brown*  
 Registered Public Surveyor

DRAWN	CHECKED

Z2020-001

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**CITY OF ROCKWALL**

**ORDINANCE NO. 20-07**

**SPECIFIC USE PERMIT NO. S-213**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.11-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, SANGER ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* 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 Ambrocio Ibarra for the approval of a Specific Use Permit (SUP) to allow *Residential Infill in an Established Subdivision* to allow the construction of a single-family home on a 0.11-acre parcel of land being described as Lot 1, Block A, Sanger Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 705 Peters Colony, 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 (UDC) [Ordinance No. 20-02] 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 (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow the construction of a single-family home in an established subdivision in accordance with Article 4, *Permissible Uses*, the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*, and,

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards* and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 5, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and may be amended in the future -- and the following conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property* and conformance to these operational conditions are required:

- 1) The Development of the Subject Property shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'B'* of this ordinance.
- 2) The Construction of a single-family home on the Subject Property shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance; and,
- 3) Once construction of the single-family home has been completed, inspected, and accepted by the City, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

## 2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 2.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the Subject Property to comply with the following:

- 1) Upon obtaining a Building Permit, should the contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlines in the Unified Development Code (UDC), the City may (after proper notice) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

**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.** 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 offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** That 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.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 6<sup>TH</sup> DAY OF APRIL, 2020.**

---

Jim Pruitt, Mayor

**ATTEST:**

---

Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

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Frank J. Garza, City Attorney

1<sup>st</sup> Reading: March 16, 2020

2<sup>nd</sup> Reading: April 6, 2020



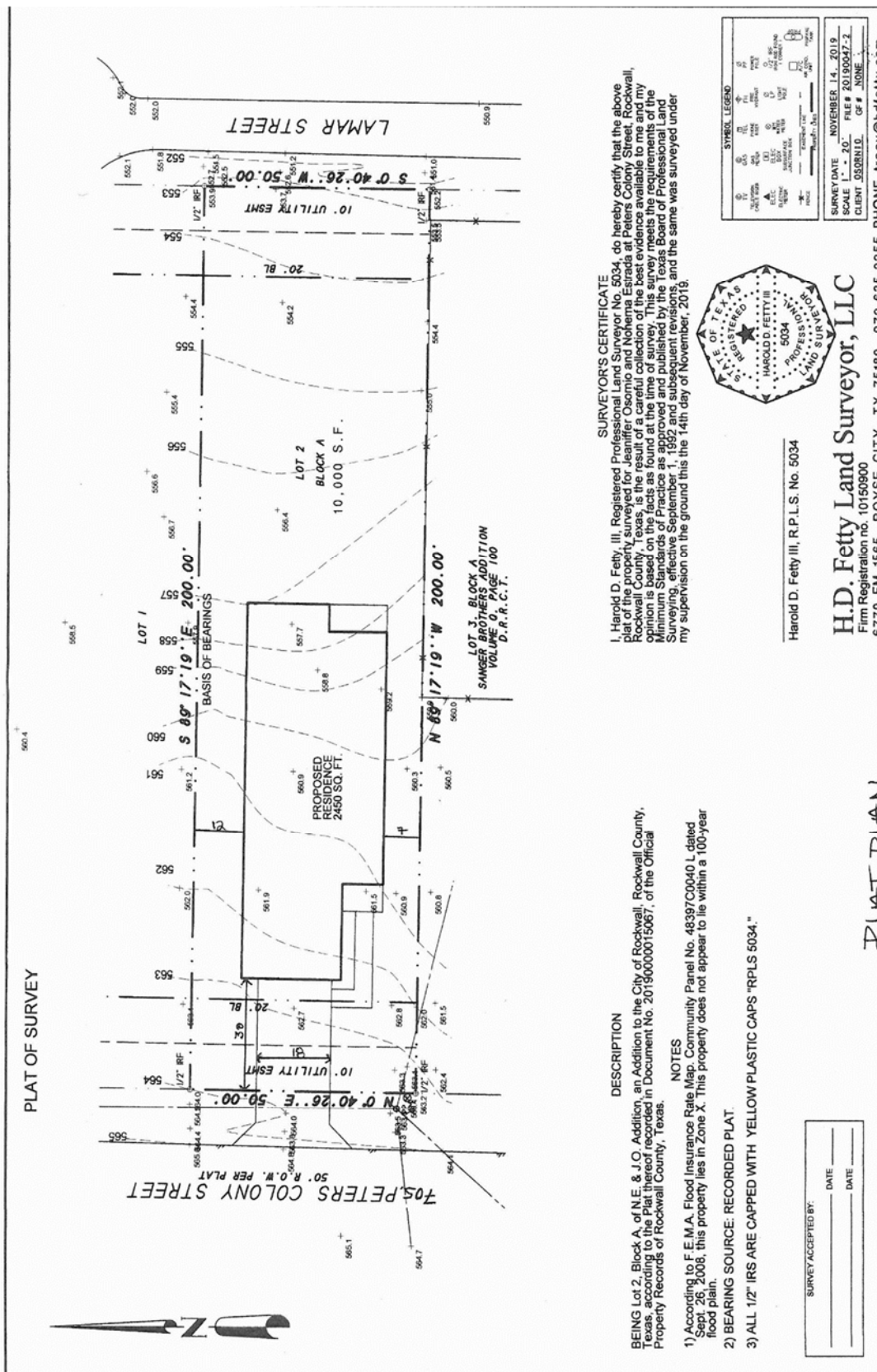
**Exhibit 'A'**  
**Zoning Exhibit**

Address: 705 Peters Colony

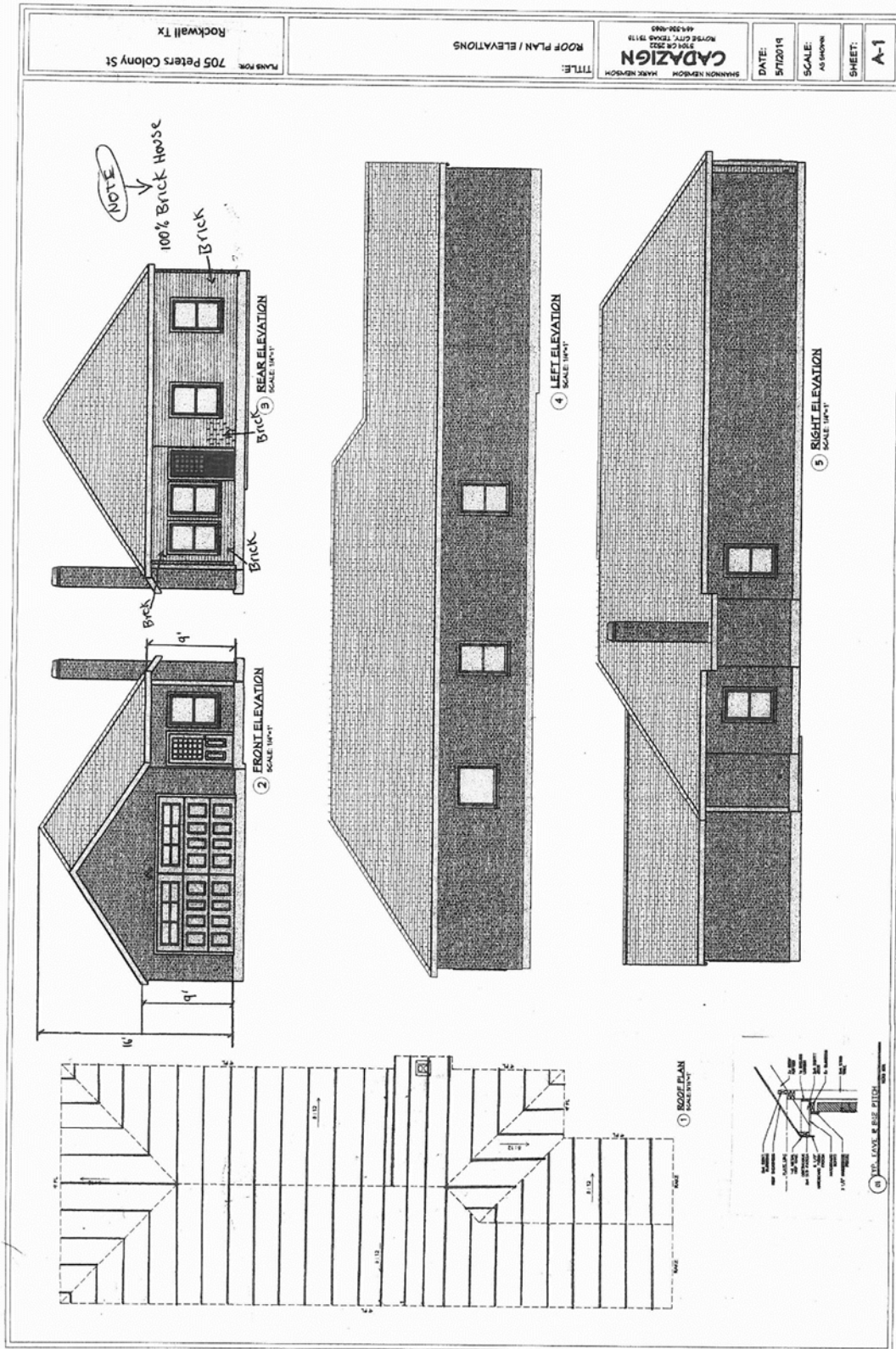
Legal Description: Lot 1, Block A, Sanger Addition







**Exhibit 'C':**  
*Building Elevations*



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**CITY OF ROCKWALL**

**ORDINANCE NO. 20-08**

**SPECIFIC USE PERMIT NO. S-214**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.11-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, SANGER ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* 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 Ambrocio Ibarra for the approval of a Specific Use Permit (SUP) to allow *Residential infill in an Established Subdivision* to allow the construction of a single-family home on a 0.11-acre parcel of land being described as Lot 2, Block A, Sanger Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 703 Peters Colony, 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 (UDC) [Ordinance No. 20-02] 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 (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow the construction of a single-family home in an established subdivision in accordance with Article 4, *Permissible Uses*, the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*, and,

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards* and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 5, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and may be amended in the future -- and the following conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property* and conformance to these operational conditions are required:

- 1) The Development of the Subject Property shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'B'* of this ordinance.
- 2) The Construction of a single-family home on the Subject Property shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance; and,
- 3) Once construction of the single-family home has been completed, inspected, and accepted by the City, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

## 2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 2.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the Subject Property to comply with the following:

- 1) Upon obtaining a Building Permit, should the contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlines in the Unified Development Code (UDC), the City may (after proper notice) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

**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.** 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 offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** That 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.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 6<sup>TH</sup> DAY OF APRIL, 2020.**

---

Jim Pruitt, Mayor

**ATTEST:**

---

Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

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Frank J. Garza, City Attorney

1<sup>st</sup> Reading: March 16, 2020

2<sup>nd</sup> Reading: April 6, 2020

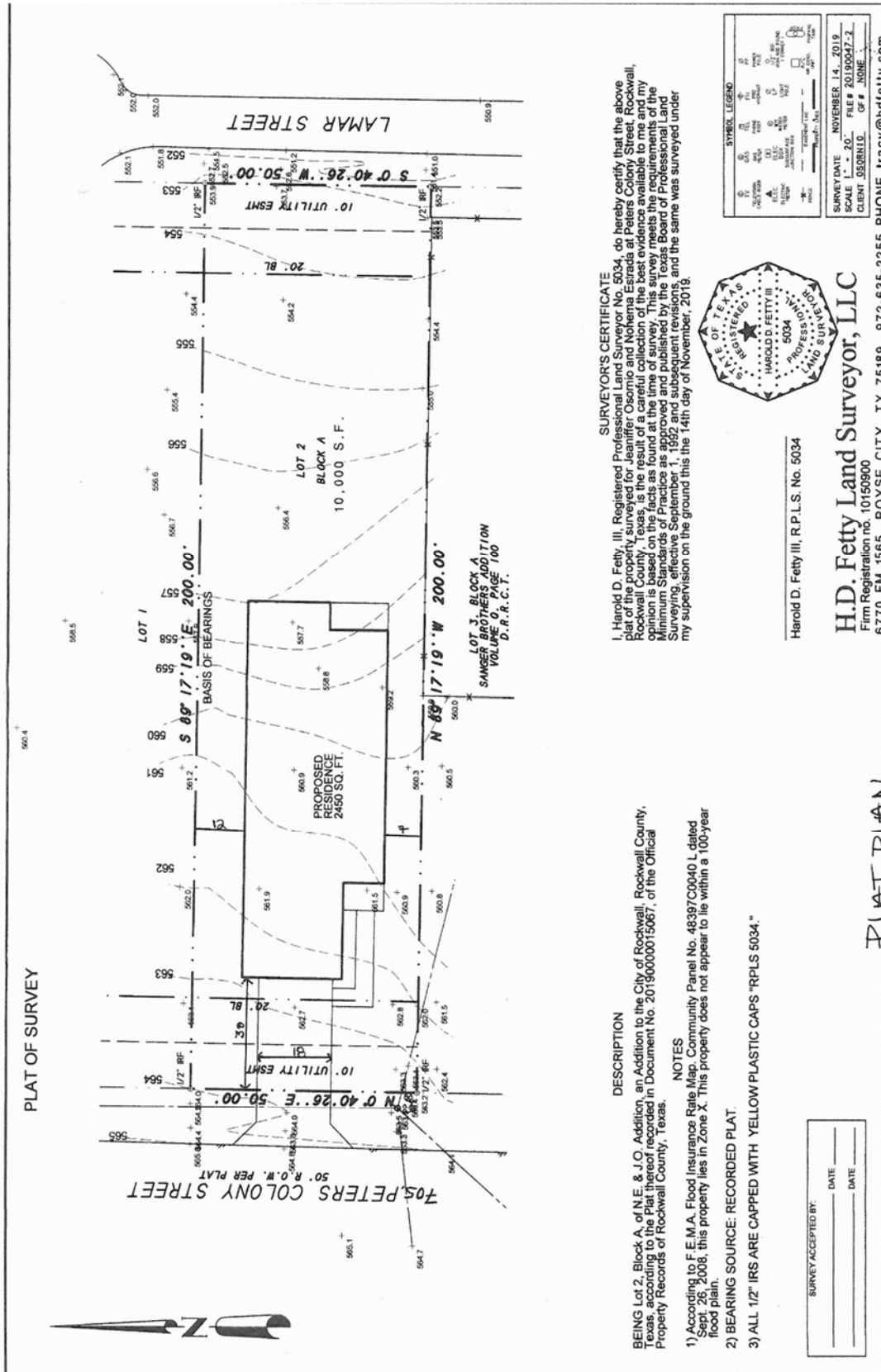
**Exhibit 'A'**  
**Zoning Exhibit**

Address: 703 Peters Colony

Legal Description: Lot 2, Block A, Sanger Addition

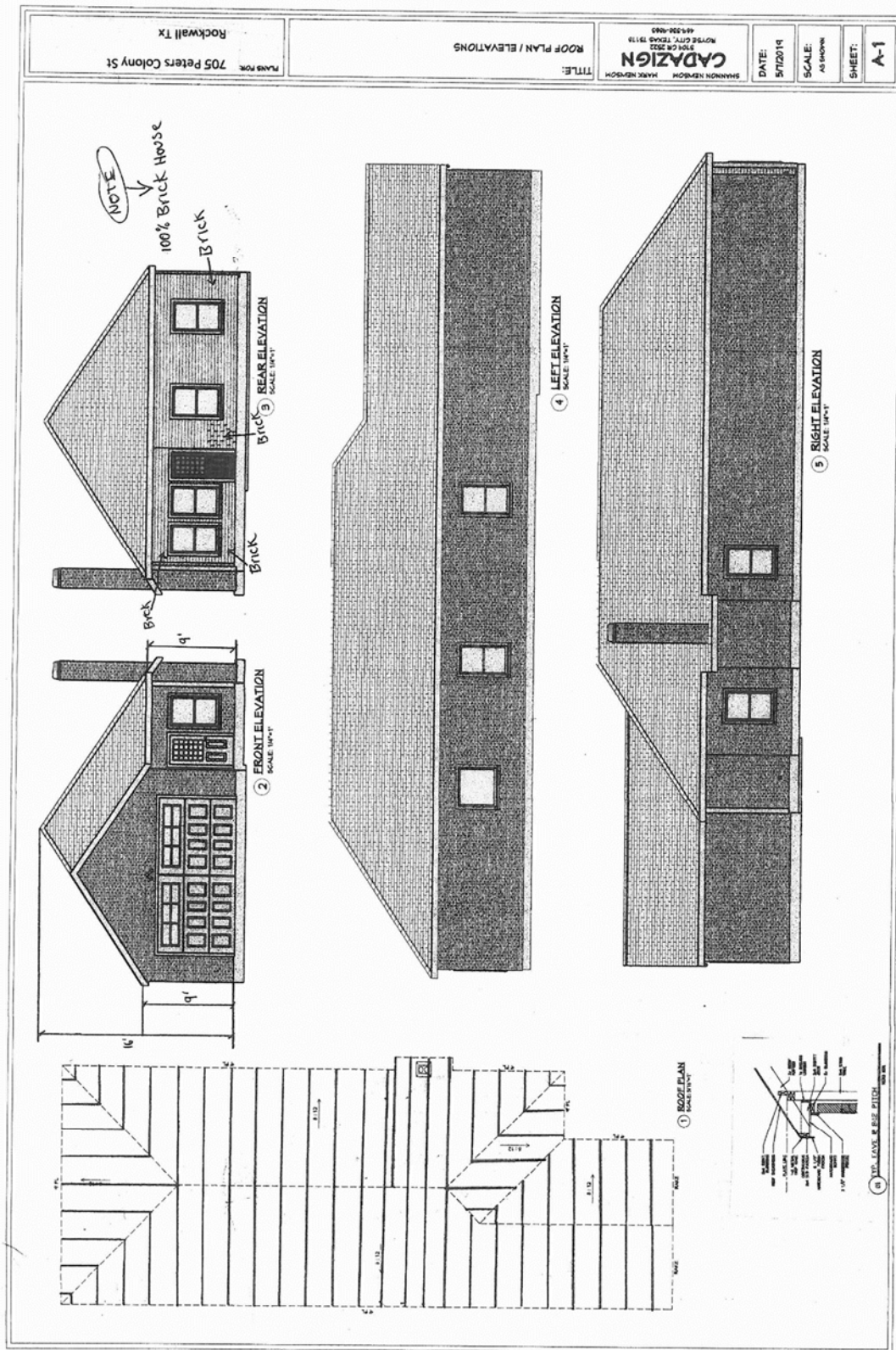








**Exhibit 'C':**  
**Building Elevations**



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**CITY OF ROCKWALL**

**ORDINANCE NO. 20-09**

**SPECIFIC USE PERMIT NO. S-215**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW RENTAL, SALES, AND SERVICE OF HEAVY MACHINERY AND EQUIPMENT ON AN 11.389-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, HOME DEPOT-ROCKWALL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' 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 Scott Mommer of Lars Andersen & Associates for the approval of a Specific Use Permit (SUP) to allow *Rental, Sales, and Service of Heavy Machinery and Equipment* on a 11.38-acre parcel of land being described as Lot 1, Block A, Home Depot-Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 765 E. IH-30, 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 (UDC) [Ordinance No. 20-02] 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 (UDC) [Ordinance No. 20-02] 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 *Rental, Sales, and Service of Heavy Machinery and Equipment* as stipulated by Section 01, *Land Use Schedule*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*; and,

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 07.03, *Non-Residential District Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and as may be amended in the future --, and the following conditions:

## 2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the *Rental, Sales, and Service of Heavy Machinery and Equipment* land use on the *Subject Property* and conformance to these conditions are required for continued operations:

- 1) All outside rental, sales, and service of heavy machinery and equipment shall conform to the concept plan depicted in *Exhibit 'B'* of this ordinance.
- 2) The outside storage area depicted in *Exhibit 'B'* of this ordinance shall be screened in accordance with the screening requirements stipulated by the Unified Development Code (UDC). An amended site plan showing conformance to these screening requirements shall be submitted and approved by the Planning and Zoning Commission prior to the establishment of this land use.
- 3) The outside storage of machinery and equipment shall only be stored in the area depicted in *Exhibit 'B'* of this ordinance and labeled as *Proposed THD Equipment Rental (10 Stalls)*.
- 4) The equipment and machinery stored in the outside storage area depicted in *Exhibit 'B'* of this ordinance be stowed in a position so as to not extend any part of the equipment or machinery in an upward or outward manner.
- 5) This Specific Use Permit (SUP) shall not be construed to permit the outside storage of equipment and machinery for outside display, nor does it permit additional outside storage of other materials that are not associated with the *Rental, Sales, and Service of Heavy Machinery* land use.
- 6) Maintenance and/or service of any equipment and/or machinery shall not be performed on site.

## 2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 2.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) Upon obtaining a building permit, should the homeowner 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 2.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, 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.** 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 offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** That 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.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 6<sup>TH</sup> DAY OF APRIL, 2020.**

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

**ATTEST:**

\_\_\_\_\_  
Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, City Attorney

1<sup>st</sup> Reading: March 16, 2020

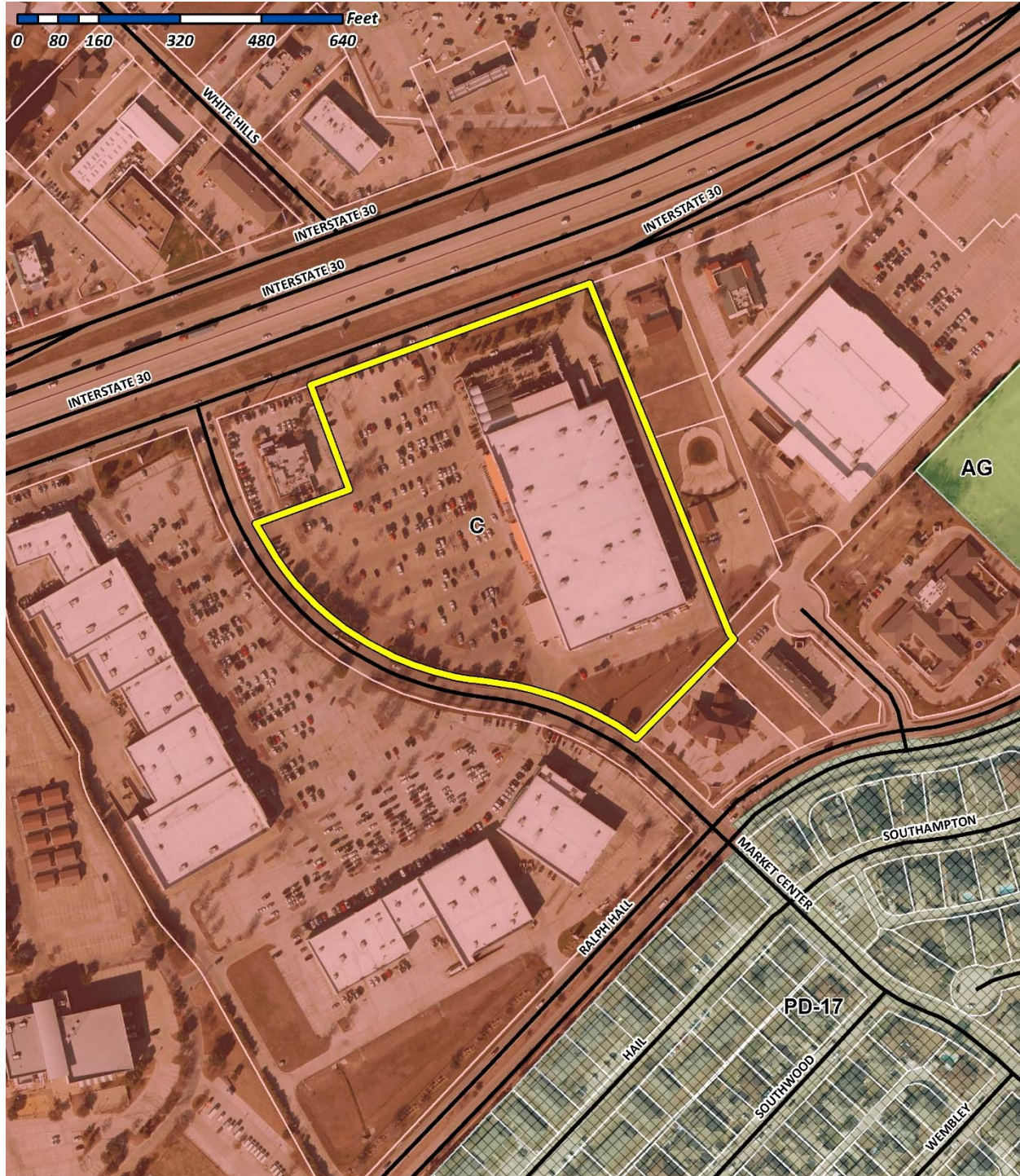
2<sup>nd</sup> Reading: April 6, 2020



**Exhibit 'A'**  
**Zoning Exhibit**

Address: 765 E. IH-30

Legal Description: Lot 1, Block A, Home Depot-Rockwall Addition



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City of Rockwall  
*The New Horizon*

## MEMORANDUM

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**TO:** Rick Crowley, City Manager  
**FROM:** Amy Williams, Director of Public Works/City Engineer  
**DATE:** March 19, 2020  
**SUBJECT:** State Highway 66 – Temporary Speed Limit Reduction Request

---

Staff received a request from the Texas Department of Transportation (TXDOT) Area Office, requesting the City adopt a reduction of the speed limit for travel along State Highway 66 from MP (mile point) 609.829 to MP 610.796 (see attachment for limits). TXDOT is concerned with the safe speed during construction of the Farm to Market 3549 (FM 3549) and State Highway 66 (SH-66) intersection.

TXDOT has requested the speed be temporarily reduced from 55 miles per hour (mph) to 45 mph during the construction of FM 3549. Once the project construction is complete, the speed limit will be changed to the speed recommended by a traffic study performed by TXDOT.

Staff requests that the City Council consider approving the attached ordinance for the temporary reduction of the current 55 miles per hour speed limit along SH-66 to 45 miles per hour from MP 609.829 to MP 610.796 during construction of FM 3549 and take action as necessary.

AJW:em

Attachment:

Cc: Mary Smith, Assistant City Manager  
Joey Boyd, Assistant City Manager  
Max Geron, Chief of Police  
File

**CITY OF ROCKWALL**

**ORDINANCE NO. 20-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL TEXAS, ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON STATE HIGHWAY NO. 66 OR PARTS THEREOF, WITHIN THE INCORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS, AS SET OUT IN THIS ORDINANCE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200.00 FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 545.356 of the Texas Transportation Code, provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration that width and condition of the pavement and other circumstances such portion of said street or highway, as well as the traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway;

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

**SECTION 1.** Upon the basis of an engineering and traffic investigation heretofore made as a authorized by the provisions of Transportation Code, Section 545.356, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and

**SECTION 2.** Such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described within this ordinance; and

**SECTION 3.** That from and after the date of the passage of this speed zone ordinance, no motor vehicle shall be operated along and upon State Highway No. 66 within the corporate limits of the City of Rockwall in excess of speeds now set forth in Exhibit "A" of this ordinance until the completion and/or acceptance of the project shall make the is ordinance null and void. At such time, the speed limit shall revert to the originally posted prima facie speed limit.

**SECTION 4.** The Mayor of Rockwall or his designee is hereby authorized to cause to be erected, appropriated signs indicating such speed zones; and

**SECTION 5.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed Two Hundred Dollars (\$200.00).

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 20<sup>TH</sup> DAY OF APRIL, 2020.**

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

**ATTEST:**

\_\_\_\_\_  
Kristy Cole, City Secretary

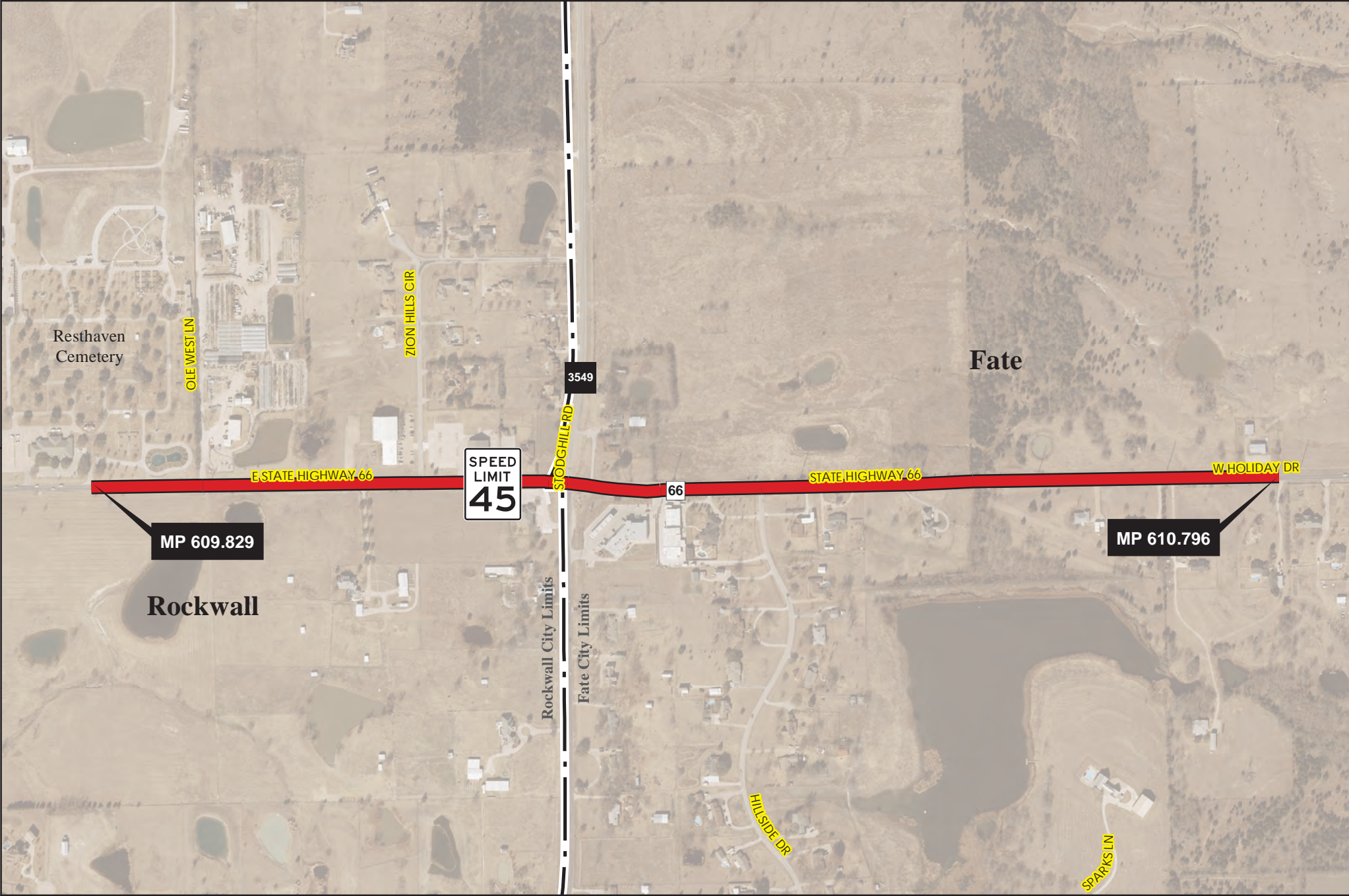
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, City Attorney

1<sup>st</sup> Reading: April 06, 2020

2<sup>nd</sup> Reading: April 20, 2020

EXHIBIT A  
STRIP MAP



City of  
Rockwall



0 150 300 Feet  
Date: 3/23/2020

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.

EXHIBIT A

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City of Rockwall  
*The New Horizon*

## MEMORANDUM

---

**TO:** Rick Crowley, City Manager

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

**DATE:** March 19, 2020

**SUBJECT:** IH-30 Speed Zone Study

---

On March 16, 2020, the City of Rockwall received a letter from the Texas Department of Transportation (TXDOT) advising that a speed zone study along Interstate 30 (IH-30) was conducted at the request of the TXDOT Dallas District's Director of Operations. TXDOT requested the speed study of IH-30 in Dallas and Rockwall Counties to re-evaluate the speed limit. The studied section of IH-30 within the City Limits of Rockwall begins from the western city limit line at MP (mile point) 03.358 and ends approximately a half mile east of State Highway 205 (SH-205) at MP 06.145. The current speed limit for IH-30 in this section is 65 miles per hour (mph).

The results of the speed study (see attached) recommend increasing the speed limit, along IH-30 from MP 03.358 to MP 06.145, to 70 mph.

TXDOT requires an approved City Ordinance adopting the speed recommended by their study. Upon receiving the executed ordinance from the City, TXDOT will furnish and install the necessary speed limit signs at the appropriate locations along IH-30.

Staff requests that the City Council consider approving the attached ordinance establishing the speed limit along IH-30 to 70 mph between MP 03.358 and MP 06.145 and take any action necessary.

If you have any questions, please advise.

AJW:em

Cc:

Mary Smith, Assistant City Manager  
Joey Boyd, Assistant City Manager  
Max Geron, Chief of Police

**CITY OF ROCKWALL**

**ORDINANCE NO. 20-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON INTERSTATE NO. 30 OR PARTS THEREOF, WITHIN THE INCORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$200.00 FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 545.356 of the Texas Transportation Code, provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration that width and condition of the pavement and other circumstances such portion of said street or highway, as well as the traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway;

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

**SECTION 1.** Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Transportation Code, Section 545.356, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and

**SECTION 2.** Such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described within this ordinance; and

**SECTION 3.** From and after the date of the passage of this speed zone ordinance, no motor vehicle shall be operated along and upon Interstate Highway No. 30 from MP 03.358 to MP 06.145 within the corporate limits of the City of Rockwall, as depicted in "Exhibit A" of this ordinance, in excess of speeds now set forth at 70 miles per hour; and

**SECTION 4.** The Mayor of Rockwall or his designee is hereby authorized to cause to be erected, appropriated signs indicating such speed zones; and

**SECTION 5.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed Two Hundred Dollars (\$200.00) for each offense.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
ROCKWALL, TEXAS THIS 20<sup>TH</sup> DAY OF APRIL, 2020.

---

Jim Pruitt, Mayor

**ATTEST:**

---

Kristy Cole, City Secretary

**APPROVED AS TO LEGAL FORM:**

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Frank Garza, City Attorney

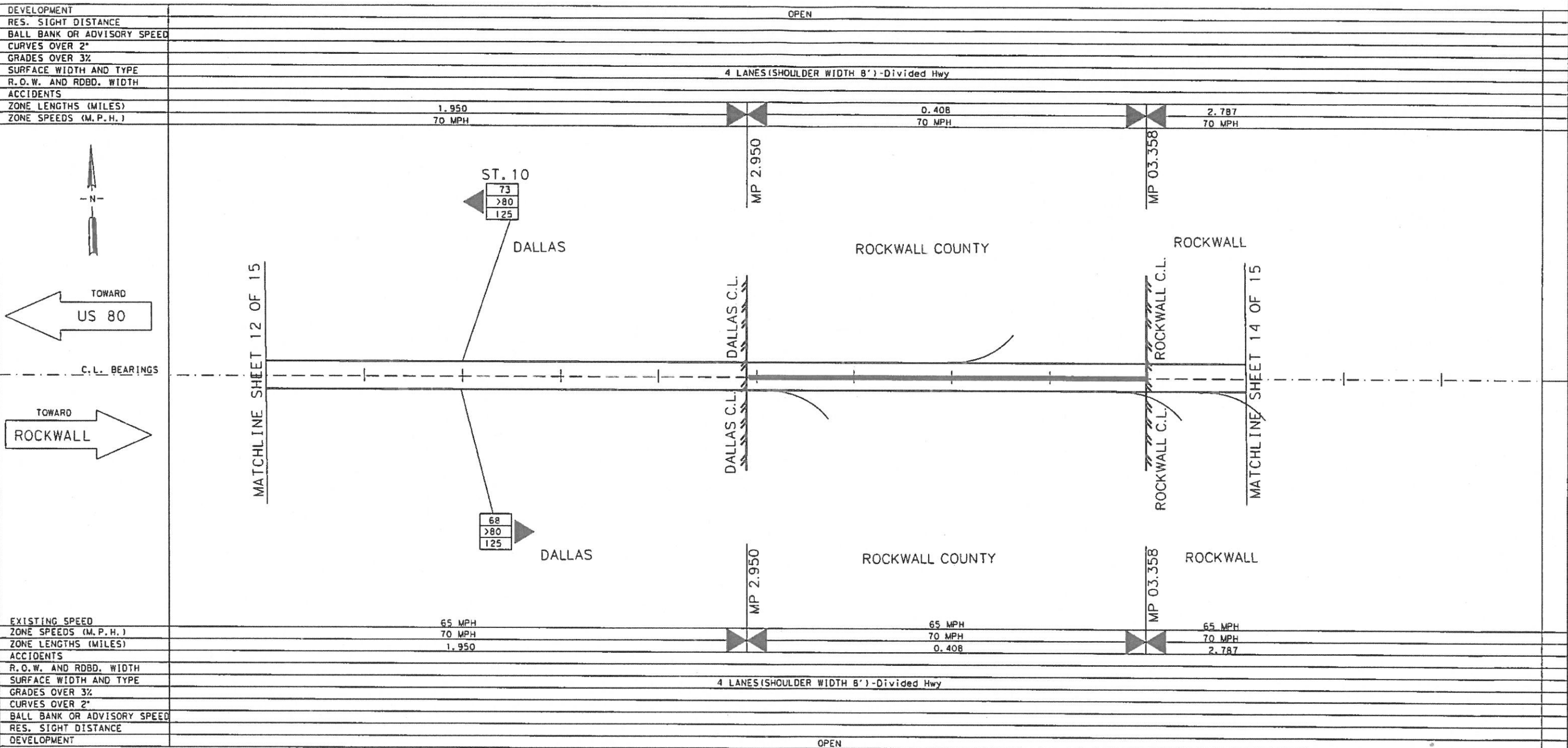
**1<sup>st</sup> Reading:** April 06, 2020

**2<sup>nd</sup> Reading:** April 20, 2020



EXHIBIT "A"

IH 30



DISTRICT: DALLAS	COUNTY: ROCKWALL	MINUTE NO. :	DATE / /
HIGHWAY: IH 30	CITY: DALLAS/ROCKWALL	REPLACES :	DATE / /
DATE OF STUDY 08-01-19	SCALE 1" = 0.1 MILES	REPLACED BY :	DATE / /
		CANCELLED BY :	DATE / /
LIMITS OF ZONE			
SECTION ONE	LENGTH MILES	SECTION TWO	LENGTH MILES
BEGINS STA. OR M.P. CONT. AND SECT. PROJECT		BEGINS STA. OR M.P. CONT. AND SECT. PROJECT	
ENDS STA. OR M.P. CONT. AND SECT. PROJECT		ENDS STA. OR M.P. CONT. AND SECT. PROJECT	

- 42 85 PERCENTILE SPEED
- 62 TOP SPEED MEASURED
- 125 NUMBER OF CARS CHECKED
- FATAL ACCIDENT
- PERSONAL INJURY ACCIDENT
- PROPERTY DAMAGE ACCIDENT
- INDICATES SECTION ZONED BY COMMISSION MINUTE
- SIGNALIZED INTERSECTION
- TRIAL RUN

SPEED ZONE

CONT. 0009 SEC. 11  
CONT. 0009 SEC. 12  
LIMITS: FROM E. OF US 80 TO E. OF SH 205

SHEET 13 OF 15

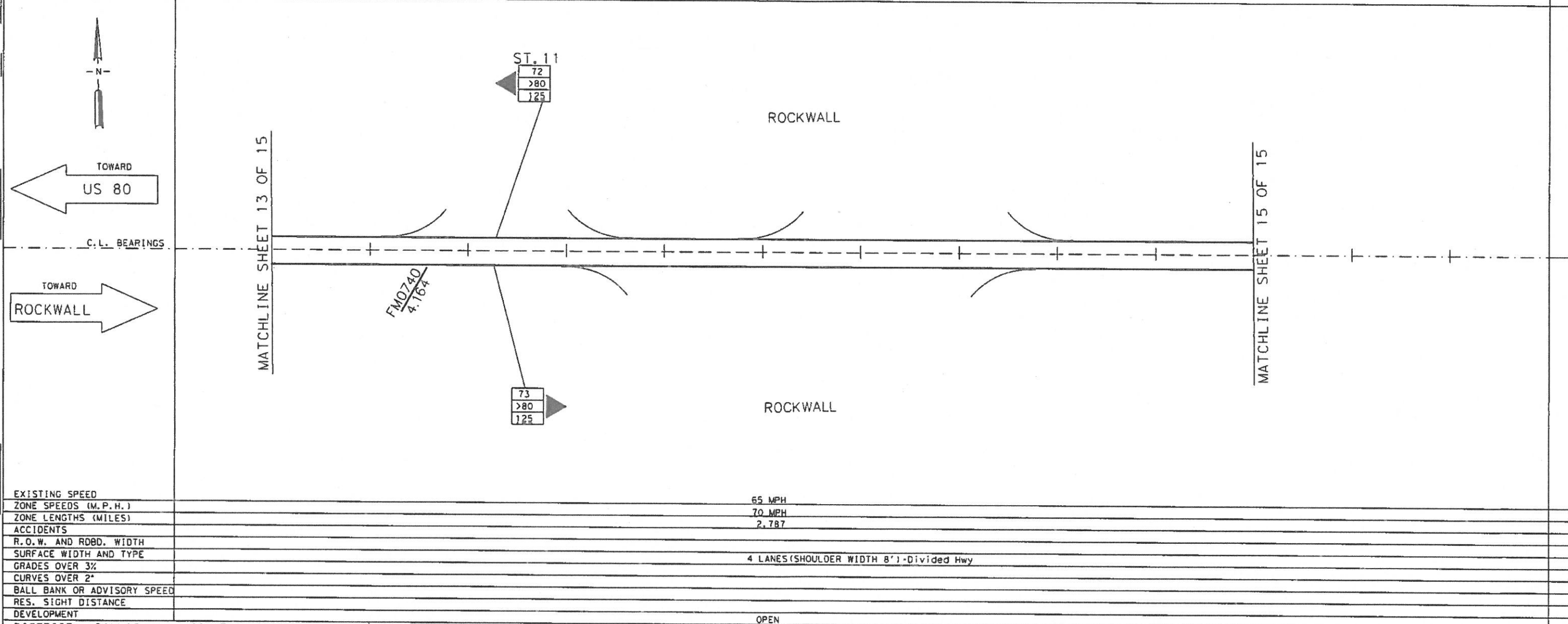
Texas Department of Transportation

SPEED STUDY  
DALLAS AND ROCKWALL COUNTIES  
IH 30

DESIGN TEAM	FED. HIL DIV. NO.	FEDERAL AID PROJECT NO.	SHEET NO.
	STATE DIST. NO.	COUNTY	
CHECKED	CHECKED NO.	SECTION NO.	DATE

IH 30

DEVELOPMENT	OPEN
RES. SIGHT DISTANCE	
BALL BANK OR ADVISORY SPEED	
CURVES OVER 2°	
GRADES OVER 3%	
SURFACE WIDTH AND TYPE	4 LANES(SHOULDER WIDTH 8')-Divided Hwy
R.O.W. AND R.O.B.D. WIDTH	
ACCIDENTS	
ZONE LENGTHS (MILES)	2.787
ZONE SPEEDS (M.P.H.)	70 MPH



DISTRICT: DALLAS	COUNTY: ROCKWALL	MINUTE NO. :	DATE / /
HIGHWAY: IH 30	CITY: ROCKWALL	REPLACES :	DATE / /
DATE OF STUDY 08-01-19	SCALE 1" = 0.1 MILES	REPLACED BY :	DATE / /
		CANCELLED BY :	DATE / /

LIMITS OF ZONE							
SECTION ONE		LENGTH	MILES	SECTION TWO		LENGTH	MILES
BEGINS	STA. OR M.P.	CONT. AND SECT.	PROJECT	BEGINS	STA. OR M.P.	CONT. AND SECT.	PROJECT
	0 + 00	-	( )		0 + 00	-	( )
ENDS	STA. OR M.P.	CONT. AND SECT.	PROJECT	ENDS	STA. OR M.P.	CONT. AND SECT.	PROJECT
	0 + 00	-	( )		0 + 00	-	( )

42	85 PERCENTILE SPEED
62	TOP SPEED MEASURED
125	NUMBER OF CARS CHECKED

- FATAL ACCIDENT
- PERSONAL INJURY ACCIDENT
- PROPERTY DAMAGE ACCIDENT

INDICATES SECTION ZONED BY COMMISSION MINUTE

SIGNALIZED INTERSECTION

TRIAL RUN

## SPEED ZONE

CONT. 0009 SEC. 11

CONT. 0009 SEC. 12

LIMITS: FROM E. OF US 80 TO E. OF SH 205

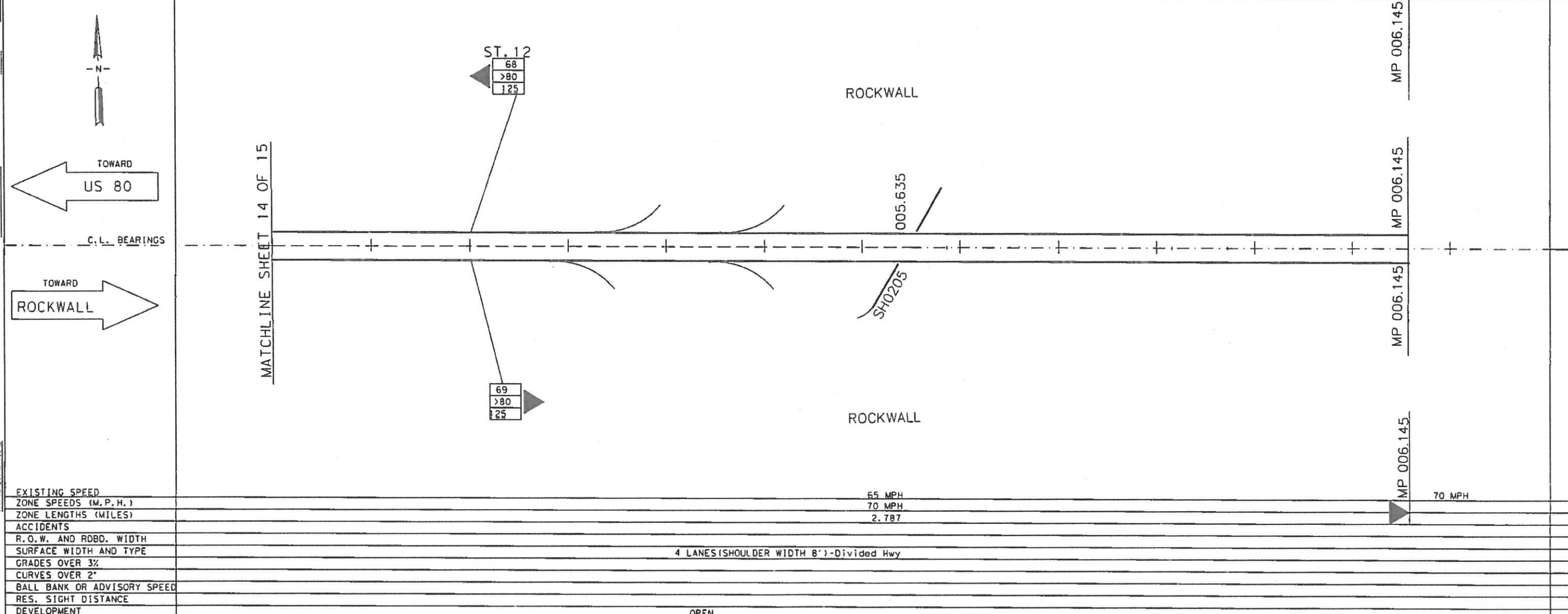
SHEET 14 OF 15

Texas Department of Transportation

SPEED STUDY  
DALLAS AND ROCKWALL COUNTIES  
IH 30

DESIGN TEAM	FED. AID DIV. NO.	FEDERAL AID PROJECT NO.	SHEET NO.
	STATE	STATE DIST. NO.	COUNTY
CHECKED	CORREL. NO.	SECTION NO.	JOB NO. HIGHWAY NO.

DEVELOPMENT	OPEN
RES. SIGHT DISTANCE	
BALL BANK OR ADVISORY SPEED	
CURVES OVER 2"	
GRADES OVER 3%	
SURFACE WIDTH AND TYPE	4 LANES(SHOULDER WIDTH 8')-Divided Hwy
R.O.W. AND R.O.B.D. WIDTH	
ACCIDENTS	
ZONE LENGTHS (MILES)	2.787
ZONE SPEEDS (M.P.H.)	70 MPH



DISTRICT: DALLAS		COUNTY: ROCKWALL		MINUTE NO. :	DATE	/	/	/
HIGHWAY: IH 30		CITY: ROCKWALL		REPLACES :	DATE	/	/	/
DATE OF STUDY 08-01-19		SCALE 1" = 0.1 MILES		REPLACED BY :	DATE	/	/	/
				CANCELLED BY :	DATE	/	/	/
LIMITS OF ZONE								
SECTION ONE		LENGTH		MILES				
BEGINS	STA. OR M.P.	CONT. AND SECT.	PROJECT	BEGINS	STA. OR M.P.	CONT. AND SECT.	PROJECT	
	0 + 00	-	( )		0 + 00	-	( )	
	MP				MP			
ENDS	STA. OR M.P.	CONT. AND SECT.	PROJECT	ENDS	STA. OR M.P.	CONT. AND SECT.	PROJECT	
	0 + 00	-	( )		0 + 00	-	( )	
	MP				MP			

- 42 85 PERCENTILE SPEED
- 62 TOP SPEED MEASURED
- 125 NUMBER OF CARS CHECKED
- FATAL ACCIDENT
- PERSONAL INJURY ACCIDENT
- PROPERTY DAMAGE ACCIDENT
- INDICATES SECTION ZONED BY COMMISSION MINUTE
- SIGNALIZED INTERSECTION
- TRIAL RUN

### SPEED ZONE

CONT. 0009 SEC. 11  
CONT. 0009 SEC. 12  
LIMITS: FROM E. OF US 80 TO E. OF SH 205

SHEET 15 OF 15

Texas Department of Transportation

SPEED STUDY  
DALLAS AND ROCKWALL COUNTIES  
IH 30

DESIGN YEAR	FED. AID DIV. NO.	FEDERAL AID PROJECT NO.	SHEET NO.
	STATE	STATE DIST. NO.	COUNTY
CHECKED	CORRECTION NO.	SECTION NO.	JOB NO.

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**CITY OF ROCKWALL, TEXAS  
MEMORANDUM**

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**TO: Park Board**

**FROM: Travis Sales, Parks and Recreation Director**

**DATE: March 3, 2020**

**SUBJECT: MANDATORY PARK LAND DEDICATION ORDINANCE**

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A component of our Mandatory Park Land Dedication Ordinance is the cash in lieu of land fee. This fee is applied when the Park Board feels that it is in the best interest of the City to accept cash-in-lieu of land for neighborhood parkland. According to our Mandatory Parkland Dedication Ordinance, the Park Board shall annually make a recommendation to the City Council and Council will set the fee by resolution. The fee is based on the average cost of neighborhood park land across the entire City.

Bryan E. Humphries and Associates completed their appraisal in January of 2020 to determine the average cost per acre of land and provided a final report. To establish comparable parcels, the properties evaluated must have easy access to utilities, public street, not be within the 100 year flood plain and not possess any unusual topography rendering the land useless for organized recreational activities. According to Mr. Humphries' report, the average cost of one acre of neighborhood park land with the above restrictions within the City limits is **\$60,000**.

Each year the cost to develop an 11 acre neighborhood park should be considered and set by Council resolution as well. It is currently set at \$1,250,000. Staff does see that this needs to be increased to \$1,285,000 for 2020. I have attached the appraisal letter completed by Mr. Humphries. \$625,000.00 would be the "per neighborhood park" cost to be used in calculation of pro-rata neighborhood park development equipment fees associated with the developer's share of the park. Ordinance and Resolutions are attached in the packet for your review. Staff requests that Park Board consider a recommendation to City Council for their review.

**CITY OF ROCKWALL, TEXAS**

**RESOLUTION NO. 20-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ADOPTING THE PER NEIGHBORHOOD PARK DEVELOPMENT COST TO BE USED IN CALCULATION OF A NEW DEVELOPMENT'S PRO RATA SHARE CONTRIBUTION FOR NEIGHBORHOOD PARK DEVELOPMENT EQUIPMENT FEES; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Rockwall desires to provide a park system which includes adequately sized and appropriately equipped Neighborhood Parks, and

**WHEREAS**, the City of Rockwall has adopted a Park and Recreation Master Plan designed to facilitate development of its Park Systems; and

**WHEREAS**, in Chapter 38. "Subdivisions," Article II. "Parkland Dedication" of the Code of Ordinances, the City of Rockwall has adopted Mandatory Neighborhood Parkland Dedication regulations designed to facilitate participation by developers (on a pro-rata basis) in acquisition and development of neighborhood parks; and

**WHEREAS**, said ordinance provisions provide that the City Council shall annually adopt a resolution establishing the "per neighborhood park development cost" to be used in calculation of a new development's pro-rata share contribution for neighborhood park development equipment fees.

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

**Section 1.** Based upon a recommendation of the City of Rockwall Parks and Recreation Board, \$625,000.00 per neighborhood park is hereby adopted as the "per neighborhood park" park development cost to be used in calculation of pro-rata neighborhood park development equipment fees;

**Section 2.** This resolution shall be in 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 6<sup>th</sup> day of March, 2020.**

---

**Jim Pruitt, Mayor**

**ATTEST:**

---

**Kristy Cole, City Secretary**

**MARKET STUDY**  
**REAL PROPERTY APPRAISAL CONSULTING REPORT**

**Prepared For**  
**Travis Sales, Parks and Recreation Director**  
**City of Rockwall**  
**108 E. Washington**  
**Rockwall, Texas, 75087**

**MARKET STUDY**  
**Average Price Per-Acre of Land in the City of Rockwall**  
**The City of Rockwall, Rockwall County, Texas**  
**EFFECTIVE DATE OF CONSULTING ASSIGNMENT**  
**JANUARY 1, 2020**

**Prepared By**  
**Bryan E. Humphries & Associates**  
**4050 McKinney Avenue**  
**Suite 210**  
**Dallas, Texas 75204**

**BRYAN E. HUMPHRIES & ASSOCIATES**  
**REAL ESTATE VALUATION AND SERVICES**

January 15, 2020

Travis Sales, Park and Recreation Director  
City of Rockwall  
108 E. Washington  
Rockwall, TX 75807

Re: Average Price Per- Acre of Land in the City of Rockwall  
City of Rockwall, Rockwall County, Texas

Mr. Travis Sales,

We are pleased to transmit this gross market study/real property appraisal consulting report that was prepared for the purpose of valuing typical parkland in the City of Rockwall. This parkland is typically five acres and in the early stages of development. Please refer to identification of project on page 4 for further explanation of the project scope. This report is a gross market study (real property appraisal consulting report) and does not involve analysis of or the inspection of a physical subject property. The purpose of this gross market study is to derive an opinion of a fee simple market value of the average price per-acre of land in the City of Rockwall, as set forth in the City of Rockwall Park Land Dedication Ordinance, Section 24-45 (b). The effective date of this gross market study is January 1, 2020.

The client should not conclude that an appraisal has been prepared, and this report should not be used for condemnation purposes. This consulting report is only intended to assist the City of Rockwall, in establishing a general value trend and current market value of the average price per- acre of land in the City of Rockwall.

**4054 McKinney Avenue, Suite 210, Dallas, Texas 75204**

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**214/528-7584 E-Mail: [behinc@flash.net](mailto:behinc@flash.net) FAX 214/528-2921**



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### **Addenda**

Qualifications of Appraisers

Assumptions and Limiting Conditions

Park Land Dedication Ordinance

## CERTIFICATE

I certify that, to the best of my knowledge and belief,...

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, unbiased professional analyses, opinions, and conclusions.

As of the date of the appraisal only, I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.

We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent on the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

Bryan Humphries has made a personal inspection of the property that is the subject of this report.

No one provided significant real property appraisal assistance to the persons signing this certificate.

I have performed a previous appraisal (1/1/13, 1/1/14, 1/1/15, 1/1/16, 1/1/17, 1/1/18, 1/1/19) involving the subject property within the three years prior to this assignment.

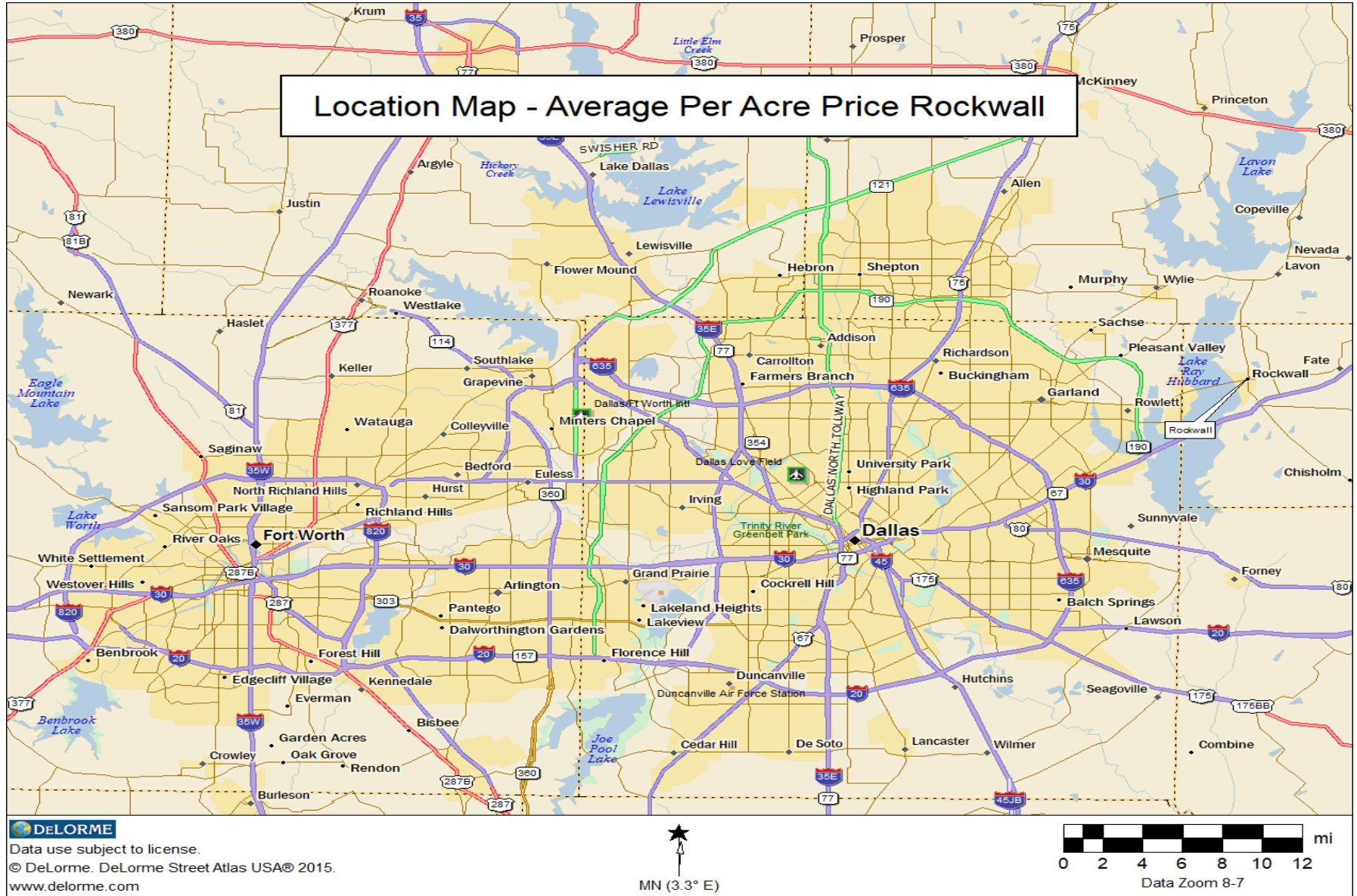
The report analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Uniform Standards of Professional Appraisal Practice of the Appraisal Institute.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

As of the date of this Study, I have completed the requirements of the continuing education program of the Appraisal Institute.



Bryan Humphries, MAI, TX-1320676-G



## **GENERAL INFORMATION & SCOPE OF WORK**

### Identification of Subject and Project

The subject property is a typical, underdeveloped, Parcel in the City of Rockwall. The parcel represents the average in the City of Rockwall, as set forth in the City of Rockwall Park Land Dedication Ordinance, Section 24-45 (b). According to the ordinance, from time to time, developers must dedicate land to the City of Rockwall in order to meet the need for park land in the area. If the dedication is not feasible, the developers must then give the City cash in lieu of land that is reflective of typical residential land in Rockwall. The client has indicated that this average residential land is typically 5 acres and in the early stages of development.

### Inspection Information, Effective Date and Date of Report

This analysis does not involve a physical subject property, only a hypothetical property, thus no inspection is required. The effective date of the assignment is January 1, 2020. The date of the report is the date of the signature on the first page of this report. Unless otherwise stated, all factors pertinent to a determination of value are considered as of this date.

### Identification of the Client/Intended User

This real property appraisal consulting report is prepared for the City of Rockwall, Mr. Travis Sales, 108 E. Washington, Rockwall, Texas 75087. Any other use or users are not intended or authorized.

### Objective of the Assignment/Intended Use

This consulting assignment is only intended to assist the client in establishing an average price per-acre of land. The client should not conclude that an appraisal has been prepared, and this report should not be used for condemnation purposes.

## General Information & Scope of Work, continued

### Appraisal Report Option

This is a real property appraisal consulting assignment that complies with the reporting requirements set forth under Standard 5 of the *Uniform Standards of professional Appraisal Practices (USPAP)*. As such, it presents sufficient information to enable the client and other intended users, as identified, to understand it properly. The depth of discussion contained in this report is specific to the needs of the client and the intended users of this property appraisal consulting report.

### Analysis Overview

As part of this consulting assignment, we have completed the following steps to gather, confirm, and analyze the data.

- ▶ Physically inspected the subject markets and the surrounding neighborhoods.
- ▶ Collected factual information about the surrounding market and confirmed that information with various sources.
- ▶ Collected market information needed to consider the three traditional approaches to value: Cost approach, sales comparison approach and income capitalization approach (if applicable).
- ▶ Prepared a real property appraisal consulting report setting forth the conclusion derived in this analysis as well as a summary of the information upon which the conclusions are based.

### Extraordinary Assumptions

An extraordinary assumption is something that is assumed to be true, but it is not certain. If it turns out to be untrue, the value conclusion could be impacted. Extraordinary assumptions are those assumptions that are specific to the assignment, as opposed to general assumptions, which could be applicable to any assignment. In this assignment, we have assumed typical general assumptions and limiting conditions as cited above. In this particular assignment, the following extraordinary assumptions were made:

- ▶ Sales and listing data obtained from the Multiple Listing Service is deemed to be sufficiently reliable data to establish overall market trends and the current market value of an average, price per-acre of land. While some knowledgeable real estate brokers and salespeople have been contacted to obtain and confirm data, the reader should be aware that not all of the sales and listing data analyzed was independently confirmed.

## General Information & Scope of Work, continued

- ▶ The client should not conclude that an appraisal has been prepared, and this consulting report should not be used for condemnation purposes. This gross market study (real property appraisal consulting report) is only intended to assist the City of Rockwall in establishing a general value trend and current market value of an average price per-acre in the City of Rockwall.
- ▶ The purpose of this consultation report is to establish the average price per acre of land in the City of Rockwall. As set forth in the City of Rockwall, Park Land Dedication Ordinance, Section 24-45(b). However, it is beyond the scope of this consultation report to estimate the actual costs of adjacent street and site utilities as stated in the ordinance (see addenda).

## Jurisdictional Exceptions

The Jurisdictional Exception Rule provides for severability preserving the balance of the *Uniform Standards of Professional Appraisal Practice (USPAP)*. If one or more parts of *USPAP* are “contrary to the law or public policy of any jurisdiction, only that part shall be void and of no force or effect in that jurisdiction.” According to *USPAP*, “A law means a body of rules with binding legal force established by the controlling governmental authority.” This includes federal and state constitutions, legislative and court made law, administrative rules, regulations and ordinances. In this assignment, there are no known conflicts of law or public policy that disregard the *USPAP*.

## Hypothetical Conditions

A hypothetical condition is that which is contrary to what exists but is supposed for the purpose of analysis. In this particular assignment, the following hypothetical condition was made:

For purposes of this analysis, the subject property is a hypothetical, undeveloped, parcel in the City of Rockwall.





## Residential Market Analysis

### Boundaries

The neighborhood boundaries are generally defined as follows:

City of Rockwall (Urban)

Outlying areas of the City of Rockwall (Suburban)

### Development Activities and Trends

Residential development comprises approximately  $\pm 80\%$  of the development in Rockwall. According to ESRI, the median 2019 home value within a 1-mile, 3-mile, and 5-mile radius of the Subject is \$249,374, \$242,752 and \$250,267 respectively.

Recent single family building permit activity in Rockwall County summarized as follows:

Rockwall County Single Family Building Permits <sup>1</sup>				
Year	Units	% Change	Average Value	% Change
2000	955	-	\$194,400	-
2001	1,267	32.7%	\$171,000	-12%
2002	1,224	-3.4%	\$171,000	0.0%
2003	1,219	-0.4%	\$168,500	-1.5%
2004	1,598	31.1%	\$168,100	-0.2%
2005	1,756	9.9%	\$183,400	9.1%
2006	1,190	-32.2%	\$201,800	10.0%
2007	759	-36.2%	\$240,200	19.0%
2008	589	-22.4%	\$192,800	-19.7%
2009	545	-7.5%	\$166,500	-13.6%
2010	489	-10.3%	\$200,800	20.6%
2011	411	-16.0%	\$233,800	16.4%
2012	675	+64.2%	\$247,700	5.9%
2013	741	+9.8%	\$256,900	3.7%
2014	965	+30.2	\$288,800	12.4%
2015	1046	+8.4	\$284,600	-1.5%
2016	1116	+6.7	\$317,000	11.4
2017	1468	+31.5	\$293,700	-7.4%
2018	1517	+3.3%	\$305,200	+3.9%
YTD Nov 19	1186		\$330,936	

<sup>1</sup> Data provided by Texas A&M Real Estate Center

As indicated by the preceding chart, new single family home activity peaked in 2005 at 1,756 permits. Building permit activity dropped significantly in 2006, 2007, and 2008, but slowed to 7.5% in 2009. New construction continued to decline in 2010, but appears to have bottomed in 2011 with 411 homes as 487 building permits were issued through September 2012. For 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019 permits have rebounded significantly, being up over  $\pm 269\%$  from 2011 levels.



## Residential Market Analysis, continued

### Demographic Trends

Population growth in Rockwall County had been slow in relation to the Dallas-Fort Worth CMSA after Lake Ray Hubbard was impounded in the 1960's. That changed when IH-30 was upgraded and the bridge widened in the 1990s. While the entire county has benefited, most of the growth has taken place along or near IH-30, and from west to east. Access remains an important factor in Rockwall County's growth pattern.

Area	1980	1990	2000	2010	2010 to 2019 Compounded Annual %Change	Estimated 2018
City of Fate	NA	477	463	6,357	9.9%	14,940
City of Heath	1,459	2,108	4,149	6,921	2.35%	8,530
City of Rockwall	5,939	10,486	17,976	37,490	1.82%	44,110
City of Rowlett	7,522	23,260	44,503	56,199	.60%	59,300
City of Royse City	1,566	2,206	2,957	9,349	3.19%	12,400
Rockwall County	14,528	25,600	43,080	78,337	2.87%	101,020

Source: U.S. Bureau of the Census & State of Texas

The population in the City of Rockwall increased 1.82% compounded annually from 2010 to its 2019 level of 44,110. The Rockwall County grew 2.87% annually to 101,020 during the same period.

### Demographics

The following chart summarizes demographic data in the Subject Neighborhood. The data was provided by ESRI, Inc., and is based on demographics in a 1,3, and 5-mile radius from the Subject Property.

Residential Market Analysis, continued

<b>2010-2019 Demographic Data (Source, ERSI, Inc.)</b>			
<b>Item</b>	<b>1 Mile</b>	<b>3 Mile</b>	<b>5 Mile</b>
2010 Population	6,945	32,537	82,777
2019 Population	7,454	40,798	101,715
2010-2019 Population Growth Rate	7.32%	25.4%	22.9%
Projected 2024 Population	8,403	45,982	115,258
Projected 5-Year Growth Rate- annually	2.43%	2.42%	2.53%
2019 Households	2,704	14,036	33,385
2019 Average Household Size	2.65	2.87	3.02
2019 Median Household Income	\$85,275	\$97,362	\$97,567
2019 Average Household Income	\$100,571	\$110,472	\$114,918
2019 Per Capita Income	\$36,926	\$38,248	\$38,017
2019 Housing Units	2,834	14,712	34,963
2019 Owner Occupied Housing Units	77.1%	77.7%	80.1%
2019 Renter Occupied Housing Units	18.2%	17.7%	15.4%
2019 Vacant Housing Units	4.6%	4.6%	4.5%
Projected 2024 Housing Units	3,262	16,820	39,700
2019 Median Home Value	\$249,374	\$242,752	\$250,267

The following data is compiled from the North Texas Real Estate Information Systems and analyzed by the Real Estate Center at Texas A&M University. According to the data as of December 2019 (includes residential, commercial and farm and ranch) the number of closed transactions year-to-date for lots and vacant land in the Rockwall market area has increased 3% and the average price has decreased 15%. The average sold to list price has decreased to  $\pm 89\%$  and the average days on market has decreased 13%. Pending sales have increased by 6% and months inventory has increased to 19.6 months. The increase in pending sales is an indicator of possible increase transaction levels in the coming months.

<b>Year-to-Date Sales Closed by Area for: December 2019 Lots and Vacant Land – Part 1</b>								
<b>Area</b>	<b>Sales</b>	<b>%Change Year Ago</b>	<b>Dollar Volume</b>	<b>% Change Year Ago</b>	<b>Average Price</b>	<b>% Change Year Ago</b>	<b>Median Price</b>	<b>% Change Year Ago</b>
34	146	+3%	\$25,122,804	-13%	\$172,074	-15%	\$117,500	+7%

Residential Market Analysis, continued

Year-to-Date Sales Closed by Area for: December 2019 Lots and Vacant Land – Part 11								
Area	Price per SF	%Change Year Ago	Sold to List Price	% Change Year Ago	Co-op Sales	% Change Year Ago	DOM	% Change Year Ago
34			89%	-2%	68%	+6%	154	-13%

Year-to-Date Sales Closed by Area for: December 2019 Lots and Vacant Land – Part 11								
Area	Pending Sales	%Change Year Ago	New Listings	% Change Year Ago	Active Listings	% Change Year Ago	Months Inventory	% Change Year Ago
34	165	+6%	341	+7%	239	+11%	19.6	+8%

The following data is also compiled from the North Texas Real Estate Information Systems and analyzed by the Real Estate Center at Texas A&M University. According to the data as of December 2019 the number of closed transactions year-to-date for single family residences in the Rockwall market area increased 4% and the average price increased 3%. The average price per square foot has increased 2% and the average days on market has increased 17%. Pending sales have increased 5% and months of inventory has increased 3.3%.

Year-to-Date Sales Closed by Area for: December 2019 Single Family – Part 1								
Area	Sales	%Change Year Ago	Dollar Volume	% Change Year Ago	Average Price	% Change Year Ago	Median Price	% Change Year Ago
34	2239	4%	\$765,511,861	+8%	\$341,899	+3%	\$293,000	+1%

Year-to-Date Sales Closed by Area for: December 2019 Single Family – Part 11								
Area	Price per SF	%Change Year Ago	Sold to List Price	% Change Year Ago	Co-op Sales	% Change Year Ago	DOM	% Change Year Ago
34	\$129	+2%	98%	0%	90%	0%	63	+17%

Year-to-Date Sales Closed by Area for: December 2019 Single Family – Part 11								
Area	Pending Sales	%Change Year Ago	New Listings	% Change Year Ago	Active Listings	% Change Year Ago	Months Inventory	% Change Year Ago
34	2,389	+5%	3,011	+1%	618	+12%	3.3	+7%

## Residential Market Analysis, continued

### Conclusions

Rockwall has shown strong population growth over the past twenty years and employment trends are positive. The area is rapidly being developed with commercial and residential uses. In the future, Rockwall County is anticipated to be a strong growing area of the Metropolex. The neighborhood is considered to be in a growth life stage and the overall aspects are considered to be good.

## DATA ANALYSIS

### Description and Analysis of the Subject

For purposes of this analysis, the subject property is a typical, undeveloped, parcel in the City of Rockwall. According to the client, the City of Rockwall will be using the data to value parklands ranging in size from 1 to 10 acres. The client instructed the appraisers to base adjustments on a typical 5 acre residential parcel.

### Description of the Data and Analysis

The purpose of this analysis is to determine the average value of a residential, undeveloped, parcel within the City of Rockwall. The parcel is assumed to have paved street access, utilities and to be in the early stages of development.

Sales and listing data was obtained from the NTREIS Multiple Listing Service. Our queried data included all residential land sales from one tenth of an acre to twenty acres in the City of Rockwall. Included within the data are land sales of parcels improved with typical subdivision infra-structure (i.e. paved streets, utilities, engineering, platting, etc.) and those that do not have these improvements. These sales have been adjusted to reflect their condition above and below the average undeveloped parcel. Within our analysis we have also considered historical land sale prices and trends as these are good indicators of current prices and prices going forward and provide a helpful frame of reference for the overall market. Other factors considered and adjusted for within the sales data include parcel size and location.

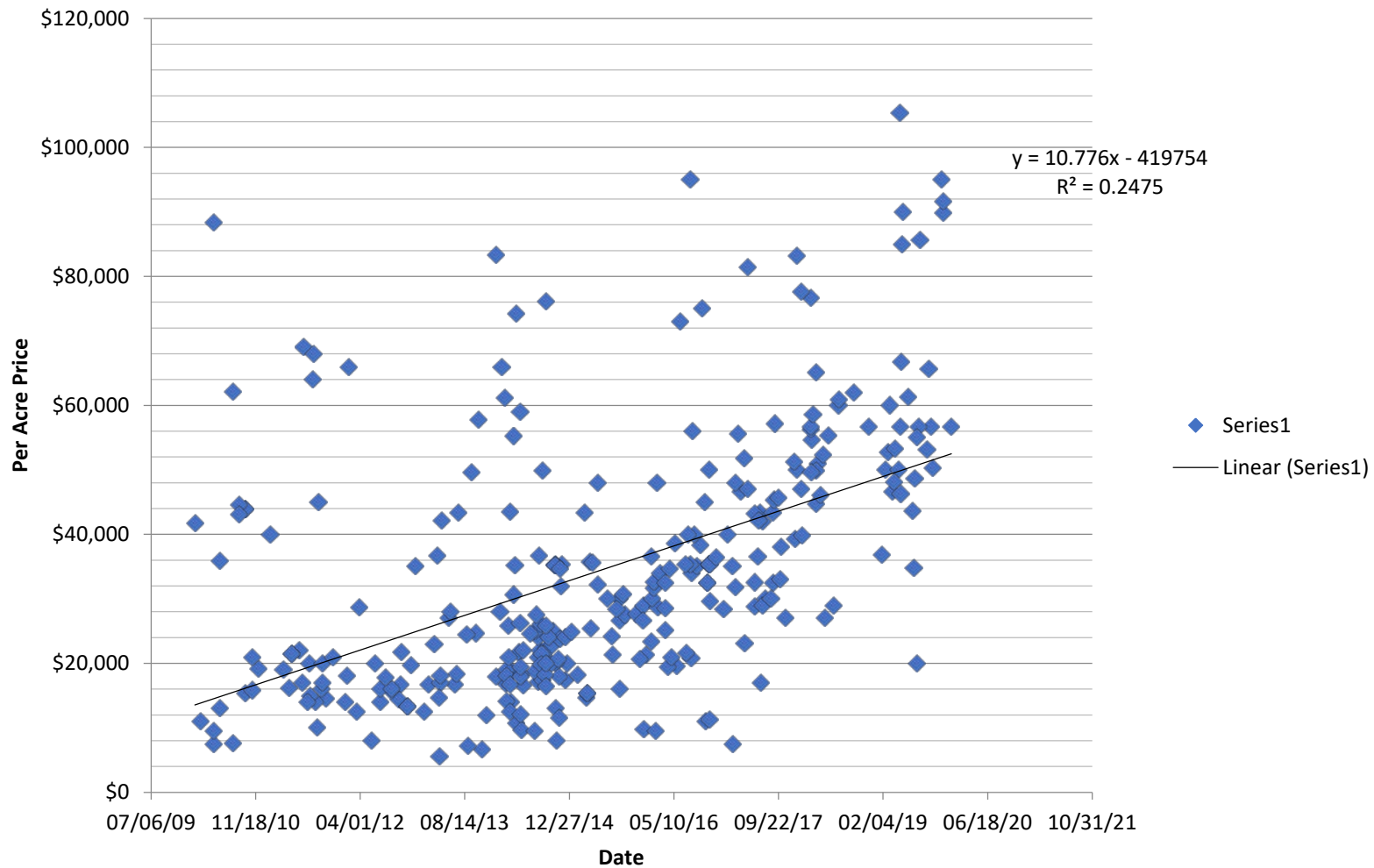
Our queries presented the following raw data. The data is not adjusted to reflect the average, undeveloped parcel. The raw average price per acre is heavily biased and influenced by sales of lake front lots.

	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total Sales	79	90	97	68	92	84	61	57	55
Sale to List Ratio	85%	88%	92%	92%	97%	93%	93%	92%	93%
Avg. Price Per Acre	\$75,231	\$59,877	\$89,958	\$67,148	\$80,105	\$84,744	170,548	\$163,39	\$128,744
Avg. Days on Market	371	90	282	154	255	247	184	225	113
Percentage of Sales Under 1 Acre	46%	37%	41%	53%	57%	48%	41%	40%	40%

### Data Analysis, continued

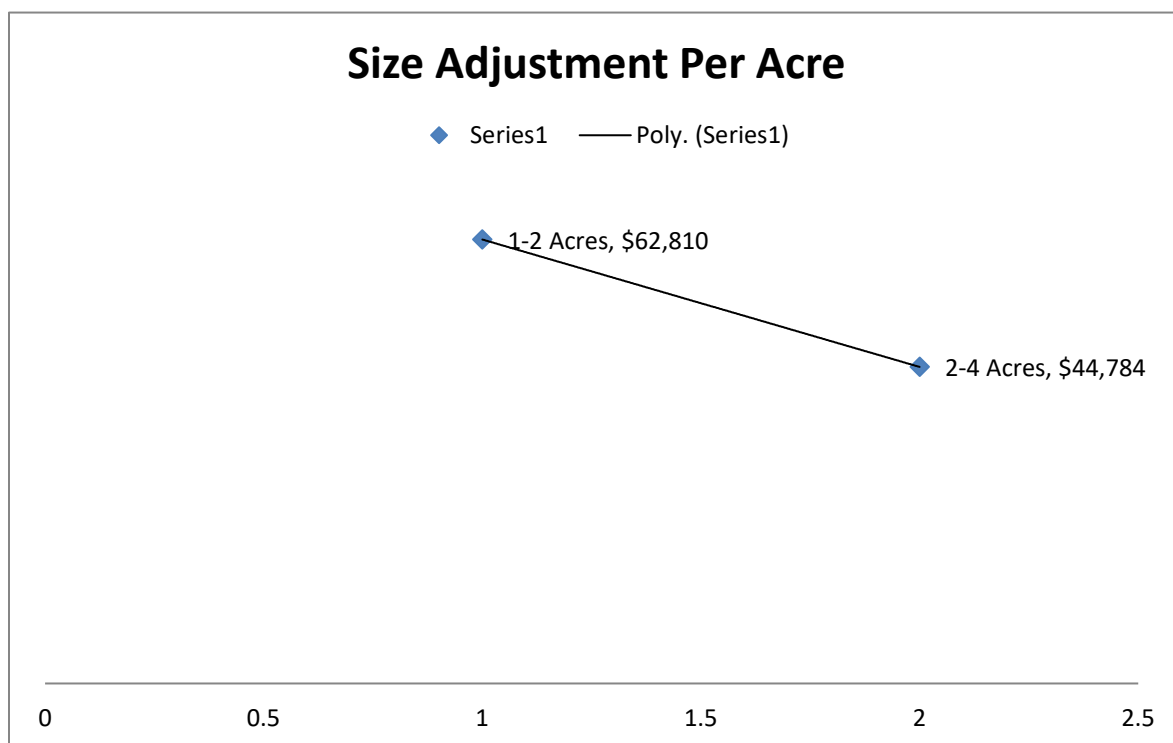
A trend analysis of the raw price per acre of lot sales listed in MLS from 2010 to 2019 suggests the price trend is to be slightly increasing. The Trend Line graph is shown on page 15. However, little weight should be given in this data as it is heavily upward biased because of small lots located on or near the lake which sale at a premium price due to location and higher unit prices due to economies of scale. Likewise, at the other end of the spectrum, a few sales sold for \$300,000+. Only lot sales stated by MLS to be in the City of Rockwall were considered. In an attempt to reduce the skewing for the 2010 thru 2019 time period, the data set is narrowed to sales greater than 1.00 acres and up to 20 acres with a price  $\pm$  less than \$100,000. The following chart reflects the trend of these sales. The data indicates that the lots sales from 2010 to 2019 had an increasing trend. From 2010, the typical price per acre was  $\pm$  \$20,000, the price per acre increase to  $\pm$  \$60,407 in 2019. The average per acre price was \$34,247 for 2010 to 2019.

## 2010 - 2019 Raw Per Acre Sales



The most recent sales of lots is the 2019 data set and our analysis will focus on the 2018 sales . This data set contains 30 sales that MLS lists as in the City of Rockwall. The sales are all greater than 1.00 Acre up to 20 Acre and less than \$100,000/acre.

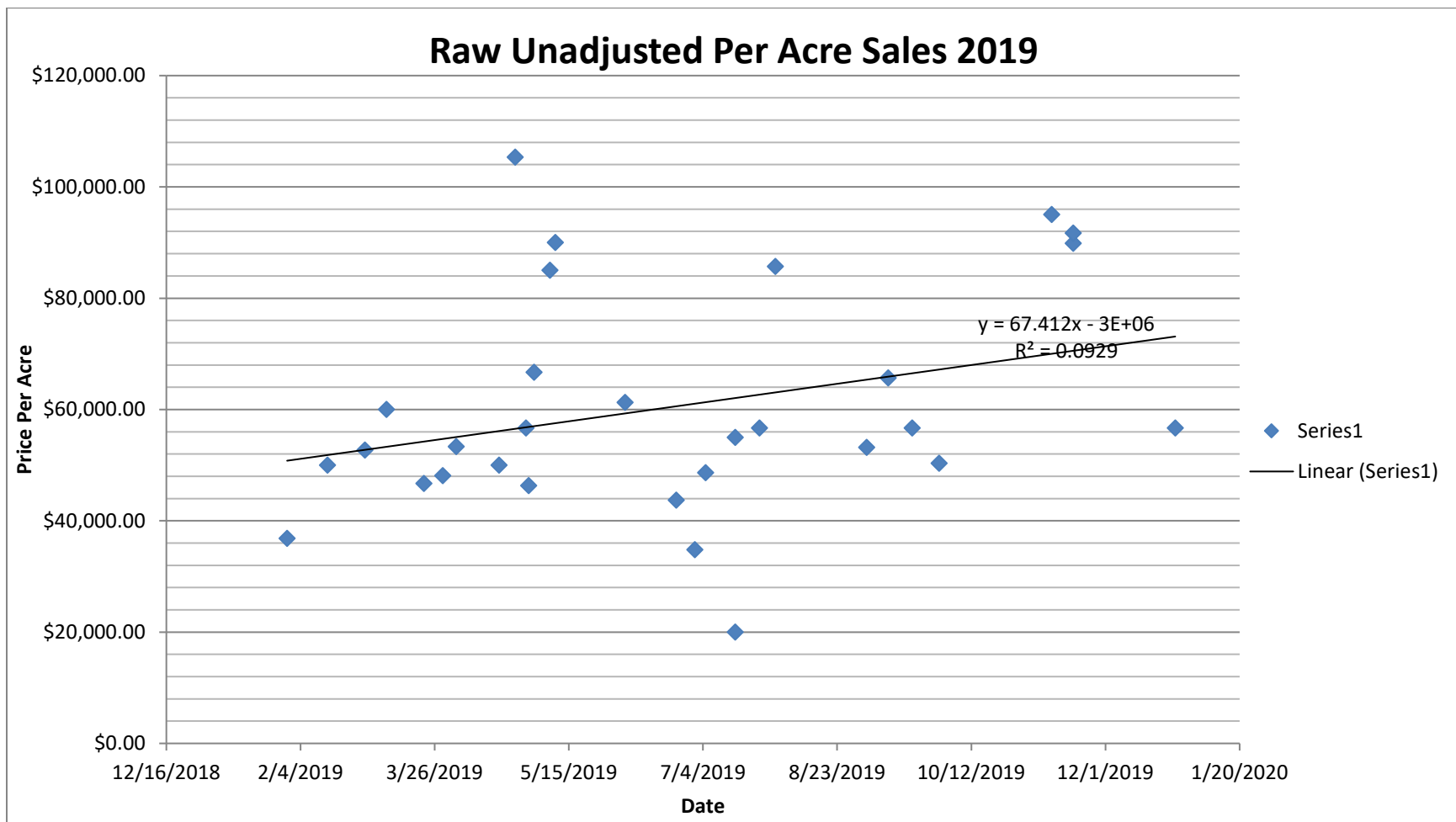
The data will first be adjusted for location and in infrastructure. These adjustments considered information included in the detail MLS write up sheets. The next adjustment is a lot size adjustment. The following chart represents the size adjustment of the data set.



Approximately 100% of the data is between 1 to 4 Acres, with 87% being between 1 & 2 Acres. Thus, the majority of the data is within the target size range, no size adjustment will be applied to the analysis.

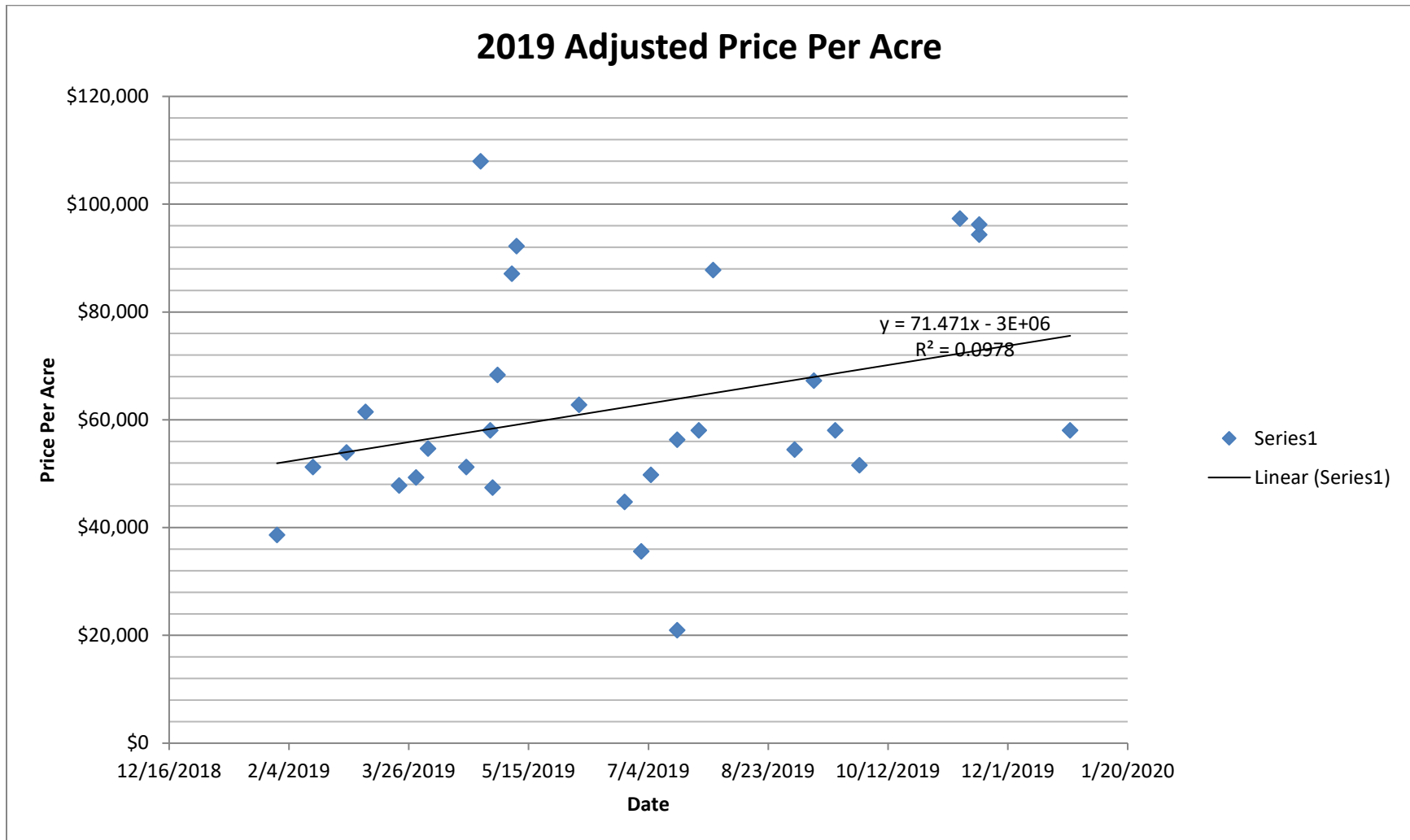
Following are two charts. The first shows the 2019 per acre raw lot sales date unadjusted. This chart shows the data between \$20,000 per acre price to a \$105,333per acre price. The average 2019 per acre price was \$60,407/Acre. The trend line indicates that the Acre price to be approximately \$51,000/Acre at the beginning of 2019 and around \$72,000/Acre at the end of 2019.





### Data Analysis, continued

The second chart represents the 2019 data after adjustments for location and infrastructure. As shown on the chart, the data is represented in a range from \$21,000/Acre to \$107,957/Acre. The average for the adjusted data is \$62,116/Acre. The trend line indicates the price per acre at the beginning of 2019 to be approximately \$51,000/Acre and \$75,000/acre toward the end of the year.



## Data Analysis, continued

### Conclusions

Over the last seven years lot sales actively has been improving for both the number of sales as well as the price.

The following list a summary of our data findings over the past years.

Average Per Acre Price 2010 to 2019 Unadjusted:	\$34,247/Acre
Average Per Acre Price 2019 Unadjusted:	\$60,407/Acre
Average per Acre Price 2019 Adjusted for Location, Infrastructure and Size:	\$62,116/Acre

The adjusted 2019 data represents the most recent range of lot sales. The trend line of the data indicates per acre lot sales increased during 2019 from  $\pm \$52,000/\text{Acre}$  to  $\pm \$75,000/\text{Acre}$  at the end of the year.

Based upon our analysis and conclusions, subject to parameters defined, my opinion of the average market value price per acre of residential land in the City of Rockwall as of 1/1/2020 is:

**\$60,000/Acre**

Respectfully Submitted,



Bryan Humphries, MAI, TX-1320676-G

## **Addendum**

### **Qualifications**

#### **Assumptions & Limiting Conditions**

#### **City of Rockwall Park Land Ordinance**

## **SUMMARY OF QUALIFICATIONS - Bryan E. Humphries, MAI**

### Currently

Owner, BRYAN E. HUMPHRIES, INC.

### Experience

Over 40 years' experience in the appraisal of real properties, including commercial, multi-family, industrial, and special purpose properties, for mortgage bankers, savings and loan associations, insurance companies, attorneys, private individuals, public utilities, and governmental agencies.

### Education

Graduated from Texas Tech University in 1974: B.B.A. Business

Graduated from Texas Tech University in 1976: M.S. Finance

Completed college, SREA, and AIREA courses in real estate appraisal

Qualified as "Expert" in real estate valuation in various courts

### Professional Designations and Affiliations

MAI	Member (#6514), Appraisal Institute
AI	Admissions Committee, North Texas Chapter 17, 1983-1992 (Chairman, 1989-1990); National Admissions Review (1994-1996); Education Committee (1988); Region 8 Representative (1994, 1996, 1997, 2002); North Texas Chapter 17 Board of Directors (1993 - 1995; 1999 – 2001)  Appraisal Institute National Screener (1996-2005)
Broker	Licensed Broker (#216136-12), Texas Real Estate Commission
State Certified	Texas State Certified - General Real Estate Appraiser (#TX 1320676-G)
State Certified	Texas State Certified – Property Tax Consultant (00003440)
Member	North Texas Commercial Association of Realtors
Member	Real Estate Financial Executive Association

## **ASSUMPTIONS AND LIMITING CONDITIONS**

1. It is assumed that title to the property herein appraised is good and merchantable, and in fee simple. The value is reported without regard to questions of title, boundaries, encroachments, environmental regulations, licenses, or other matters of a legal nature unless noncompliance has been stated, defined, and considered in the appraisal report.
2. The value is estimated under the assumption that there will be no international or domestic political, economic, or military actions that will seriously affect real estate values throughout the country.
3. Certain information concerning market and operating data was obtained from others. This information is verified and checked, where possible, and is used in this appraisal only if it is believed to be accurate and correct. However, such information is not guaranteed. Dimensions and areas of the Subject Property and of the comparables were obtained by various means and are not guaranteed to be exact.
4. Real estate values are influenced by a number of external factors. The information contained herein is all of the data we consider necessary to support the value estimate. We have not knowingly withheld any pertinent facts, but we do not guarantee that we have knowledge of all factors, which might influence the value of the Subject Property. Due to rapid changes in external factors, the value estimate is considered to be reliable only as of the date of the appraisal.
5. Opinions of value contained herein are estimates. This is the definition of an appraisal. There is no guarantee, written or implied, that the Subject Property will sell for the estimated value. The estimated value assumes that the property is under responsible ownership and has competent and prudent management.
6. The appraiser will not be required to provide testimony or attendance in court or before other legal authority by reason of this appraisal without prior agreement and arrangement between the employer and the appraiser.
7. Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute. Neither all nor any part of the contents of this report (especially any opinions, analyses, or conclusions concerning value, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute or the M.A.I. or SRA Designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media, prospectus for securities, or any other public means of communication without prior written consent and approval of the undersigned.

Assumptions & Limiting Conditions, continued

8. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures which would render it more or less valuable, except as stated in this report. No responsibility is assumed for such conditions or for engineering, which may be required to discover them. It is assumed that a prudent owner/buyer would allow inspection of the property by a qualified soils or structure engineer if conditions so required.
9. The distribution of the total valuation in this report between land and improvements applies only under the reported highest and best use of the land. The allocation of value for land and improvements, if presented, must not be used in conjunction with any other appraisal and are invalid if so used.
10. Estimates of costs to cure deferred maintenance are difficult at best. Contractors approach such problems in various ways. The estimates, if any, provided within this report are probable costs given current market conditions, available information, and the appraiser's expertise.
11. No environmental impact studies were requested or made in conjunction with this appraisal, and the appraiser hereby reserves the right to alter, amend, revise, and/or rescind the value opinions based upon any subsequent environmental impact studies, research, or investigation.
12. This appraisal was prepared by Bryan E. Humphries & Associates and consists of trade secrets and commercial or financial information, which is privileged and confidential and is exempted from disclosure under 5 U.S.C. 552 (b) (4). Please notify Bryan E. Humphries & Associates of any request of reproduction of this appraisal.
13. Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyl, petroleum leakage, or agricultural chemicals, which may or may not be present on the property or other environmental conditions, were not called to the attention of nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test such substances or conditions. If the presence of such substances, such as asbestos, urea formaldehyde foam insulation, or other hazardous substances or environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is



#### Assumptions & Limiting Conditions, continued

no such condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them.

14. Anyone acting in reliance upon the opinions, judgments, conclusions, or data contained herein, who has the potential for monetary loss due to the reliance thereon, is advised to secure an independent review and verification of all such conclusions and/or facts.

The user agrees to notify the appraiser prior to any irrevocable loan or investment decision of any error, which would reasonably be determined from a thorough and knowledgeable review.

15. By acceptance and use of this report, the user agrees that any liability for errors, omissions or judgment of the appraiser is limited to the amount of the fee charged.
16. The limiting condition relating to the ADA is as follows:

This appraisal has not considered the effects of the enactment of the Americans with Disabilities Act of 1990 (ADA), which initially became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. Standards of this act are designed to provide access to all public facilities to all persons, regardless of mobility limitations. The act provides forceful encouragement for commercial establishments to enhance their accessibility and requires that renovations after this date fully comply with the access standards established by the Architectural and Transportation Barriers Compliance Board. Enhancements to buildings must be readily achievable and able to be carried out without much difficulty or expense. The act recognizes that "readily achievable" is different for companies depending on their resources. The first priority is to provide access from sidewalks, parking and transportation areas, with the second priority being to provide access to areas where goods and services are available to the public. Finally, access to restroom facilities must accommodate all persons. The modifications and costs that may be necessary for the property to conform to ADA can be ascertained only by a qualified architect. Should such a study be undertaken, and should the retrofit costs, if any, become known, then the appraisers reserve the right to re-evaluate the Subject Property.

**CITY OF ROCKWALL, TEXAS**

**ORDINANCE NO. ---**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING ARTICLE II. PARK LAND DEDICATION OF THE SUBDIVISION REGULATIONS OF THE CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

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

**Section 1.** That the Subdivision Regulations of the Code of Ordinances shall be amended in Article II. Park Land Dedication, which shall hereafter read in its entirety as follows:

**"ARTICLE II. PARK LAND DEDICATION**

**Sec. 24-41. Purpose.**

(a) This article [Ordinance Number 87-1] is adopted to provide recreational areas in the form of neighborhood parks as a function of subdivision development in the City of Rockwall, Texas. This article is enacted in accordance with the Home Rule powers of the City of Rockwall, granted under the Texas Constitution, in statutes of the State of Texas, including but not by way of limitation, articles 974a and 1175. It is hereby declared by the city council that recreation areas in the form of neighborhood parks are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedure for planning and developing property or subdivisions in the city, whether such development consists of new construction on vacant land or rebuilding structures on existing residential property.

(b) Neighborhood parks are those parks providing for a variety of outdoor recreational opportunities, be a minimum of ten acres, and be within convenient distances for a majority of the residents to be served thereby. Park districts are established by the official park plan for the City of Rockwall, Texas, and shall be prima facie proof that any park located therein is within such convenient distance from any residence located therein. Primary cost of neighborhood parks shall be borne by the ultimate residential property owners, who, by reason of the proximity of their property to such parks, shall be the primary beneficiary of such facilities. Therefore, the following requirements are adopted to effect the purposes stated. (Ord. No. 87-1, § I, 1-5-87)

**Sec. 24-42. Definitions.**

For the purposes of this article, the following definitions shall apply:

*Develop (VJ):* The act of subdividing a parcel or tract of land and installation of community facilities in accordance with and as defined by the City of Rockwall Subdivision Ordinance.

*Development (NJ):* A parcel or tract of land proposed for subdivision in accordance with and as defined by the City of Rockwall Subdivision Ordinance.

*Park development.* The development of a park site by construction of streets, drainage, utilities, and recreational improvements to serve a neighborhood park district.

*Recreational Improvements - Facilities:* The park features set forth for a neighborhood park in the Activity Menu of the Park Plan. A uniform cost shall be prepared annually for these features and adopted by resolution by the City Council. The dedication factor shall be applied to this cost to determine the pro rata share per new dwelling unit for recreational improvements - facilities.

*Pro rata share of required dedication.* The amount of land that shall be dedicated (or the acreage figure used to calculate cash in lieu of land donation) as prescribed within this article. The pro rata share of required dedication in a neighborhood park district shall be calculated as follows: Pro rata share of required acreage dedication per new dwelling unit is the factor obtained when the 10 "acre area of park is divided by the ultimate residential dwelling unit holding capacity for park district in which the unit(s) is located.

*The total number of residential units which a neighborhood park district is projected to have when fully developed* shall be determined by the Impact Fee Land Use Assumptions as set forth in Table 1, Park Dedication Acreage Factor per Dwelling Unit, below. (Ord. No. 87-1, § II, 1-5-87)

TABLE 1  
PARK DEDICATION ACREAGE FACTOR PER DWELLING UNIT

Park District	Ultimate Dwelling Unit Holding Capacity	Dwelling Unit Dedication Factor (Acre)
1	653	.015
2	1151	.009
3	962	.010
4	1660	.006
5	1558	.007
6	978	.010
7	1282	.008
8	1856	.005
9	1524	.007
10	1041	.010
11	948	.011

12	2663	.004
13	728	.014
14	1940	.005
15	870	.015
16	728	.014
17	1235	.008
18	801	.012
19	1071	.009
20	699	.014
21	1473	.007
22	1598	.006
Total	27,419	

**Sec. 24-43. General Requirement for SF-16, SF-10, SF-7, ZL-5, 2-F and MF-15, to be used for single-family, zero lot line, duplex, and/or apartment multi family residential purposes.**

(a) Whenever a final plat is filed of record with the county clerk of Rockwall County for development of a residential area in accordance with the planning and zoning ordinances of the City of Rockwall, such plat shall contain a clear fee simple dedication of an area of land to the City of Rockwall for park purposes, which area shall be equal to or greater than the property being subdivided's pro rata share of neighborhood park property required for the neighborhood park district in which the property being platted or subdivided is located as shown by the Park Master Plan. In addition, the developer shall make payment of money for pro-rata share and recreational improvement facilities as defined in this article. Any proposed plat submitted to the city for approval shall show the area proposed to be dedicated under this article. The requirement for dedication under this article may be met by a payment of money in lieu of land when permitted or required by the other provisions of this article.

(b) The city council declares the development of an area smaller than one acre for public park purposes to be impractical. Therefore, if less than one acre is calculated to be the pro rata share of a development plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land amount provided for by Section 24-45(c) of this article, rather than dedicate any land area. No plat showing a dedication of less than one acre shall be approved.

(c) In instances where an area of less than six (6) acres but more than one acre is calculated to be the pro rata share of a development the city council shall have the option of requiring land dedication or cash in lieu of land in accordance with Section 24-45(c) of this article after consideration of the recommendation of the planning and zoning commission and the parks and recreation board. If the City determines that sufficient park area is already in the public domain in the area of the proposed development or the neighborhood park district, or if the recreation potential for that zone would be better served by

expanding or improving an existing park, dedication may also be refused and cash in lieu of land may, likewise, be required.

(d) The dedication required by this article shall be made by filing of final plat or contemporaneously by separate instrument. If the actual number of completed dwelling units exceeds the figures upon which the original dedication is based, additional dedication shall be required and shall be made by payment in lieu of land amount described by Section 24-45(c) of this article, or by the conveyance of an entire numbered lot to the city. (Ord. No.87-1, § III, 1-5-87)

**Sec. 24-44. Prior dedication; absence of prior dedication.**

At the discretion of the city council, any former gift of land to the city may be credited on a per acre basis toward the eventual land dedication requirements imposed on the donor of such land. The city council shall consider recommendations of the planning and zoning commission and the parks and recreation board in exercising its discretion under this section. (Ord. No. 87-1, § IV, 1-5-87)

**Sec. 24-45. Money in lieu of land.**

(a) Subject to the veto of the city council and the terms of Section 24-43 of this article, a land owner responsible for dedication under this article may elect to meet the requirements of Section 24-43 in whole or in part by a cash payment in lieu of land, in an amount set forth in Section 24-45(c). Such payment in lieu of land shall be made at or prior to final plat approval.

(b) The city may from time to time decide to purchase land for parks in or near the area of actual or potential development. If the city does purchase park land in a neighborhood park district and said land purchased is used to meet the need for a neighborhood park, subsequent land dedications for that district shall be in cash only and calculated on a pro rata share basis to reimburse the city's actual cost of acquisition and development of such land for parks. The cash amount shall be equal to the sum of (1) the average price per acre of such land, and (2) the actual cost of adjacent streets and site utilities, or an estimate of such actual costs provided by the city engineer and the recreation improvement costs for facilities as set forth in the Park Master Plan for neighborhood parks. Once the city has been reimbursed entirely for all park land within a park zone, this section shall cease to apply and the other sections of this article shall be applicable.

(c) To the extent that Section 24-45(b) is not applicable, the dedication requirements shall be met by a cash payment in lieu of land on the basis of a per acre price. Said per acre price shall be determined annually by the city council and shall be based on current land values within the City. . Once established the Council shall adopt the value(s) by resolution for appreciation as required in this subsection. Cash payments may be used only for acquisition or improvement of neighborhood parks located within the same neighborhood park district as the development in accordance with the Park Master Plan. (Ord. No. 87-1, § V, 1-5-87)

**Sec. 24-46. Dedication of more than the pro rata share of park land.**

The developer of a residential subdivision which is subject to the terms of this article may dedicate more land than the pro rata share calculated for the development if approved by the city council. If the developer dedicates an amount equal to or greater than the total required park land area for the neighborhood park district in which his subdivision is located, the city and the developer shall execute a pro rata refunding agreement in accordance with the City of Rockwall Subdivision Regulations which shall recover the cost of land dedicated in excess of the developer's pro rata share after streets, drainage, and utilities are constructed on the dedicated property.

The developer shall install the streets, drainage, and utilities to serve the neighborhood park, and the cost of same shall be included in the pro rata refunding agreement. The pro rata refunding agreement shall provide that future developers in the same neighborhood park district shall pay their pro rata share of the actual cost of park development which shall be calculated based on the per acre cash in lieu of land cost in effect at the time of dedication, plus the costs of streets, drainage, utilities, and recreational facilities installed to serve the dedicated neighborhood park. The cost of streets, drainage and utilities installed to serve the park shall be certified by the city engineer. In no case shall the developer receive pro rata payments after he has recovered an amount equal to the number of acres actually dedicated in excess of his pro rata share multiplied by the per acre cash in lieu of land figure in effect at the time of actual dedication, plus the costs of streets, drainage, and utilities as certified by the city engineer necessary to serve the neighborhood park. In no case shall the term of any pro rata agreement provided by this article be for a period in excess of five (5) years from the date of dedication. (Ord. No. 87-1, § VI, 1-5-87)

**Sec. 24-47. Special fund established; right to refund.**

(a) There is hereby established a special fund for the deposit of all cash funds in lieu of land dedication under this article, which fund shall be known as the "Park Land Dedication Fund."

(b) The city shall account for all sums paid in lieu of land dedication under this article referenced to individual plats involved. Any funds paid for such purposes must be expended by the city within eight (8) years from the date received by the city for acquisition and development of a neighborhood park as defined herein. Such funds shall be considered to be spent on a first/in first/out basis. If not so expended, the owners of the property on the last day of such period shall be entitled to a pro rata refund of such funds, calculated on a square footage basis. The owners of such property must request such refund within one year of entitlement; in writing, or such rights shall be barred. (Ord. No. 87-1, § VII, 1-5-87)

**Sec. 24-48. Additional requirements and provisions.**

(a) Any land dedicated to the city under this article shall be suitable for park and recreation use. The following characteristics of a proposed area are generally unsuitable:

- (1) Any area located in the one hundred-year floodplain;
- (2) Any area of unusual topography or slope which renders same unusable for organized recreational activities.

The above characteristics of park land dedication area may be grounds for refusal of a plat.

(b) Each park must have ready access to a public street.

(c) Unless provided otherwise herein, action by the city shall be by the city council after consideration of the recommendations of the planning and zoning commission and the parks and recreation board. Any proposal considered by the planning and zoning commission under this article shall have been reviewed by the parks and recreation board and its recommendation given to the commission. The commission may make a decision contrary to such recommendation only by a vote of at least five (5) members. Should the commission be unable to get this vote, the matter shall then be referred to the city council for final decision.

(d) If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

(e) This article shall become effective upon adoption by the city council. (Ord. No. 87-1, § VIII, 1-5-87)

**Sec. 24-49. Review and updating parkmaster plan.**

The City of Rockwall Parks and Recreation Department shall consider the need to update the Park Master Plan at least annually to insure that the plan remains current and provides an equitable, effective framework from which to pursue the acquisition and development of neighborhood park services for each neighborhood park district.

(Ord. No. 87-1, § XI, 1-5-87)

**Sec. 24-50. Waiver of mandatory neighborhood park land dedication in the case of private developments.**

If a development is proposed to be a private development where no public streets are dedicated for use by the public the city shall:

- (1) Calculate the pro rata share of the proposed private development as if it were to be a development where public streets were to be dedicated.
- (2) Waive the requirement for mandatory dedication if the private amenities of the proposed development meet or exceed the calculated pro rata share as calculated under Section 24-50(1) above.
- (3) Decrease the total acreage shown in the Park Master Plan as being required to meet the ultimate need for neighborhood parks in the applicable neighborhood park district by the acreage calculated under Section 24-50(1) above (for the purpose of future calculations of pro rata shares for future developments).
- (4) In a private development within a park district or a private development encompassing an entire park district, the park property within the private development must be easily accessible to the general public either through the use of the city trail system or public roadways. If the private development encompasses the entire park district and the ten acres of park land is not continuous, each separate section of park property must be accessible to the general public and connected by way of a minimum eight foot wide trail.

(Ord. No. 87-1, § IX, 1-5-87)

**Sec. 24-51. Waiver of article requirements by city council.**

The city council of the City of Rockwall, Texas may waive the requirements of this article upon a finding by the city council that said waiver is clearly in the best interest of the City of Rockwall. (Ord. No. 87-13, § I, 3-16-87)"

**Section 2.** Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine in accordance with the general provisions of the Code of Ordinances.

**Section 3.** 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 4.** That this ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.



**ATTEST:**

**Table 2**  
**Mandatory Park Land Dedication Ordinance**  
**Pro-Rata Equipment Fees**

Whereas the fee of \$625,000 is used as the Park Equipment Fee

<u>Park District</u>	<u>Max. Dwelling Units*</u>	<u>Equipment Fee Per Lot</u>
1	594	\$1,052
2	1148	\$544
3	1350	\$463
4	1265	\$494
5	1278	\$489
6	671	\$931
7	1446	\$432
8	1083	\$577
9	1451	\$431
10	349	\$1,791
11	1085	\$576
12	1221	\$512
13	782	\$799
14	2212	\$283
15	1234	\$506
16	406	\$1,539
17	2844	\$220
18	701	\$892
19	996	\$628
20	1248	\$501
21	1006	\$621
22	1312	\$476
23	1178	\$531
24	1472	\$425
25	1313	\$476
26	630	\$992
27	1326	\$471
28	2321	\$269
29	3965	\$158
30	1724	\$363
31	2266	\$276
32	333	\$1,877
33	1085	\$576
34	1092	\$572
35	2249	\$278
36	2658	\$235
37	3244	\$193

\*Ultimate dwelling unit holding capacity from Park Land Ordinance Amended - Nov 4, 2019

\*Park Equipment Fee Amended Feb 2017

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

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**TO: Park Board**

**FROM: Travis Sales, Parks and Recreation Director**

**DATE: March 3, 2020**

**SUBJECT: MANDATORY PARK LAND DEDICATION ORDINANCE**

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A component of our Mandatory Park Land Dedication Ordinance is the cash in lieu of land fee. This fee is applied when the Park Board feels that it is in the best interest of the City to accept cash-in-lieu of land for neighborhood parkland. According to our Mandatory Parkland Dedication Ordinance, the Park Board shall annually make a recommendation to the City Council and Council will set the fee by resolution. The fee is based on the average cost of neighborhood park land across the entire City.

Bryan E. Humphries and Associates completed their appraisal in January of 2020 to determine the average cost per acre of land and provided a final report. To establish comparable parcels, the properties evaluated must have easy access to utilities, public street, not be within the 100 year flood plain and not possess any unusual topography rendering the land useless for organized recreational activities. According to Mr. Humphries' report, the average cost of one acre of neighborhood park land with the above restrictions within the City limits is **\$60,000**.

Each year the cost to develop an 11 acre neighborhood park should be considered and set by Council resolution as well. It is currently set at \$1,250,000. Staff does see that this needs to be increased to \$1,285,000 for 2020. I have attached the appraisal letter completed by Mr. Humphries. \$625,000.00 would be the "per neighborhood park" cost to be used in calculation of pro-rata neighborhood park development equipment fees associated with the developer's share of the park. Ordinance and Resolutions are attached in the packet for your review. Staff requests that Park Board consider a recommendation to City Council for their review.

**CITY OF ROCKWALL, TEXAS**

**RESOLUTION NO. 20-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ESTABLISHING THE “COST PER ACRE” TO BE USED IN CALCULATION OF A NEW DEVELOPMENT’S PRO RATA SHARE CONTRIBUTION FOR NEIGHBORHOOD PARK LAND; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Rockwall desires to provide a park system which includes adequately sized and appropriately equipped Neighborhood Parks, and

**WHEREAS**, the City of Rockwall has adopted a Park and Recreation Master Plan designed to facilitate development of its Park Systems, and

**WHEREAS**, in Chapter 38. “Subdivisions” Article II. “Parkland Dedication” of the Code of Ordinances, the City of Rockwall has adopted Mandatory Neighborhood Parkland Dedication Ordinance, designed to facilitate participation by developers (on a pro-rata basis) in acquisition and development of neighborhood parks, and

**WHEREAS**, said ordinance provisions provide that the City Council shall annually adopt a resolution establishing the “cost per acre” to be used in calculation of a new development’s pro rata share contribution for neighborhood park land;

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

**Section 1.** Based upon a recommendation of the City of Rockwall Parks and Recreation Board, \$60,000.00 is hereby adopted as the “cost per acre” park development cost to be used in calculation of pro-rata neighborhood park development matters;

**Section 2.** This resolution shall be in 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 6<sup>th</sup> day of March, 2020.**

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**Jim Pruitt, Mayor**

**ATTEST:**

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**Kristy Cole, City Secretary**

**Table 1**  
**Land: Cash in Lieu of LAND**

Whereas \$60,000 is adopted as the per acre amount:

<u>Park District</u>	<u>Max. Dwelling Units*</u>	<u>\$ Per Lot</u>
1	594	\$1,111
2	1148	\$575
3	1350	\$489
4	1265	\$522
5	1278	\$516
6	671	\$984
7	1446	\$1,446
8	1083	\$609
9	1451	\$455
10	349	\$1,891
11	1085	\$608
12	1221	\$541
13	782	\$844
14	2212	\$298
15	1234	\$535
16	406	\$1,626
17*	2844	\$232
18	701	\$942
19	996	\$663
20	1248	\$529
21	1006	\$656
22	1312	\$503
23	1178	\$560
24	1472	\$448
25	1313	\$503
26	630	\$1,048
27	1326	\$498
28	2321	\$284
29	3965	\$166
30	1724	\$383
31	2266	\$291
32	333	\$1,982
33	1085	\$608
34	1092	\$604
35	2249	\$293
36	2658	\$248
37	3244	\$203

\*Ultimate dwelling unit holding capacity from Park Land Ordinance Amended - Nov 4, 2019

\* Per acre amount amended Feb 2019

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City of Rockwall  
*The New Horizon*

## MEMORANDUM

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**TO:** Mayor and Council Members

**FROM:** Hotel Occupancy Tax Sub-committee Members  
Mary Smith, Assistant City Manager

**DATE:** April 1, 2020

**SUBJECT:** Hotel Occupancy Tax Remittance/Forbearance

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The City has been approached by 2 Hoteliers in Rockwall about the possibility of having late payment penalties and interest waived and / or the potential for a payment plan for taxes which are due April 20<sup>th</sup> and July 20<sup>th</sup>. Frank Garza prepared the attached Forbearance agreement which if the Council decides to move forward in this manner can either be approved by the Council as each Hotelier requests an agreement or the Council can allow the City Manager to approve the agreements.

Our Current policy assesses a 5% penalty after the 20<sup>th</sup>, an additional 5% penalty at 30 days late and 10% interest per annum at 60 days late.

Subcommittee members Kevin Fowler, Bennie Daniels, and Dana Macalik discussed the request and agreed to forward the Forbearance agreement to the Council and recommend that the City Manager be allowed to enter into these agreements rather than bring each one back to Council. The action will need to be taken by Resolution.



**CITY OF ROCKWALL, TEXAS**

**RESOLUTION NO. 20-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY COUNCIL TO EXECUTE FORBEARANCE AGREEMENTS RELATED TO DELAYED PAYMENT OF HOTEL OCCUPANCY TAXES BY LOCAL MOTELS/HOTELS ; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, beginning in December of 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, was declared a global pandemic by the World Health Organization, and

**WHEREAS**, on March 19, 2020, the Governor of the State of Texas issued an Executive Order certifying that COVID-19 poses an imminent threat of disaster in the state, declaring a state of disaster for all counties in Texas and setting certain restrictions (no more than 10 people) on mass or community gatherings, restaurants and bars and other establishments because of how easily the virus spreads, and

**WHEREAS**, on March 19, 2020, the Rockwall Mayor and City Council issued a State of Disaster Declaration due to COVID-19, limiting the size of gatherings within the City to no more than ten (10) persons; and

**WHEREAS**, the local Declaration, coupled with the Governor's Executive Order, has drastically halted business and leisure travel and has therefore impacted Taxpayers' business financials; and

**WHEREAS**, pursuant to the Taxpayer's request, the City, although it is under no obligation to do so, is willing to forbear from exercising its rights and remedies under the Ordinances and laws of the State of Texas for a period of time, with the termination date of said forbearance being December 31, 2020.

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

**Section 1.** Based upon a recommendation by the City Council's Hotel Occupancy Tax Subcommittee, the City Manager is hereby designated to sign and execute Forbearance Agreements with local hotel/motel businesses, a copy of which is attached hereto as "Exhibit A" of this resolution; and

**Section 2.** 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 6<sup>th</sup> DAY OF MARCH, 2020.**

**ATTEST:**

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

\_\_\_\_\_  
**Kristy Cole, City Secretary**

## EXHIBIT A

### FORBEARANCE AGREEMENT

This Forbearance Agreement (this "Agreement") dated as of April \_\_\_\_, 2020, (the "Effective Date"), is entered into by and between \_\_\_\_\_ ("Hotelier"), and **City of Rockwall** ("City")

#### RECITALS

A. Pursuant to Chapter 40. Taxation, Article IV. Hotel Occupancy Tax (the "Ordinances") passed and adopted by the City of Rockwall and the laws of the State of Texas, a Hotel Occupancy Tax is levied upon a person who, under a lease, concession, permit, right of access, license, contract, or agreement pays for the use or for the right to use or possession of a room that is in a hotel/motel, and is ordinarily used for sleeping. Hotelier is charged with collecting the Hotel Occupancy Tax imposed by the Ordinances and paying The City said Tax consistent with the Ordinances and laws of the State of Texas.

B. Beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, declared a global pandemic by the World Health Organization. On March 19, 2020, the Governor of the State of Texas issued an Executive Order certifying that COVID-19 poses an imminent threat of disaster in the state, declaring a state of disaster for all counties in Texas and setting certain restrictions on mass or community gatherings, restaurants and bars and other establishments. Governor Abbott's Executive Order recommended against gatherings of ten or more persons because of how easily the virus is transmitted.

C. On March 19, 2020, the Mayor and City Council for the City of Rockwall issued a State of Disaster Declaration due to COVID-19 and limited the size of gathering to no more than ten (10) persons. This Declaration along with the Governor's Executive Order has basically halted business and leisure travel and has had an impact on Hotelier's financials.

D. Hotelier is therefore seeking relief from its payment of the City Hotel Occupancy Taxes for the \_\_\_\_ and \_\_\_\_ Quarters of 2020. Hotelier is presently not in default on Hotel Occupancy Taxes and is current on its taxes to the City.

C. Pursuant to Hotelier's request, the City, although it is under no obligation to do so, is willing to forbear from exercising its rights and remedies under the Ordinances and the laws of the State of Texas for a period of time as specified herein and on the terms and conditions set forth herein.

#### AGREEMENT

Now, therefore, in consideration of the premises and the mutual agreements contained herein, the parties agree as follows:

**SECTION 1. Terms of Forbearance.** Unless the Forbearance Period (as defined below) is sooner terminated as provided herein, the City agrees to forbear from exercising its rights and remedies under the Ordinances and laws of the State of Texas through the close of business on December 31, 2020 (the "Forbearance Period") on the following terms and conditions (Unless specifically modified herein):

1.1 Upon the termination of the Forbearance Period for any reason, the City shall have the full right and power immediately and unconditionally to exercise all rights and remedies granted to it under the Ordinances and the laws of the State of Texas without further notice to Hotelier and subject to no other conditions precedent.

1.2 Hotelier acknowledges that the City's obligations under this Agreement are in the nature of a conditional forbearance only, and that the City has made no agreement or commitment to extend the Forbearance Period, except to the extent specifically stated herein.

1.3 On the sooner to occur of (i) December 31, 2020 or (ii) termination of the Forbearance Period in accordance with the Termination of Forbearance Period Section of this Agreement, all remaining unpaid Hotel Occupancy Taxes, accrued interest, fees, and other amounts owing shall be due and payable in full.

1.4 Interest Rate. Effective July 1, 2020, and continuing until the Forbearance Termination Date, the per diem interest is zero (0) percent.

1.5 Hotelier will file all future Hotel Occupancy Tax Reports and pay all Hotel Occupancy Taxes to The City in compliance with The Ordinances and the laws of the State of Texas.

**SECTION 2. Conditions.** The City's forbearance obligations hereunder shall be subject to the satisfaction on or before the Effective Date, unless an alternate date is specified, under the following conditions:

2.1 This Agreement shall have been executed by Hotelier and the City.

2.2 All actions required to be taken by Hotelier in connection with the transactions contemplated by this Agreement shall have been taken in form and substance satisfactory to the City.

2.3 The City shall have received counterpart originals of this Agreement executed by all parties listed on the signature page(s) hereto and originals or certified or other copies of the following documents:

2.4 Certificate of Good Standing. Hotelier shall provide the City with a current Certificate of Good Standing in the name of \_\_\_\_\_, LLC, issued by the State of Texas within \_\_\_\_\_ days from the Effective Date of this agreement.

**SECTION 3. Termination of Forbearance Period.** The Forbearance Period shall end on the date of the first of the following to occur (the "Forbearance Termination Date"):

3.1 December 31, 2020;

3.2 Hotelier makes all payments to City of Hotel Occupancy Tax due as agreed upon by the parties and such terms are attached as "Exhibit A" to this agreement.

3.3 A petition is filed by Hotelier under Title 11 of the United States Code (the "Bankruptcy Code"); or Hotelier makes any assignment for the benefit of creditors; or Hotelier voluntarily or involuntarily becomes the subject of any other case or proceeding for the relief or protection of debtors under any other law or statute or under any provision of common law;

3.4 Any default, other than the Identified Default, occurs or is determined to have occurred under this Agreement.

3.5 Hotelier initiates any judicial, administrative or arbitration proceeding against The City.

**SECTION 4. Representations and Warranties.** Hotelier represents and warrants to City that:

4.1 **Recitals.** The recitals set forth above are true, complete, accurate, and correct and are part of this Agreement, and such recitals are incorporated herein by this reference.

4.2 **No Claims or Defenses.** Hotelier has no claims, offsets, counterclaims, or defenses with respect to: Payment of Hotel Occupancy Tax due under the Agreement.

4.3 **Interest and Other Charges.** All interest or other fees or charges which have been imposed, accrued or collected by the City in connection with this Agreement, and the method of computing the same, were and are proper and agreed to by Hotelier, and were properly computed and collected.

4.4 **No Pending Bankruptcies.** No action or proceeding, including, without limitation, a voluntary or involuntary petition for bankruptcy under any chapter of the Bankruptcy Code, has been instituted by or against Hotelier.

4.5 **Due Authorization.** The individuals signing this Agreement on behalf of Hotelier are duly authorized by Hotelier to enter into this Agreement.

**SECTION 5. Binding Effect.** This Agreement shall be binding upon Hotelier, the City, and their respective successors and assigns, and shall inure to the benefit of Hotelier, the City, and their respective successors and assigns; provided, however, that Hotelier may not assign any rights arising from this Agreement without the City's prior written consent, and any prohibited assignment shall be null and void.

**SECTION 6. Counterparts; Effectiveness.** This Agreement may be executed in any number of counterparts and by the different parties on separate counterparts. Each such counterpart shall be deemed to be an original, but all such counterparts shall together constitute one and the same agreement. This Agreement shall be deemed to have been executed and delivered on the Effective Date.

**SECTION 7. Amendment and Waiver.** No amendment or waiver of any provision of this Agreement shall be effective unless set forth in a writing signed by the parties hereto.

**SECTION 8. Governing Law.** This Agreement shall be governed by and construed in accordance with the internal laws of the state of Texas without reference to conflict of law principles.

**SECTION 9. Severability.** Any provision of this Agreement that is held to be inoperative, unenforceable, voidable, or invalid in any jurisdiction shall, as to that jurisdiction, be ineffective, unenforceable, void, or invalid without affecting the remaining provisions in that or

any other jurisdiction, and to this end the provisions of this Agreement are declared to be severable.

**SECTION 10. Release.** As a material part of the consideration for the City entering into this Agreement, Hotelier and, if any, each guarantor or owner of collateral signing this Agreement (collectively “Releasor”) agree as follows (the “Release Provision”):

10.1 Releasor hereby releases and forever discharges The City and the City’s predecessors, successors, assigns, officers, managers, employees, agents, attorneys, representatives, parent corporations, subsidiaries, and affiliates (hereinafter all of the above collectively referred to as the “City”) jointly and severally from any and all claims, counterclaims, demands, damages, debts, agreements, covenants, suits, contracts, obligations, liabilities, accounts, offsets, rights, actions, and causes of action of any nature whatsoever, including, without limitation, all claims, demands, and causes of action for contribution and indemnity, whether arising at law or in equity, whether presently possessed or possessed in the future, whether known or unknown, whether liability be direct or indirect, liquidated or unliquidated, whether presently accrued or to accrue hereafter, whether absolute or contingent, foreseen or unforeseen, and whether or not heretofore asserted, which Releasor may have or claim to have against the City.

10.2 Releasor agrees not to sue the City or in any way assist any other person or entity in suing the City with respect to any claim released herein. The Release Provision may be pleaded as a full and complete defense to, and may be used as the basis for an injunction against, any action, suit, or other proceeding which may be instituted, prosecuted, or attempted in breach of the release contained herein.

10.3 Releasor acknowledges, warrants, and represents to the City that:

10.3.1 Releasor has read and understands the effect of the Release Provision. Releasor has had the assistance of independent counsel of its own choice, or has had the opportunity to retain such independent counsel, in reviewing, discussing, and considering all the terms of the Release Provision; and if counsel was retained, counsel for Releasor has read and considered the Release Provision and advised Releasor to execute the same. Before execution of this Agreement, Releasor has had adequate opportunity to make whatever investigation or inquiry it may deem necessary or desirable in connection with the subject matter of the Release Provision.

10.3.2 Releasor is not acting in reliance on any representation, understanding, or agreement not expressly set forth herein. Releasor acknowledges that The City has not made any representation with respect to the Release Provision except as expressly set forth herein.

10.3.3 Releasor has executed this Agreement and the Release Provision thereof as its free and voluntary act, without any duress, coercion, or undue influence exerted by or on behalf of any person.

10.3.4 Releasor is the sole owner of the claims released by the Release Provision, and Releasor has not heretofore conveyed or assigned any interest in any such claims to any other person or entity.

10.4 Releasor understands that the Release Provision was a material consideration in the agreement of the City to enter into this Agreement.

10.5 It is the express intent of Releasor that the release and discharge set forth in the Release Provision be construed as broadly as possible in favor of the City so as to foreclose forever the assertion by Releasor of any claims released hereby against The City.

10.6 If any term, provision, covenant, or condition of the Release Provision is held by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of the provisions shall remain in full force and effect.

**SECTION 11. Acknowledgment/Waiver of Legal Counsel.** Hotelier signing this Agreement represents and warrants that they have carefully read and understand the effect of this Agreement, they have had the assistance of separate counsel, or have knowingly and intentionally elected to waive counsel, in carefully reviewing, discussing and considering all terms of this Agreement, and they have voluntarily and without coercion or duress of any kind, entered into this Agreement and the documents executed in connection with this Agreement.

**SECTION 12. Notice of Final Agreement.** **THIS WRITTEN FORBEARANCE AGREEMENT REPRESENTS THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES.**

**THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.**

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be duly executed and delivered as of the day and year first above written.

**Hotelier:**

**S8 KARNES ACQUISITION COMPANY,  
LLC**

By: \_\_\_\_\_  
Name: Zachary D. Parker  
Title: Manager

**City:**

**THE CITY OF ROCKWALL**

By: \_\_\_\_\_  
Name: Richard R. Crowley  
Title: City Manager

**Address where notices to  
Hotelier are to be sent:**

**Address where notices to  
The City are to be sent:**

**City of Rockwall  
ATTN: City Manager's Office  
385 S. Goliad St.  
Rockwall, TX 75087**

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# CITY OF ROCKWALL

## CITY COUNCIL MEMORANDUM

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

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**TO:** Mayor and City Council

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

**FROM:** Ryan Miller, *Director of Planning and Zoning*

**DATE:** April 6, 2020

**SUBJECT:** Z2020-002; *Specific Use Permit (SUP) for 702 Park Avenue*

---

On March 16, 2020, the City Council voted to approve the proposed Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* by a vote of 4-2, with Mayor Pruitt and Council Member Johannesen dissenting and Council Member Trowbridge abstaining. In accordance with this vote, this item will be placed in the *Action Items* section of the agenda for the April 6, 2020 City Council Meeting. This will be the second reading of the ordinance.



CITY OF ROCKWALL

ORDINANCE NO. 20-10

SPECIFIC USE PERMIT NO. S-216

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.161-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 8, BLOCK D, FOREE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* 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 Reese Baez on behalf of the owner Amanda Henry for the approval of a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow the construction of a single-family home on a 0.161-acre parcel of land being described as Lot 8, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 702 Parks Avenue, 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. 20-02*] 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 (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow the construction of a single-family home in an established subdivision in accordance with *Subsection 02.03(B)(11), Residential Infill in or Adjacent to an Established Subdivision*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*]; and,

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- as heretofore amended and as may be amended in the future --, and the following conditions:

## 2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property*, and conformance to these operational conditions is required:

- 1) Development of the *Subject Property* shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'B'* of this ordinance.
- 2) Construction of a single-family home on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance; and,
- 3) Once construction of the single-family home has been completed, inspected, and accepted by the City, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

## 2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02] will require the *Subject Property* to comply with the following:

- 1) Upon obtaining or maintaining a Building Permit and should any contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined 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 Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

**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;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6<sup>TH</sup> DAY OF APRIL, 2020.**

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

**ATTEST:**

\_\_\_\_\_  
Kristy Cole, City Secretary

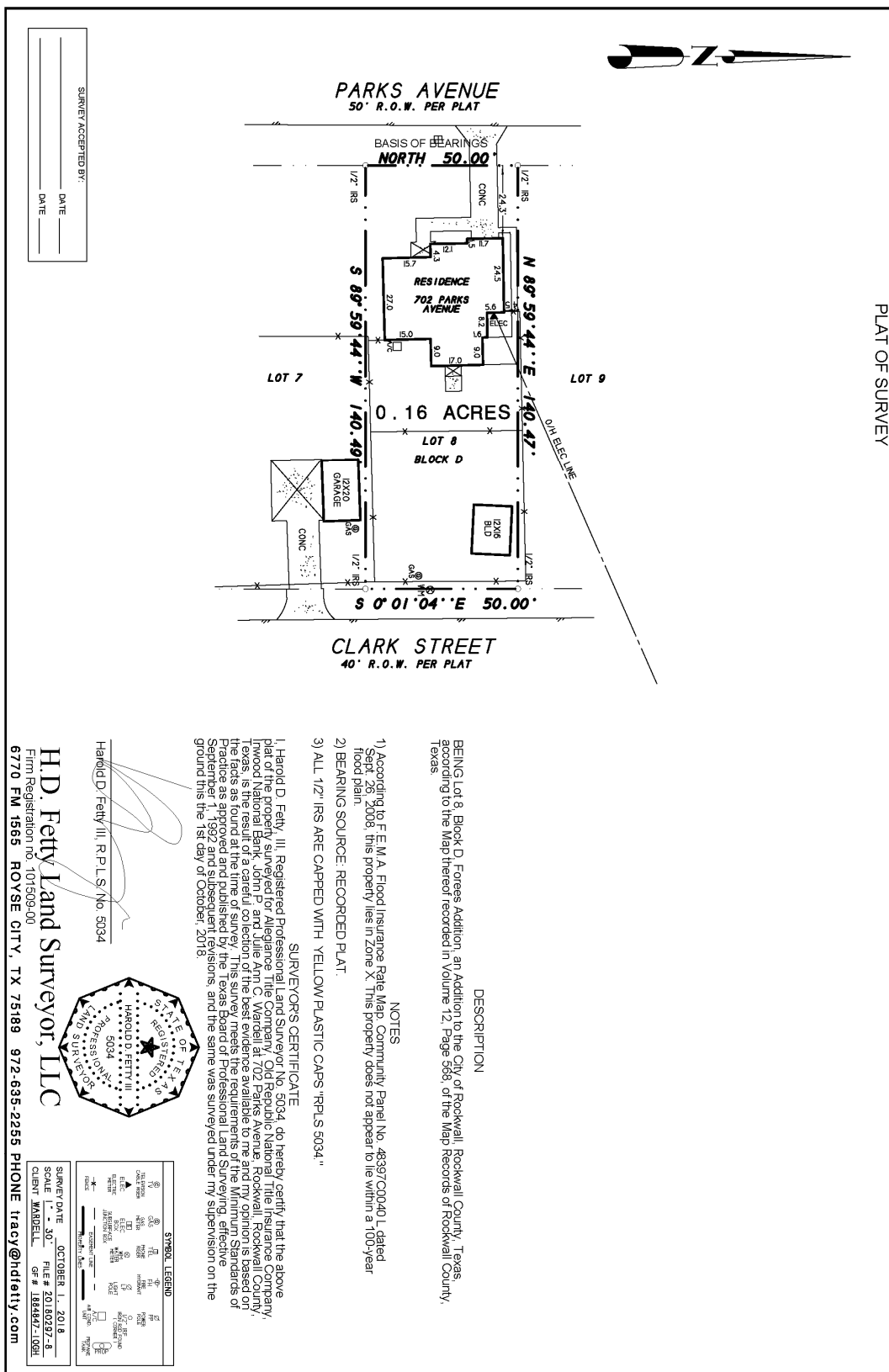
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, City Attorney

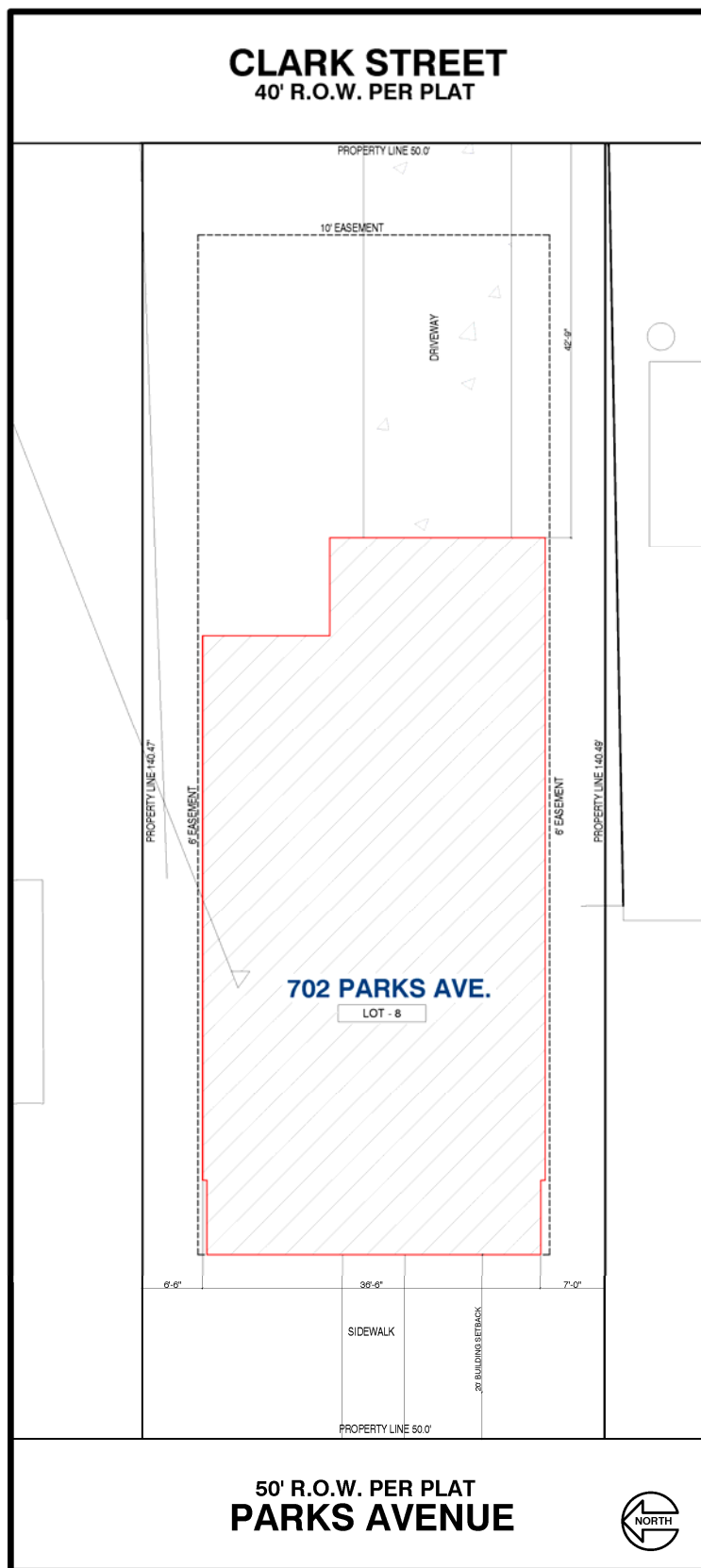
1<sup>st</sup> Reading: March 16, 2020

2<sup>nd</sup> Reading: April 6, 2020

**Exhibit 'A':**  
*Survey*

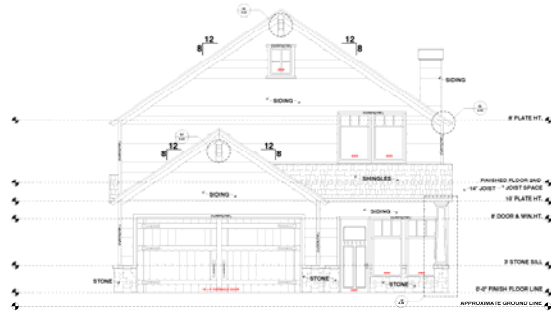


**Exhibit 'B':**  
*Residential Plot Plan*



**SITE PLAN**  
**SCALE: 1/8" = 1' - 0"**

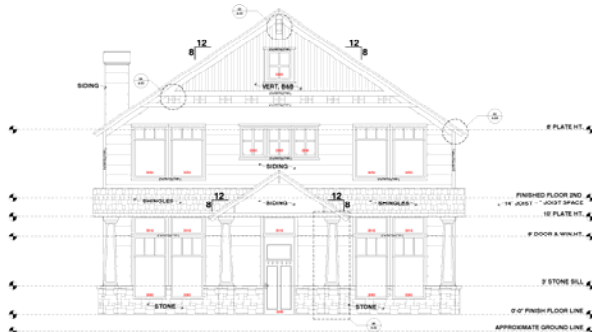
# Exhibit 'C': Building Elevations



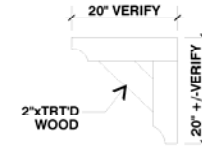
**02 BACK ELEVATION**  
SCALE: 1/4" = 1' - 0"



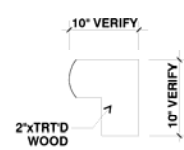
**01 RIGHT ELEVATION**  
SCALE: 1/4" = 1' - 0"



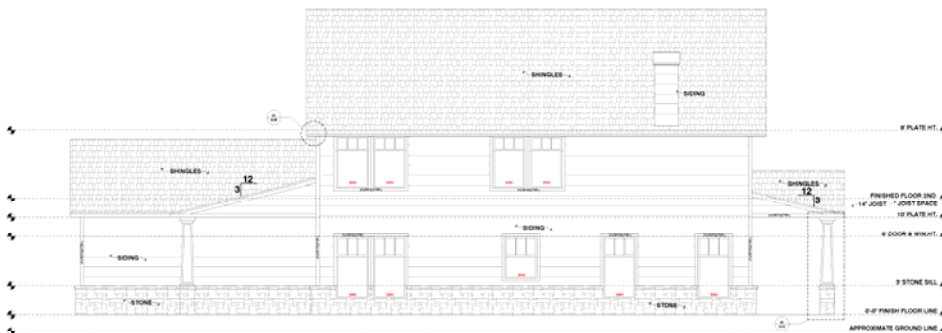
**02 FRONT ELEVATION**  
SCALE: 1/4" = 1' - 0"



**03 BRACKET 1 DETAIL**  
NOT TO SCALE



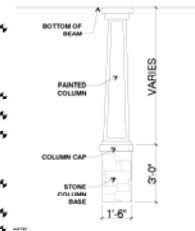
**04 BRACKET 2 DETAIL**  
NOT TO SCALE



**01 LEFT ELEVATION**  
SCALE: 1/4" = 1' - 0"

## NOTES

1. OWNER TO SELECT ALL WINDOW & DOOR STYLES.
2. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
3. VERIFY ALL EXTERIOR MATERIALS WITH OWNER PRIOR TO CONSTRUCTION.
4. VERIFY WINDOW SURROUND MATERIAL & STYLE WITH OWNER.



**05 COLUMN DETAIL**  
SCALE: 1/2" = 1' - 0"

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# CITY OF ROCKWALL

## CITY COUNCIL MEMORANDUM

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

---

**TO:** Mayor and City Council

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

**FROM:** Ryan Miller, *Director of Planning and Zoning*

**DATE:** April 6, 2020

**SUBJECT:** Z2020-003; *Specific Use Permit (SUP) for 610 Park Avenue*

---

On March 16, 2020, the City Council voted to approve the proposed Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* by a vote of 4-2, with Mayor Pruitt and Council Member Johannesen dissenting and Council Member Trowbridge abstaining. In accordance with this vote, this item will be placed in the *Action Items* section of the agenda for the April 6, 2020 City Council Meeting. This will be the second reading of the ordinance.



CITY OF ROCKWALL

ORDINANCE NO. 20-11

SPECIFIC USE PERMIT NO. S-217

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.161-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 7, BLOCK D, FOREE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* 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 Reese Baez on behalf of the owner Amanda Henry for the approval of a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow the construction of a single-family home on a 0.161-acre parcel of land being described as Lot 7, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 610 Parks Avenue, 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. 20-02*] 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 (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow the construction of a single-family home in an established subdivision in accordance with *Subsection 02.03(B)(11), Residential Infill in or Adjacent to an Established Subdivision*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*]; and,

**SECTION 2.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- as heretofore amended and as may be amended in the future --, and the following conditions:

## 2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property*, and conformance to these operational conditions is required:

- 1) Development of the *Subject Property* shall generally conform to the Residential Plot Plan as depicted in *Exhibit 'B'* of this ordinance.
- 2) Construction of a single-family home on the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'C'* of this ordinance; and,
- 3) Once construction of the single-family home has been completed, inspected, and accepted by the City, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

## 2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02] will require the *Subject Property* to comply with the following:

- 1) Upon obtaining or maintaining a Building Permit and should any contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined 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 Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

**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;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6<sup>TH</sup> DAY OF APRIL, 2020.**

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

**ATTEST:**

\_\_\_\_\_  
Kristy Cole, City Secretary

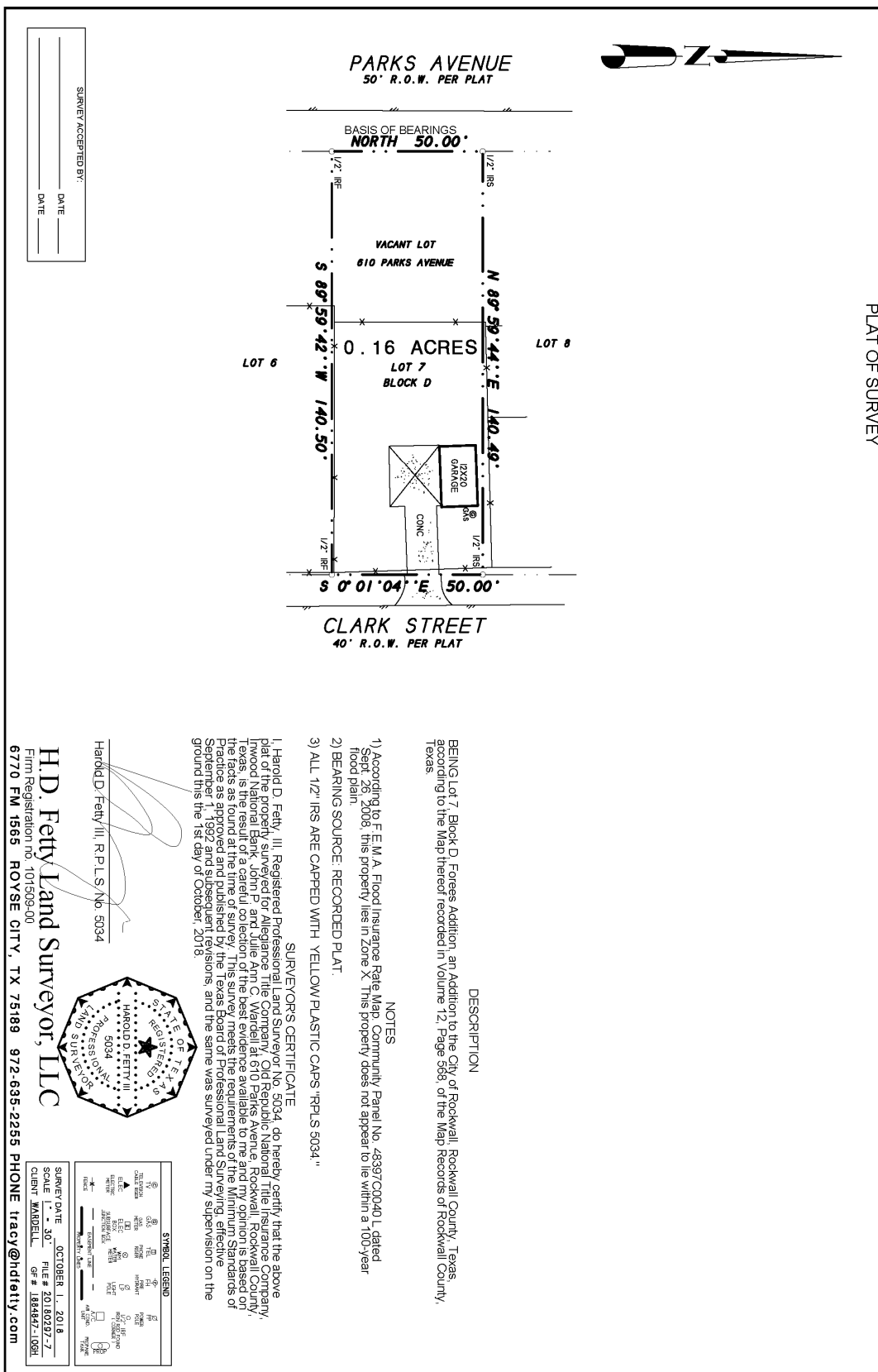
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, City Attorney

1<sup>st</sup> Reading: March 16, 2020

2<sup>nd</sup> Reading: April 6, 2020

**Exhibit 'A':**  
*Survey*

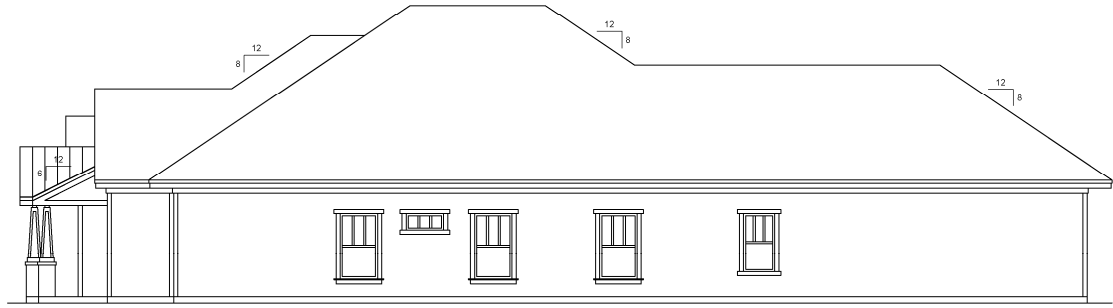


PARKS AVENUE  
50' R.O.W. PER PLAT

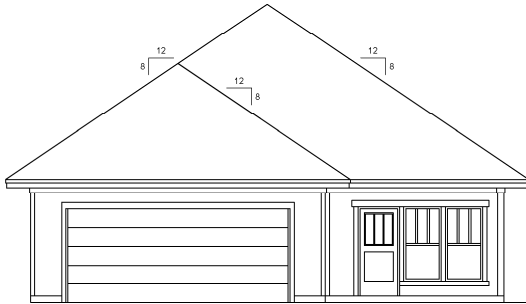


<u>TOTAL COVERED</u>		= 2,726 SF
<u>BACK PATIO</u>		= 136 SF
<u>FRONT PORCH</u>		= 167 SF
<u>GARAGE</u>		= 553 SF
<u>A/C AREA</u>		= 1,870 SF

# **Exhibit 'C':** **Building Elevations**



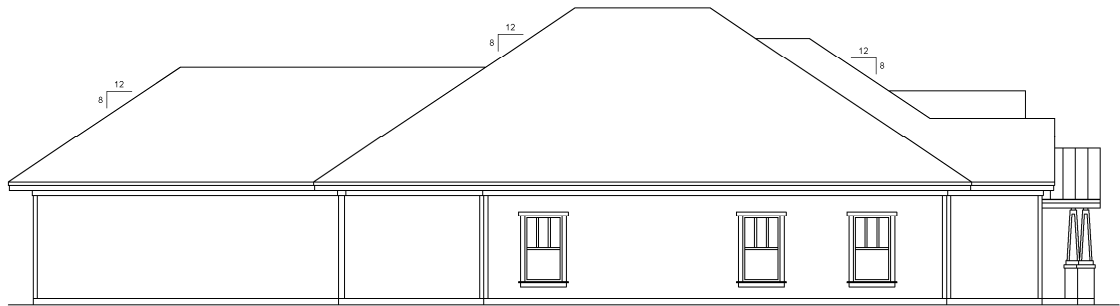
**4 SOUTH ELEVATION**  
SCALE: 3/16" = 1'-0"



**3 EAST ELEVATION**  
SCALE: 3/16" = 1'-0"



**2 WEST ELEVATION**  
SCALE: 3/16" = 1'-0"



**1 NORTH ELEVATION**  
SCALE: 3/16" = 1'-0"

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# CITY OF ROCKWALL

## CITY COUNCIL MEMORANDUM

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

---

**TO:** Mayor and City Council

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

**FROM:** Ryan Miller, *Director of Planning and Zoning*

**DATE:** April 6, 2020

**SUBJECT:** Z2020-007; *Amendment to the Fence Standards for Existing and Infill Single-Family and Duplex Properties Contained in Article 08, Landscape and Fence Standards, of the UDC*

---

On March 16, 2020, the City Council voted to approve the proposed text amendment to Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) by a vote of 6-1, with Council Member Fowler dissenting. In accordance with this vote, this item will be placed in the *Action Items* section of the agenda for the April 6, 2020 City Council Meeting. This will be the second reading of the ordinance.



**CITY OF ROCKWALL**

**ORDINANCE NO. 20-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION 08.03(B), FENCE STANDARDS FOR EXISTING AND INFILL SINGLE-FAMILY AND DUPLEX PROPERTIES, OF ARTICLE 08, LANDSCAPE AND FENCE STANDARDS, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; 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**, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Section 08.03(b), *Fence Standards for Existing and Infill Single-Family and Duplex Properties*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code [*Ordinance No. 20-02*]; 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 city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

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

**SECTION 1.** That Section 08.03(b), *Fence Standards for Existing and Infill Single-Family and Duplex Properties*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

**SECTION 2.** 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 3.** 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 [*Ordinance No. 04-38*], 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 4.** 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 6<sup>TH</sup> DAY OF APRIL, 2019.**

---

Jim Pruitt, Mayor

**ATTEST:**

---

Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

---

Frank J. Garza, City Attorney

1<sup>st</sup> Reading: March 16, 2020

2<sup>nd</sup> Reading: April 6, 2020

**Exhibit 'A'**

Section 08.03(B), Fence Standards for Existing and Infill Single-Family and Duplex Properties, of  
Article 08, Landscape and Fence Standards, of the  
Unified Development Code (UDC)

Additions: **Highlighted**

Deletions: **Highlighted, Strikeout**

All solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel. All cedar pickets shall be placed on the public side **and all posts and/or framing shall be placed on the private side when adjacent to a public street (excluding alleyway), open space, public park, and/or neighboring properties.** ~~(i.e. facing streets, alleys, open space, parks, and/or neighboring properties).~~ All posts and/or framing shall be placed on the private side ~~(i.e. facing towards the home)~~ of the fence. All wood fences shall be smooth finished, free of burs and splinters, and be stained and sealed on both sides of the fence. **Painting a fence with oil or latex based paint shall be prohibited. All solid fences shall incorporate a decorative top rail and/or cap detailing the design of the fence.**

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# CITY OF ROCKWALL

## CITY COUNCIL MEMORANDUM

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

---

**TO:** Mayor and City Council

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

**FROM:** Ryan Miller, *Director of Planning and Zoning*

**DATE:** April 6, 2020

**SUBJECT:** Request for an Exemption from the Residential Moratorium

---

On November 8, 2019, the City Council adopted *Ordinance No. 19-44*, which established a temporary moratorium on the acceptance and processing of subdivision plats for both residential and commercial projects in the City of Rockwall's Extraterritorial Jurisdiction (ETJ). According to the adopted ordinance, the moratorium was set to be effective for 120-days for residential subdivision plats (*i.e. until March 7, 2020*) and 90-days for commercial subdivision plats (*i.e. until February 6, 2020*). More recently, the City Council extended the temporary moratorium on commercial subdivision plats for an additional 90-days (*i.e. until May 7, 2020*), and for residential subdivision plats for an additional 120-days (*i.e. until July 5, 2020*).

On March 17, 2020, the applicant's representative -- *Art Anderson of Winstead* -- submitted a letter requesting a waiver to the temporary residential moratorium for the purpose of allowing his client -- DR Horton -- the ability to submit a subdivision plat for a residential subdivision the will be situated on a 1,237-acre tract of land in the City of Rockwall's ETJ. The basis of Mr. Anderson's request was that his client would provide the necessary utilities for the development. Per Mr. Anderson's letter, "(i)n accordance with Section 212.137 of the Texas Local Government Code and Section 7 of the moratorium ordinance [*Ordinance No. 19-44*], we anticipate providing the public facilities for the above referenced development of the Property that is the subject of the moratorium at our cost." The section of the TLGC that Mr. Anderson is referencing states:

*(a) A moratorium adopted under this subchapter must allow a permit applicant to apply for a waiver from the moratorium relating to the property subject to the permit by: ... (2) providing the public facilities that are the subject of the moratorium at the landowner's cost.*

Based on this claim, the Director of Planning and Zoning requested additional information from the applicant concerning how DR Horton would provide adequate public facilities (services). This letter was sent on March 27, 2020. In response to this request, two (2) letters were received by the City on March 30, 2020. The first letter was from Art Anderson stating that the City was in violation of Section 212.137(b) of the TLGC, which states:

*(b) The permit applicant must submit the reasons for the request to the governing body of the municipality in writing. The governing body of the municipality must vote on whether to grant the waiver request within 10 days after the date of receiving the written request.*

The second letter received by staff was from Nathan Thompson, PE of Peloton Land Solutions. In this letter, Mr. Thompson states that DR Horton has [1] received a wastewater discharge permit from TCEQ and will be constructing a staged treatment plant, and [2] water services will be provided by Blackland Water Supply Corporation (WSC). Included with this letter were two (2) more letters. The first (*dated January 31, 2020*) is from the North Texas Municipal Water District (NTMWD) stating that they are "aware" that Blackland WSC is pursuing becoming a direct customer from the NTMWD. Staff should point out that this letter does not provide a time table for becoming a customer of NTMWD, nor is there a subsequent letter from the Blackland WSC stating that they are currently able to serve the proposed development. The second letter -- *which is a referenced attachment to the first letter* -- (*dated March 1, 2016*) is a letter from Rick Crowley, City Manager of the City of Rockwall stating that the City does not object to the Blackland WSC becoming a direct customer of NTMWD.

In response to the second letter received by Mr. Thompson, the Director of Planning and Zoning sent a letter to Mr. Anderson on April 2, 2020 explaining that the Blackland WSC is not a customer of NTMWD, and that it currently receives its water through a contract with the City of Rockwall. The letter further explained that this contract only allows Blackland WSC a certain number of connections and that they had exceeded the allotted number by 75 connections; therefore, Blackland WSC does not currently have the ability to serve Mr. Anderson's clients proposed subdivision.

*Ordinance No. 19-44* requires the Director of Planning and Zoning to make an initial determination concerning projects seeking to submit a subdivision plat application during the temporary moratorium. In this case -- *and stated in the letter sent to Mr. Anderson on April 2, 2020 --*, the Director of Planning and Zoning has determined that since the Blackland WSC cannot currently serve the proposed development, Mr. Anderson's request was not in compliance with Section 212.137(a)(2) and was not eligible to request a waiver. In addition to Blackland WSC's inability to serve the development, the Director also considered the following facts:

- (1) As indicated in the letter sent to Mr. Anderson on April 2, 2020, the Blackland WSC is currently renegotiating its contract with the City of Rockwall; however, as of the date of this memo no changes have been accepted or approved by either party.
- (2) If a waiver was granted to allow DR Horton to submit a subdivision plat it can be reasonably assumed that the Blackland WSC would still not have the ability to serve the proposed development unless Blackland WSC successfully negotiates to be a customer of NTMWD. If this assumption is correct, this would put the City Council into a difficult situation when considering a subdivision plat based on Subsection (d)(1), *Adequate Service for Areas Proposed for Development*, of Section 38-5, *Policy*, of Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances, which states:

*Land proposed for development in the city and in the city's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities. Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or offsite.*

NOTE: The assumption that Blackland WSC would not be able to serve the development is based on [1] the letter provided by NTMWD stating that as of January 31, 2020 the Blackland WSC was still in need of securing land adjacent to a transmission line to construct a *take point* and to negotiate a Water Supply Contract with NTMWD to provide water to their service area, and [2] the failure of the applicant to provide a letter from Blackland WSC stating that they can serve the proposed development.

Despite the Director of Planning and Zoning's determination, *Ordinance No. 19-44* states that, "(t)he decision to approve an *Exemption* as provided for above in the *Exemptions* section of this ordinance [*Ordinance No. 19-44*] shall rest solely with the City Council." Based on this, staff has notified the applicant that this item will be heard by the City Council at the April 6, 2020 meeting. For the City Council's review, staff has provided all corresponds between the City and the applicant, and the full text for Section 212.137 of the TLGC. Should the City Council have any questions staff and the City Attorney will be present at the meeting to answer.

2728 N. Harwood Street  
Suite 500  
Dallas, Texas 75201

214.745.5400 OFFICE  
214.745.5390 FAX  
winstead.com

Arthur J. Anderson  
direct dial: 214.745.5745  
aanderson@winstead.com

March 17, 2020

City of Rockwall  
Attn: Ryan Miller ([rmiller@rockwall.com](mailto:rmiller@rockwall.com))  
Director of Planning  
385 S. Goliad  
Rockwall, TX 75087

Re: RiverRock Trails, a proposed development project on a 1,237 acre tract of land in Rockwall ETJ, Rockwall County, Texas ("Property")

Dear Mr. Miller:

Our firm represents DR Horton which respectfully requests a waiver from the current moratorium ordinance that the City passed relating to the platting of property located in the City's ETJ within Rockwall County. In accordance with Section 212.137 of the Texas Local Government Code and Section 7 of the moratorium ordinance, we anticipate providing the public facilities for the above referenced development of the Property that is the subject of the moratorium at our cost.

In accordance with Section 212.137(b) we respectfully request an answer within ten (10) days after receipt of our written request. If additional information is needed to respond to our request, please don't hesitate to call the undersigned at 214-745-5745.

Sincerely yours,



Arthur J. Anderson

AJA:vb

cc: Rockwall City Manager Rick Crowley ([rcrowley@rockwall.com](mailto:rcrowley@rockwall.com))  
Rockwall City Attorney Frank Garza ([fgarza@dtgrglaw.com](mailto:fgarza@dtgrglaw.com))



City of Rockwall  
*The New Horizon*

March 27, 2020

Attn: Arthur J. Anderson  
Winstead  
2728 N. Harwood Street  
Dallas, Texas 75201

**RE: Request for Waiver to the Temporary Moratorium**

Mr. Anderson:

In your letter dated March 17, 2020, you requested a waiver of the current moratorium ordinance related to the RiverRock Trails project located in the City of Rockwall's ETJ. You indicate that your client, DR Horton, is anticipating to provide all the required public facilities for their proposed development at their costs. In order to properly evaluate your request for a waiver and make an initial determination as required by Section 8, *Determination and Appeals*, of *Ordinance No. 19-44*, I am requesting that you provide additional information concerning the provisions of adequate public facilities, specifically relating to water and wastewater services. Once we have received this information and assurance of capacity to provide service, I can make a determination on your request and forward it to the City Manager and City Council for further consideration. Upon receipt of this information, the City will provide you a response in the statutory time period of ten (10) days as required by Section 212.137(b).

If you have any questions concerning this request, please feel free to contact my office at (972) 772-6441 or email me at [rmiller@rockwall.com](mailto:rmiller@rockwall.com).

Sincerely,

Ryan Miller, AICP  
Director of Planning and Zoning  
City of Rockwall, Texas

CC: Frank J. Garza, *City Attorney*  
Rick Crowley, *City Manager*  
Mary Smith, *Assistant City Manager/Director of Finance*



500 Winstead Building  
2728 N. Harwood  
Dallas, TX 75201

214.745.5400 OFFICE  
214.745.5390 FAX  
winstead.com

Arthur J. Anderson  
direct dial: 214.745.5745  
[aanderson@winstead.com](mailto:aanderson@winstead.com)

March 30, 2020

City of Rockwall  
Attn: Ryan Miller ([rmiller@rockwall.com](mailto:rmiller@rockwall.com))  
Director of Planning  
385 S. Goliad  
Rockwall, TX 75087

Re: RiverRock Trails, a proposed development project on a 1,237 acre tract of land in Rockwall ETJ, Rockwall County, Texas ("Property")

Dear Mr. Miller:

Our firm represents DR Horton which on March 17, 2020 requested a waiver from the current moratorium ordinance that the City passed relating to the platting of property located in the City's ETJ within Rockwall County. According to § 212.137, Tex. Loc. Gov't Code, the Rockwall City Council was required to vote on the request by March 27, 2020. The City did not comply with state law. Instead, we received a letter requesting additional information about water and wastewater service to the Property. This request does not comply with the statutory deadlines. Therefore, our client is legally authorized to submit plat application materials at this time.

By separate correspondence, Rockwall County Water Control and Improvement District No. 1 and 2 will provide you with additional information regarding water and wastewater service. Providing this information does not waive our client's rights and remedies to challenge the City's moratorium. If additional information is needed to respond to our request, please don't hesitate to call the undersigned at 214-745-5745.

Sincerely yours,



Arthur J. Anderson

AJA:vb

cc: Rockwall City Manager Rick Crowley ([rcrowley@rockwall.com](mailto:rcrowley@rockwall.com))  
Rockwall City Attorney Frank Garza ([fgarza@dtgrglaw.com](mailto:fgarza@dtgrglaw.com))

March 30, 2020

Mr. Ryan Miller, AICP  
Director of Planning  
City of Rockwall  
385 S. Goliad Street  
Rockwall, Texas 75087

Re.: Water and Sewer Service for property within Rockwall County Water Control and Improvement District Nos. 1 & 2 (collectively, the "Districts")

Mr. Miller,

As the engineer for the Districts, we have been requested to describe how water and sanitary sewer service will be provided within the Districts to the RiverRock Trails project. As you may know, the Districts were formed by the State of Texas in 2012 for the purpose of constructing, operating, and maintaining water distribution, wastewater, and drainage infrastructure and service.

A wastewater discharge permit is being submitted to the TCEQ for processing. We expect to receive the permit in approximately 6 months. Once received, we will construct a wastewater treatment plant which meets or exceeds TCEQ requirements. The treatment plant will be constructed in stages based on demand. Wastewater service will not be provided by the City of Rockwall.

Water service within the District will be provided by Blackland Water Supply Corporation, the CCN holder. Blackland is contracting with North Texas Municipal Water District to supply it with wholesale water. Please see attached letters. Blackland will enter into an agreement with the Districts for retail service to serve customers located within the District. The City of Rockwall will not be the retail water provider.

Please let me know if you have any questions regarding this.

Sincerely,

PELTON LAND SOLUTIONS, INC.



Nathan Thompson, P.E.  
Principal

cc:  
David Booth, D.R. Horton Homes  
Jeff Miles, Miles Development Consultants  
Art Anderson, Winstead, P.C.

Attachments



*Regional. Reliable. Everyday.*

January 31, 2020

Ms. Melissa Rich  
General Manager  
Blackland Water Supply Corporation  
6715 State Highway 276  
Royse City, Texas 75198

Re: Blackland Water Supply Corporation (WSC) becoming direct water Customer of North Texas Municipal Water District (NTMWD).

Dear Ms. Rich:

This letter confirms that NTMWD is aware of Blackland WSC seeking to become a direct customer of NTMWD. Once Blackland WSC acquires property adjacent to NTMWD water transmission line to construct a take point, NTMWD will negotiate a Water Supply Contract with Blackland WSC to provide water to their service area subject to NTMWD Board of Directors approval.

Blackland WSC is currently a customer of the City of Rockwall. Rockwall does not object to Blackland becoming a direct customer of the District (per letter from 2016). NTMWD has accounted for Blackland WSC future water demands as part of the area capacity needs.

If you have any questions or need additional information, please Contact R.J. Muraski, Assistant Deputy Director of CIP and Planning, or myself at (972) 442-5405.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas W. Kula".

THOMAS W. KULA  
Executive Director

CB/RJM

Attachment: Letter from City of Rockwall stating no objection of Blackland becoming direct customer of NTMWD dated 4/1/2016.

cc: Mike Rickman

Regional Service Through Unity...Meeting Our Region's Needs Today and Tomorrow

501 E. Brown Street, P.O. Box 2408, Wylie, Texas 75098-2408 | Phone: 972-442-5405 | Fax: 972-295-6440 | [www.ntmwd.com](http://www.ntmwd.com)



City of Rockwall  
*The New Horizon*

March 1, 2016

North Texas Municipal Water District  
P.O. Box 2408  
Wylie TX 75098

RE: Blackland Water Supply Corporation

Dear Mr. George:

Consistent with prior correspondence and communications, the City of Rockwall does not object to Blackland Water Supply Corporation obtaining all of its water supply from NTMWD or other suppliers as soon as possible, provided Rockwall's take-or-pay amount to NTMWD is reduced to reflect the discontinuance of sales to Blackland.

Blackland would like to move forward with exploratory discussions with NTMWD and the City of Rockwall is agreeable to those meetings being held.

Rockwall presumes that if NTMWD and Blackland enter into a contract that obligates Blackland to pay NTMWD for the amount of water specified by Blackland in a take or pay arrangement then Rockwall's take or pay would be reduced accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Crowley". The signature is fluid and cursive, with the first name "Rick" and last name "Crowley" clearly distinguishable.

Rick Crowley  
Assistant City Manager

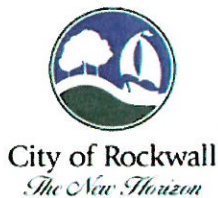
PCD #: 162080

385 South Goliad St., Rockwall, TX 75087

972.771.7700

[www.rockwall.com](http://www.rockwall.com)





April 2, 2020

Attn: Arthur J. Anderson  
Winstead  
2728 N. Harwood Street  
Dallas, Texas 75201

**RE: Request for Waiver to the Temporary Moratorium**

Mr. Anderson:

Per your request for a determination concerning an exemption from the moratorium for your client [DR Horton] as required by Section 8, *Determination and Appeals*, of *Ordinance No. 19-44*, please find the following:

In my last correspondence with you on March 27, 2020, I requested additional information concerning your client's ability to provide all the required public facilities for their proposed development. In response to this request, I received a letter from Nathan Thompson, PE of Peloton Land Solutions on March 30, 2020 stating that your client had received a wastewater discharge permit from the TCEQ and that the Blackland Water Supply Corporation (WSC) would be supplying water to the proposed development. Provided with this letter was two (2) additional letters, one (1) from Blackland WSC and one (1) from the City of Rockwall. The letter from Blackland WSC states that "Blackland WSC [is] seeking to become a direct customer of NTMWD." Currently, Blackland WSC is not a direct customer of the North Texas Municipal Water District (NTMWD), and is currently being supplied water through a contract with the City of Rockwall. In that contract, Blackland WSC is limited to 1,495 water connections, and currently they exceed this allotment by 75 water connections. While this contract is currently being renegotiated, no changes have been accepted or approved by either party; therefore, Blackland WSC does not have capacity to provide water to your client's development.

The second letter provided by Mr. Thompson was a letter from the City of Rockwall (*dated March 1, 2016*) stating that the City does not oppose the Blackland WSC from pursuing the ability to become a direct customer of the NTMWD, and this remains the City's position today; however, based on the current inability of the Blackland WSC to provide water to your client's proposed development, I fail to see how your request meets the requirements of Section 212.137(a)(2) of the TLGC, or how the City could approve a subdivision plat for a development that lacks basic services if granted an exemption. As a result -- *and in accordance with Ordinance No. 19-44* -- I am forwarding your request to the City Council. I should note that I have already conferred with the City Manager concerning my decision, and he concurs that this item would be best decided by the City Council.

In accordance with Section 212.137(b), I have placed this item on the agenda for the April 6, 2020 City Council meeting, which will be held at Rockwall City Hall. Due to the current situation concerning COVID-19 and federal distancing guidelines, the meeting will take place as regularly scheduled, but applicants and the public are required to address the City Council over the phone as opposed to in person. I will send you a follow up email prior to the 6:00 PM meeting on April 6, 2020 with instructions on how you can call in should you wish to participate.



City of Rockwall  
*The New Horizon*

If you have any questions concerning this request, or are unable to participate in the meeting on April 6, 2020, please feel free to contact my office at (972) 772-6441 or email me at [rmiller@rockwall.com](mailto:rmiller@rockwall.com).

Sincerely,

Ryan Miller, AICP  
Director of Planning and Zoning  
City of Rockwall, Texas

CC: Frank J. Garza, *City Attorney*  
Rick Crowley, *City Manager*  
Mary Smith, *Assistant City Manager/Director of Finance*

Sec. 212.137. WAIVER PROCEDURES REQUIRED. (a) A moratorium adopted under this subchapter must allow a permit applicant to apply for a waiver from the moratorium relating to the property subject to the permit by:

- (1) claiming a right obtained under a development agreement; or
- (2) providing the public facilities that are the subject of the moratorium at the landowner's cost.

(b) The permit applicant must submit the reasons for the request to the governing body of the municipality in writing. The governing body of the municipality must vote on whether to grant the waiver request within 10 days after the date of receiving the written request.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. [3461](#)), Sec. 2, eff. September 1, 2005.

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City of Rockwall  
*The New Horizon*

**CITY OF ROCKWALL, TEXAS  
MAYORAL DECLARATION OF LOCAL STATE OF DISASTER  
DUE TO PUBLIC HEALTH EMERGENCY**

**WHEREAS**, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

**WHEREAS**, the symptoms of COVID-19 can cause a severe illness, including coughing, fever, shortness of breath and cause further complications including death; and

**WHEREAS**, COVID-19 virus mainly spreads between people who are in close contact with one another; and

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas and setting certain restrictions, certifying under Section 418.0 14 of the Texas Government Code that the novel coronavirus (COVID- 19) poses an imminent threat of disaster for all counties in the State of Texas; and

**WHEREAS**, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

**WHEREAS**, the Governor has issued numerous executive orders and suspensions of Texas laws in response to the COVID-19 disaster, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

**WHEREAS**, the Governor issued Executive Order GA-08 on March 19, 2020, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take actions to slow the spread of COVID-19; and

**WHEREAS**, on March 31, 2020, the Governor issued Executive Order GA14 which mandated, every person in Texas shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household; and

**WHEREAS**, the City of Rockwall, Texas, is taking extraordinary measures to prevent the spread

of COVID-19 and prevent the spread throughout the City of Rockwall by adopting the provisions set out by the Governor; and

**WHEREAS**, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, and pursuant to Chapter 418 of the Texas Government Code.

**NOW THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF ROCKWALL, TEXAS:**

**SECTION 1.** That a local state of disaster for public health emergency is hereby declared for the City of Rockwall Texas, pursuant to Section 418.108(a) of the Texas Government Code.

**SECTION 2.** That pursuant to Section 418.108(b) of the Texas Government Code the state of disaster for public health emergency shall continue until April 30, 2020.

**SECTION 3.** That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**SECTION 4.** That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Rockwall, Texas, emergency management plan.

**SECTION 5.** That pursuant to Section 122.006 of the Texas Health and Safety Code, this declaration authorizes the City to take any action necessary to promote health.

**SECTION 6.** That this declaration hereby prohibits the issuance of any permits for activities that are known to attract gatherings.

**SECTION 7.** That businesses are responsible for ensuring that customers do not line up outside their buildings.

**SECTION 8.** That the City Manager is directed to take appropriate measures to facilitate online payments and authorize the waiver of online collection fees.

**SECTION 9.** That this declaration directs that all applications for permits and developments must be submitted online or through the U.S. Mail.

**SECTION 10.** That this declaration directs that any “in person” meeting of any City of Rockwall Board or Commission is cancelled. This does not apply to the City Council in taking up essential matters dealing with health and safety, or functions necessary to ensure the continued operation of essential city services during this crisis.

**SECTION 11.** In accordance with Texas Government Code §418.173, a person who knowingly

or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days.

**SECTION 12.** Pursuant to Section 418.108(b) of the Texas Government Code, the state of disaster for public health emergency shall continue until April 30, 2020. That this declaration shall take effect immediately from and after its issuance and be effective until April 30, 2020.

**DECLARED this 6<sup>th</sup> day of April, 2020**

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**Jim Pruitt, Mayor**

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City of Rockwall  
*The New Horizon*

## MEMORANDUM

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**TO:** Rick Crowley, City Manager  
**FROM:** Mary Smith, Assistant City Manager  
**DATE:** April 3, 2020  
**SUBJECT:** Financial Position and Outlook

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The City's auditors are finalizing the annual report for the year ended September 30, 2019 so just a caveat that the figures presented here are unaudited but should change very little as the report is completed.

### Reserves

The City's General Fund reserves for FY2019 increased by \$1,731,096 from the prior year actual balance. The reserves (also called fund balance) will be \$14,526,000. This amounts to 5 months of operating reserves. In the City's FY2020 budget we have appropriated \$1,272,500 for capital equipment from those reserves. Most if not all of this equipment has been ordered and much of it has been delivered and put into service.

### Budget FY2020 - Revenues

Sales tax increases were strong during the first several months of the fiscal year so if that revenue were simply to stay flat for the remainder of the year we would still be up about \$706,000 above budgeted sales tax. That will most certainly not be the case. It is important to remember that sales tax figures lag 2 months behind sales so the information we will get in the next week will be for February sales. Our first look at the actual impact of the current situation will not come until the second week of May and will then be March sales of which about half the month was before shopping patterns were so drastically altered. I ran projections using a decrease of 25% over the prior year, same month, for the remaining months of the fiscal year and we could conceivably be right on budget.

Permit figures for March 2020 were actually somewhat over March 2019 with 50 new house starts compared to 45 the prior March.

### Expenditures

As in past years we can reasonably expect salary savings in the range of \$500,000 will materialize. In addition, there is roughly \$1,000,000 in street maintenance projects could be deferred to future budgets. This is typically small asphalt and concrete repairs and other similar small projects.

We will keep Council updated as we move forward and fully expect that Fiscal year 2021 budgeting will be very challenging. The extent to which is not easy to determine at this time.

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City of Rockwall  
*The New Horizon*

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# **Building Inspections Department Monthly Report**

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## **February 2020**

### **Permits**

**Total Permits Issued: 230**

Building Permits: 34

Contractor Permits: 196

**Total Commercial Permit Values: \$ 7,690,701.30**

Building Permits: \$7,277,860.00

Contractor Permits: \$412,841.30

**Total Fees Collected: \$134,061.03**

Building Permits: \$114,895.47

Contractor Permits: \$19,165.56

### **Board of Adjustment**

**Board of Adjustment Cases**

**1**

PERMITS ISSUED - Summary by Type and Subtype  
For the Period 2/1/2020 thru 2/29/2020

Type / SubType	# of Permits Issued	Valuation of Work	Fees Charged
BANNER	4	\$0.00	\$203.00
30 DAY BANNER	4	\$0.00	\$203.00
CLEAN SHOW	2	\$0.00	\$153.00
	2	\$0.00	\$153.00
CO	8	\$0.00	\$603.00
BUSINESS	7	\$0.00	\$526.50
INTERIOR	1	\$0.00	\$76.50
COMM	26	\$7,604,871.30	\$43,993.20
ACC BLDG	1	\$9,311.30	\$192.75
ADDITION	3	\$6,100,000.00	\$27,261.12
CONCRETE	1	\$6,000.00	\$139.48
CONST TRAILER	5	\$280,300.00	\$608.00
ELECTRICAL	1	\$500.00	\$51.00
FENCE	1	\$8,000.00	\$51.00
MECHANICAL	1	\$2,500.00	\$96.64
MISCELLANEOUS	2	\$53,000.00	\$102.00
NEW	1	\$995,000.00	\$12,935.61
PLUMBING	5	\$20,400.00	\$689.38
REMODEL	4	\$129,860.00	\$1,791.22
ROOF	1	\$0.00	\$75.00
SIGNAGE	16	\$85,830.00	\$3,580.50
DEVELOPMENT	1	\$800.00	\$76.50
DIRECTORY	1	\$1,000.00	\$76.50
MONUMENT	2	\$12,000.00	\$153.00
MULTIPLE	1	\$8,000.00	\$153.00
TEMP REAL ESTATE	1	\$630.00	\$76.50
WALL	10	\$63,400.00	\$3,045.00
SINGLE FAMILY	165	\$0.00	\$84,646.33
ACC BLDG	1	\$0.00	\$64.00
ADDITION	1	\$0.00	\$1,580.36
CONCRETE	6	\$0.00	\$427.68
DECK	1	\$0.00	\$126.50
DEMO	1	\$0.00	\$51.00
ELECTRICAL	10	\$0.00	\$1,772.38
FENCE	32	\$0.00	\$1,631.00
IRRIGATION	34	\$0.00	\$2,601.00
MECHANICAL	4	\$0.00	\$507.50
NEW	13	\$0.00	\$70,074.56
PATIO COVER	5	\$0.00	\$431.25
PERGOLA	3	\$0.00	\$527.85
PLUMBING	19	\$0.00	\$1,656.00
REPAIR	1	\$0.00	\$127.50
RETAINING WALL	1	\$0.00	\$50.00
ROOF	9	\$0.00	\$687.00
SWIM POOL	11	\$0.00	\$1,667.25
WINDOWS	13	\$0.00	\$663.50
SPECIAL EVENT	5	\$0.00	\$270.00
	5	\$0.00	\$270.00
TCO	4	\$0.00	\$612.00
	4	\$0.00	\$612.00



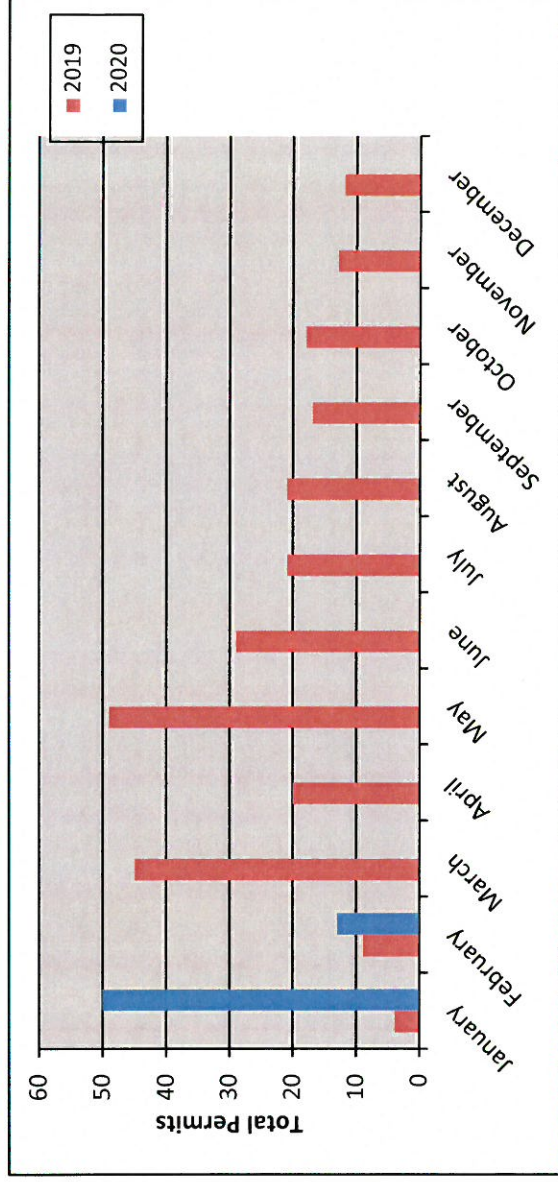
**City of Rockwall**  
**PERMITS ISSUED - Summary by Type and Subtype**  
**For the Period 2/1/2020 thru 2/29/2020**

Type / SubType	# of Permits Issued	Valuation of Work	Fees Charged
Totals:	230	\$7,690,701.30	\$134,061.03

## New Residential Permits

## Calendar Year

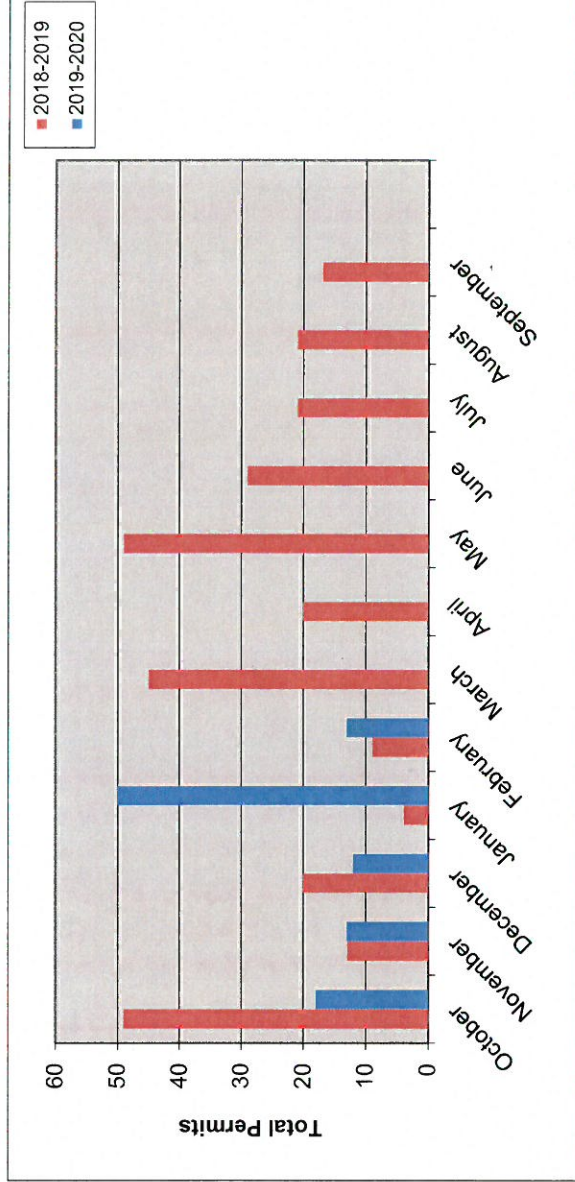
	Year	
	2019	2020
January	4	50
February	9	13
March	45	
April	20	
May	49	
June	29	
July	21	
August	21	
September	17	
October	18	
November	13	
December	12	
<b>Totals</b>	<b>258</b>	<b>63</b>



## New Residential Permits

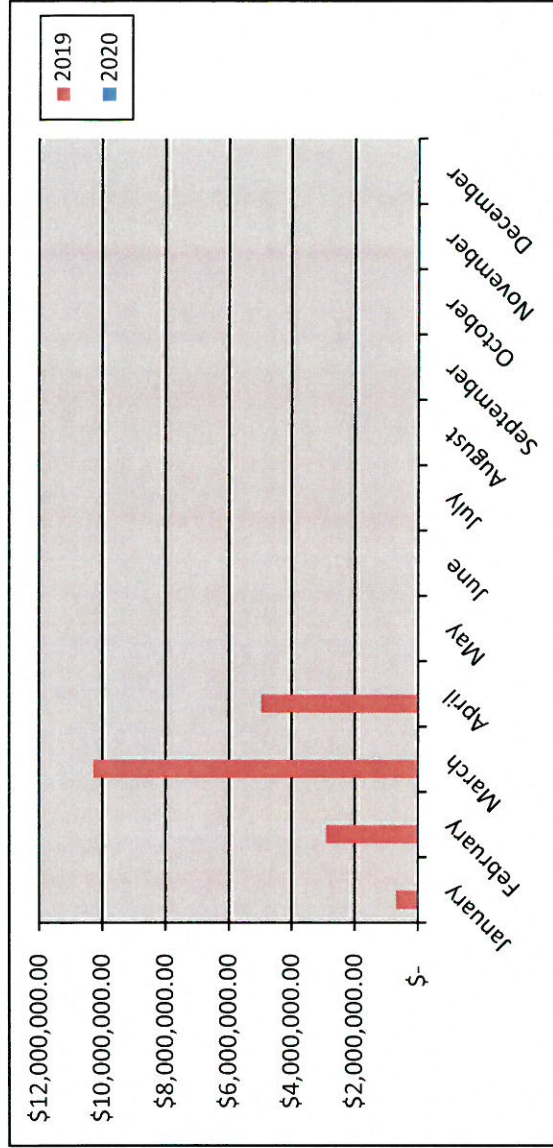
## Fiscal Year

	Year	
	2018-2019	2019-2020
October	49	18
November	13	13
December	20	12
January	4	50
February	9	13
March	45	
April	20	
May	49	
June	29	
July	21	
August	21	
September	17	
<b>Totals</b>	<b>297</b>	<b>106</b>



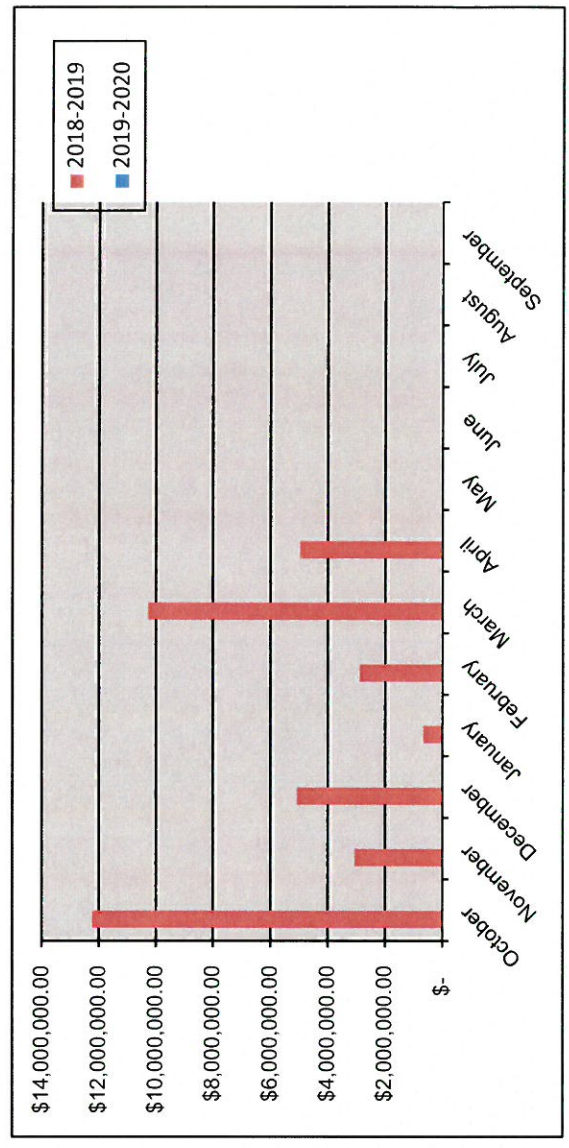
## New Residential Value      Calendar Year

Year		
	2019	2020
January	\$ 681,618.00	\$ -
February	\$ 2,897,344.85	\$ -
March	\$ 10,294,717.00	\$ -
April	\$ 4,977,668.00	\$ -
May		\$ -
June		\$ -
July		\$ -
August		\$ -
September		\$ -
October		\$ -
November		\$ -
December		\$ -
<b>Totals</b>	<b>\$ 18,851,347.85</b>	<b>\$ -</b>



## New Residential Value      Fiscal Year

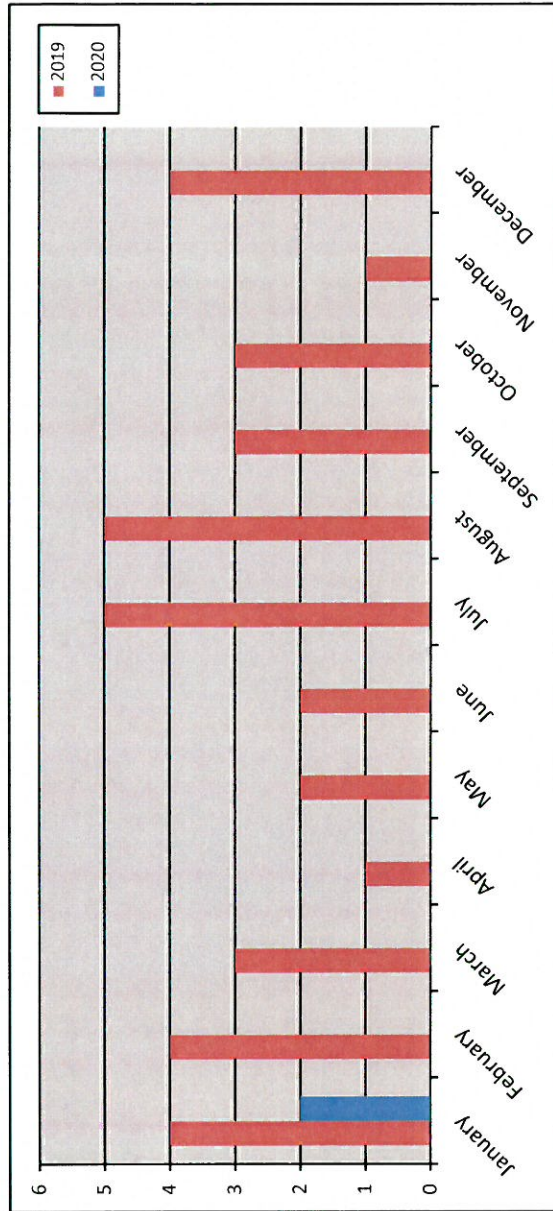
Year		
	2018-2019	2019-2020
October	\$ 12,263,973.00	\$ -
November	\$ 3,064,499.00	\$ -
December	\$ 5,072,758.00	\$ -
January	\$ 681,618.00	\$ -
February	\$ 2,897,344.85	\$ -
March	\$ 10,294,717.00	\$ -
April	\$ 4,977,668.00	\$ -
May		\$ -
June		\$ -
July		\$ -
August		\$ -
September		\$ -
<b>Totals</b>	<b>\$39,252,577.85</b>	<b>\$ -</b>





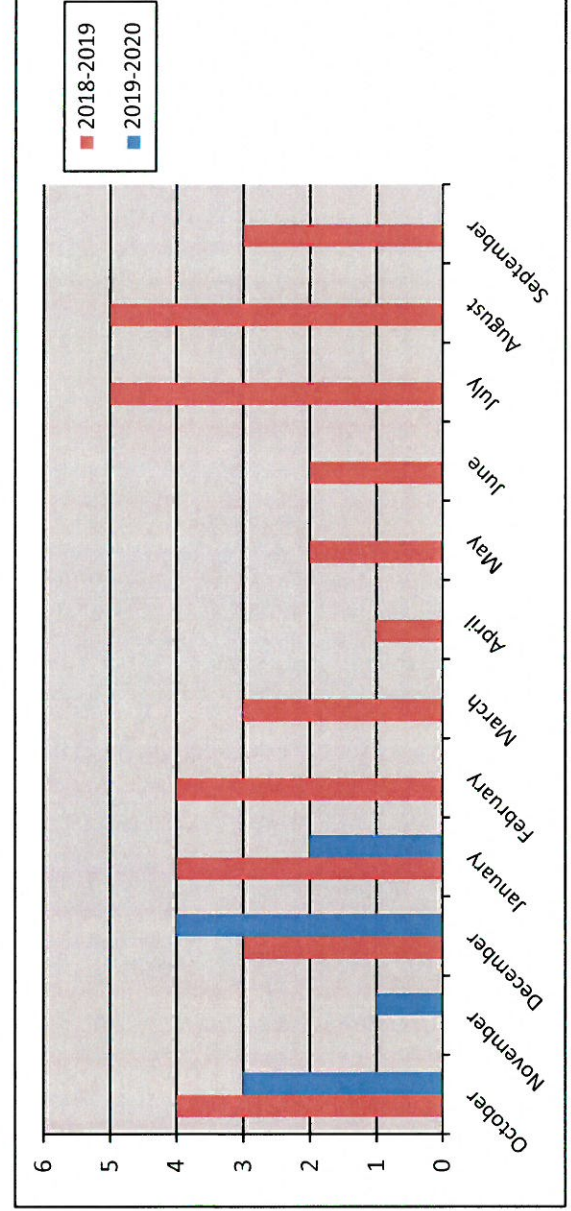
## Residential Remodel Permits      Calendar Year

	Year	
	2019	2020
January	4	2
February	4	0
March	3	
April	1	
May	2	
June	2	
July	5	
August	5	
September	3	
October	3	
November	1	
December	4	
<b>Totals</b>	<b>37</b>	<b>2</b>



## Residential Remodel Permits      Fiscal Year

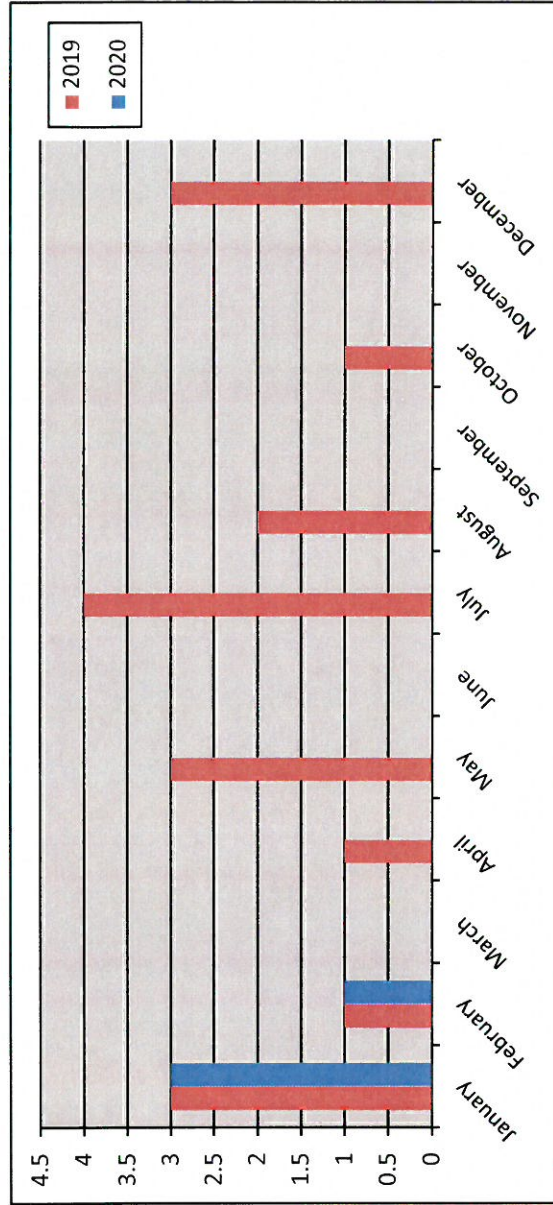
	Year	
	2018-2019	2019-2020
October	4	3
November	0	1
December	3	4
January	4	2
February	4	0
March	3	
April	1	
May	2	
June	2	
July	5	
August	5	
September	3	
<b>Totals</b>	<b>36</b>	<b>10</b>



## New Commercial Permits

## Calendar Year

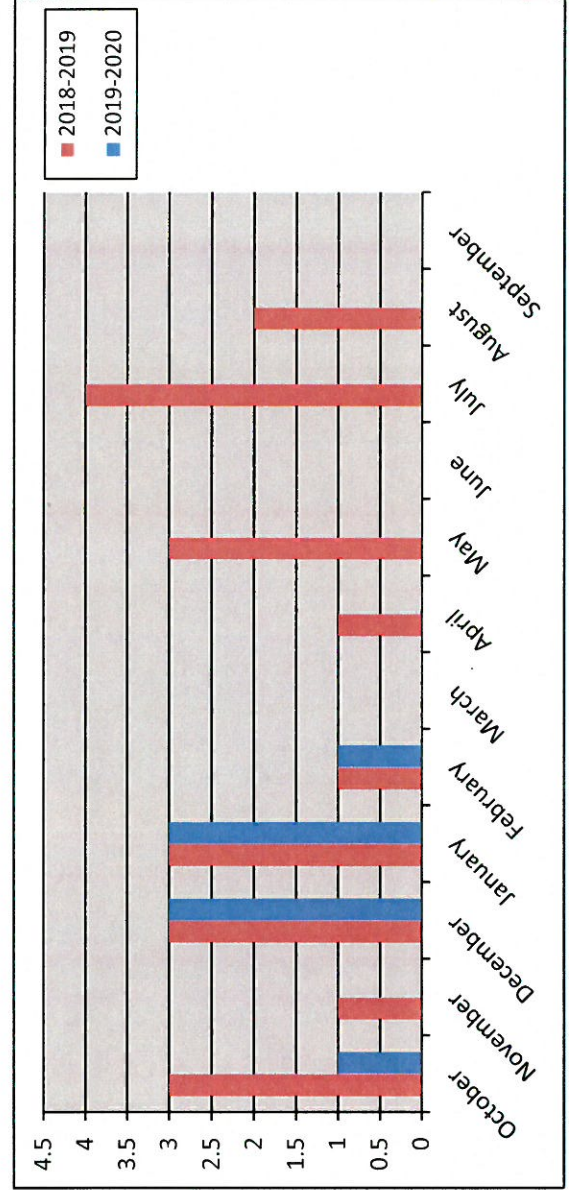
	Year	
	2019	2020
January	3	3
February	1	1
March	0	
April	1	
May	3	
June	0	
July	4	
August	2	
September	0	
October	1	
November	0	
December	3	
<b>Totals</b>	<b>18</b>	<b>4</b>



## New Commercial Permits

## Fiscal Year

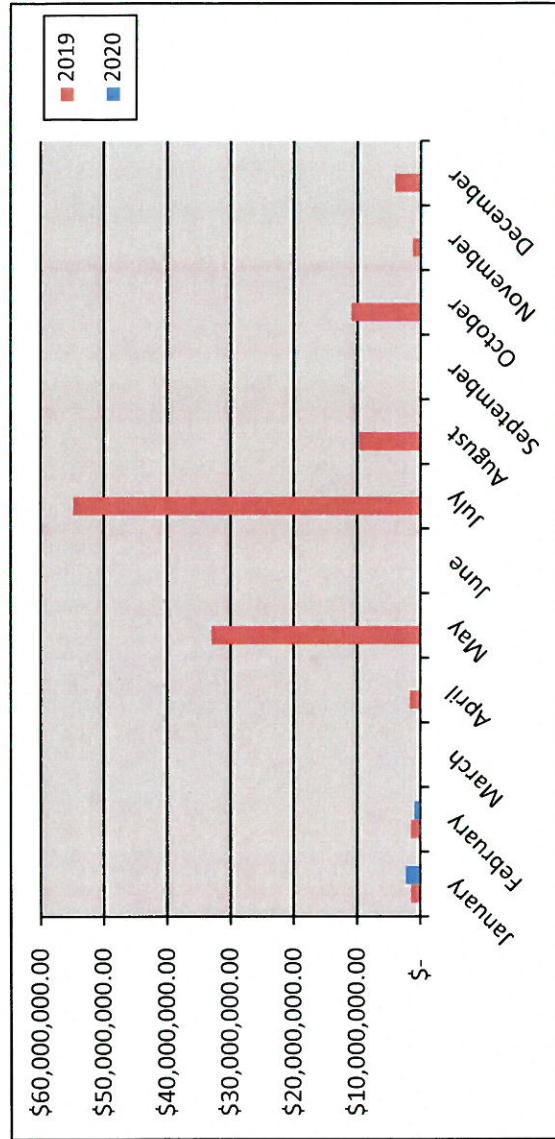
	Year	
	2018-2019	2019-2020
October	3	1
November	1	0
December	3	3
January	3	3
February	1	1
March	0	
April	1	
May	3	
June	0	
July	4	
August	2	
September	0	
<b>Totals</b>	<b>21</b>	<b>8</b>





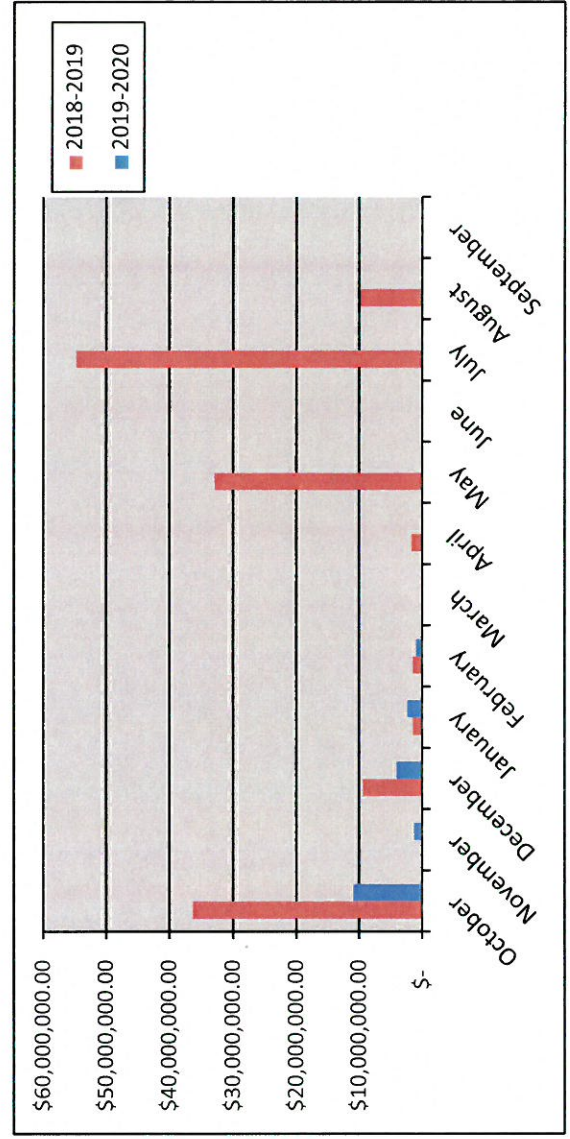
# New Commercial Value Calendar Year

	Year	
	2019	2020
January	\$ 1,530,000.00	\$ 2,375,000.00
February	\$ 1,500,000.00	\$ 995,000.00
March	\$ -	
April	\$ 1,700,000.00	
May	\$ 32,969,700.00	
June	\$ -	
July	\$ 54,900,000.00	
August	\$ 9,736,987.00	
September	\$ -	
October	\$ 11,000,000.00	
November	\$ 1,287,930.72	
December	\$ 4,100,000.00	
<b>Totals</b>	<b>\$ 118,724,617.72</b>	<b>\$ 3,370,000.00</b>



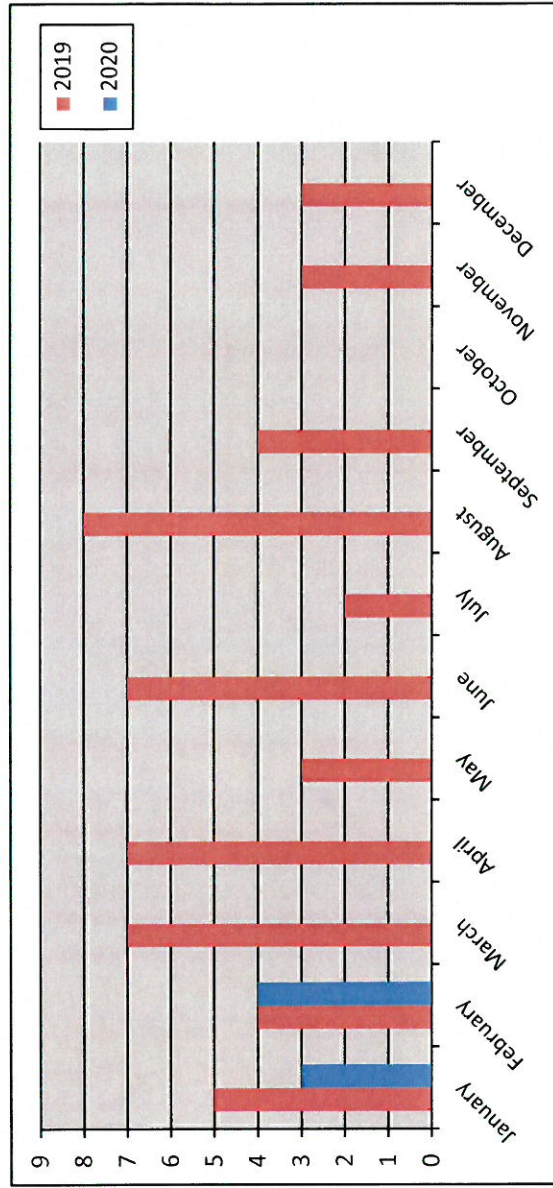
# New Commercial Value Fiscal Year

	Year	
	2018-2019	2019-2020
October	\$ 36,425,000.00	\$ 11,000,000.00
November	\$ 180,000.00	\$ 1,287,930.72
December	\$ 9,427,800.00	\$ 4,100,000.00
January	\$ 1,530,000.00	\$ 2,375,000.00
February	\$ 1,500,000.00	\$ 995,000.00
March	\$ -	
April	\$ 1,700,000.00	
May	\$ 32,969,700.00	
June	\$ -	
July	\$ 54,900,000.00	
August	\$ 9,736,987.00	
September	\$ -	
<b>Totals</b>	<b>\$ 148,369,487.00</b>	<b>\$ 19,757,930.72</b>



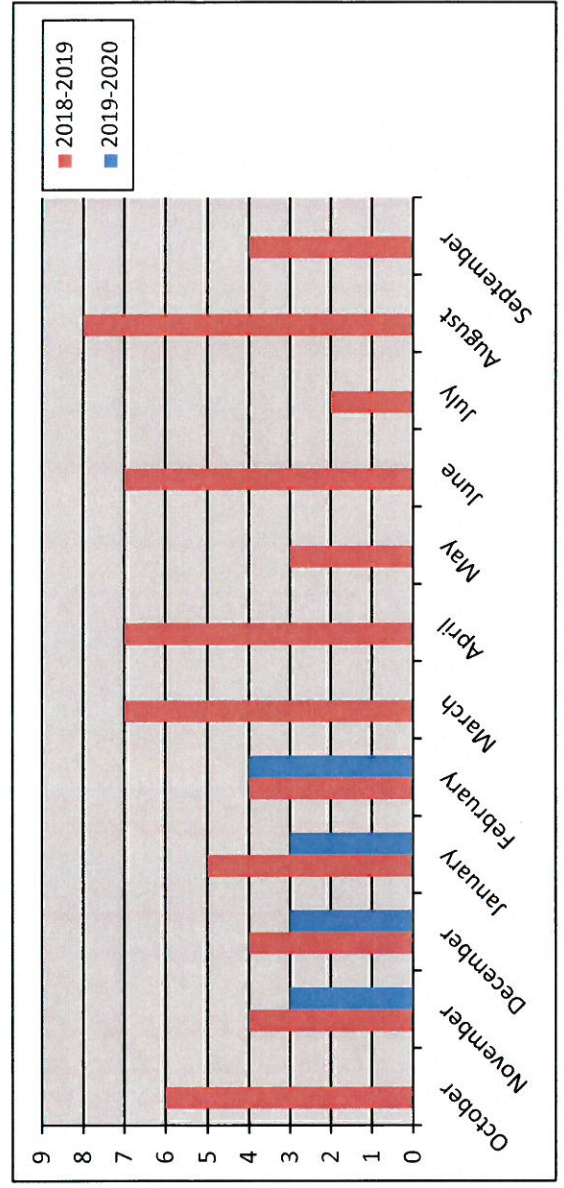
# Commercial Remodel Permits Calendar Year

	Year	
	2019	2020
January	5	3
February	4	4
March	7	
April	7	
May	3	
June	7	
July	2	
August	8	
September	4	
October	0	
November	3	
December	3	
<b>Totals</b>	<b>53</b>	<b>7</b>



# Commercial Remodel Permits Fiscal Year

	Year	
	2018-2019	2019-2020
October	6	0
November	4	3
December	4	3
January	5	3
February	4	4
March	7	
April	7	
May	3	
June	7	
July	2	
August	8	
September	4	
<b>Totals</b>	<b>61</b>	<b>13</b>

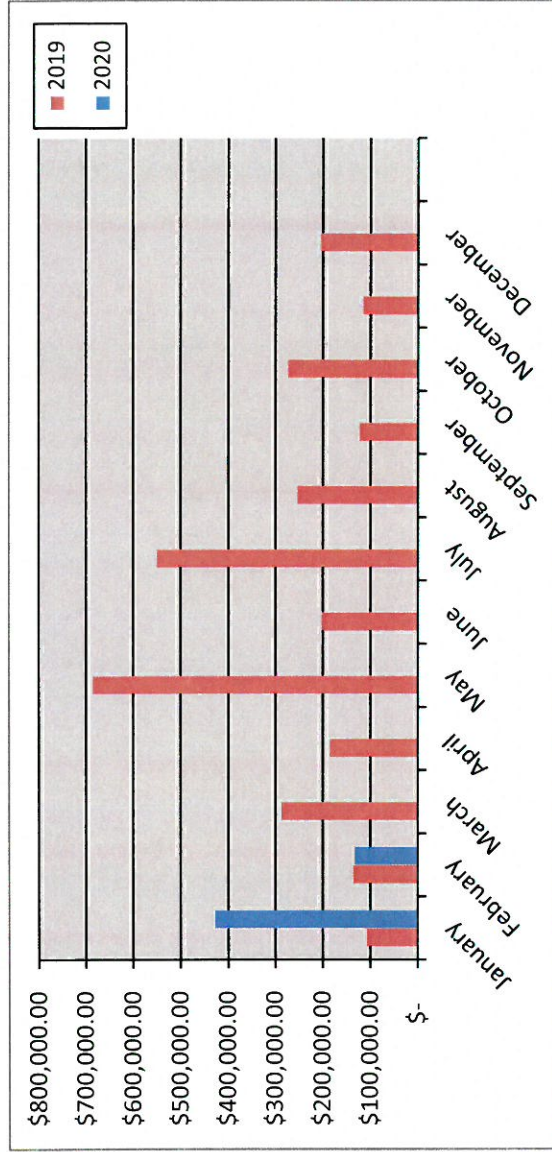




# Total Fees Collected

## Calendar Year

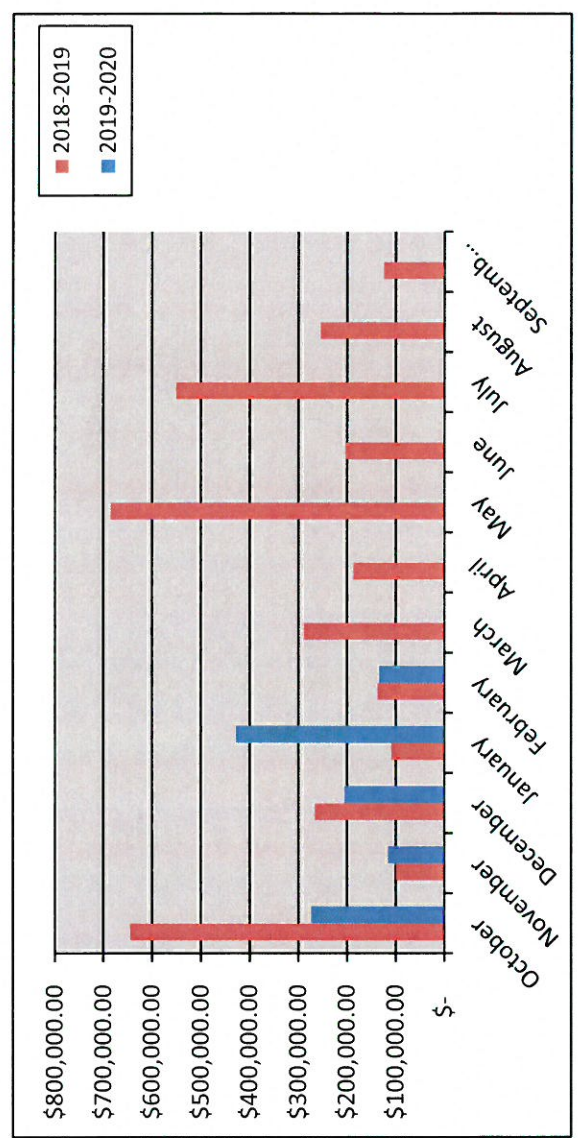
Year		
	2019	2020
January	\$ 108,325.23	\$ 427,697.11
February	\$ 137,260.79	\$ 134,061.03
March	\$ 288,576.03	
April	\$ 186,555.47	
May	\$ 685,938.85	
June	\$ 203,335.14	
July	\$ 551,248.76	
August	\$ 254,601.49	
September	\$ 123,811.68	
October	\$ 274,121.49	
November	\$ 116,656.13	
December	\$ 205,859.61	
<b>Totals</b>	<b>\$ 3,136,290.67</b>	<b>\$ 561,758.14</b>



# Total Fees Collected

## Fiscal Year

Year		
	2018-2019	2019-2020
October	\$ 645,511.95	\$ 274,121.49
November	\$ 99,983.92	\$ 116,656.13
December	\$ 266,328.43	\$ 205,859.61
January	\$ 108,325.23	\$ 427,697.11
February	\$ 137,260.79	\$ 134,061.03
March	\$ 288,576.03	
April	\$ 186,555.47	
May	\$ 685,938.85	
June	\$ 203,335.14	
July	\$ 551,248.76	
August	\$ 254,601.49	
September	\$ 123,811.68	
<b>Totals</b>	<b>\$ 3,551,477.74</b>	<b>\$ 1,158,395.37</b>





**City of Rockwall**  
**PERMITS ISSUED**  
**For the Period 2/1/2020 thru 2/29/2020**

Permit Number	Permit Type	Site Address	Valuation	Total Fees	Fees Paid
Application Date	Subtype	Parcel Number			
Issue Date	Status of Permit	Permit Name			
CO2018-0089	CO	102 N San Jacinto	0.00	75.00	75.00
08/02/2018	BUSINESS	4820-000K-0006-B0-0R			
02/10/2020	Active	Premier Properties Group			
Contact Type	Contact Name	Contact Address	Phone Number		
APPLICANT	Kris Goggans	2701 Sunset Ridge Dr., Rockwall, TX 75032	(903) 439-8795		
BUS OWNER	Kris Goggans	2701 Sunset Ridge Dr., Rockwall, TX 75032	(903) 439-8795		
BUSINESS	Premier Properties Group	102 N San Jacinto, ROCKWALL, TX 75087	(214) 414-3712		
OWNER	HALL, J BLAKELEY	207 E RUSK ST, ROCKWALL, TX 75087	(972) 771-5192		
CO2019-0090	CO	1102 IH 30 E	0.00	75.00	75.00
08/28/2019	BUSINESS	4797-0001-0009-00-0R			
02/13/2020	Active	Hancock Whitney			
Contact Type	Contact Name	Contact Address	Phone Number		
APPLICANT	Angelique Giesemann	, ,	(504) 915-2576		
BUS OWNER	Hancock Whitney	701 Poydras St., New Orleans, LA 70139	(504) 299-5084		
BUSINESS	Hancock Whitney	1102 IH 30 E, Rockwall, TX 75032	(504) 299-5084		
OWNER	Hancock Whitney	701 Poydras St., New Orleans, LA 70139	(504) 299-5084		
PERMIT TECH 2	April Tauzin	Hancock Whitney, ,	(504) 252-1957		
CO2019-0106	CO	1106 Ridge Road B	0.00	75.00	75.00
10/03/2019	BUSINESS	3570-0484-A001-A0-0R			
02/10/2020	Active	My Herbal Massage			
Contact Type	Contact Name	Contact Address	Phone Number		
APPLICANT	Jana Garner	1106 Ridge Road B, ROCKWALL, TX 75087	(214) 458-5582		
BUS OWNER	Jana Garner	1106 Ridge Road B, ROCKWALL, TX 75087	(214) 458-5582		
BUSINESS	My Herbal Massage	1106 Ridge Road B, ROCKWALL, TX 75087	(214) 458-5582		
OWNER	Benbrook Ridge Partners, LP	115 West 7th Street Suite 1303, Fort Worth, TX 76102	(817) 870-1316		
CO2019-0127	CO	2850 Ridge Rd. 102	0.00	75.00	75.00
12/30/2019	BUSINESS	3245-0000-0005-00-0R			
02/03/2020	Active	Van Chan's Chinese Restaurant			
Contact Type	Contact Name	Contact Address	Phone Number		
BUS OWNER	Sinan Wang	2850 Ridge Rd. Suite 102, Rockwall, TX 75032	(806) 445-9653		
BUSINESS	Van Chan's Chinese Restaura	2850 Ridge Rd. Suite 102, Rockwall, TX 75032	(972) 722-2208		
OWNER	Sabre Realty Management, In	16475 Dallas Pkwy. Suite 880, Addison, TX 75001	(972) 931-7400		
CO2020-0003	CO	1067 IH 30 109	0.00	75.00	75.00
01/06/2020	BUSINESS	4831-0000-0009-00-0R			
02/13/2020	Active	Edo Japan			
Contact Type	Contact Name	Contact Address	Phone Number		
BUS OWNER	Unipax, LLC.	1067 IH 30 #109, Rockwall, TX 75032	(562) 896-4989		
BUSINESS	Edo Japan	1067 IH 30 #109, ROCKWALL, TX 75087	(972) 722-2555		
OWNER	Shopcore Properties, LP	233 S. Wacker Dr. #4700, CHICAGO, IL 60606	(312) 798-5166		

**City of Rockwall**  
**PERMITS ISSUED**  
**For the Period 2/1/2020 thru 2/29/2020**

Permit Number	Permit Type	Site Address			
Application Date	Subtype	Parcel Number			
Issue Date	Status of Permit	Permit Name	Valuation	Total Fees	Fees Paid
CO2020-0006	CO	2754 State Hwy 276 100	0.00	76.50	76.50
01/24/2020	BUSINESS	3947-0001-0003-00-0R			
02/27/2020	Active	Gracias a Ti dba Timbercreek Animal Hospital			
Contact Type	Contact Name	Contact Address		Phone Number	
APPLICANT	Rafael Seda Lozada	11550 Ferguson Rd, Dallas, TX 75228		(832) 804-0709	
BUS OWNER	Rafael Seda Lozada	11550 Ferguson Rd, Dallas, TX 75228		(832) 804-0709	
CONTRACTOR	Gracias a Ti dba Timbercreek	2754 State Hwy 276, Rockwall, TX 75032		(832) 804-0709	
OWNER	Lynstar, LLC	PO Box 847, ROCKWALL, TX 75087		(214) 789-1880	
CO2020-0009	CO	109 N Goliad St	0.00	75.00	75.00
01/30/2020	BUSINESS	4820-000J-006A-00-0R			
02/10/2020	Active	Blowouts by Hello Gorgeous LLC.			
Contact Type	Contact Name	Contact Address		Phone Number	
BUS OWNER	Erika Livingston	109 N. Goliad, ROCKWALL, TX 75087		(972) 742-6818	
BUSINESS	Blowouts By Hello Gorgeous	109 N. Goliad, Rockwall, TX 75087		(469) 264-7433	
OWNER	The K's Advertising	PO Box 1238, ROCKWALL, TX 75087		(214) 809-8774	
CO2020-0012	CO	2504 RIDGE RD 101	0.00	76.50	76.50
02/06/2020	INTERIOR	4192-000A-0001-00-0R			
02/14/2020	Active	Rheumatology Associates			
Contact Type	Contact Name	Contact Address		Phone Number	
APPLICANT	Danielle Selby	8144 Walnut Hill Lane# 800, Dallas, TX 75231		(214) 540-0700	
BUS OWNER	Rheumatology Associates	8144 Walnut Hill Ln. Ste. 800, Dallas, TX 75231		(214) 540-0700	
OWNER	BROOKS, RICHARD L MD	, ROCKWALL, TX 75087			
			<b>Total Valuation:</b>	<b>0.00</b>	
			<b>Total Fees:</b>	<b>603.00</b>	
			<b>Total Fees Paid:</b>	<b>603.00</b>	

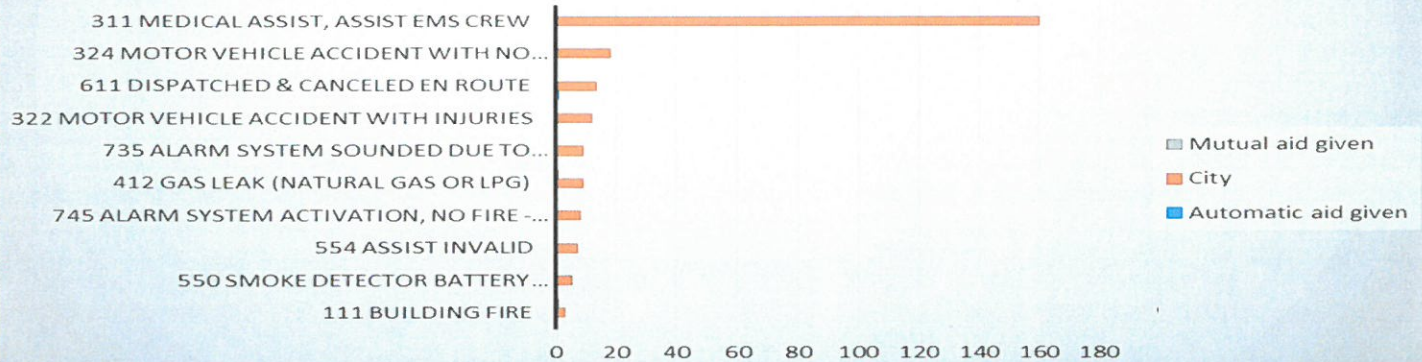
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# February Monthly Report 2020

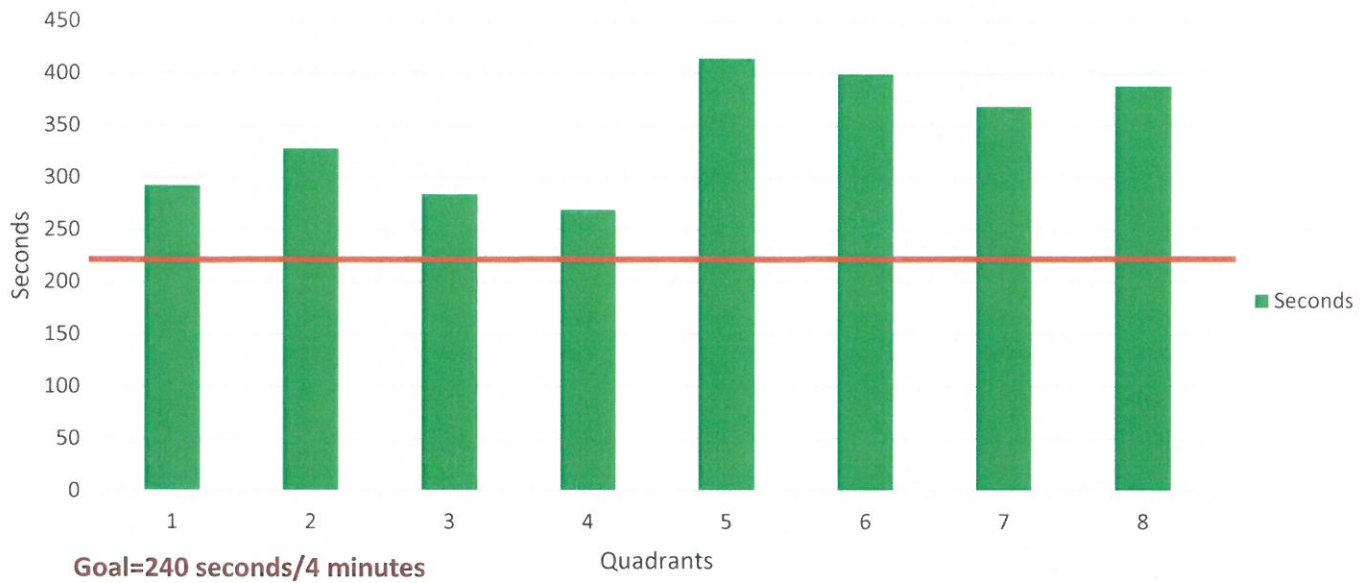


## February 2020 Top Ten Calls



February 2020- All Calls			
Situation Type	Automatic aid given	Mutual aid given	City
611 Dispatched & canceled en route	1		13
736 CO detector activation due to malfunction			2
554 Assist invalid			7
531 Smoke or odor removal			1
131 Passenger vehicle fire (cars, pickups, SUV's)			1
671 HazMat release investigation w/no HazMat			1
132 Road freight or transport vehicle fire (Commercial Vehicles)		1	
745 Alarm system activation, no fire - unintentional			8
143 Grass fire			2
550 Smoke Detector Battery Change/Install			5
150 OTHER Outside rubbish fire			1
622 No incident found on arrival at dispatch address			4
151 Outside rubbish, trash or waste fire			2
734 Heat detector activation due to malfunction			1
311 Medical assist, assist EMS crew			160
743 Smoke detector activation, no fire - unintentional			3
322 Motor vehicle accident with injuries			12
111 Building fire		1	3
324 Motor vehicle accident with no injuries.			18
550 Public service assistance, other			1
352 Extrication of victim(s) from vehicle			1
553 Public service			1
353 Removal of victim(s) from stalled elevator			2
114 Chimney or flue fire, confined to chimney or flue			1
555 Defective elevator, no occupants			2
365 Watercraft rescue			1
651 Smoke scare, odor of smoke			2
411 Gasoline or other flammable liquid spill			1
733 Smoke detector activation due to malfunction			3
412 Gas leak (natural gas or LPG)		1	9
735 Alarm system sounded due to malfunction			9
424 Carbon monoxide incident			2
741 Sprinkler activation, no fire - unintentional			3
444 Power line down			2
744 Detector activation, no fire - unintentional			2
445 Arcing, shorted electrical equipment			1
746 Carbon monoxide detector activation, no CO			1
500 Service Call, other			1
522 Water or steam leak			1
<b>Totals</b>	<b>1</b>	<b>3</b>	<b>290</b>

### Travel Time February 2020 90% of the Time



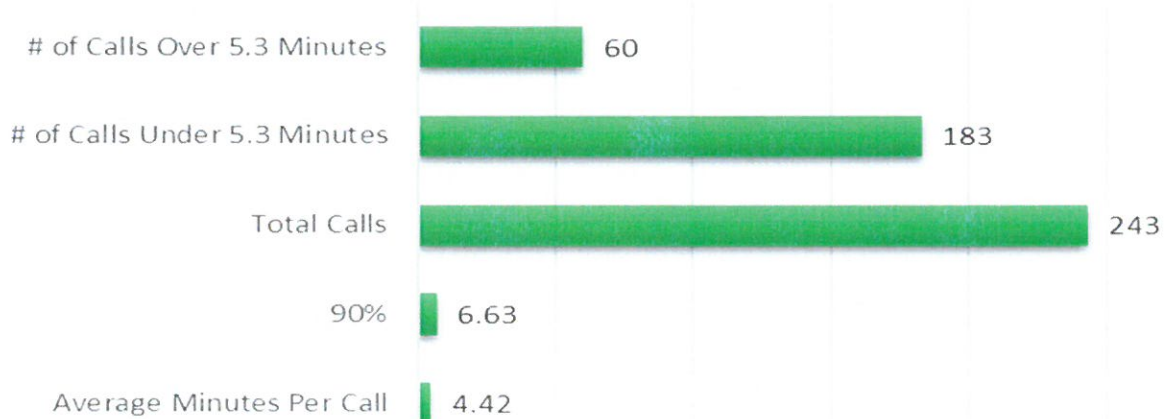
Travel Time Analysis- <i>By District</i> ALL CALLS - (No Mutual Aid)				Total Number of Calls	Average Travel Time Minutes	Percent of Runs per District
% in 4 min or less	All Code 3 Calls-No Cancelled enroute calls					
	<u>100s</u>					
80%	On Scene in	4.0	minutes or less	75	3.01	30.86%
	<u>200s</u>					
73%	On Scene in	4.0	minutes or less	80	3.21	32.92%
	<u>300s</u>					
76%	On Scene in	4.0	minutes or less	21	3.09	8.64%
	<u>400s</u>					
78%	On Scene in	4.0	minutes or less	40	3.21	16.46%
	500s					
25%	On Scene in	4.0	minutes or less	4	5.25	1.65%
	600s					
25%	On Scene in	4.0	minutes or less	4	4.92	1.65%
	700s					
15%	On Scene in	4.0	minutes or less	13	5.11	5.35%
	800s					
33%	On Scene in	4.0	minutes or less	6	4.88	2.47%
	900s					
	On Scene in	4.0	minutes or less	0		
Total Calls				243		



## Dispatch to Arrival Analysis February 2020

<b><i>Dispatch to Arrival Analysis-(No Mutual Aid)</i></b>				<b>Total Calls</b>
73.25%	On Scene in	5.3	minutes or less	183
82.30%	On Scene in	6.0	minutes or less	200
92.18%	On Scene in	7.0	minutes or less	224
95.88%	On Scene in	8.0	minutes or less	233
97.53%	On Scene in	9.0	minutes or less	237
100.00%	On Scene in	14.0	minutes or less	243
	<b>Total Calls</b>		<b>243</b>	

### Dispatch to Arrival Analysis All Calls (No Mutual Aid)





City of Rockwall  
*The New Horizon*

# Total Dollar Losses

February 2020

Print Date/Time: 03/23/2020 13:56  
Login ID: rcklsdean  
Layer: All  
Areas: All

ORI Number: TX504  
Incident Type: All  
Station: All

Rockwall Fire Department

	Current Month	Last Month	Same Month Last Year	Year To Date	Last Year To Date
Total Property Loss:	\$0.00	\$10,000.00	\$1,000.00	\$10,000.00	\$5,000.00
Total Content Loss:	\$0.00	\$20,000.00	\$0.00	\$20,000.00	\$0.00
Total Property Pre-Incident Value:	\$0.00	\$9,000,000.00	\$1,000,000.00	\$9,000,000.00	\$3,601,000.00
Total Contents Pre-Incident Value	\$0.00	\$1,000,000.00	\$0.00	\$1,000,000.00	\$0.00
Total Losses:	\$0.00	\$30,000.00	\$1,000.00	\$30,000.00	\$0.00
Total Value:	\$0.00	\$10,000,000.00	\$1,000,000.00	\$10,000,000.00	\$3,601,000.00





# Fire Marshal Division

## Monthly Report - February 2020

### Inspection Status Report

<b>Total for the Month</b>	<b>105</b>
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### Fire Investigations Status Report

Active Investigations	0
Closed Investigations	0
<b>Total for the Month</b>	<b>0</b>

### Fire Permit Report

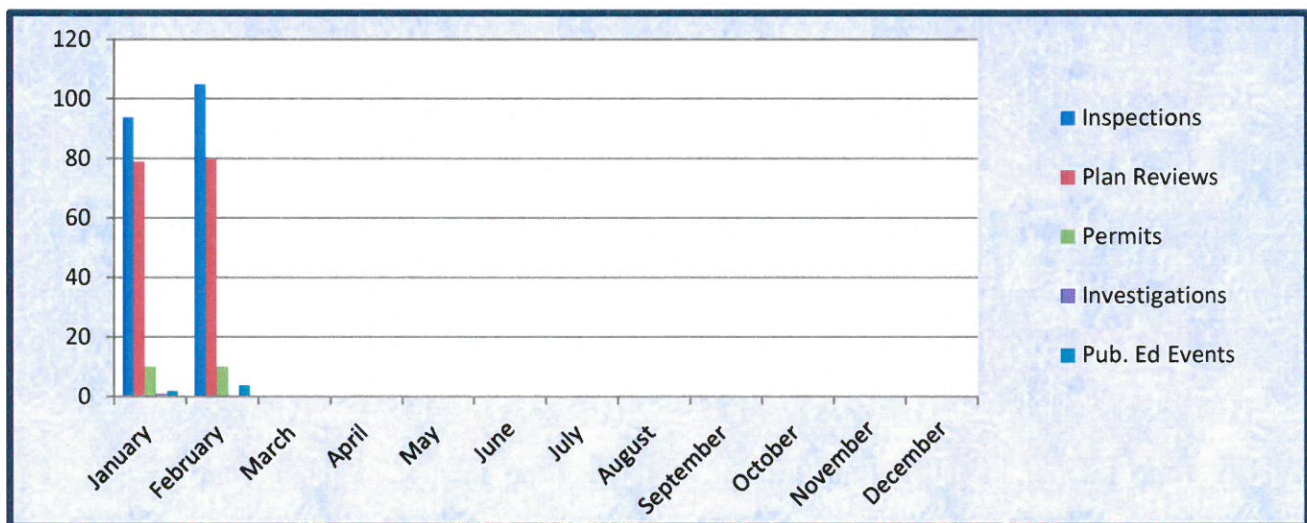
CO2 System	1
Fire Alarm	1
Fire Sprinkler	2
Gates-Access Control	2
Temp. Aboveground Tank	1
Underground Sprinkler	3
<b>Total for the Month</b>	<b>10</b>

### Plan Review Report

CO	13
COMM	36
Engineering	6
Plat	5
Single Family	1
Site Plan	2
Special Event	3
TCO	6
Zoning	8
<b>Total for the Month</b>	<b>80</b>

### Public Education Events

<b>Total for the Month</b>	<b>4</b>
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# FEBRUARY 2020 MONTHLY REPORT



**ROCKWALL PARKS  
& RECREATION**

## PARTICIPATION



S.N.A.P PROM: 87 PARTICIPANTS



FIRST FRIDAY- VALENTINES DAY LUNCHEON  
65 ATTENDEES



OUT TO LUNCH BUNCH - MEXICAN SUGAR  
10 SENIORS PARTICIPATED

### MONTHLY OVERVIEW

FEB '20

Part Time Labor Hours	<b>38</b>
Program Offerings	<b>7</b>
Program Participants	<b>154</b>
Resident Participants	<b>76</b>
Non-Resident Participants	<b>78</b>
Programs that Made	<b>7</b>
Cancelled Programs	<b>0</b>
% of Programs Cancelled	<b>0%</b>

### FEE BASED RESIDENT VS NON-RESIDENT

7 programs

**49%**

**51%**



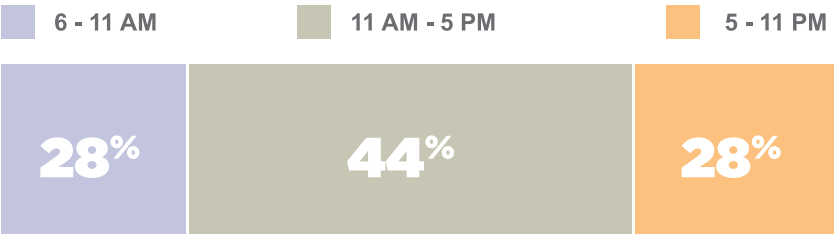
# RENTALS



HMCC	FEB '20
Time Blocks Rented	47
Monthly Revenue	\$1120

## HMCC RENTAL ACTIVITY BY TIME BLOCK

47 Rentals



PAVILIONS	FEB '20
Time Blocks Rented	5
Monthly Revenue	\$200

## PAVILION RENTAL ACTIVITY BY TIME BLOCK

5 Rentals



# PARKS



## **FACILITY MAINTENANCE**

The Park at Foxchase site leveling



## **FEATURE INSTALLATION:**

Myers Park Guitar Art installation, flagstone installation and landscape renovation



## **FACILITY RENOVATIONS AND UPGRADES:**

Harbor Fountain and Spray plumbing rust inhibitor application



## MARKETING

### FACEBOOK PAGE LIKES



JAN

GAIN OR LOSS

**+134**

FEB

**+24**

TOTAL LIKES THRU 2/29/2020



**14,142**

### ONLINE REGISTRATION ACCOUNTS THROUGH ACTIVE

JAN

ACCOUNTS

**9303**

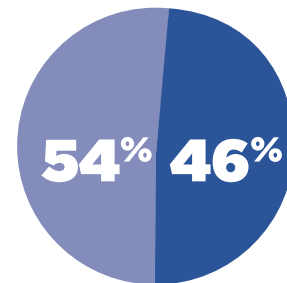
GAIN OR LOSS

**+76**

FEB

**9413**

**+110**



**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 February 2020.

**63,024**

## SESSIONS

Sessions represent an individual collection of a user's visit while viewing pages on playrockwall.com

**11,175**

## USERS

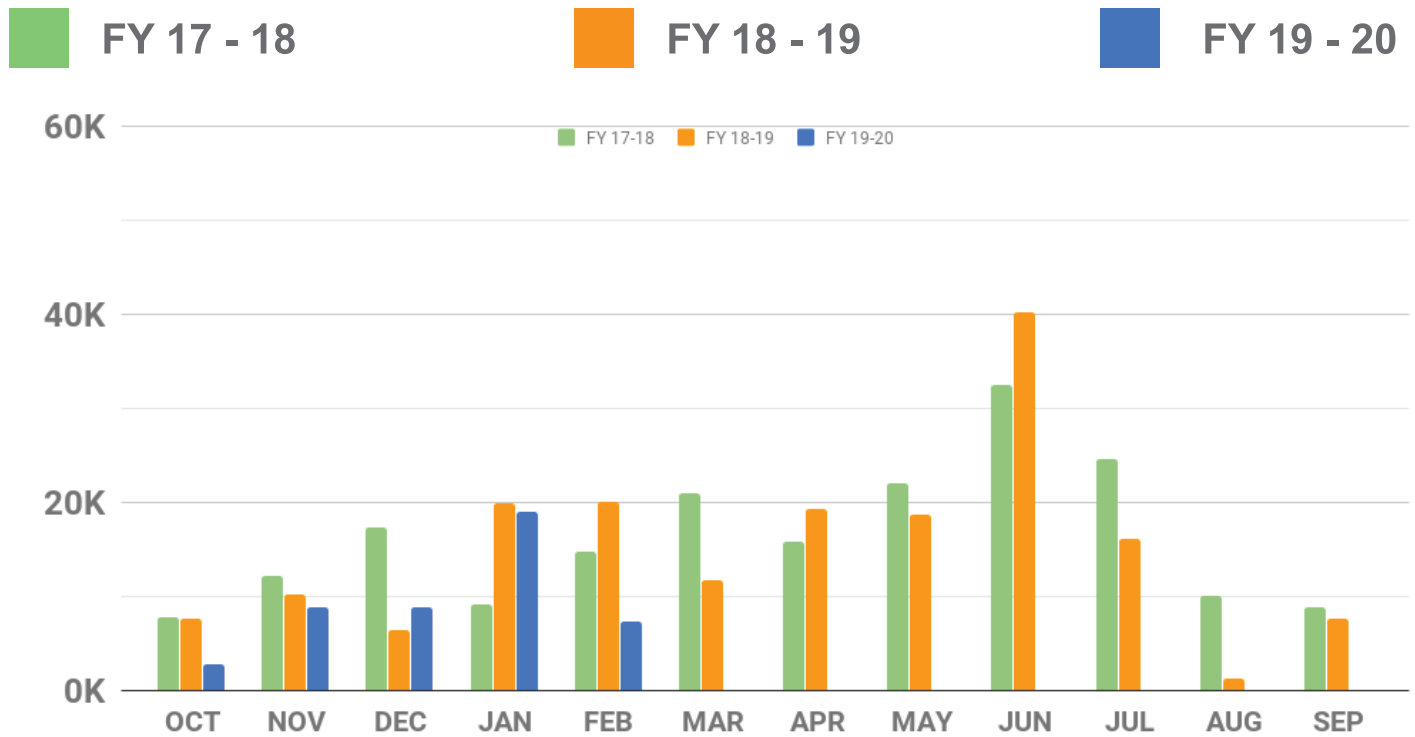
Visitors to playrockwall.com

**7,863**

# REVENUE

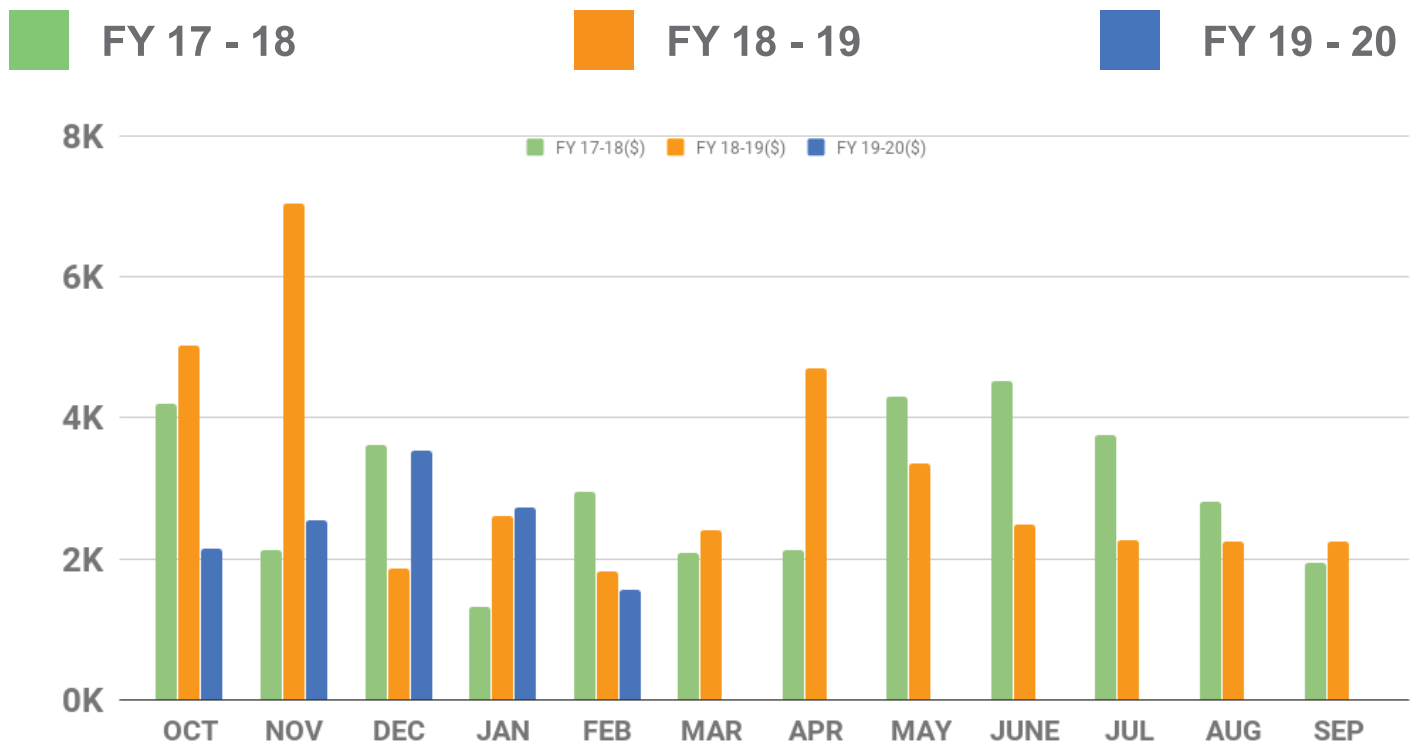
## FEE BASED PROGRAM REVENUE BY MONTH

3 fiscal years



## FACILITY REVENUE BY MONTH

3 fiscal years



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# Rockwall Police Department

## Monthly Activity Report

February-2020

ACTIVITY	CURRENT MONTH FEBRUARY	PREVIOUS MONTH JANUARY	YTD 2020	YTD 2019	YTD % CHANGE
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### PART 1 OFFENSES

Homicide / Manslaughter	0	0	0	0	0.00%
Sexual Assault	0	0	0	4	-400.00%
Robbery	0	4	4	0	400.00%
Aggravated Assault	1	2	3	4	-25.00%
Burglary	7	8	15	6	150.00%
Larceny	56	56	112	96	16.67%
Motor Vehicle Theft	6	8	14	9	55.56%
<b>TOTAL PART I</b>	<b>70</b>	<b>78</b>	<b>148</b>	<b>119</b>	<b>24.37%</b>
<b>TOTAL PART II</b>	<b>112</b>	<b>130</b>	<b>242</b>	<b>286</b>	<b>-15.38%</b>
<b>TOTAL OFFENSES</b>	<b>182</b>	<b>208</b>	<b>390</b>	<b>405</b>	<b>-3.70%</b>

### ADDITIONAL STATISTICS

FAMILY VIOLENCE	10	11	21	33	-36.36%
D.W.I.	20	13	33	38	-13.16%

### ARRESTS

FELONY	23	36	59	79	-25.32%
MISDEMEANOR	56	52	108	125	-13.60%
WARRANT ARREST	14	12	26	19	36.84%
JUVENILE	5	18	23	6	283.33%
<b>TOTAL ARRESTS</b>	<b>98</b>	<b>118</b>	<b>216</b>	<b>229</b>	<b>-5.68%</b>

### DISPATCH

CALLS FOR SERVICE	1417	1431	2848	2752	3.49%
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### ACCIDENTS

INJURY	6	7	13	18	-27.78%
NON-INJURY	58	69	127	124	2.42%
FATALITY	0	0	0	0	0.00%
<b>TOTAL</b>	<b>64</b>	<b>76</b>	<b>140</b>	<b>142</b>	<b>-1.41%</b>

### FALSE ALARMS

RESIDENT ALARMS	52	42	94	89	5.62%
BUSINESS ALARMS	107	100	207	252	-17.86%
<b>TOTAL FALSE ALARMS</b>	<b>159</b>	<b>142</b>	<b>301</b>	<b>341</b>	<b>-11.73%</b>
Estimated Lost Hours	104.94	93.72	198.66	225.06	-11.73%
Estimated Cost	\$2,496.30	\$2,229.40	\$4,725.70	\$5,353.70	-11.73%

### ROCKWALL NARCOTICS UNIT

	Number of Cases	6
	Arrests	3
	Arrest Warrants	2
	Search Warrants	1
	<b>Seized</b>	
	Cocaine	28.6g
	Marijuana	.94lbs
	Methamphetamine	29.6g
	Heroin	1g
	Steroids	6g
	THC Oil	8g
	Xanax	4 pills

## Rockwall Police Department

### Dispatch and Response Times

February 2020

#### Police Department

Average Response Time		
<b>Priority 1</b>		Number of Calls <b>89</b>
Call to Dispatch	0:01:31	
Call to Arrival	0:06:40	
% over 7 minutes	35%	
Average Response Time		
<b>Priority 2</b>		Number of Calls <b>277</b>
Call to Dispatch	0:03:41	
Call to Arrival	0:11:22	
% over 7 minutes	63%	
Average Response Time		
<b>Priority 3</b>		Number of Calls <b>63</b>
Call to Dispatch	0:04:00	
Call to Arrival	0:13:52	
% over 7 minutes	70%	

#### 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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## Sales Tax Collections - Rolling 27 Months

	General Fund Sales Tax	TIF Sales Tax
Dec-17	1,252,959	19,732
Jan-18	1,391,833	19,914
Feb-18	2,017,684	20,041
Mar-18	1,039,380	17,922
Apr-18	1,146,873	20,655
May-18	1,697,970	23,752
Jun-18	1,308,372	19,941
Jul-18	1,463,243	28,867
Aug-18	1,679,728	27,594
Sep-18	1,174,074	23,370
Oct-18	1,301,342	15,641
Nov-18	1,349,253	16,403
Dec-18	1,423,386	15,708
Jan-19	1,457,584	39,247
Feb-19	2,080,043	22,109
Mar-19	1,459,018	21,606
Apr-19	1,293,524	20,077
May-19	1,679,076	24,582
Jun-19	1,420,483	31,523
Jul-19	1,467,376	28,951
Aug-19	1,810,970	29,022
Sep-19	1,478,622	31,577
Oct-19	1,565,868	24,818
Nov-19	1,730,541	21,787
Dec-19	1,547,746	23,781
Jan-20	1,365,040	26,330
Feb-20	2,273,520	27,472

**Notes:**

75% of total sales tax collected is deposited to the General Fund each month

Comptroller tracks sales tax generated in the TIF and reports it monthly to the City

75% of TIF sales tax (city share) is pledged to the TIF

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## Monthly Water Consumption - Rolling 27 Months

	<u>Total Gallons</u>	<u>Daily Average</u>	<u>Maximum Day</u>
Dec-17	191,270,697	6,170,022	7,688,298
Jan-18	173,617,650	5,600,569	7,268,181
Feb-18	157,094,108	5,610,504	6,416,212
Mar-18	203,851,397	6,575,852	7,638,961
Apr-18	218,104,951	7,270,166	9,480,558
May-18	317,417,845	10,239,290	12,779,480
Jun-18	422,841,722	14,094,730	18,886,210
Jul-18	512,582,590	16,534,920	20,871,860
Aug-18	474,885,847	15,318,900	19,781,800
Sep-18	304,052,374	10,135,080	19,307,450
Oct-18	240,262,264	7,750,396	10,191,580
Nov-18	194,498,356	6,483,279	7,438,044
Dec-18	186,450,313	6,014,526	7,818,894
Jan-19	222,027,420	7,162,175	13,160,330
Feb-19	166,796,311	5,957,011	7,181,853
Mar-19	216,172,991	6,973,323	8,899,546
Apr-19	230,304,224	7,676,809	9,546,692
May-19	246,447,588	7,949,923	10,806,480
Jun-19	273,477,588	9,115,919	12,818,660
Jul-19	479,403,830	15,464,640	19,686,560
Aug-19	557,577,730	17,986,380	20,877,020
Sep-19	480,076,300	16,002,544	19,898,562
Oct-19	377,192,895	12,167,513	17,708,812
Nov-19	237,328,307	7,910,944	9,218,867
Dec-19	229,083,044	7,389,776	8,396,266
Jan-20	215,978,847	6,967,060	8,691,306
Feb-20	196,611,134	6,779,695	7,579,604

Source: SCADA Monthly Reports generated at the Water Pump Stations
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