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Discuss and consider Wal-Mart Supercenter temporary storage of merchandise, and take any action necessary.

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Discuss and consider recommendations by the Landscape Review Committee for code amendments to the Unified Development Code and Municipal Code of Ordinances that relate to water conservation and drought management, and take any action necessary.	
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Discuss and consider approval of an ordinance amending the provisions of Chapter 12. Businesses & Sales, Article XII. Ambulance Service of the Code of Ordinances, specifically pertaining to exclusivity provisions expressed in Sec. 12-1251 , and take any action necessary. (1st reading)

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AGENDA
ROCKWALL CITY COUNCIL
Monday, September 21, 2015
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

II. WORK SESSION

- p9 1. **HOLD WORK SESSION TO DISCUSS THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S (EPA) SANITARY SEWER SYSTEM COMPLIANCE INSPECTION REPORT, INCLUDING ADDRESSING ANY AREAS OF CONCERN, AND TAKE ANY ACTION NECESSARY.**
- p28 2. **HOLD WORK SESSION TO DISCUSS AND CONSIDER LOCAL REGULATIONS REGARDING NON-EMERGENCY AMBULANCE SERVICES AND ASSOCIATED TRANSPORTS, AND TAKE ANY ACTION NECESSARY.**

III. EXECUTIVE SESSION.

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

1. Discussion regarding (re)appointments to city regulatory boards, commissions, or committees - Planning & Zoning Commission vacancy-pursuant to Section 551.074 (personnel matters)

IV. ADJOURN EXECUTIVE SESSION

AGENDA
ROCKWALL CITY COUNCIL
Monday, September 21, 2015
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

V. RECONVENE PUBLIC MEETING

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT

VIII. PROCLAMATIONS / AWARDS

- p30 1. Shon Bellah Recognition
2. Retirement Service Recognition – Ken Keeton

IX. OPEN FORUM

X. CONSENT AGENDA

p32 1. Consider approval of the minutes from the September 8, 2015 regular city council meeting, and take any action necessary.

p45 2. Consider approval of a resolution related to a grant through the Texas Parks and Wildlife Department pertaining to construction of a boating access facility on Lake Ray Hubbard near SH-66 and N. Lakeshore Drive, and authorize the city manager to execute associated project agreement, and take any action necessary.

p49 3. Consider approval of the engineering services contract with Hydrological Support Services, LLC to perform flood study reviews for developments within the City in an amount not to exceed \$40,000.00 provided from the FY 2015-16 Department Operations Budget and developer reimbursement, and take any action necessary.

p61 4. Consider authorizing the City Manager to enter into an agreement with the Texas Department of Transportation (TxDOT) under the City Pride Program for installation of signage along W. Rusk Street [SH-66] west of S. Lakeshore Drive, and take any action necessary.

p74 5. Consider approval of a resolution for an easement abandonment associated with an existing 608 square foot utility easement generally located at the southeastern building corner of what is currently Honda of Rockwall, and take any action necessary.

p84 6. Consider award of a professional services contract to Grantham & Associates, Inc. and authorize the city manager to execute associated documents for performing the engineering design services and specifications for the Signal Ridge Sanitary Sewer Pipe Bursting Project in an amount of \$27,480.00 to be funded by 2016 water and sewer revenue bonds, and take any action necessary.

- p101 7. Consider approval of American National Bank as the City's depository and take any action necessary.

XI. APPOINTMENTS

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

XII. ACTION ITEMS

- p103 1. Discuss and consider extending the existing Facilities Agreement associated with reimbursement for the construction of Damascus Road to the Roman Catholic Diocese for ten years, and take any necessary action.

- p116 2. SP2015-020 - Discuss and consider a request by Sam Ellis of Dallas Design Build on behalf of the owner Amalraj Fernando of MREA Properties-2, LLC for the approval of variances associated with articulation, screening and landscape buffers as stipulated by Articles V & VIII of the Unified Development Code (UDC) in conjunction with an approved site plan for a daycare facility on a two (2) acre parcel of land identified as Lot 1 of the Dewoody Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the North SH-205 Corridor Overlay (N SH-205 OV) District, addressed as 3011 N. Goliad Street [SH-205], and take any action necessary.

- p131 3. Discuss and consider Wal-Mart Supercenter temporary storage of merchandise, and take any action necessary.

- p138 4. Discuss and consider recommendations by the Landscape Review Committee for code amendments to the Unified Development Code and Municipal Code of Ordinances that relate to water conservation and drought management, and take any action necessary.

- p168 5. Discuss and consider approval of the Rockwall Economic Development Corporation (REDC) budget for fiscal year 2016 and amended budget for fiscal year 2015, and take any action necessary.

- p177 6. Discuss and consider approval of the Rockwall Technology Park Association budget for fiscal year 2016 and amended budget for fiscal year 2015, and take any action necessary.

- p184 7. Discuss and consider the Hotel tax subcommittee recommendations for supplemental funding allocations in fiscal year 2015 and proposed funding allocations in fiscal year 2016, including authorizing the City Manager to execute associated funding agreements, and take any action necessary.

- p214 8. Discuss and consider approval of an ordinance amending the budget for fiscal year 2015, and take any action necessary.

- p217 9. Discuss and consider the proposed budget for fiscal year 2016 and approval of an ordinance adopting the proposed budget, and take any action necessary.
- p225 10. Discuss and consider approval of an ordinance levying ad valorem taxes for the tax year 2015, and take any action necessary.
- p229 11. Discuss and consider approval of an ordinance amending the provisions of Chapter 12. Businesses & Sales, Article XII. Ambulance Service of the Code of Ordinances, specifically pertaining to exclusivity provisions expressed in Sec. 12-1251 , and take any action necessary. (1st reading)

XIII. EXECUTIVE SESSION

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

- 1. Discussion regarding (re)appointments to city regulatory boards, commissions, or committees - Planning & Zoning Commission vacancy- pursuant to Section 551.074 (personnel matters)

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

XV. ADJOURNMENT

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

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code § 551.071 (Consultation with Attorney) § 551.072 (Deliberations about Real Property) § 551.074 (Personnel Matters) and § 551.086 (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 18th day of September, 2015 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

 Kristy Cole, City Secretary
 Jacky Casey, Assistant Secretary

 Date Removed



City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Timothy M. Tumulty, Director of Public Works/City Engineer
DATE: September 16, 2015
SUBJECT: Environmental Protection Agency Site Review

The United States Environmental Protection Agency (USEPA) Reconnaissance Sanitary Sewer System Compliance Inspection was performed at the City of Rockwall, Texas on March 5, 2015. The inspection was conducted in the guidance established by the USEPA under the National Pollutant Discharge Elimination System. The purpose of this targeted site visit was to evaluate the City of Rockwall's operations and maintenance of their wastewater collection system and their reporting procedures as implemented under the Texas Water Code, Texas Administrative Code, the Clean Water Act, and the Code of Federal Regulations.

The results of the site visit were provided to staff via email dated August 5, 2015. Attached is a copy of the EPA's finding without the attachments.

Staff will discuss the report during the September 21, 2015 City Council Work Session and the actions taken to date to address the EPA's areas of concerns.

If you have any questions, please advise.

TMT:em

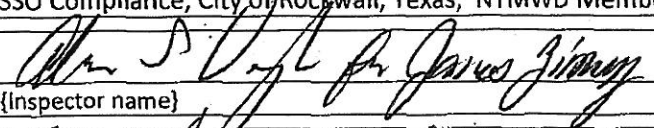
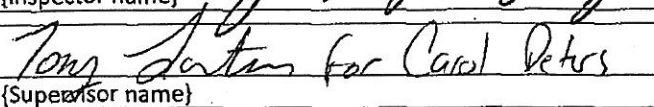
Attachment

Cc:

Mary Smith, Assistant City Manager
Rick Sherer, Manager of Water/Wastewater
Amy Williams, P.E., Assistant City Engineer
File



**Region 6 Compliance Assurance and Enforcement Division
INSPECTION REPORT**

Inspection Date(s):	03/05/2015		
Media:	Water		
Regulatory Program(s)	NPDES – CWA Section 308 (a) & (b)		
Company Name:	City of Rockwall		
NTMWD Facilities Names:	Buffalo Creek WWTP (TX0078565) - FRS: 110033536706 South Mesquite Creek WWTP (TX0047431) - FRS: 110000914663 Squabble Creek WWTP (TX0022241) - FRS: 110002044252		
Facility Name:	City of Rockwall		
Facility Physical Location:	1600 Airport Road		
(city, state, zip code)	Rockwall, TX 75087		
Mailing address:	385 S. Goliad St.		
(city, state, zip code)	Rockwall, TX 75087		
County/Parish:	Rockwall County		
Facility Contact:	Timothy Tumulty ttumulty@rockwall.com	Director of Public Works	
FRS Number:	Multiple – reference above		
Permit Number:	Multiple – reference above		
Media Number:	N/A		
NAICS:	221320		
SIC:	4952		
Facility Representatives:	Timothy Tumulty	Director of Public Works	972-771-7746
	Rick Sherer	Water/Wastewater Manager	972-771-7730
	Jerry Strouse	Field Operations Supervisor	972-771-7730
	Steve Clawson	Field Operations Supervisor	972-771-7730
EPA Inspector	James Zimny	EPA HQ	202-564-6551
State Inspector(s):	None	NA	NA
Contractor Inspector(s):	Danny O'Connell	PG Environmental, LLC	303-279-1778
	Jake Albright	PG Environmental, LLC	303-279-1778
Metadata	Title:	North Texas MWD – City of Rockwall, Rockwall County, Texas SSO Inspection Report	
	Author:	US EPA Region 6 Compliance Assurance and Enforcement Division, Dallas TX	
	Subject:	Collection System Sanitary Sewer Overflow (SSO) inspection	
	Keywords:	SSO Compliance, City of Rockwall, Texas, NTMWD Member	
EPA Lead Inspector Signature/Date			7/29/15
	{Inspector name}		Date
Supervisor Signature/Date			7/29/15
	{Supervisor name}		Date

Section I - INTRODUCTION

PURPOSE OF THE INSPECTION

A U.S. Environmental Protection Agency (USEPA) reconnaissance Sanitary Sewer System Compliance Inspection, in conjunction with PG Environmental, LLC, a USEPA contractor, was performed at the City of Rockwall, Texas on March 5, 2015. The inspection was conducted in the guidance established by the USEPA under the National Pollutant Discharge Elimination System (NPDES). The purpose of this targeted site visit was to evaluate the City of Rockwall's operations and maintenance of their collection system and their reporting procedures as implemented under the Texas Water Code (TWC), Texas Administrative Code (TAC), the Clean Water Act (CWA), and the Code of Federal Regulations (CFR). An entry briefing was conducted by EPA inspector James Zimny, and the inspector met with various City of Rockwall personnel including Timothy Tumulty - Director of Public Works, Rich Sherer - Water/Wastewater Manager, Jerry Strouse - Field Operations Supervisor, and Steve Clawson - Field Operations Manager.

BACKGROUND

The City of Rockwall's collection system services approximately 40,000 residents. The collection system is primarily operated and maintained by the Water and Wastewater Division and the Production Tech Division of the City's Public Works Department. The City is divided into two main sewer drainage basins. All City sewage eventually flows into the NTMWD interceptor system and to one of the three NTMWD-owned and operated WWTP's, two of which, the Squabble Creek and Buffalo Creek WWTP's, are located in the City limits. The third WWTP is the South Mesquite Creek Regional WWTP, located in Mesquite.

Section II - OBSERVATION

Reference Appendix 1- Sanitary Sewer System Compliance Inspection - City of Forney, Texas

Section III - AREAS OF CONCERN

As a result of this inspection, and as detailed in "Appendix 1", the following observations are noted:

1. Findings of potential noncompliance
 - a. Failure to implement proper O&M of the collection system as stipulated in Title 30 of TAC § 291.94 (C)(1); Title 30 of TAC § 305.125(5); and 40 CFR § 122.41(e).
 - b. Failure to prevent unauthorized/unpermitted discharges as stipulated in TWC § 26.121(a); TWC § 26.039(b); Section 301 of the CWA; and 40 CFR § 122.1(b).

2. Additional Concerns

a. SSO reporting and documentation

- i. The EPA Inspection Team reviewed sewer-related work orders provided by the City. Several of the comments from the work order appear to identify sewage releases from sewer manholes, private cleanouts, and into homes due to blockages within the City's sewer main. These SSO's were not reported to TCEQ. The City's lack of standard field and documentation practices made it difficult to determine whether an overflow occurred, root cause(s), immediate corrective actions, and if proper reporting had taken place for SSO's, when applicable.

Section IV – FOLLOW UP

See Appendix 1

Section V – LIST OF APPENDICES

Appendix 1- Sanitary Sewer System Compliance Inspection - City of Rockwall, Texas

**Appendix 1- City of Rockwall, Texas
Inspection Report**



U.S. Environmental Protection Agency
Office of Compliance and Enforcement
1200 Pennsylvania Avenue, NW
Washington, DC 20460

U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

SANITARY SEWER SYSTEM
COMPLIANCE INSPECTION

CITY OF ROCKWALL,
TEXAS

INSPECTION REPORT

Inspection Date:
March 5, 2015

Report Date:
June 2, 2015

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Exhibit Log

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I. INTRODUCTION

On March 5, 2015, the U.S. Environmental Protection Agency (EPA), with assistance from PG Environmental, LLC, an EPA contractor (collectively the EPA Inspection Team), evaluated the City of Rockwall’s (City’s) compliance as it relates to the operation and maintenance of the City’s collection system, as well as reporting procedures. The compliance inspection consisted of the following:

- Discussions with representatives from the City regarding the operation and maintenance (O&M) of the collection system, reporting procedures, the collection system plans and manuals, and the capital improvement program (CIP).
- Examination of the City’s collection system operation, maintenance, and reporting records.
- Review of the City’s data warehousing systems and collection of datasets and documents relevant to the inspection.

The City’s wastewater collection system is regulated under the *Texas Water Code (TWC)*, *Texas Administrative Code (TAC)*, the *Texas Health and Safety Code*, the *Clean Water Act (CWA)*, and the *Code of Federal Regulations (CFR)*. Flows from the City are discharged to the North Texas Municipal Water District (NTMWD) interceptor system, and eventually to the Buffalo Creek Wastewater Treatment Plant (WWTP), the Squabble Creek WWTP, or the South Mesquite Creek Regional WWTP. The Buffalo Creek WWTP is regulated under National Pollutant Discharge Elimination System (NPDES) Permit No. TX0078565, Squabble Creek WWTP is regulated under NPDES Permit No. TX0022241, and the South Mesquite Creek Regional WWTP is regulated under NPDES Permit No. TX0047431.

The following personnel were involved in the inspection of the City’s sewer collection and conveyance system:

- City Representatives: Timothy Tumulty, Director of Public Works/City Engineer
 Rick Sherer, Water/Wastewater Manager
 Jerry Strouse, Field Operations Supervisor
 Steve Clawson, Field Operations Supervisor
- EPA Inspection Team: James Zimny, EPA Water Enforcement Division
 Danny O’Connell, PG Environmental, LLC
 Jake Albright, PG Environmental, LLC

The EPA Inspection Team identified two findings of potential noncompliance with Federal and State regulations. Table 1 provides a summary of these findings of potential noncompliance. Table 2 provides a summary of one additional concern identified during the inspection.

Table 1. Findings of Potential Noncompliance

Requirement	Potential Noncompliance
Finding 1. Failure to implement proper O&M of the collection system	Title 30 of TAC § 291.94(C)(1) Title 30 of the TAC § 305.125(5) 40 CFR § 122.41(e)
Finding 2. Failure to prevent unauthorized/unpermitted discharges	TWC § 26.121(a) TWC § 26.039(b) Section 301 of the CWA 40 CFR § 122.1(b)

Table 2. Additional Concern Identified During the Inspection

Additional Concern	Comment
SSO reporting and documentation	The EPA Inspection Team reviewed sewer-related work orders provided by the City. Several of the comments from the work order appear to identify sewage releases from sewer manholes, private cleanouts, and into homes due to blockages within the City's sewer main. These SSOs were not reported to TCEQ. The City's lack of standard field and documentation practices made it difficult to determine whether an overflow occurred, root cause(s), immediate corrective actions, and if proper reporting had taken place for SSOs when applicable.

II. OVERVIEW OF WASTEWATER SYSTEM

The information presented below is based on documents and presentations provided by the City. The EPA Inspection Team was unable to conduct outdoor field activities due to inclement weather (i.e., an ice and snow storm) encountered on the day of the inspection. The weather conditions created traffic and general safety hazards due to the ice and snow on roads and City assets.

A. Wastewater System Background

The City's service area is approximately 29.8 square miles; the collection system services approximately 40,000 residents. The collection system is primarily operated and maintained by the Water and Wastewater Division and the Production Tech Division of the City's Public Works Department. The collection system is composed of approximately 234 miles of sewer pipe, which includes 6.4 miles of sewer in the recently acquired Lake Rockwall Estates development (previously serviced by Aqua-Texas). Approximately 24 miles of the collection system is force mains, and the rest is gravity. Approximately 11 miles of the sewer pipes are vitrified clay and the majority of the rest (approximately 93 percent) are polyvinyl chloride (PVC). More than 50 percent of the sewer lines in the City were installed after the year 2000. The City operates and maintains 39 lift stations; all are linked to the City's supervisory control and data acquisition (SCADA) system. One NTMWD lift station (i.e., the Turtle Cove Lift Station) and eight privately owned and operated lift stations are located within the City's limits and discharge into the City's collection system.

The City is divided into two main sewer drainage basins. All City sewage eventually flows into the NTMWD interceptor system and to one of three NTMWD-owned and operated WWTPs, two of which, the Squabble Creek and Buffalo Creek WWTPs, are located in the City limits. The third WWTP is the South Mesquite Creek Regional WWTP, located in Mesquite. The City has seven separate agreements with NTMWD for the conveyance and treatment of wastewater. The City also has an agreement with the City of McLendon-Chisholm to allow flow from McLendon-Chisholm to pass through the City's system to the NTMWD interceptor system, and eventually to the South Mesquite Regional WWTP. Flow entering the NTMWD interceptor system is monitored by NTMWD at several locations near the City's connections. Refer to Exhibit 1 for maps of the City's drainage basins, sewer lines, and NTMWD connections and interceptors.

City representatives stated that the City had not developed a flow/capacity model for the collection systems; they added the City was close to initiating a flow study at the time of the inspection. They stated that the City Council had approved \$300,000 in funding on March 2, 2015 for a flow monitoring study. The study will help the City to develop a calibrated system model to identify areas where sewer capacity may be an issue due to increased flow volume attributed to development and/or inflow and infiltration. At the time of the inspection, the City was using an estimated model based on another city with similar size/characteristics.

B. Collection System Mapping and Work Order System

The City had a geographic information system-based (GIS-based) map, which depicted assets such as sewer lines, manholes, and lift stations. The GIS included information on asset age, material (in the case of pipes and manholes), size, and related equipment (e.g., number and types of pumps installed at a lift station). The GIS also included the location of NTMWD interceptors, connections, and the Turtle Cove Lift Station.

The City was utilizing an electronic work order system at the time of the inspection. The work order system primarily tracked assets by address, not by asset identification number. Further, the City's work order system was primarily used for tracking employee time and specific materials needed to complete a task rather than the unique work history for a specific asset. City representatives stated that they populate some information in the system, including the category label for each issue, using drop-down menus to promote consistency. The drop-down menus included numerous labels, including one for "preventive maintenance." Relevant details concerning the City's work order system are discussed where applicable throughout this report.

C. Receiving and Responding to Service Requests

The EPA Inspection Team reviewed the City's system for receiving and responding to customer service requests. During business hours (i.e., 8:00 a.m. to 5:00 p.m., Monday through Friday) the City receives calls at its service center on Airport Road. After normal business hours, calls come in to the police department and are forwarded to on-call personnel. There is always one employee on call to cover any emergency calls for the Water and Wastewater Division, as well as one staff member from the Production Tech Division. The on-call staff members are responsible for generating work orders related to after-hours calls.

A possible wastewater overflow called in by a customer or an overflow detected by the City's personnel is supposed to be reported immediately to the wastewater field supervisor and the production tech field supervisor. The Production Tech Division is mobilized for any pump failures, power outages, or high-level alarms through the City's SCADA system. Operators are notified by pagers of any possible problem. If the initial page is not answered, the SCADA system continues to page other production tech employees until the alarm is addressed. The wastewater team is dispatched to mitigate overflows.

The City provided the EPA Inspection Team with its *Sanitary Sewer Overflow Response Plan (SSORP)*, which was dated March 2015 (refer to [Exhibit 2](#)). The City had not implemented the document or provided SSORP training to personnel as of the date of the inspection.

D. Collection System Maintenance

City representatives stated that the City had one jet truck, one trailer-mounted jetting unit, and one 1,000-gallon trailer-mounted vacuum unit (used for sewer work and hydroexcavation). City representatives stated that operators typically jet lines during routine cleaning and use the vacuum unit only as needed. The City does not own a closed circuit television (CCTV) truck, but does have a push camera for televising laterals when needed. The City does not have a routine CCTV program. The collection system is televised by a contractor as needed.

City representatives stated that the City has a "hot spot" cleaning program, with approximately 11 locations receiving weekly flushing and 4 locations receiving monthly flushing. A review of the data provided by the City at the time of the inspection indicated that the City had added some locations and had removed others from the program between 2012 and the date of the inspection. City representatives stated that most hot spots are areas where the line is flat or settled, causing grease and debris to accumulate. They added that if operators are not conducting hot spot cleaning, they are responding to

customer calls. The City did not have a maintenance program in place with the goal of cleaning or televising the entire collection system. City representatives stated that they hope to move to a preventive program in the near future.

Collection system operation and maintenance is described in more detail in section III, Finding 1 of this report.

E. Lift Stations

At the time of the inspection, the City had 39 lift stations. All lift stations were linked to the City's SCADA system for wet-well monitoring and pump-runtime trending. The SCADA system polls the lift stations every seven minutes. It alerts operators of alarms, but does not allow for remote adjustment of operations. All of the operational control activities needed to be done onsite. Notification of alarms at the lift stations were sent to operators' pagers or cellular phones. City representatives stated that 35 lift stations had redundant pumping capacity, and the remaining 4 only had one pump each. They stated that the City had two small backup pumps that could be installed during an emergency. City representatives stated that most of the lift stations are can-style stations, which require confined space entry permits for entry.

City representatives stated that two teams of two operators each conducted 3–4 general lift station inspections per day per team. The City did not have a formal preventive maintenance process for lift stations or standard operating procedures (SOPs) for lift station-related O&M tasks. City representatives stated that operators looked for grease accumulation during inspections and cleaned the wet wells as needed. Most lift station maintenance was reactive. The City did not have onsite backup power capability for 30 of the 39 lift stations. The City does have two trailer generators rated at 200 kilowatts each to cover outages for the 30 lift stations without onsite backup power. City representatives stated that they had estimated the detention time for some wet wells in order to determine how much response time they had in an emergency, but they had not performed these calculations for all lift stations. Lift station maintenance and backup power is described in more detail in section III, Finding 1 of this report.

City representatives stated that the City-owned Squabble Creek Lift Station is used to divert high flows from the Squabble Creek WWTP into the NTMWD-owned Rockwall/Heath Regional Trunk Sewer, which conveys flow to the South Mesquite Regional WWTP. City representatives stated that NTMWD operators have access to the lift station and are the ones who manually activate the diversion mechanism based on flows to the NTMWD-owned Squabble Creek WWTP. The Squabble Creek WWTP has an average daily flow of 1 million gallons per day (mgd), with peaks of up to 4 mgd. The lift station can pump approximately 7 mgd into the trunk sewer. Literature provided by the City (refer to Exhibit 3) indicates that peak wet-weather flows to the WWTP may reach 14 mgd when the service area is fully developed. Further, the City is planning construction of a second lift station in the area, as the Squabble Creek WWTP may be decommissioned in the future. The status of the project was unclear at the time of the inspection.

III. ASSESSMENT OF COMPLIANCE

Based on discussions conducted during the inspection, and a review of documents and data collected during the inspection, the EPA Inspection Team noted the following findings of potential noncompliance:

Finding 1. Failure to implement proper O&M of the collection system

Specifically, Title 30 of TAC § 291.94(C)(1) states:

The retail public utility shall maintain its collection system and appurtenances to minimize blockages.

Title 30 of the TAC § 305.125(5) states:

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions. For Underground Injection Control permits proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the permit conditions.

Similar language is also included in 40 CFR § 122.41(e).

At the time of the inspection, the City's collection system O&M activities were not structured or managed to minimize blockages. Efforts needed to minimize blockages (partial or total) include a regular review of maintenance activities and management practices. For this to occur, management systems must be employed and must be properly populated with maintenance activities and findings. Regular reviews allow personnel to determine proactive cleaning and maintenance frequencies. This structured approach needs to be applied to the decision-making process for determining which assets should be rehabilitated or replaced. The City did not have a formalized maintenance approach to ensure the entire collection system was operating properly. City representatives stated that the City performs high frequency (i.e., hot spot) cleaning in certain areas; however, the City does not have a set cycle for cleaning or televising the entire sewer system. City representatives stated that when operators are not performing hot spot cleaning, they are responding to customer complaints. City representatives stated that a contractor conducts CCTV inspections as the City needs them.

Proper operation and maintenance of a collection system also relies, in part, on maintaining accurate, up-to-date information in an accessible format. This information includes collection system data, field documentation, and task-specific written SOPs to ensure that maintenance activities are properly conducted, verified, and populated into the City's information custodian system. Field observations are critical to the proper operation and maintenance of the collection system and should document the uniqueness of the field activity performed. This includes recording detailed and complete observations, such as how much and what type of debris was removed from a sewer segment or wet well during cleaning, and the specific observed condition of an asset at the time of inspection or maintenance activities.

The City had an electronic work order system, but it was mainly used to track employee hours and cost of materials for work completed in order to support budget and financial needs, not for facilitating a preventive maintenance approach. The City was not tracking the total linear footage of sewer cleaned or inspected, making it impossible to determine how much of the system had been cleaned. City representatives stated that operators may report the presence of grease and debris observed while performing maintenance and repairs; however, the City did not quantify or classify the amount of debris encountered during sewer cleaning in order to benchmark normal conditions and to identify potential problems upstream. The City did not have an SOP for sewer cleaning.

Keeping detailed datasets in a centralized database (the custodian of O&M records) enables operators to refine maintenance frequencies and to better employ predictive maintenance strategies, not just preventive strategies. The proper application of an O&M plan requires evaluating pertinent, validated field documentation so that maintenance activities can be budgeted and scheduled to ensure proper operation of assets and prevent sewer backup issues. The documentation process also supports proper planning, budgeting, and scheduling for CIP projects.

The City had 39 lift stations at the time of the inspection. City representatives stated that a formal preventive maintenance schedule had not been established for critical components of the City's lift stations. Further, they stated that the only routine maintenance performed at City lift stations was monthly wet well inspections for grease; if the inspection results indicated a need the wet wells were cleaned.

Thirty of the City's 39 lift stations did not have onsite backup power, and the City only had two portable 200-kilowatt generators. City representatives stated that the lift stations without onsite backup power did not have quick-connect sockets for the portable generators, and the portable generators would need to be hard-wired into the stations' breaker panels. Texas wastewater system design requirements included in Chapter 217 of the TAC require lift stations without onsite backup power to be equipped with a tested quick-connect mechanism or a transfer switch properly sized to connect to a portable generator. Further, the retention capacity in a lift station's wet well and incoming gravity pipes must prevent discharges of untreated wastewater at the lift station or any point upstream for a period of time equal to the longest electrical outage recorded during the past 24 months, but not less than 20 minutes. Failure to pump a lift station's wet well at the proper frequency can lead to overflows.

City representatives stated that they had recently estimated the detention times (i.e., time a station could go without pumping before overflowing the wet well or points upstream) for 18 of the City's lift station wet wells. Holding times for some stations without onsite backup power were estimated as low as 20 minutes, meaning it would be difficult for two portable generators to be effectively used at multiple stations during widespread simultaneous outages/failures. The City should determine detention times for the other 21 lift stations. A list of City lift stations along with detention time information is included in Exhibit 4. City representatives stated that all stations are connected to a SCADA system for monitoring levels and alarms. They stated that all lift stations have a 30-minute backup battery for the SCADA system telemetry. After a 30-minute power failure, 30 of the 39 lift stations would have to be manually checked for operational variables (e.g., wet well level).

The City provided a list of work orders generated between April 5, 2010 and July 22, 2014 (refer to Exhibit 5). The list contained 166 work order references categorized as "pump failure" and 148 labeled as "power loss." The work order entries had been sorted in such a way that the issue category did not match the correct date, location, and problem description. This made it impossible for the EPA Inspection Team to determine the exact nature and date of each event or the impacts of the events on the environment or human health.

Finding 2. Failure to prevent unauthorized/unpermitted discharges

Specifically, TWC section 26.121(a) states:

Except as authorized by the commission, no person may:

- (1) discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state;*
- (2) discharge other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state.*

In addition, section 301 of the CWA states:

- a. Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.*

Further, 40 CFR section 122.1(b) states:

(1) *The NPDES program requires permits for the discharge of "pollutants" from any "point source" into "waters of the United States."*

It should be noted that TWC section 26.039(b) states:

Whenever an accidental discharge or spill occurs at or from any activity or facility which causes or may cause pollution, the individual operating, in charge of, or responsible for the activity or facility shall notify the commission as soon as possible and not later than 24 hours after the occurrence. The individual's notice to the commission must include the location, volume, and content of the discharge or spill.

The City provided the EPA Inspection Team with records of 19 SSO events reported to the Texas Commission of Environmental Quality (TCEQ) between 2011 and the date of the inspection (refer to [Exhibit 6](#)) as well as a map showing the locations of those SSOs (refer to [Exhibit 7](#)). SSOs were reported to have been caused by such issues as pump failure, grease/debris, and construction material in the sewer. At least 4 events in the 19 reports were caused by failures at the Turtle Cove Lift Station, which is owned and operated by NTMWD. All four events happened in 2012. Three separate SSOs were reported for March 20, 2012, and one was reported for January 26, 2012. In each case, the pumps at the station clogged during a heavy rain event, causing sewage to spill out of a manhole and ultimately end up in Lake Ray Hubbard. It was unclear whether NTMWD also reported these events to TCEQ or if any other SSO events linked to the Turtle Cove Lift Station had occurred and been reported by NTMWD (i.e., events that may not have shown up in City records). In addition to the issues linked to the Turtle Cove Lift Station, the City also reported six SSOs linked to failures and grease buildup at City-owned and operated lift stations. For example, an SSO was reported at 501 Quail Run Road (the address of the Quail Run Lift Station) on May 9, 2012 as a result of a "lift station getting caught on grease causing manhole to overflow." It was unclear if cleaning had ever been conducted in the area.

The City provided a list of all work orders generated between April 5, 2010 and July 22, 2014 (refer to [Exhibit 5](#)). The list contained 24 work order references labeled "manhole overflow." The entries had been sorted in such a way that the issue category did not match the correct date, location, and problem description. This made it impossible for the EPA Inspection Team to determine the nature of each overflow event, and if any of the entries corresponded to the 19 SSOs (mentioned above) that had been reported to TCEQ.

The City does not report private sewer backups to TCEQ; however, a sewage release occurring on private property that is caused by an issue or failure in the City-owned portion of the collection system is an SSO. The City provided a map of "sewer stop" work orders issued between 2010 and 2014 (refer to [Exhibit 8](#)). The map indicated numerous sewer stoppages had occurred in the time period; however, the dataset did not indicate any details other than location. The EPA Inspection Team could not determine which entity, the City or the property owner, was responsible for any of the events. The EPA Inspection Team also could not determine the exact number of events represented on the map, based on the information provided.

After the inspection, the City provided a list of sewer-related work orders for 2012 and 2013 (refer to [Exhibit 9](#)). The dataset indicated 144 work orders labeled as "sewer stop" and 11 work orders labeled as "sewer manhole overflow" in 2012. The 2013 data indicated 249 "sewer stop" and 4 "sewer manhole overflow" work orders. All of the 2012 SSOs reported to TCEQ (see above) appeared to be categorized as either sewer stops or manhole overflows; however, neither of the 2013 events appeared to be included in the dataset provided. Further, the dataset indicated numerous other occurrences of either backups or overflows in the collection system or sewage releases to private property. In some cases, the provided data made it clear which entity, the City or a private property owner, was at fault; however, many times there was too little detail to diagnose the exact nature of the event, who was responsible for the

overflow/backup (i.e., public or private), or the extent of the release of raw sewage. Refer to section IV.A for additional details about the City's SSO reporting and documentation.

City representatives stated that when operators respond to calls for homeowner backups, they typically jet the lateral from the customer's cleanout and calculate the approximate distance of the blockage from the house/property based on the length of hose used. City representatives stated that some properties have a cleanout at the property line, making it easier to determine who has responsibility for the backup (the City or the private owner). They stated that if the City side of the cleanout was clear, the City most likely would not jet the lateral.

As mentioned previously, the City had an SSORP, which was dated in March 2015 (refer to Exhibit 2); however, the SSORP had not been implemented and personnel had not been trained on it as of the date of the inspection.

IV. ADDITIONAL CONCERNS

In addition to the findings described above, the EPA Inspection Team also identified one area of concern based on conversations with City staff and observations made during document review and field activities.

A. SSO Reporting and Documentation

As stated in Finding 2, Failure to prevent unauthorized/unpermitted discharges, the EPA Inspection Team was unable to verify whether or not some callout records and work orders indicated the occurrence of SSOs. The City's field and documentation practices made it difficult or impossible to determine whether and overflow occurred, root cause(s), immediate corrective actions, modifications of maintenance approaches and frequencies, and if proper reporting had taken place for SSOs when applicable.

The City provided a list of sewer-related work orders for 2012 and 2013 (refer to Exhibit 9). The dataset indicated a total of 393 work orders labeled as "sewer stop" and 15 work orders labeled as "sewer manhole overflow." In most cases, it was difficult to determine the exact nature of the event included in each entry (e.g., cause, responsibility, and corrective action); however, there were several entries that indicated an SSO had occurred as a result of an issue/failure in a City-owned asset. Further, the data seemed to indicate there were multiple occasions where SSOs had occurred and not been reported to TCEQ. The list below describes four examples from the City-provided data where an SSO appeared to have occurred, but was not reported to TCEQ (Note: There may be other instances not identified as of the date of this report):

1. **June 25, 2013 at 1954 Signal Ridge Place** – The main was stopped up with grease and sewage was coming out of the cleanout. The City cleared the blockage.
2. **April 6, 2013 at Pompeii Court and Mediterranean Drive** – Manhole was overflowing. Tried to unblock it with the big hose and got the hose stuck, then got the little hose stuck. Got everything unstuck and then unblocked the sewer line. Had to use the Vac Trailer.
3. **December 3, 2012 at Rusk Street and Ross** – Main line was stopped up. The driveway off of Clark on Rusk going into Dobbs Elementary was overflowing. The City unstopped the line and called in to report the work was completed.
4. **May 24, 2012 at East IH 30** – The manhole in front of Joe Willies had grease in the main line. That made the four manholes up stream to back up and the manhole at Rockwall Dodge was overflowing. Did clean up when finished.

V. RECOMMENDED REFERENCE MATERIALS

The EPA Inspection Team emphasizes the need for a more structured preventive sewer maintenance and cleaning program. The City's preventive sewer maintenance and cleaning program should be supported by field observations and documentation. Observations and documentation should be reviewed with appropriate satellite communities so coordinated activities and resources can be maximized. The EPA Inspection Team recommends the City develop and implement structured, written SOPs for any sewer maintenance and cleaning performed by the City and its contractors.

The SOPs should include detailed, step-by-step procedures for conducting the maintenance and cleaning activities, including the following pipe maintenance activities: (1) preventive maintenance cleaning and blockage removal; (2) types of equipment to be used ("tiger tails," nozzles, screens/rakes, etc.); (3) guidelines and/or reference tables for appropriate jetting pressures and flows based on the type of jetting activity, type of pipe, size of pipe, age of pipe, and known condition of pipe; and (4) requirements for formally documenting pipe conditions, materials removed during cleaning, and other findings so the results can be reviewed, and if needed, evaluated by managerial staff. Maintenance activities and frequencies may need to be modified based on the review and evaluation of findings. The operation of high pressure sewer equipment without formal training and without SOPs can create serious safety issues and may significantly damage the structural integrity of the sewer pipe. Reference materials to support the development of the SOPs are available from various sources (equipment manufacturers, equipment vendors, professional associations, etc.), including references such as the National Association of Sewer Service Companies' *Jetter Code of Practices* (http://nassco.org/publications/p_techman.html), which provides guidelines for the proper operation of sewer jetter equipment.

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Mayor and City Council

FROM: Rick Crowley, City Manager

DATE: September 18, 2015

SUBJECT: Ambulance Ordinance - Exclusivity Repeal

This item has been placed on the agenda for action Monday evening. As of the time of packet distribution, the draft ordinance is not available. My being out of town has contributed to the delay in preparation, and Frank is researching several legal questions that the Mayor has requested.

Frank will want to discuss direction from the Council, so this item will be read for consideration first in Executive Session. Based on the direction that I think I heard from the Council at the last meeting, I have asked that Frank not prepare a Franchise Ordinance, but that the Ordinance be prepared to:

1. Repeal the exclusivity aspect of the current ordinance
2. Require that ambulance companies desiring to do business in the City, as a single requirement, register with the City and provide proof that they are licensed by the State of Texas to operate their business in Texas.

I understand that there may still be discussion on the matter Monday evening. Frank will provide legal consultation first in Executive Session.

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Rockwall, Texas

Proclamation

Whereas, the City of Rockwall Water Department employees provide safe clean drinking water that define the quality of life for residents and commercial organizations in the community; and

Whereas, water utility professionals must undergo extensive training and testing to ensure that proper procedures, testing, and methodology are used to ensure the water systems in our community are safe and have no threat to human life; and

Whereas, committed professionals in the water industry help in the establishment of a participatory, collaborative organization dedicated to continual learning and improvement; and

Whereas, committed employees such as Shon Bellah continually seek to improve their knowledge, helping to maintain a workforce that is competent, motivated, adaptive, and safe; and

Whereas, the State of Texas currently has 9,315 licensed operators to perform various water quality functions, with only 1,023 individuals having achieved a Class A certification.

Now, Therefore, I, Jim Pruitt, Mayor of the City of Rockwall, Texas, do hereby recognize

SHON BELLAH

Crew Leader in the City of Rockwall's Water Operations Division for his noteworthy accomplishment in attaining his "Class A" license and urge all citizens to applaud Mr. Bellah for his hard work and dedication to our citizens and our city.

In Witness Whereof, I hereunto set my hand and official seal this 21th day of September, 2015.

Jim Pruitt, Mayor

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MINUTES
ROCKWALL CITY COUNCIL
Tuesday, September 08, 2015
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

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I. CALL PUBLIC MEETING TO ORDER

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Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and City Council Members David White, Mike Townsend, Scott Milder and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney (fill-in) Patrick Lindner. Councilmember Hohenshelt joined the meeting at 4:06 p.m. as reflected during Work Session item #1 noted below.

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II. WORK SESSION

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1. **HOLD WORK SESSION TO HEAR AND DISCUSS PRESENTATION BY AECOM REGARDING PUBLIC TRANSPORTATION STUDY FINDINGS, AND TAKE ANY ACTION NECESSARY.**

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Jerry Smiley
AECOM
1950 N. Stemmons Freeway
Dallas, Texas

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Mr. Smiley explained that he is Vice President of AECOM and Business Unit Leader for Transit and Environmental Services and is out of the Dallas office. He introduced Kristen Lucan, Senior Planner, with AECOM and Andrew Idickson, Department Manager for Transit Planning with AECOM, who also spoke during the presentation.

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John Hohenshelt arrived to the meeting at 4:06 p.m.

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Ms. Lucan came forth and shared data concerning a peer comparison of seven other transportation service providers in Texas and one in Oklahoma. Consultant speakers from AECOM went on to share information on ridership and trending for Rockwall County as well as various service level and service type considerations. They also briefly touched on recommendations related to contracting for public transit services and monitoring said services. They indicated that AECOM representatives plan to hold a stakeholder meeting with STAR representatives and gather more data that is specific to Rockwall County to help the city make more informed decisions moving forward.

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After brief comments by council members, Mr. Crowley indicated that it appears as though further analysis of STAR transit will not be able to conclude before it is time for both the city and county to adopt their upcoming fiscal year budgets. However, he indicated that the City of Rockwall will need to make some sort of cost-related budget decisions either this evening or at the September 21 council meeting before the fiscal year budget can be approved.

- 50 2. **HOLD WORK SESSION TO DISCUSS THE CURRENT SOLID WASTE COLLECTION**
51 **CONTRACT RENEWAL NEGOTIATIONS WITH REPUBLIC WASTE (ALLIED WASTE) AND**
52 **TAKE ANY ACTION NECESSARY**
53

54 **Rick Burnis with Republic Waste came forth and briefed the council on a proposal**
55 **currently being put forth regarding renewing the contract with his company for a period**
56 **of an additional five years. Various comments were made regarding the city's current**
57 **recycling program, including the more than 50% of residents who participate in recycling**
58 **as well as current costs associated with the program. Discussion took place concerning**
59 **the additional tonnage of garbage that might result if the recycling program went away**
60 **entirely, as well as the need to consider associated cost implications that may result.**
61

- 62 3. **HOLD WORK SESSION TO DISCUSS AND CONSIDER LOCAL REGULATIONS REGARDING**
63 **NON-EMERGENCY AMBULANCE SERVICES AND ASSOCIATED TRANSPORTS, AND TAKE**
64 **ANY ACTION NECESSARY.**
65

66 **City Manager Rick Crowley indicated that the council had previously instructed staff to**
67 **come back with an ordinance to become effective November 1, 2015 to essentially do**
68 **away with exclusivity of non-emergency EMS transfer services in the city. He went on to**
69 **explain that the city council may or may not wish to consider also adopting an ordinance**
70 **to establish a franchise agreement with non-emergency transport service EMS providers**
71 **doing business in the city. He explained that the council must find that a public**
72 **necessity exists in order to enter into those sorts of ordinance-based franchise**
73 **agreements. Crowley indicated that associated with these sorts of franchise agreements**
74 **would be payment to the city from ambulance providers that equates to about 3.5-3.6% of**
75 **their gross revenue. This amount is somewhat of an industry standard, and would be**
76 **owed to the city for the purpose of utilizing streets and roadways. The council may or**
77 **may not have an interest in these sorts of franchise agreements and may or may not**
78 **wish to regulate these providers. Staff is seeking direction from the council at this time.**
79

80 **Mayor Pro Tem Lewis indicated that he is not necessarily interested in entering into**
81 **franchise agreements; however, he does wish to ensure that providers that may be**
82 **operating in the city are qualified. Mr. Crowley indicated that the State already regulates**
83 **EMS service providers; however, the Council may or may not wish to do some sort of**
84 **regulating of its own. Brief discussion took place related to how and to what extent**
85 **providers may be regulated.**
86

87 **Councilmember White indicated that he is against any sort of franchise fee, and he does**
88 **not feel that the city should get involved in regulating ambulances since the state already**
89 **licenses and regulates them.**
90

91 **Councilmember Hohenshelt asked if the city would take any steps, as far as regulation is**
92 **concerned, beyond that which the state would already take to regulate such companies.**
93 **Mr. Crowley indicated that all that a franchise agreement would do is to allow the city to**
94 **keep track of those companies doing business in our city, and a fee would be collected.**
95 **Mayor Pruitt also indicated that the companies that would be performing non-emergency**
96 **transport services in our city will also potentially impact the amount of annual funding**
97 **the city will end up paying to the County of Rockwall Emergency Services Corporation**
98 **(ESC) for the annual 'emergency transport' services contract in place and managed**
99 **through the ESC.**

100 Mayor Pro Tem Lewis indicated that he would like to hear some additional information
101 from city attorney, Frank Garza, before making any sort of definitive decision on this
102 topic. Councilmember Hohenshelt indicated that he would also like to better understand
103 the cost implications, if possible.

104
105 Councilmember Fowler indicated that he believes the council should care, to some
106 extent, which providers are operating in our city, so he would like some additional
107 information before making any decisions as well.

108
109 Mr. Crowley briefly explained the potential cost implications on annual subsidy paid to
110 the ESC and ultimately passed on to the ambulance provider on contract with the ESC.
111 He shared that it will be difficult to determine cost implications, explaining that it will
112 depend on how often and to what extent businesses, such as the local hospitals and
113 nursing homes, continue to call the existing contractor to perform non-emergency
114 transports versus how often and to what extent they start calling other providers to
115 perform those services. He cautioned that if the council chooses to initiate a franchise
116 agreement type of ordinance, then the previously expressed November 1 deadline for
117 implementation may need to be delayed. The council took no action related to this work
118 session item at this time, indicating they have a desire to hear more input from the city
119 attorney concerning what other cities have done, and to receive more information
120 overall.

121
122 **III. EXECUTIVE SESSION.**

123
124 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE**
125 **FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:**

- 126
127 1. Discussion regarding legal claim: Larena Gail Boyd v. City of Rockwall and Rockwall Harbor
128 Corporation pursuant to Sec. 551.071 (Consultation with Attorney)
- 129 2. Discussion regarding dangerous dog claim legal pursuant to Section 551.071 (Consultation
130 with Attorney)
- 131 3. Discussion regarding (re)appointments to city regulatory boards, commissions, and
132 committees including the Building and Standards Commission, Planning & Zoning
133 Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

134
135 **IV. ADJOURN EXECUTIVE SESSION**

136
137 **Executive Session was adjourned at 5:42 p.m.**

138
139 **V. RECONVENE PUBLIC MEETING**

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141 **Mayor Pruitt reconvened the public meeting at 6:01 p.m.**

142
143 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

144
145 **Mayor Pruitt indicated that no action is needed at this time.**

146
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148

149 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**
150
151 **Councilmember Townsend delivered the invocation and led the Pledge of Allegiance.**
152

153 **VIII. PROCLAMATIONS / AWARDS**

154
155 1. Constitution Week
156

157 **The Mayor called forth two representatives of the Daughters of the American Revolution,**
158 **who spoke a few moments about the U.S. Constitution, including some facts about it and**
159 **its importance. Mayor Pruitt then read and presented the proclamation for Constitution**
160 **Week.**

161
162 2. Recognition of Mr. Jeffrey McLeod, Rockwall Police Officer Gary North,
163 and Rockwall Fire Department staff and volunteers regarding July fire in
164 downtown Rockwall
165

166 **Mayor Pruitt read and presented a proclamation to Mr. McLeod to recognize and thank**
167 **him for his efforts in helping alert a Rockwall police officer of a fire in the downtown area**
168 **back in July. He then called Police Officer North and members of the Rockwall Fire**
169 **Department forward to recognize them for their efforts related to the fire as well.**

170
171 3. Recognition of Sikder Rahman and Jackson Ikechukwn regarding August
172 fire at Rockwall Nursing Care Center
173

174 **Fire Chief Mark Poindexter explained that these two gentleman work at the nursing**
175 **home, and they were instrumental in extinguishing a fire that had started in a resident’s**
176 **room. Mayor Pruitt read and presented an honorary proclamation to each of them,**
177 **expressing gratitude for their life-saving efforts.**
178

179 **IX. OPEN FORUM**

180
181 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to**
182 **come forth to speak. There being no one, Mayor Pruitt then closed the Open Forum.**
183

184 **X. CONSENT AGENDA**

185
186 1. Consider approval of the minutes from the August 17, 2015 regular city
187 council meeting, and taken any action necessary.

188 2. Consider approval of the minutes from the August 31, 2015 budget work
189 session, and taken any action necessary.

190 3. Consider awarding the Lake Forest Erosion Control Improvements project
191 construction contract to Environmental Safety Services, Inc. in the
192 amount of \$348,650.00 and take any necessary action.

193 4. Consider authorizing the city manager to execute a professional
194 engineering services contract with Teague, Nall and Perkins, Inc. to
195 perform the engineering design plans and specifications for the
196 Stonebridge Drive Sanitary Sewer Lift Station Rehabilitation project in the

- 197 amount of \$67,800.00 to be funded out of 2015 Water and Sewer
198 Revenue Bonds, and take any action necessary.
- 199 5. Consider authorizing the city manager to execute an amendment to the
200 professional services contract with LaTerra Studio, Inc. related to
201 professional services associated with the downtown project regarding a
202 change order in the amount of \$33,538 to be funded out of 2012
203 downtown bond proceeds, and take any action necessary.
- 204 6. Consider authorizing the city manager to execute a Memorandum of
205 Understanding with the cities of Allen, Forney, Frisco, Heath, McKinney,
206 Mesquite, Plano, Princeton, Richardson, Seagoville and the Town of
207 Prosper, regarding development of a regional capacity, management,
208 operations and maintenance program (CMOM) pertaining to North TX
209 Municipal Water District (NTMWD) wastewater treatment systems, and
210 take any action necessary.
- 211 7. Consider approval of a resolution related to a grant through the Texas
212 Parks and Wildlife Department pertaining to construction of a boating
213 access facility on Lake Ray Hubbard near SH-66 and N. Lakeshore Drive,
214 and authorize the city manager to execute associated project agreement,
215 and take any action necessary.
- 216 8. Consider authorizing the city manager to execute a professional services
217 contract with for EJES, Inc. to perform the engineering design services
218 and specifications for the East Boydston Avenue Reconstruction Project
219 from South Goliad St. to Clark Street in the amount not to exceed
220 \$440,228.40 to be funded out of the 2012 bond proceeds, and take any
221 action necessary.
- 222 9. Consider authorizing the city manager to execute a professional services
223 contract with Freese and Nichols, Inc. to perform the engineering design
224 services and specifications for the County Line Roadway Reconstruction
225 Project from Horizon Road (FM 3097) to Renee Drive in an amount not to
226 exceed \$580,440 to be funded out of 2012 bond proceeds, and take any
227 action necessary.
- 228 10. Consider authorizing the city manager to execute a professional services
229 contract for Cobb, Fendley & Associates, Inc. to perform the engineering
230 design services and specifications for the Throckmorton Street
231 Reconstruction Project from East Boydston Avenue to East Bourn Street
232 in an amount not to exceed \$187,695.00 to be funded out of 2012 bond
233 proceeds, and take any action necessary.
- 234 11. P2015-035 - Consider approval of a request by Archie Underwood and
235 Dan Walker for the approval of a replat for Lots 1 & 2, Block A, Lakeside
236 Veterinary Clinic Addition being a replat of two (2) parcels being 2.43-
237 acres of land identified as Lot 1, Block A, Bernice Addition and Lakeside
238 Batting Park Addition, City of Rockwall, Rockwall County, Texas, zoned
239 Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV)
240 District, addressed as 801 & 801B E. IH-30, and take any action
241 necessary.
- 242

243 12. Consider authorizing the Mayor to execute an interlocal agreement with
244 Rockwall County to provide fire protection services within unincorporated
245 areas of the county for the year 2015-2016, and take any action
246 necessary.

247 **Councilmember Lewis pulled item #5 for further discussion. Councilmember Milder then**
248 **made a motion to approve all remaining consent agenda items (except item #5) (#1, 2, 3,**
249 **4, 6, 7, 8, 9, 10, 11, and 12). Councilmember Hohenshelt seconded the motion, which**
250 **passed by a vote of 7 ayes to 0 nays.**

251
252 **Regarding Consent Agenda item #5, Councilmember Lewis asked if LaTerra has had any**
253 **delays in responding to the city throughout the course of the project. Mr. Tumulty, City**
254 **Engineer, indicated that he is not aware of any such delays, noting that the only delays**
255 **he is aware of have been related to bad weather. Councilmember Lewis questioned if it**
256 **is necessary to pay LaTerra a continued monthly fee for an additional five month period,**
257 **or if perhaps staff may be able to handle the architectural oversight instead for that**
258 **period. Lewis generally indicated that he is not in favor of extending the oversight**
259 **period.**

260
261 **Mayor Pro Tem Lewis made a motion to instruct staff to handle the disputed claim and**
262 **settle it; however, he does not wish to authorize continuation of \$3,300 / month for FIVE**
263 **additional months. Councilmember Townsend seconded the motion. After various**
264 **comments by council and staff, Councilmember Lewis repeated his motion – to offer La**
265 **Terra Studio the amount of \$17,038.63 to settle the disputed amount due caused by**
266 **ambiguous language in the existing contract and to not pay the additional \$16,500**
267 **(\$3,300 for five additional months) for monthly, architectural oversight of the project.**

268
269 **After brief comments, the motion passed by a vote of 6 in favor with 1 against (Fowler).**

270
271 **Open Forum was addressed next by the Mayor and Council.**

272
273 **XI. APPOINTMENTS**

274
275 1. Appointment with the Planning and Zoning Chairman to discuss and
276 answer any questions regarding cases on the agenda and related issues
277 and take any action necessary.

278 **Chairman, Craig Renfro, came forth and briefed the council on Planning-related items on**
279 **tonight's agenda, including recommendations of the Commission relative to those items.**
280 **He mentioned that P&Z board member, Wendi Conley, recently resigned. After his**
281 **remarks, the council took no action concerning this appointment item.**

282 2. Appointment with Todd Parks, Fixed Based Operator of the Ralph M. Hall
283 / Rockwall Municipal Airport, to consider a request regarding modification
284 of operating hours, and take any action necessary.

285 **Mr. Parks came forth and indicated that he is requesting that the council consider**
286 **allowing him to adjust airport operating hours to be more in line with when demand for**
287 **use of the airport is actually present versus when demand is negligible. If the adjusted**
288 **hours are approved this evening, Mayor Pruitt encouraged Mr. Parks to come back to the**
289 **council to further adjust the hours of operation should trends in demand change over**
290 **time. Mr. Parks' written request to the Council indicated that he would like consideration**
291 **to change the operating hours as follows:**

292
293

Monday through Friday - change opening time from 7:00 AM to 8:00 AM and closing time from 7:00 PM to 5:00 PM

Saturday - Change opening time from 7:00 AM to 8:00 AM and closing time from 7:00 PM to 4:00 PM.

Sunday - We currently open at 7:00 AM and close at 7:00 PM. We are requesting that the FBO be closed on Sundays.

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Mayor Pruitt made a motion to approve the request to adjust operating hours as presented. Councilmember White seconded the motion, which, after brief comments, passed by a vote of 7 in favor with 0 against.

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301

3. Appointment with Rockwall resident Jim Smith to hear concerns related to drones, and take any action necessary.

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Mr. Smith came forth and thanked the council for their tireless work on behalf of citizens. He went on to share that he was sitting on his back porch recently, and a drone flew into the air space over his back yard. He expressed that he wishes to not address or attempt to have the city regulate government or commercial drone use, but rather drones used for hobby or recreational purposes (aka 'model aircraft'). He spoke to some of the existing Federal Aviation Administration (FAA) 'guidelines' he has researched and found to be in place, sharing that they are guidelines rather than regulations and that they seem to still be evolving. He also has concerns about people using recreational drones (unmanned aircraft) for the purpose of taking photos without someone's permission and perhaps distributing those photos. He wants to maintain serenity and peacefulness in Rockwall resident's back yards. He pointed out an existing section of the city's Code of Ordinances (Chapter 8. Aviation, Article II. Airport) that he feels could be used to prohibit the use of recreational drones (aircraft). He also believes that Ch. 16 (Environment), Article IV. (Noise) of the Code might also have some provisions that could be applied to help regulate drones and maintain quiet, peace and serenity in residents' back yards, for example. Mr. Smith asked the council, staff and city attorney a series of questions, including inquiries regarding if these sections of the Code of Ordinances mean that the city already regulates drones, or if additional regulations should be established.

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Following Mr. Smith's presentation, Mayor Pruitt thanked him for his comments, and the city council took no action concerning this appointment item.

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324

XII. PUBLIC HEARING ITEMS

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327

1. Hold a public hearing to receive comments regarding the proposed FY 2015-2016 City of Rockwall budget, and take any action necessary.

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Mr. Crowley provided the Council with a broad overview of some of the various recurring and one-time expenses that are proposed to be funded in this upcoming budget, including staff, programs and equipment. He explained that the proposed budget assumes adoption of the effective tax rate. Mrs. Smith provided a brief overview of a meeting recently held with staff, including herself, Brad Griggs, (Fire) Chief Poindexter and Battalion Chief Merritt. She shared some information concerning how it may be

334 possible to lower the Fire Department's overtime budget to free up some funds to hire
335 some additional, full-time, paid staff. After lengthy discussion, Mayor Pruitt opened the
336 public hearing and asked if anyone would like to come forth and speak at this time.
337 There being no one, Mayor Pruitt then closed the public hearing. He indicated that
338 Council will take formal action to adopt the budget at its September 21st meeting.
339

340 **XIII. ACTION ITEMS**

- 341
- 342 1. Discuss and consider a recommendation of the City Council's Naming
343 Sub-Committee regarding approval of a resolution renaming Camelot
344 Court to Lynch Court, and take any action necessary.

345 Mayor Pruitt addressed this agenda item next, following the Proclamations portion of the
346 public meeting agenda. He called forth Mr. Lynch and his wife, introducing them and
347 sharing a detailed history of both Mr. Lynch's current volunteer involvement in the
348 community and to veterans, as well as his past military service to our country while
349 serving in the U.S. Army. He shared that there are four homes located on what is now
350 known as Camelot Court, and all of the residents who live on that street have indicated
351 support for changing the name of the street to Lynch Court to honor Specialist Five
352 Joseph P. Lynch, Sr.
353

354 Councilmember Lewis made a motion to move forward with changing the name of
355 Camelot Court to Lynch Court. Councilmember Milder seconded the motion, which
356 passed unanimously of council (7 ayes to 0 nays).
357

- 358 2. Discuss and consider possible options for the solid waste contract, and
359 take any action necessary.

360 Mr. Crowley provided background information related to this agenda item, reminding the
361 Council and the public that this agenda item was discussed at greater length during a
362 work session that was held earlier this afternoon.
363

364 Councilmember Milder indicated that he does not personally have any problem with the
365 current service provider; however, he does feel that it is prudent to periodically go out
366 for bid to explore other options in order to compare and ensure we are getting the best
367 value for our dollars spent.
368

369 Mayor Pro Tem Lewis shared that he has heard only one or two complaints about bulk
370 trash pick-up; however, he believes these issues have been addressed. He shared that
371 fuel costs and costs of things like tires are 'up' quite significantly lately.
372

373 Mayor Pro Tem Lewis then made a motion to authorize the City Manager to execute
374 contract renewal documents with Republic Waste and bring back a corresponding rate
375 resolution for Council action at a later date. Councilmember Townsend seconded the
376 motion, which passed by a vote of 6 in favor with 1 against (Milder).
377

- 378 3. MIS2015-006 - Discuss and consider a request by Elias Pope of 8020
379 Restaurants, LLC for the approval of a variance to the parking
380 requirements in conjunction with an approved site plan for a restaurant on
381 a 0.90-acre parcel of land identified as Lot 3, Block A, Harbor District
382 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned
383 Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30

384 OV) District, located at the southeast corner of the IH-30 Frontage Road
385 and Sunset Ridge Drive, and take any action necessary.

386 **Planning Director Ryan Miller provided a brief synopsis of this agenda item and the**
387 **associated request. He stated that this item is associated with a 6,800 square foot**
388 **restaurant facility just north of Trend Tower. The applicant is showing 68 parking spaces**
389 **being provided with 53 being provided on site and an additional fifteen being provided**
390 **offsite in the Trend Tower parking garage. The applicant is now requesting that the**
391 **council consider waiving the additional 15, off-site parking spaces at Trend Tower, citing**
392 **that sufficient public parking is available within the sub-district. Councilmember Lewis**
393 **asked when public access to spaces located in Trend Tower begins. Mr. Crowley**
394 **clarified that it starts at 5:00 p.m. Mr. Crowley clarified that the applicant is requesting to**
395 **be able to count “on street” and other public parking spaces towards his required**
396 **number of spaces. After brief comments, Councilmember White made a motion to**
397 **approve the variance request for MIS2015-006. Mayor Pro Tem Lewis seconded the**
398 **motion, which passed by a vote of 7 ayes to 0 nays.**
399

400 **4. MIS2015-005 - Discuss and consider a request by Duane and Jennifer**
401 **Piercy for the approval of an exception to the minimum masonry**
402 **requirements stipulated in Section 3.1, General Residential District**
403 **Standards, of Article V, District Development Standards, of the Unified**
404 **Development Code, for a 1.21-acre tract of land identified as Lot 1, Block**
405 **A, Piercy Place Addition, City of Rockwall, Rockwall County, Texas,**
406 **zoned Single Family 7 (SF-7) District, addressed as 713 Hartman Street,**
407 **and take any action necessary.**

408 **Mr. Miller provided brief background information related to this agenda item, indicating**
409 **that the applicant would like to request a variance to allow him/her to utilize 100% hardy**
410 **plank material instead of the city’s current masonry standards (required to use 80%**
411 **masonry with a maximum of 50% being dedicated to hardy plank, stucco or other**
412 **cement-like materials). However, the code does allow for the council to grant variances**
413 **at its discretion. He explained that this home is located near the adjacent historic**
414 **district, so it would be in line with some of the other homes in the area. The P&Z**
415 **Commission has recommended approval of this agenda item. Councilmember White**
416 **made a motion to approve the variance request for MIS2015-005. Mayor Pro Tem Lewis**
417 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

418 **Regarding the next two agenda items (Action item #5 and #6), Mayor Pruitt announced**
419 **that Councilmember Hohenshelt has recused himself and has filed an affidavit, as**
420 **required, with the City Secretary.**

421 **5. Discuss and consider a motion for reconsideration regarding the Chapter**
422 **212 Development Agreement approved with Joey Howell on August 3,**
423 **2015 for the property within the City of Rockwall's Extraterritorial**
424 **Jurisdiction (ETJ), located south of SH-276 on the east side of FM-548,**
425 **being a ~98-acre tract of land, and take any action necessary.**

426 **Mr. Crowley, City Manager, provided some background information related to this**
427 **agenda item, generally summarizing his memo and pointing out that Mr. Howell**
428 **submitted an e-mail that has been included in council members’ informational meeting**
429 **packet. He summarized that the County has expressed some opposition to approval of**
430 **this 212 Development Agreement on the part of the city. He further indicated that the**
431 **County recently disapproved Mr. Howell’s variance request. As such, City Manager**

432 **Crowley explained that, although the council had authorized him to execute the 212**
433 **agreement at a previous council meeting, he did not yet move forward with signing said**
434 **document. At this point, since there seems to be some opposition from the County, as**
435 **well as some unknown eventual outcomes at the county level concerning this topic, Mr.**
436 **Howell came forth and indicated that he is in support of the city council rescinding its**
437 **previous action whereby it authorized the city manager to execute the 212 agreement.**

438 **Councilmember White made a motion for reconsideration of the 212 agreement.**
439 **Councilmember Townsend seconded the motion, which, after brief comments, passed by**
440 **a vote of 6 in favor with 1 recusal (Hohenshelt).**

441 **6. Discuss and consider terminating the authorization to approve the**
442 **Chapter 212 Development Agreement with Joey Howell for a property**
443 **identified as Tract 18 & 18-01 of the S. McFadgin Survey, Abstract No.**
444 **142, Rockwall County, Texas, being a ~98-acre tract of land situated**
445 **within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), located**
446 **south of SH-276 on the east side of FM-548, and take any action**
447 **necessary.**

448 **Councilmember Townsend made a motion to terminate the previously granted**
449 **authorization associated with the city manager executing the 212 development**
450 **agreement with Joey Howell. Councilmember Milder seconded the motion, which passed**
451 **by a vote of 6 ayes with 1 recusal (Hohenshelt).**

452 **7. Discuss and consider (re)appointments to city advisory boards, including**
453 **the Animal Adoption Center/Shelter Advisory Committee, the Architectural**
454 **Review Board, the Historic Preservation Advisory Board, and the Youth**
455 **Advisory Council, and take any action necessary.**

456 **Councilmember White made a motion to reappoint the following students to serve on the**
457 **the YAC this school year:**

- 458 **1. Beth Naylor (re-appointment) – Senior, homeschool**
- 459 **2. Isabella Burzair (re-appointment) – Senior, RHHS**
- 460 **3. Baldwin Bakkal (re-appointment) – Senior, RHHS**
- 461 **4. Derek “Gunner” Avenetti (re-appointment) – Senior, RHS**
- 462 **5. Cate Ghormley (re-appointment) – Senior, RHS**
- 463 **6. Logan Peet (re-appointment) – Senior, RHHS**
- 464 **7. Jake Mirelez (re-appointment) – Senior, RHS**
- 465 **8. Reid Rakow (re-appointment) – Junior, RHS**
- 466 **9. Bethany Villalobos (re-appointment) – Sophomore, RHS**

467

468 **and to newly appoint the following students:**

- 469 **10. Lanson Bennett (new appointment) – Senior, Heritage Christian Academy**
- 470 **11. Avery Dalfrey (new appointment) – Junior, RHHS**
- 471 **12. Zully Zavala (new appointment) – Junior, RHS**
- 472 **13. Caleb Davis (new appointment) – Freshman, homeschool**

473 Councilmember Fowler seconded the motion, which passed by a vote of 7 ayes to 0
474 nays.

475 Regarding the Animal Adoption Center / Shelter Advisory Committee, Councilmember
476 Fowler made a motion to reappoint Ken Dickson, Dr. Kurt Avery and Sandra Solomon to
477 continue serving. Mayor Pro Tem Lewis seconded the motion, which passed
478 unanimously (7 ayes to 0 nays).

479 Regarding the Architectural Review Board, Councilmember Folwer made a motion to
480 replace Engiell Tomaj with new board member Ralph Chizzonite and to reappoint Enid
481 Reyes, Ashlei Neil and Jimmy Strohmeyer to serve an additional term (thru August of
482 2017). Councilmember White seconded the motion, which passed by a vote of 7 ayes to
483 0 nays.

484 Regarding the Historic Preservation Advisory Board, Mayor Pruitt made a motion to
485 reappoint Mike Mishler and Carolyn Francisco (to serve through August 2017) and to
486 newly appoint Daniel Nichols and Gabriel Castro (replacing former members, Keegan and
487 Turbyfill). Mayor Pro Tem Lewis seconded the motion, which passed by a vote of 7 ayes
488 to 0 nays.

489 Mayor Pro Tem Lewis made a motion to reappoint Stephen Geiger and Martin Musser to
490 the Board of Adjustments (through August of 2017). Councilmember White seconded the
491 motion, which passed unanimously of those present (7 ayes to 0 nays).

492 Mayor Pro Tem Lewis made a motion to reappoint Dennis Dayman and Freddie Jackson
493 to the Building and Standards Commission (through August of 2017). Councilmember
494 White seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

495 Mayor Pro Tem Lewis made a motion to appoint a new member, Jerry Welch, to serve on
496 the Building and Standards Commission (through August of 2017). Councilmember
497 White seconded the motion, which passed unanimously (7 ayes to 0 nays).

498

499 **XIV. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
500 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

501

502 1. Departmental Reports

503 Building Inspections Monthly Report - July & Aug. 2015

504 Fire Dept. Monthly Reports - July 2015

505 GIS Department Monthly Report - July 2015

506 Harbor PD Monthly Report - July 2015

507 Internal Operations Department Monthly Report - July 2015

508 Police Department Monthly Report - July 2015

509 Recreation Monthly Report - July 2015

510 Rockwall Animal Adoption Center Monthly Report - July 2015

511 2. City Manager's Report

512

513 Mr. Crowley attempted to clarify a few, budget-related topics, specifically related to STAR
514 Transit and the potential of adding firefighter positions. Councilmember White requested
515 that, if STAR Transit is included in the budget, he would like the ability to vote on it as a
516 separate item, apart from the budget as a whole, because he has no intention of voting
517 "for" it. Regarding the firefighter positions, Councilmember Milder requested the ability
518 to also vote on this expense separately from the rest of the budget as a whole, as he

519 does not support a budget that does not include increased staffing in the Fire
520 Department.

521 Mr. Crowley indicated that the city has been trapping and testing mosquitos for the West
522 Nile Virus for number of years. Recently, a mosquito that was trapped tested positive for
523 the virus. As a result and in accordance with the recommendation of the city's health
524 official, staff will be spraying within a one mile radius of where this mosquito was
525 recently trapped.

526 **XV. EXECUTIVE SESSION**

527
528 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
529 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
530 **CODE:**

- 531 1. Discussion regarding legal claim: Larena Gail Boyd v. City of Rockwall and Rockwall Harbor
532 Corporation pursuant to Sec. 551.071 (Consultation with Attorney)
- 533 2. Discussion regarding dangerous dog legal claim pursuant to Section 551.071 (Consultation
534 with Attorney).
- 535 3. Discussion regarding (re)appointments to city regulatory boards, commissions, and
536 committees including the Building and Standards Commission, Planning & Zoning
537 Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

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

539
540 The city council did not return to Executive Session following the close of the public
541 meeting agenda.

542
543 **XVII. ADJOURNMENT**

544
545 Mayor Pruitt adjourned the meeting at 7:51 p.m.

546
547
548 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
549 **THIS 21st DAY OF SEPTEMBER, 2015.**

550
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552
553 **ATTEST:** _____
Jim Pruitt, Mayor

554
555
556 _____
Kristy Cole, City Secretary

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Brad Griggs, Assistant City Manager

FROM: Andy Hesser, Parks and Recreation Manager

DATE: September 18, 2015

SUBJECT: TPWD Grant Resolution and Application

Staff requests an amendment to resolution 15-25 that was approved by City Council at the September 8th meeting. The amended language clarifies that the resolution authorizes the City Manager to act on behalf of the City in dealing with the Texas and Parks and Wildlife Department regarding the program assurances and grant contracts. This amendment is necessary to ensure that signature authorities are appropriately delegated and authorized going forward regarding the grant program process.

**CITY OF ROCKWALL
RESOLUTION NO. 15-25**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AFFIRMING APPLICATION FOR GRANT FUNDING THROUGH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR CONSTRUCTION OF A BOATING ACCESS FACILITY ON LAKE RAY HUBBARD NEAR SH-66 AND N. LAKESHORE DRIVE; DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE “SPONSOR” IN DEALING WITH THE TEXAS PARKS & WILDLIFE DEPARTMENT; PROVIDING FOR APPROPRIATIONS AND MATCHING FUNDS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rockwall, Texas (hereinafter the “Sponsor”), is desirous of providing for the construction of a boating access facility on Lake Ray Hubbard at a location near SH-66 and N. Lakeshore Drive; and

WHEREAS, the State of Texas, acting through the Texas Parks and Wildlife Department (hereinafter the “Department”), under the authority of Section 11.033 and 31.141 of the Parks & Wildlife Code, would provide funding for such construction, and;

WHEREAS, construction of such a facility would be of benefit to the citizens of the City of Rockwall, Rockwall County as well as transient recreational boaters from the State and other states; and

WHEREAS, the “Sponsor” is desirous of authorizing an official to represent and act for the “Sponsor” in dealing with the “Department” concerning the “Program.”

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

Section 1. the Rockwall City Council, in meeting this 8th day of September, 2015, is hereby eligible for assistance and will enter into a project agreement with the Department to provide for said construction on a reimbursement basis, with the Sponsor providing 25% by appropriations or in-kind services, and the Department providing 75% matching funds for work accomplished; and

Section 2. that the “Sponsor” hereby authorizes and directs its City Manager, Rick Crowley, to act for the “Sponsor” in dealing with the “Department” for the purpose of the “Program,” and Rick Crowley is hereby officially designated as the representative in this regard; and

Section 3. the Sponsor has matching funds available; and

Section 4. the Sponsor will operate said facility; perform all necessary maintenance and repairs to ensure public use, health and safety; and provide security surveillance to eliminate creations of nuisance or hazard to the public or adjacent property owners for the life of the facility (minimum 25 years); and

Section 5. said facility will be open at all reasonable times to the public, and that revenue from any user fees will only be used to offset operation and maintenance costs of any supported facilities.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 21st DAY OF September, 2015.

ATTEST:

Jim Pruitt, Mayor

Kristy Cole, City Secretary

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Timothy M. Tumulty, Director of Public Works/City Engineer
DATE: September 18, 2015
SUBJECT: Engineering Flood Study Review Contract Extension

The City of Rockwall's storm drainage system encompasses 14 separate watersheds (52 stream miles) located totally or partially within the corporate limits of the City. These watersheds have been analyzed for existing and fully developed conditions. Whenever a development occurs that potentially impacts any floodplain area, development standards requires a registered engineer to perform a flood study to determine the impacts to the floodplain and an engineering solution that minimizes the increase of water surface elevations and velocities. A flood study review fee was implemented in 2013 by the City for developments requiring a flood study to recoup our review cost. The City uses Hydrological Support Services, LLC. to perform reviews to verify City drainage requirement compliance. Their contract expires on September 30, 2015. Staff has been satisfied with their service and recommends extending the contract another year.

Staff requests consideration of approval of the engineering services contract with Hydrological Support Services, LLC to perform flood study reviews for developments within the City in an amount not to exceed \$40,000.00. Funding will be provided from the FY 2015-16 Department Operations Budget and developer reimbursement. If you have any questions, please advise.

TMT:em

Attachment

Cc: Mary Smith, Assistant City Manager
Amy Williams, Assistant City Engineer
Jeremy White, Civil Engineer
File

STATE OF TEXAS



COUNTY OF ROCKWALL

PROFESSIONAL ENGINEERING SERVICES CONTRACT

This Agreement is made and entered into in Rockwall County, Texas, between City of Rockwall, Texas (“CITY”), a municipal corporation and political subdivision of the State of Texas, acting by and through its City Manager and HydroLogical Support Services, LLC, (“ENGINEER”), located at 97 Old Turkey Farm Rd, Denison, Texas, Engineer duly licensed and practicing under the laws of the State of Texas.

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

PROFESSIONAL ENGINEERING SERVICES for Miscellaneous Consulting Services.

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

1. Scope of Work

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

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

2. Compensation & Term of Agreement

Cost for such services will be an annual amount not to exceed forty thousand dollars (\$40,000.00) and billed as an hourly basis per rates provided in Exhibit “B”. Engineer is not authorized to perform any work beyond the limited not to exceed amount without authorized written approval by CITY.

The term of this Agreement shall commence upon execution of this agreement and follow the schedule described in Exhibit “C”. In the event of termination, Engineer will assist the CITY in

arranging a smooth transition process. However, Engineer's obligation to provide services to the CITY will cease upon the effective date of termination, unless otherwise agreed in writing.

3. Method of Payment

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

4. Engineer's Standard of Care

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

Engineer will seek written CITY approval to accept any contract or perform any services for any person, entity, or business that has an agreement or is in negotiations of an agreement with CITY. CITY may waive this conflict, but such waiver is at CITY's sole discretion and its decision shall be final.

5. Ownership of Documents

As part of the total compensation which CITY has agreed to pay Engineer for the professional services to be rendered under this Contract, Engineer agrees that hard copies of all finished and unfinished documents, data, studies, surveys, drawings, specifications, field notes, maps, models, photographs, preliminary reports, reports, bid packet/construction contract documents/advertisement for bids incorporating any CITY standard provisions provided by Engineer, will remain the property of the CITY. Engineer will furnish CITY with paper and electronic copies, to the extent they are available, of all of the foregoing to facilitate coordination; however, ownership of the underlying work product shall remain the intellectual property of the Engineer. Engineer shall have the right to use such work products for Engineer's purposes. However, such documents are not intended to be suitable for reuse by CITY or others on extension of the Project or on any other project. Any reuse without the express written consent of the Engineer will

be at reuser's sole risk and without liability or legal exposure to the Engineer, and CITY to the extent allowed by law, shall hold harmless the Engineer from all claims, damages, losses, expenses, and costs, including attorneys' fees arising out of or resulting from the reuse of said documents without the Engineer's consent. The granting of such consent will entitle the Engineer to further compensation at rates to be agreed upon by CITY and the Engineer. The above notwithstanding, Engineer shall retain all rights in its standard drawing details, designs, specifications, databases, computer software and any other proprietary and intellectual property information provided pursuant to this Contract, whether or not such proprietary information was modified during the course of providing the services.

6. Insurance

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

- Workmen's Compensation – Statutory
- Employer's Liability – \$100,000.00
- Bodily Injury by Disease - \$500,000 (policy limits)
- Bodily Injury by Disease - \$100,000 (each employee)

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

- \$2,000,000.00 General aggregate limit
- \$1,000,000.00 each occurrence sub-limit for all bodily injury or property damage incurred all in one occurrence
- \$1,000,000.00 each occurrence sub-limit for Personal Injury and Advertising

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

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

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

7. **INDEMNIFICATION**

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

ENGINEER'S TOTAL LIABILITY TO CITY FOR ANY LOSS OR DAMAGES FROM CLAIMS ARISING OUT OF, OR IN CONNECTION WITH, THIS CONTRACT FROM ANY CAUSE INCLUDING ENGINEER'S STRICT LIABILITY, BREACH OF CONTRACT, OR PROFESSIONAL NEGLIGENCE, ERRORS AND OMISSIONS SHALL NOT EXCEED ONE MILLION DOLLARS (\$1,000,000.00). NEITHER PARTY TO THIS AGREEMENT SHALL BE LIABLE TO THE OTHER PARTY OR ANY THIRD PARTY CLAIMING THROUGH THE OTHER RESPECTIVE PARTY, FOR ANY SPECIAL, INCIDENTAL, INDIRECT, PUNITIVE, LIQUIDATED, DELAY OR CONSEQUENTIAL DAMAGES OF ANY KIND INCLUDING BUT NOT LIMITED TO LOST PROFITS OR USE OF PROPERTY, FACILITIES OR RESOURCES, THAT MAY RESULT FROM THIS AGREEMENT, OR OUT OF ANY GOODS OR SERVICES FURNISHED HEREUNDER.

8. Addresses for Notices and Communications

CITY
City Manager
City of Rockwall
City Hall
385 S. Goliad
Rockwall, TX 75087

Engineer
HydroLogical Support Services, LLC
Attn: Dwayne Stubblefield

P.O. Box 976
Denison, TX 75021
Deliveries:
HydroLogical Support Services, LLC
Attn: Dwayne Stubblefield, President
97 Old Turkey Farm Rd
Denison, TX 75021

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

9. Successors and Assigns

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

10. Termination for Convenience of the Parties

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

11. Changes

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

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

13. Reports and Information

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

14. Entire Agreement

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

15. Waiver

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

16. Severability

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

17. Survival

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

18. Governing Powers and Law

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

19. Attorney's Fees

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

20. State or Federal Laws

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

EXECUTED in triplicate originals on this _____ day of _____ 2015.

By: _____
Name: Dwayne Stubblefield, P.E.
Title: President, HydroLogical Support Services, LLC.

EXECUTED in triplicate originals on this _____ day of _____ 2015.

ATTEST:

City of Rockwall, Texas

Richard Crowley, City Manager

EXHIBIT "A"

HydroLogical Support Services, LLC

Scope of Services

Miscellaneous Consulting Services

The scope of services for this contract is for HydroLogical Support Services, LLC (HSS) to provide miscellaneous consulting services on an as-needed basis for issues related to stormwater and other water resources matters, which may be requested from time to time by, or approved by, the City of Rockwall's City Engineer/Public Works Director, or by the City Engineer's/Public Works Director's representative(s) or assistant(s). Such services are anticipated to typically consist of the following:

1. Review of proposed development projects and other proposed construction within the City on issues related to drainage, flood hazard potential, and regulatory issues, and provide review comments to the City.
2. Consultation or coordination with project owners and their representatives, and provide readily-available City data and other information pertinent to general location of their proposed or existing projects.
3. Provide opinions, advice, recommendations and other miscellaneous assistance to the City regarding drainage, flood hazard protection, and regulatory issues related to water resources.
4. Other miscellaneous services as requested by the City and agreed by HSS provided that such services are within the field of expertise of HSS.

Exclusions: Engineering design, design plans, construction plans, construction inspection, construction administration, surveying, geotechnical services, environmental services, groundwater services, water quality services, and any other services which are not within the field of expertise or services offered by HSS are specifically excluded from this scope of services.

This scope of services is to be provided on a time and materials cost basis in accordance with attached rate schedule (Exhibit "B"). The termination date of this contract is September 30, 2016, unless agreed in writing by both parties to extend this contract, or unless either party gives notice to other party to terminate this contract prior to this termination date.

EXHIBIT "B"

HydroLogical Support Services, LLC

Special Rate Schedule and Compensation for Miscellaneous Consulting Services for the City of Rockwall, Texas

Personnel costs for time-and-materials services will be invoiced on an hourly basis in accordance with the following rate schedule:

Principal Engineer	\$158 - 195/hr
Senior Engineer	\$135 - 175/hr
Project Engineer	\$ 85 - 145/hr
Engineer-in-Training	\$ 55 - 95/hr
CADD Support/Technician	\$ 45 - 95/hr
Clerical/Administrative Support	\$ 28 - 55/hr

Rates for expert consulting, witness, and/or testimony services related to depositions, court, hearings, arbitration dispute negotiations, meetings with opposing parties, and preparation with legal representation for deposition and/or trial are billed at personnel costs plus 35% and include all time away from the office on the date(s) of such services on behalf of the client. Personnel rates are effective through September 30, 2016, and may be renegotiated for services performed thereafter.

Non-labor expenses (including sub-contractual services, if any) will be invoiced at cost plus 8%. Mileage costs will be at the same rate as established by the Internal Revenue Service at the time of occurrence. In-office black-and-white photocopies directly related to a project or task and exceeding more than 50 pages will be at a cost of 10 cents each. Color copies will be at a cost of 25 cents each for 8.5x11 size and 50 cents each for 11x17 size.

Invoices will be submitted to the City typically at the end of the month and on a monthly basis. However, the final invoice will be submitted upon termination of this contract. Payment for each invoice is due "net 30" days following date of the invoice. Delayed payment of any invoice may result in delays of the contracted services (Exhibit "A").

Unless otherwise agreed in writing to extend this contract, or unless either party to this contract gives notice to terminate, this contract will terminate on September 30, 2016.

EXHIBIT "C"

HydroLogical Support Services, LLC

Term of Agreement and

Schedule for

Miscellaneous Consulting Services

The term of this agreement shall commence upon execution of the agreement by both parties and will extend through September 30, 2016, unless otherwise terminated or extended as agreed in writing. Consulting services listed in Exhibit A will be scheduled on an as-needed basis during the term of contract and any extension as agreed. Consulting services will end immediately upon termination of the contract.

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CITY OF ROCKWALL, TEXAS

MEMORANDUM

TO: Mayor and City Council

CC: Rick Crowley, *City Manager*
Brad Griggs, *Assistant City Manager*
Tim Tumulty, *Director of Public Works/City Engineer*

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

DATE: September 21, 2015

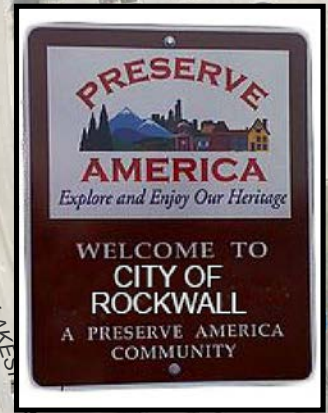
SUBJECT: City Pride Agreement with TxDOT

Earlier this year the City of Rockwall was approved as a *Preserve America Community* by the *Advisory Council on Historic Preservation*, which administers the *Preserve America* program for the Department of the Interior. In recognition of this achievement, the City of Rockwall received an official roadway sign indicating this designation. In order to install the signage along SH-66 [*W. Rusk Street*] the City will need to enter into an agreement with the Texas Department of Transportation (TxDOT) through the City Pride Program. As part of this agreement, it will be the responsibility of the City to provide and install the signage, pole and base once the proposed locations have been approved by TxDOT. Attached to this email is a copy of the City Pride Program agreement, a map showing the proposed location for the new signage, and TxDOT's standard signage plans.


The Engineering Department estimates the cost of installing the sign at approximately ~\$250.00. Should the City Council consider authorizing the City Manager to enter into an agreement with TxDOT under the City Pride Program, staff will complete and submit the attached agreement to the state for consideration.

Preserve America Marker on SH 66/ W Rusk St West of N Lakeshore Dr

#1: Preserve America Marker Facing
West on SH 66/W Rusk St



1 inch = 162 feet

 **City of Rockwall**
Geographic Information Systems
385 S Gollad St.
Rockwall, TX 75087
P. 972-771-7745 F. 972-771-7748
www.rockwall.com/gis

0 50 100 200 Feet



Application for Participation In the City Pride Sign Program

Date: _____

To the Texas Department of Transportation, c/o District Engineer, _____, Texas.

This form must be received at least 14 days prior to the requested date of placement.

Formal notice is hereby given that the city of _____ proposes to place
a City Pride sign within the right of way of _____

in _____ County, Texas.

Check here for placement of multiple signs and submit the information requested on the
Supplemental Sheet (Page 2).

The City Pride sign will be placed _____ feet from the edge of the roadway.

NOTE: All City Pride signs shall conform to TxDOT standards and specifications.

The City Pride sign will have the following characteristics:

Mounting Height: _____ Sign Height: _____ Sign Width: _____

Thickness: _____ Sign Material: _____

Dimensions of Sign Support: _____ Material of Sign Support: _____

Proposed Text: _____

Background Color: _____ Legend Color: _____

Provide sketch here or on an attached sheet:

By (print): _____

Signature: _____

Address: _____

Phone: () - _____

Supplemental Sheet

Application for Participation in the City Pride Sign Program

The sign will be placed _____ feet from the edge of the roadway and have the following characteristics:

Mounting Height: _____ Sign Height: _____ Sign Width: _____
Thickness: _____ Sign Material: _____
Dimensions of Sign Support: _____ Material of Sign Support: _____
Proposed Text: _____

Background Color: _____ Legend Color: _____

The sign will be placed _____ feet from the edge of the roadway and have the following characteristics:

Mounting Height: _____ Sign Height: _____ Sign Width: _____
Thickness: _____ Sign Material: _____
Dimensions of Sign Support: _____ Material of Sign Support: _____
Proposed Text: _____

Background Color: _____ Legend Color: _____

The sign will be placed _____ feet from the edge of the roadway and have the following characteristics:

Mounting Height: _____ Sign Height: _____ Sign Width: _____
Thickness: _____ Sign Material: _____
Dimensions of Sign Support: _____ Material of Sign Support: _____
Proposed Text: _____

Background Color: _____ Legend Color: _____

The sign will be placed _____ feet from the edge of the roadway and have the following characteristics:

Mounting Height: _____ Sign Height: _____ Sign Width: _____
Thickness: _____ Sign Material: _____
Dimensions of Sign Support: _____ Material of Sign Support: _____
Proposed Text: _____

Background Color: _____ Legend Color: _____

The sign will be placed _____ feet from the edge of the roadway and have the following characteristics:

Mounting Height: _____ Sign Height: _____ Sign Width: _____
Thickness: _____ Sign Material: _____
Dimensions of Sign Support: _____ Material of Sign Support: _____
Proposed Text: _____

Background Color: _____ Legend Color: _____

STATE OF TEXAS §

COUNTY OF TRAVIS §

CITY PRIDE SIGN AGREEMENT

THIS AGREEMENT, made on the dates hereinafter shown, by and between the State of Texas, hereinafter called the "State," represented by the Executive Director of the Texas Department of Transportation, acting for and in behalf of the Texas Transportation Commission, and the City of _____, hereinafter called the "City."

WITNESSETH

WHEREAS, the State owns, operates, and maintains a system of highways for public use and benefit, in the City of _____; and

WHEREAS, the City desires and has requested authority to construct or have reconstructed the City Pride Sign along the roadway(s) of:

_____,
_____,
_____,
_____,
_____, and

at the location(s) shown on construction plans, attached hereto and made part of this Agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, and in accordance with Title 43, Texas Administrative Code, Chapter 25, Subchapter H, it is agreed as follows:

AGREEMENT

Article 1. General

The State grants to the City permission to construct or to have reconstructed, the City Pride Sign(s) within the right-of-way as shown on construction plans and to be maintained by the City as stipulated in the Municipal Maintenance Agreement with the City of _____, dated _____, 20____.

Article 2. Plans, Specifications and Construction Procedures

A. The City, at no cost to the State, shall prepare or have prepared, complete construction drawings, plans and specifications for the proposed City Pride Sign(s), State approved breakaway sign supports, foundations, appurtenances, and incidental items. No construction work shall be performed on highway right-of-way until these plans and specifications have been approved in writing by the State. After such approval has been given, no changes or alterations shall be made without the written approval of the State.

B. The plans and specifications shall be submitted to the District Engineer, Texas Department of Transportation, (TxDOT District), Texas for approval. Any changes or alterations which become necessary during the course of the work shall also be submitted to the District Engineer for approval.

C. The City, its contractor(s), or agents shall submit a traffic control plan as required and in accordance with the Texas Manual on Uniform Traffic Control Devices to direct and

protect vehicular and pedestrian traffic while construction work, including related activities, is in progress. Details and descriptions of these traffic handling measures shall be included in the plans and specifications when submitted for approval. If, during construction, it becomes necessary or desirable to modify the traffic control measures as specified, prior approval must be obtained from the State's District Engineer in (TxDOT District).

D. The City shall construct, or have constructed, at its entire cost and expense, the proposed City Pride Sign(s) and incidental items referred to in paragraph 1 and 2 above. The State shall have the right to inspect the work on highway right-of-way at any time during the progress of the work, and to make final inspection upon completion. Construction operations will be conducted in a manner acceptable to the District Engineer or their authorized representative. The City, its contractor(s) or agents shall correct any deficiencies revealed by the State's inspection of the work or of the traffic control and protection measures, where such deficiencies could have an adverse affect on public use of the highway or the safety and convenience of the traveling public.

E. Upon completion of the work authorized herein, the City shall submit copies of the as-built plans and specifications, including any changes or alterations, showing the City Pride Sign(s) in their completed state within 45 days to the State's District Engineer in (TxDOT District) for permanent records of the State.

F. The City agrees to pay all damages accruing to the State, by reason of injuries to the right-of-way, roadbed, pavement, and/or bridge owned by the State, when such damages are caused by the city's construction, operations, maintenance or rehabilitation on said roadway. Whenever funds are paid by the City to the State under this Agreement, the City shall remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund." To the extent allowed by law, the City also agrees to indemnify and save harmless the State from any and all claims, demands, actions or causes of action, due to damage to property or injury to or death of persons arising from or growing out of or in any manner connected with work on said roadway project including, but not limited to, all court costs, attorney fees and other expenses incurred in connection with suits for such damage and shall, if so requested in writing, assist or relieve the State from defending any such suits brought against it. In addition, the City shall require its contractor(s) and subcontractor(s) to secure a policy of insurance in the maximum statutory limits for tort liability, naming the State as an additional insured under its terms, and maintain the required insurance coverages in full force and effect during any period that work is performed on the State right-of-way. Adequate insurance, as a minimum, shall mean the City contractor(s) shall furnish the State with the Texas Department of Transportation's Certificate of Insurance covering the below listed insurance coverages.

- 1) Worker's Compensation Insurance Amount – Statutory
- 2) Comprehensive General Liability Insurance

Amounts	Bodily Injury	\$600,000 combined single limit each
	Property Damage	occurrence and in the aggregate

OR

- Commercial General Liability Insurance

Amounts	Bodily Injury	\$250,000 each person
	Property Damage	\$100,000 each occurrence
- 3) Texas Business Automobile Policy

Amounts	Bodily Injury	\$250,000 each person
	Property Damage	\$100,000 each occurrence

The State shall be included as an "Additional Insured" by Endorsement to policies issued for coverages listed in B and C above. A "Waiver of Subrogation Endorsement" in favor of the State shall be a part of each policy for coverages listed in A, B, and C above. A certified copy of these endorsements shall be submitted to the State with the evidence of coverage. The City and/or its contractor(s) shall be responsible for any deductions stated in the policy.

Article 3. Location

A. One City Pride and/or a Texas Commission on Environmental Quality (TCEQ), Texas Historical Commission (THC), Keep Texas Beautiful (KTB) Sign shall be allowed per eligible highway entrance to the City. A City Pride Sign shall be located on the right-hand side of the roadway unless otherwise approved in writing by the State. A City Pride Sign shall be located between 300 and 800 feet of the city limits at a location approved by the State. A City Pride Sign shall take advantage of the natural terrain, have the least impact on the scenic environment, avoid visual conflict within the State highway right-of-way, have a lateral offset greater than existing guide signs, not block the motorist's view of existing traffic control signs, and be placed in locations other than hanging above the highway.

B. A City Pride Sign shall not be located adjacent to the main lanes of full controlled access highway; however, a City Pride Sign may be located on the right-hand side of the access road.

C. The city may landscape the area adjacent to the City Pride Sign(s) upon written approval of the plans by the State's District Engineer in the (TxDOT District) District. Only small plants, flowers, and shrubbery will be allowed. Permanent structures or items such as large stones, masonry, berms, landscape timbers, etc. shall not be allowed. The State assumes no responsibility for watering, maintenance or damage due to State maintenance and construction activities, fire, theft or vandalism.

Article 4. City Pride Sign

A. The sign face of a City Pride Sign or the combined total area of the attachment signs displayed shall not exceed 80 square feet total. A City Pride Sign shall not contain words, symbols, or messages that:

- 1) May be construed as advertising, including, but not limited to, the offering of products and services.
- 2) Contain notification of municipal ordinances or regulations, or
- 3) Resemble official traffic control devices.

B. Banners, flags, streamers, flashing lights, or other appurtenances shall not be attached to a City Pride Sign or sign supports. Sign supports shall be galvanized metal or painted solid white.

C. A City Pride Sign shall not be illuminated internally or externally.

D. A City pride Sign may contain the name of the city, message, or slogan no greater than eight inches in height. The City may include a seal or symbol that is commonly used to represent the City.

E. If a City Pride Sign requires background material, it shall be painted brown (Sherwin Williams #2315 or equivalent) or have brown reflective material affixed to the sign face meeting State specifications. Lettering upon the brown background shall be white and may be any script or font. A white 2 inch border is optional. Lettering and border shall be

painted white (Sherwin Williams #2130 or equivalent) or have white reflective material affixed to the sign face meeting State specifications.

Article 5. Attachment Signs

- A.** Attachment signs or civic information signs are provided by a non-profit civic organization or governmental entity that display points of interest or geographical, recreational, cultural, or civic information. A civic organization must be located within or have a member who resides in the City, and complies with all applicable law concerning the provisions of public accommodation without regard to race, religion, color, sex, or national origin.
- B.** Attachment signs may be any color or combination of colors and may be in any design or shape. Attachment signs shall not be greater than 48 inches in width and 36 inches in height, and shall not consist of text, symbols, trademarks or a legend message identifying the name or abbreviation of a commercial establishment, service or product, or contain supplemental address or directional information such as meeting dates or locations.
- C.** A civic organization shall apply to the City for permission to display an attachment sign upon the City Pride Sign. The City shall notify/contact the civic organization in writing if the civic organization does not meet the requirements of eligibility as stated herein. The civic organization shall have 30 calendar days after written notification to meet the requirements herein.
- D.** The City shall approve all attachment signs and determine the order, arrangement, and duration of display. Attachment signs shall be placed upon a City Pride Sign and shall not overlap.
- E.** A civic organization shall have only one attachment sign per City Pride Sign unless the City and civic organization agree to said organization's multiple attachment signs upon a City Pride Sign.
- F.** The City shall remove an attachment sign of a participating civic organization if the civic organization ceases to exist, does not meet the requirements stated herein, or has not provided a replacement sign after 60 days of the City or State's written notification that the attachment sign is damaged, broken, faded, or has become a hazard due to failure to build to specifications, inclement weather, inadequate maintenance, accidental damage, or other cause.

Article 6. Miscellaneous

- A.** Signs from the TCEQ, THC, or KTB, Proud Community Program signs, shall be erected and maintained to State specifications at the sole expense of the City. Signs shall not be allowed as attachments to State signs or sign supports.
- B.** Attachment signs not relocated to a City Pride Sign, TCEQ, THC, or KTB signs or other approved locations will be removed by the State at the expense of the City.
- C.** The State shall not require fees from the City for participating in the City Pride Sign Program. The city shall not require fees from the civic organizations or governmental entities for display upon a City Pride Sign.
- D.** While installing or maintaining a City Pride Sign, the City shall cooperate with any State contractor working on the State highway system at that location.

E. In the event that the State determines that it is necessary to repair, construct, reconstruct and/or make any changes in the highway facility for reasons other than those specified herein, the City shall be responsible for all costs necessary for removal and relocation of the City Pride Sign.

F. The City shall remove a City Pride Sign if it has not provided a replacement sign within 60 calendar days of written notification from the State that the sign is damaged, broken, faded or has become a hazard due to failure to build to specifications, inclement weather, inadequate maintenance, accidental or other cause. After 60 days, the City Pride Sign not removed or replaced will be removed by the State at the expense of the city. The State may terminate this agreement upon default of the city.

G. This Agreement shall bind, and shall be for the sole and exclusive benefit of the respective parties and their legal successors.

IN TESTIMONY WHEREOF, the parties hereto have affixed their signatures, the City of _____ on the ____ day of _____, 20____, and the State on the ____ day of _____, 20_____.

THE CITY OF _____
Executed on behalf of the City by:

By _____ Date _____

Typed or Printed Name and Title _____

ATTEST:

By _____ Date _____

Typed or Printed Name and Title _____

THE STATE OF TEXAS

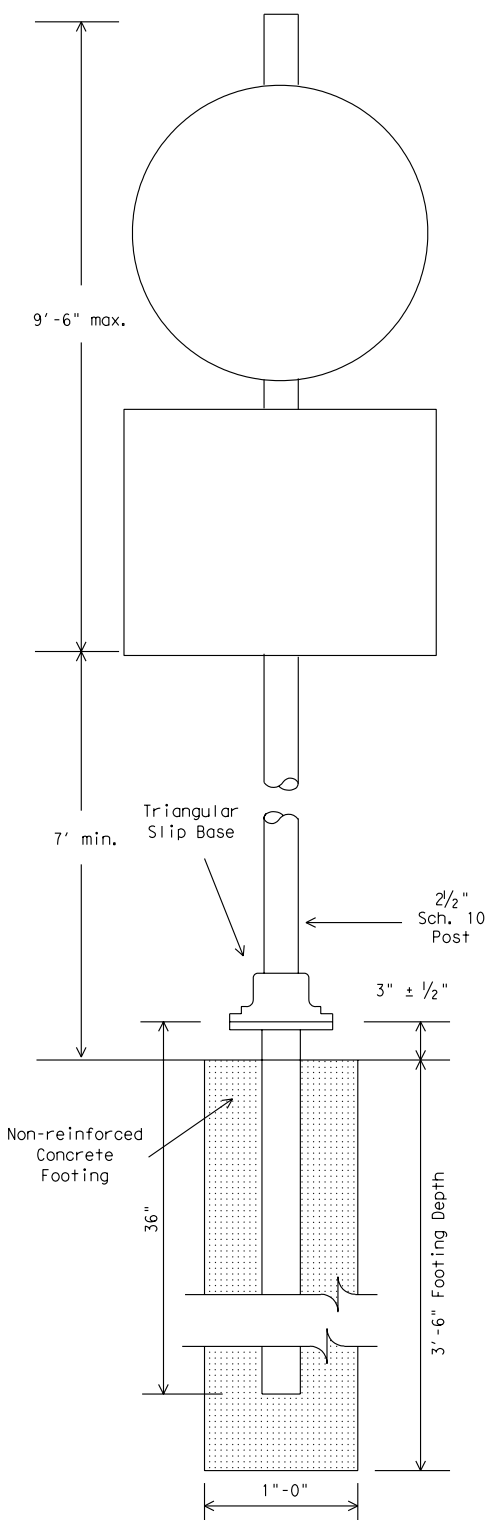
Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
_____ District Engineer

DISCLAIMER
The use of this standard is governed by the "Texas Engineering Practice Act". No warranty of any kind is made by TxDOT for any purpose whatsoever. TxDOT assumes no responsibility for the conversion of this standard to other formats or for incorrect results or damages resulting from its use.

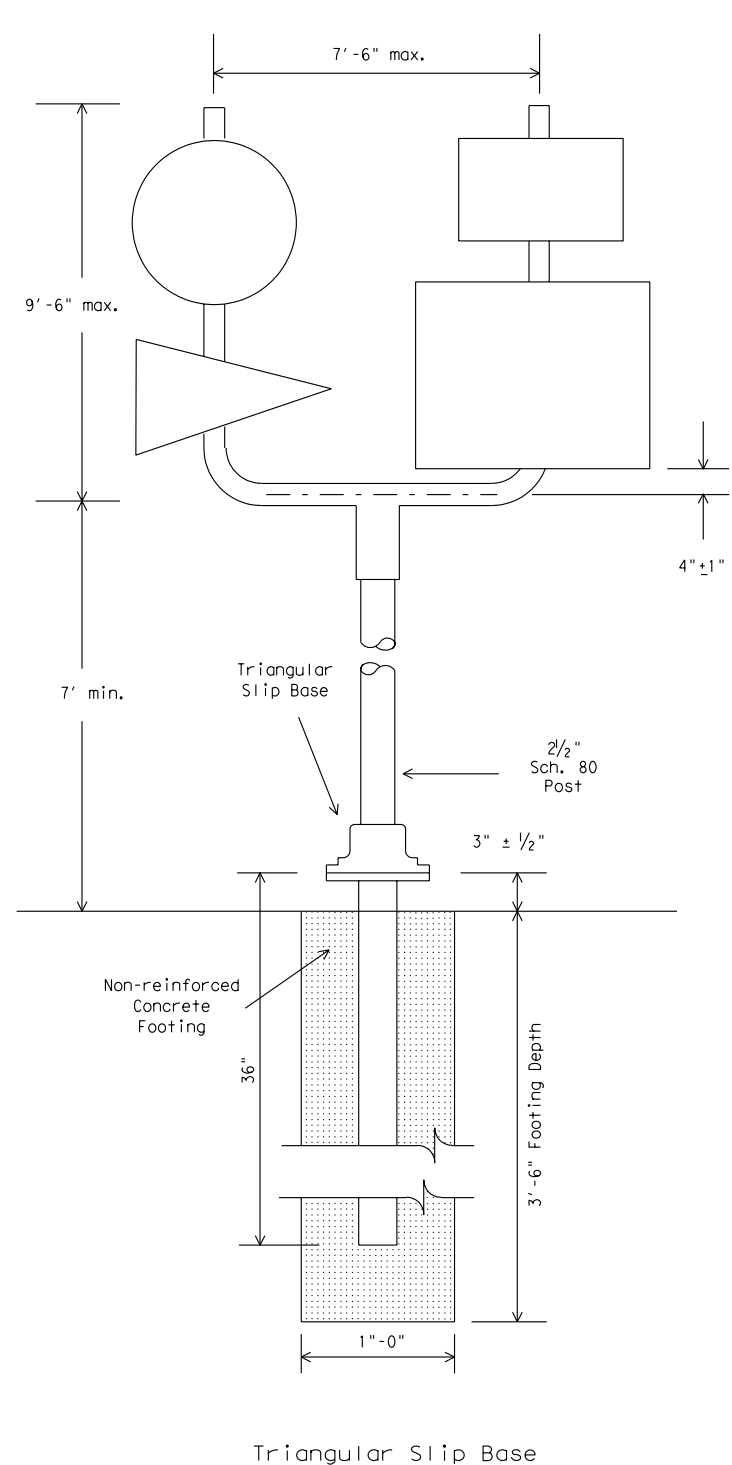
LEVELS DISPLAYED	ACC:
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	1 7 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32
33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48	49 50 51 52 53 54 55 56 57 58 59 60 61 62 63

Option A Single Post Max. 16 sq. ft. of sign(s)

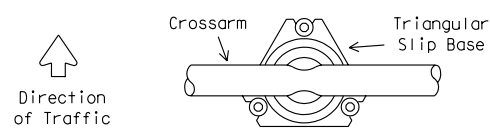


Triangular Slip Base or other approved fittings

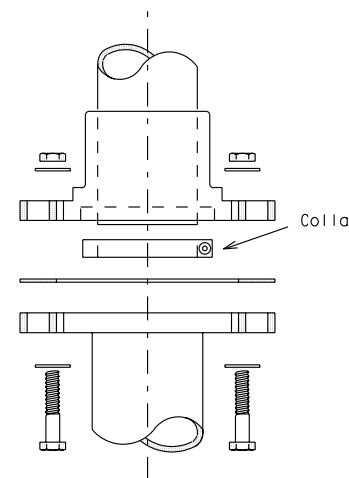
Option B Single Post with Horn Max. 32 sq. ft. of sign(s)



Texas Universal Triangular Slip Base

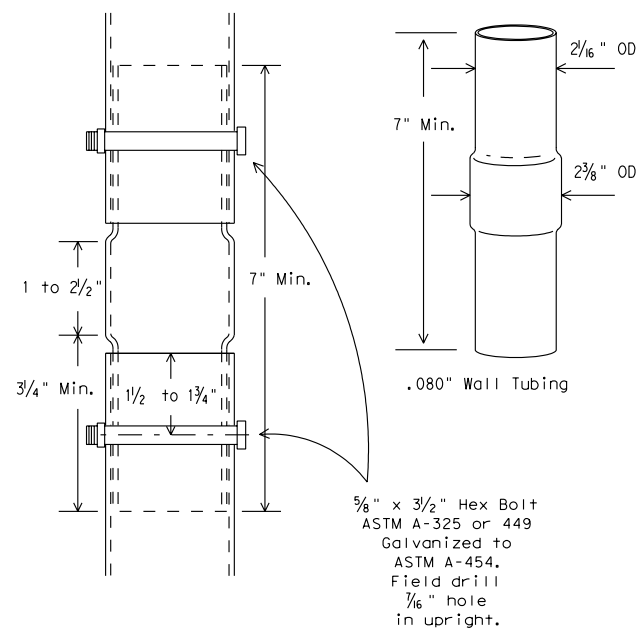


The crossarm should be parallel to one side of the triangular slip base.



For additional information refer to SMD(1-3)

SPLICE



SIGN SUPPORTS WILL ONLY BE SPLICED BEHIND THE SIGN SUBSTRATE

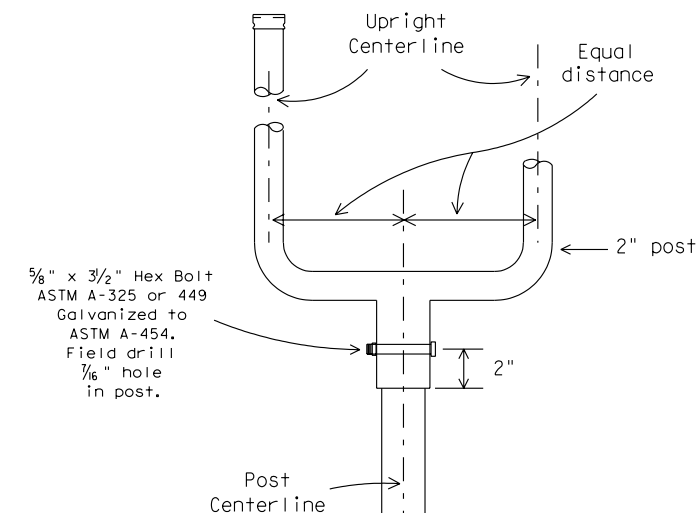
GENERAL NOTES

OPTIONS A and B

1. A City Pride Sign shall not contain words, symbols, or messages that may be construed as advertising, including, but not limited to, the offering of products and services, notification of municipal ordinances or regulations, or resemble official traffic control devices.
2. Banners, flags, streamers, flashing lights, or other appurtenances shall not be attached to a City Pride Sign or sign supports.
3. City name, symbol, slogan or combination thereof may be an attachment sign.
4. Attachment signs may be any color or combination of colors and may be of any design or shape. Attachment signs shall not be greater than 48 inches in width and 36 inches in height, and shall not consist of text, symbols, trademarks or a legend message identifying the name or abbreviation of a commercial establishment, service or product, or contain supplemental address or directional information such as meeting dates or locations.
5. A City Pride Sign shall not be illuminated internally or externally.
6. Support and design shall conform with AASHTO Standard Specifications for structural supports of Highway signs, luminaires and traffic signals with a design wind speed of 60 mph.
7. Steel pipe sign supports shall be galvanized in accordance to ASTM Designation A123.
8. The minimum sign height from the ground shall be 7 feet.
9. Where solid rock is encountered at ground level the foundation shall be a minimum depth of 18 inches. When solid rock is encountered below ground level the foundation shall extend into the solid rock a minimum depth of 18 inches or provide a minimum foundation depth of 30 inches. Only concrete foundations shall be used in rock.

OPTION C

Refer to SMD(CPS-2)



STANDARD PLANS
TEXAS DEPARTMENT OF TRANSPORTATION
Traffic Operations Division

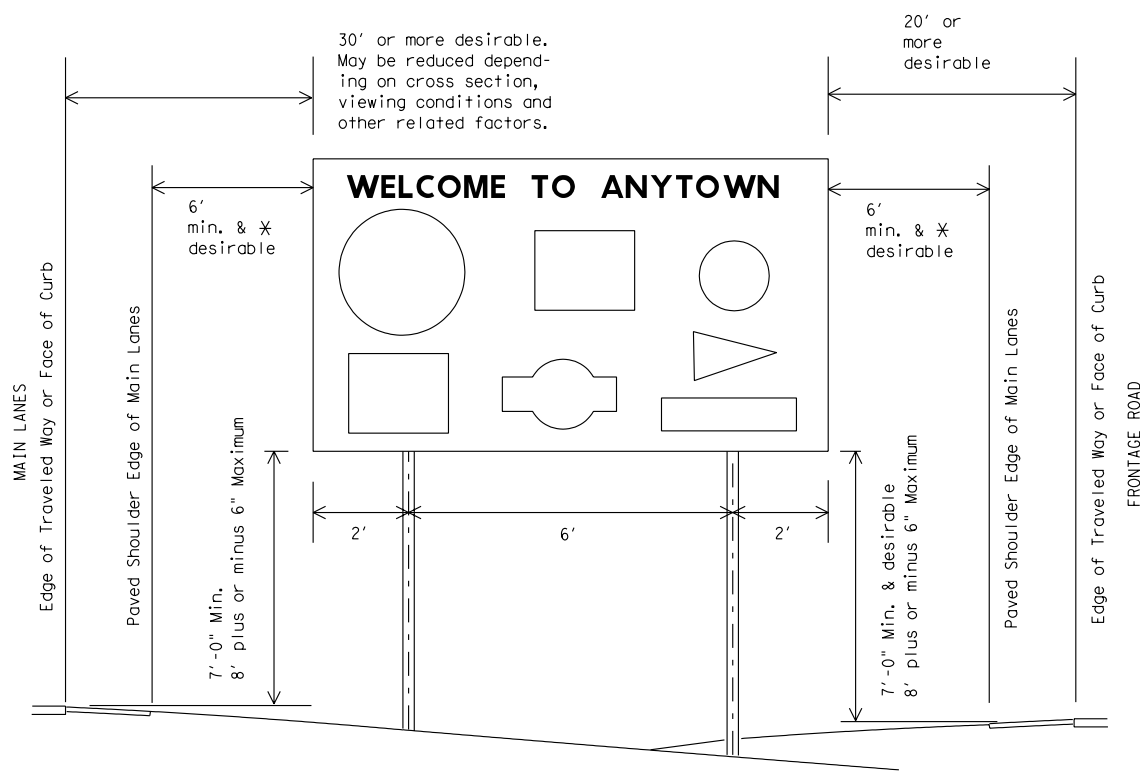
CITY PRIDE SIGN

SHEET 1 OF 3 SMD(CPS-1)-98

REVISIONS	STATE DISTRICT	FEDERAL REGION	FEDERAL AID PROJECT	SHEET
12-98	6			
	COUNTY	CONTROL	SECTION	JOB
			70	HIGHWAY

DISCLAIMER
 The use of this standard is governed by the "Texas Engineering Practice Act". No warranty of any kind is made by TxDOT for any purpose whatsoever. TxDOT assumes no responsibility for the conversion of this standard to other formats or for incorrect results or damages resulting from its use.

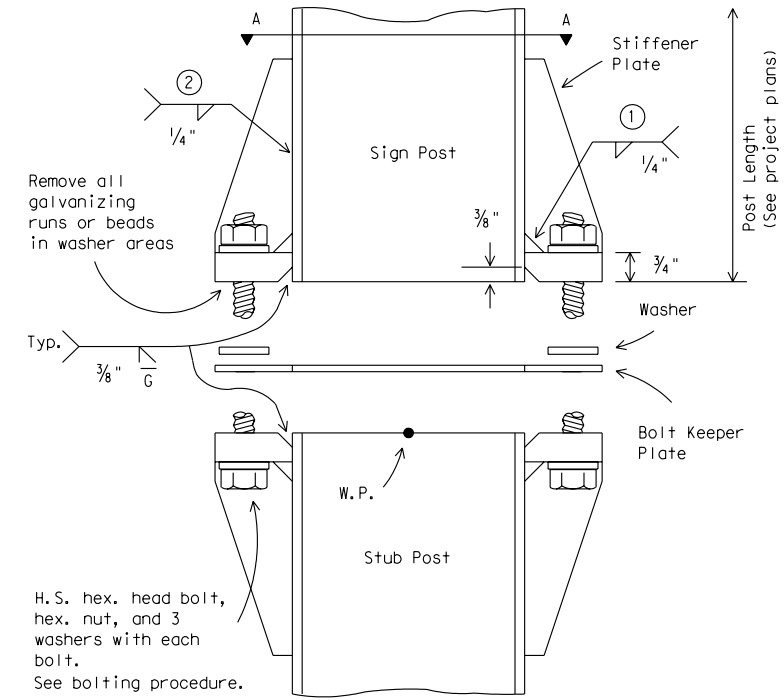
Option C Two Post/Solid Background Max. 80 sq. ft.



TYPICAL SIGN INSTALLATION AND LOCATION

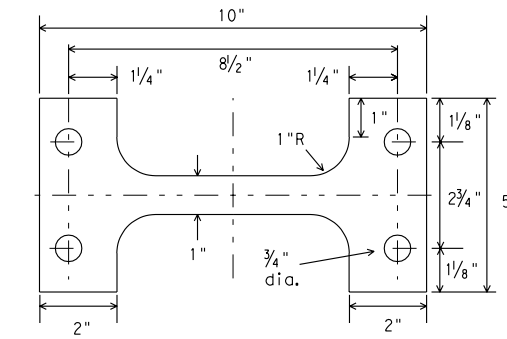
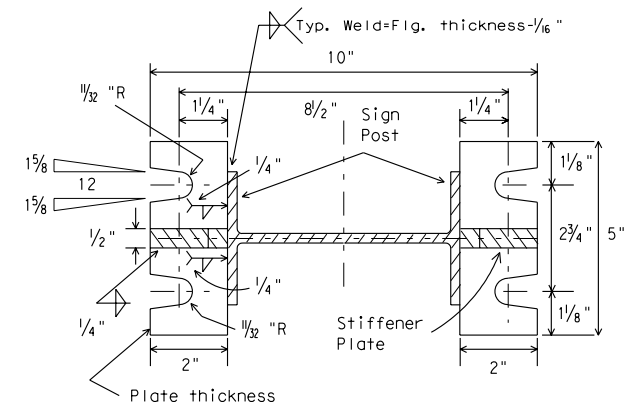
OPTION C (Two Post)

10. Lateral clearances of signs mounted on median side of main lanes are the same as shown above where space will permit.
11. Where a sign is to be located behind guardrail, an allowable minimum clearance of two feet may be used, measured from the face of the guardrail to the near edge of sign.
12. 6 foot minimum and desirable may be used only in areas of limited lateral clearance and when approved by the Engineer.
13. Post spacing on a two post sign may vary a maximum of plus or minus 10% of total sign width to fit field conditions.
14. Typical maximum dimensions are 10 foot width by 8 foot height, however, TxDOT will consider other shapes and designs upon request. Maximum size of sign face shall not exceed 80 square feet.
15. Background shall be brown in color. If painted it shall match Sherwin Williams #2315 (or equivalent). If reflective sheeting is used it shall meet TxDOT Material Specification D-9-8300.
16. Optional City name, symbols, slogan or combination thereof may be an attachment sign or lettering on the sign face. Lettering may be any style or font, but shall not be greater than 8 inches in height. Lettering and or optional 2 inch border shall be white in color. Paint shall match Sherwin Williams #2130 (or equivalent), if sheeting is used it shall meet TxDOT Material Specification D-9-8300.



- ① Back up weld to be made before installing stiffener plate
- ② Weld W may be continued across clips to seal joint

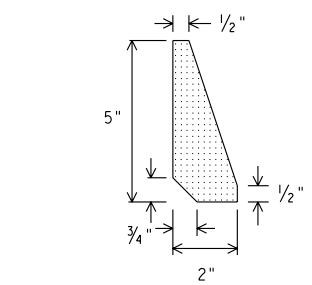
W6x15 SIGN POST AND STUB POST



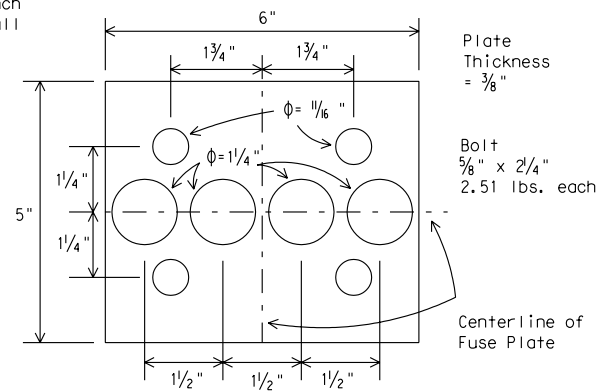
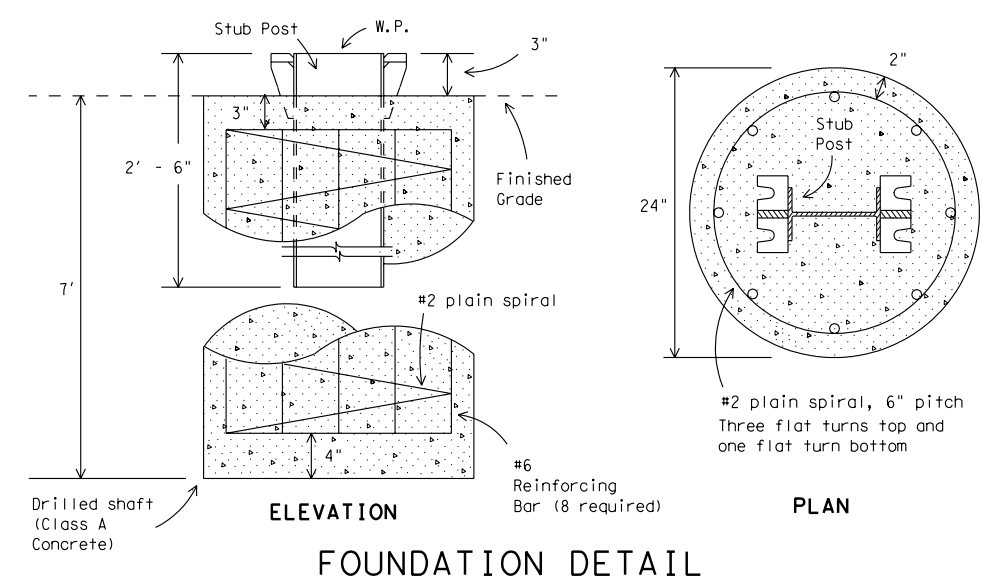
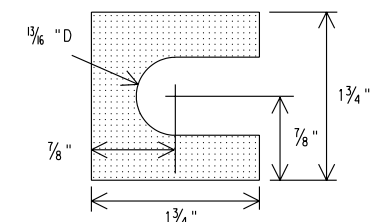
BOLTING PROCEDURE FOR ASSEMBLY OF BASE CONNECTION:

1. Assemble sign post, BOLT KEEPER PLATE and stub post with bolts and three flat washers per bolt as shown.
2. Shim as required to plumb post.
3. Tighten all bolts the maximum possible with a 12 to 15 inch wrench to clean bolt threads and to bed washers and shims.
4. Loosen each bolt in sequence and retighten bolts in a systematic order to the prescribed torque. Do not overtighten.
5. To prevent nut loosening, burr threads of bolt at junction with nut using a center punch.

SIGN SUPPORTS WILL ONLY
BE SPLICED BEHIND THE
SIGN SUBSTRATE



SHIM DETAIL



PERFORATED FUSE PLATE DETAIL

Use H.S. hex head bolts, hex head nut and bevel or flat washer (where req'd) under nut. All holes shall be drilled. All plate cuts shall preferably be saw cuts. However; flame cutting will be permitted provided all edges are ground. Metal projecting beyond the plane of the plate face will not be permitted. Steel fuse plates shall conform to the requirements of ASTM A36. ASTM A572 Grade 50 or ASTM A588 may be substituted for A36 at the option of the fabricator. Mill test reports shall be submitted for Fuse Plates. Steel used shall have an ultimate tensile strength not to exceed 80 KSI.

STANDARD PLANS
TEXAS DEPARTMENT OF TRANSPORTATION
Traffic Operations Division

CITY PRIDE SIGN

SHEET 2 OF 3 SMD (CPS-2) - 98

REVISIONS	STATE DISTRICT	FEDERAL REGION	FEDERAL AID PROJECT	DATE	SHEET
	6				
COUNTY		CONTROL	SECTION 77	JOB	HIGHWAY

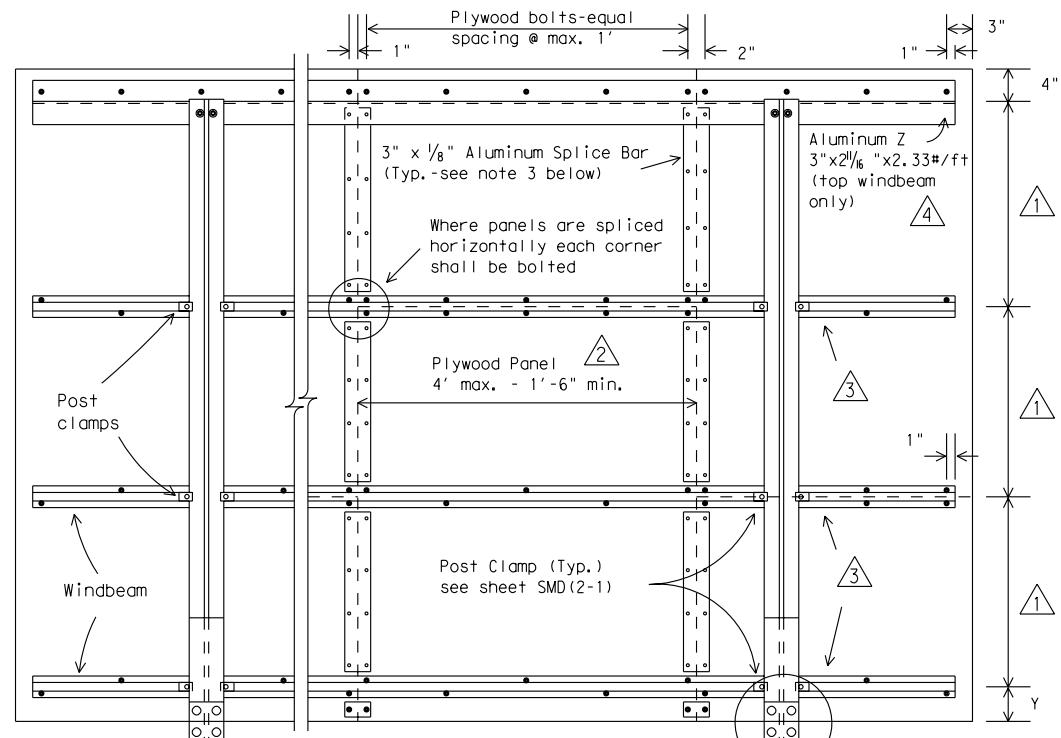
ACC:	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80
LEVELS DISPLAYED	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80

TYPICAL PLYWOOD SIGN ASSEMBLY DETAILS

SPECIFICATION REFERENCE TABLE	
MATERIALS AND TESTS DIVISION SPECIFICATIONS	D-9-7120
SIGN HARDWARE	

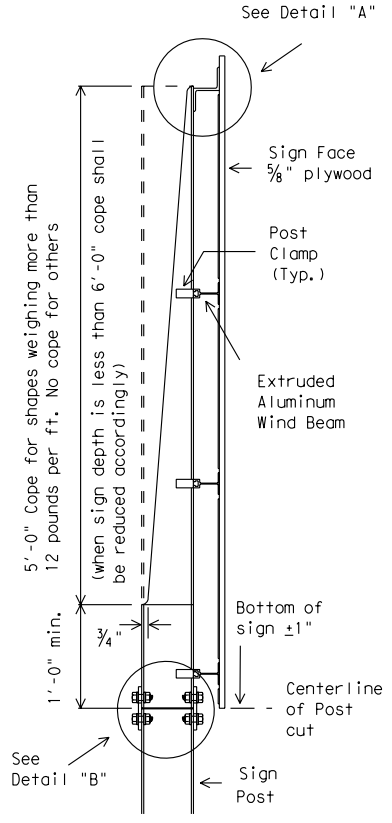
GENERAL NOTES:

- Design conforms with AASHTO Specifications for the design and construction of structural supports for highway signs.
- Materials and fabrication shall conform to the requirements of the Department material specifications.
- Structural steel shall be high strength steel (HS) in accordance with the Item 442, "Metal For Structures."
- Parts shall be saw cut either before galvanizing and the galvanized cut cleaned of zinc build-up, or saw cut after galvanizing and the cut surface treated with zinc-based solder or zinc-rich paint in accordance with ASTM A780. (Cut surface will not be treated until plate is installed and all bolts fully tightened.)

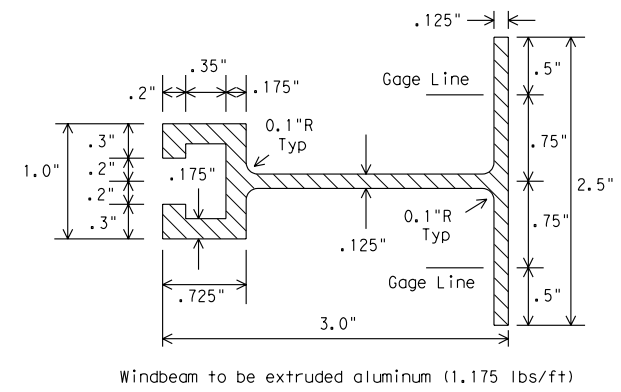


Y = 6" and less-use 2 plywood bolts on splice bar
 Y = over 6"-use 2 plywood bolts at bottom of splice bar and 2 No. 10 3/8" woodscrews at top of bar

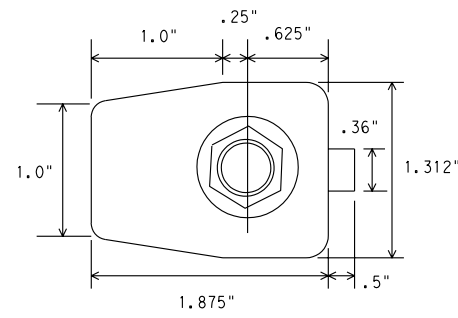
REAR VIEW



SIDE VIEW

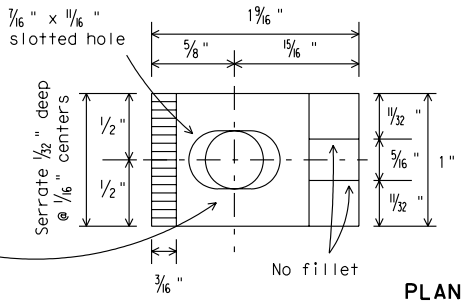


WINDBEAM CROSS SECTION



PLAN

NOTE: centerline of hole for 3/8" diameter squarehead bolt x 2 1/4" long with a flat washer and self-locking nut, or lock washer and hex. nut. Bolt head dimensions shall be in accordance with ANSI B 18.2.1 as referred to in the AISC Manual of steel construction. Bolt assembly shall be galvanized.

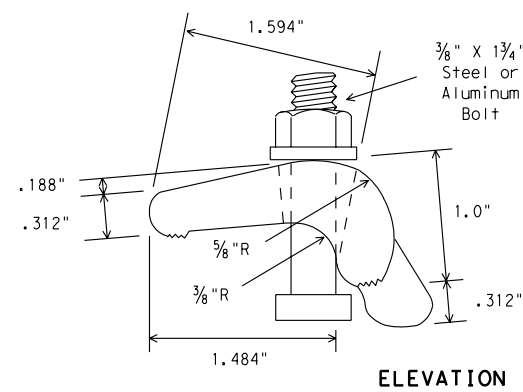


PLAN

NOTES:

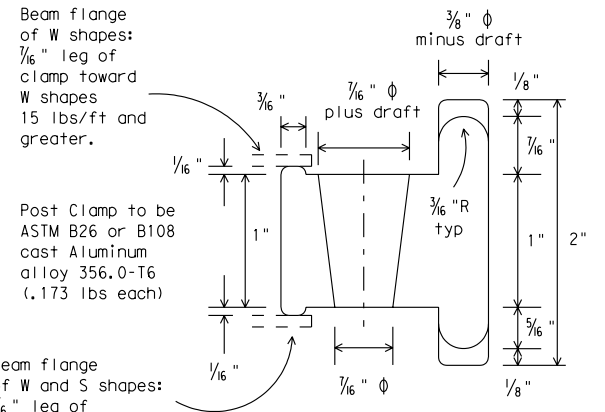
- A tolerance of plus or minus 1/4 inch will be permitted in the plan dimensions for fabrication of each single increment sign panel when necessary for squaring. A tolerance of plus or minus 1/4 inch will be permitted for each increment of a multi-increment sign panel where necessary to secure square, tight-fitting joints.
- Plywood bolts shall be 5/16" x 1 1/2" elevator type steel with flat or slightly hemispherical head and 3/4" minimum thread length. The head shall have a minimum diameter of 1/2" and a minimum of two fins on the underside. Each bolt shall be provided with one 3/16" steel hex nut, one 3/16" steel flat washer, and one 3/16" steel lock washer. Bolts, nuts and washers shall be galvanized in accordance with ASTM Designation: B695, Class 50, or A153 Class C or D.
- Splice bars shall be secured with 3/8" long x #10 round head, stainless steel wood screws spaced at 6" maximum along double row spacing with the exception at extreme ends of splice bars, along outside edge of sign, where plywood bolts shall be used as shown. A maximum of one horizontal joint per vertical section will be permitted using a 1/8" gap between panels.
- Splices shall be kept to a minimum. Panels 4'x8' or larger shall be used to the maximum extent possible in the fabrication of any sign. Signs or sign sections which cannot be fabricated from at least a 4'x8' panel shall be of one piece construction.

- Approximately equal spacing, fabricator may vary spacing for least interference with message and to utilize wind beam for horizontal splice. Wind beam spacing will not exceed the maximum shown in table on sheet SMD(2-1). Staggered arrangement of horizontal splices as shown is preferred. However, a single horizontal joint across the sign face is permissible.
- For signs 4'-0" or less in height the plywood panel may exceed 4'-0" in width.
- Extruded aluminum wind beams shall be continuous with no splices. (see sheet SMD(2-1).
- Aluminum Z will be provided unless stated otherwise in the plans. If noted elsewhere in the plans, 1.175 lb/ft extruded aluminum windbeam may be used.



ELEVATION

ALTERNATE POST CLAMP DETAIL



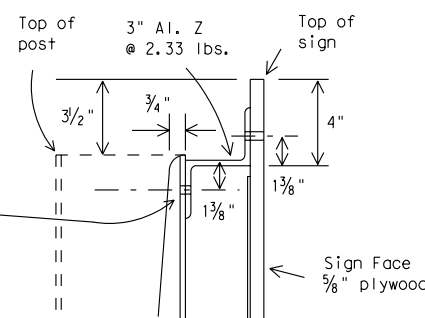
ELEVATION

POST CLAMP DETAIL

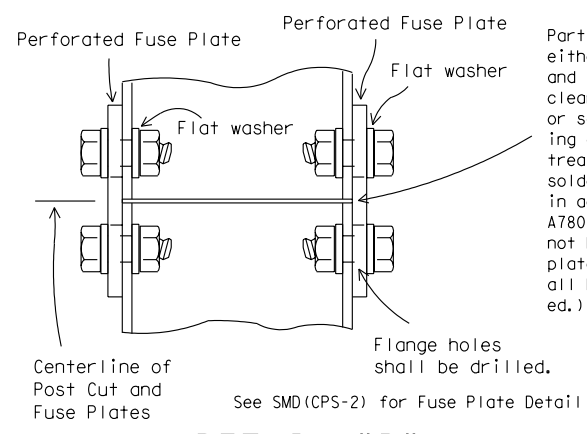
Beam flange of W shapes: 1/6" leg of clamp toward W shapes 15 lbs/ft and greater.

Post Clamp to be ASTM B26 or B108 cast Aluminum alloy 356.0-T6 (.173 lbs each)

Beam flange of W and S shapes: 5/16" leg of clamp toward W and S shapes 12 lbs/ft and less.

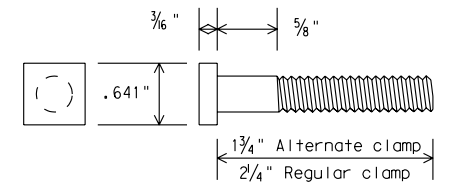


DETAIL "A"



DETAIL "B"

Parts shall be saw cut either before galvanizing and the galvanized cut cleaned of zinc build-up, or saw cut after galvanizing and the cut surface treated with zinc-based solder or zinc-rich paint in accordance with ASTM A780. (Cut surface will not be treated until plate is installed and all bolts fully tightened.)



POST CLAMP BOLT DETAIL

SIGN SUPPORTS WILL ONLY BE SPLICED BEHIND THE SIGN SUBSTRATE

LEVELS DISPLAYED	ACC:
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100	

STANDARD PLANS
 TEXAS DEPARTMENT OF TRANSPORTATION
 Traffic Operations Division

CITY PRIDE SIGN

SHEET 3 OF 3 SMD (CPS-3) - 98

REVISIONS	STATE DISTRICT	FEDERAL REGION	FEDERAL AID PROJECT	SHEET
	6			
	COUNTY	CONTROL	SECTION	HIGHWAY
			72	

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Timothy M. Tumulty, Director of Public Works/City Engineer
DATE: September 14, 2015
SUBJECT: Honda of Rockwall Easement Abandonment

Honda of Rockwall has requested that a 608 square foot utility easement located at the southeastern corner of the building be abandoned. The abandonment request is due to the electrical transformer and service being relocated to a different location during construction and this easement was not adjusted to the new transformer location on the final plat. Honda has provided a different easement on this site for the electrical equipment. Staff has received letters of abandonment approval from Atmos, ONCOR, AT&T, and Charter. This abandonment of this easement will not impact City facilities.

Staff supports the abandonment of this utility easement. If you have any questions, please advise.

AJW
Attachments

Cc:
Amy Williams, Assistant City Engineer
Jeremy White, Civil Engineer
File



Scott Ulrich
Manager – Engineering Design
Greenville, Texas Engineering Design
Center

AT&T-Texas
2702 Wesley St., Bsmt
Greenville, Texas, 75401
Phone: (903) 457-2303
E-mail: SU6782@att.com

September 15, 2015

Re: Honda of Rockwall easement abandonment

Per our records, at&t shows to be clear of the easement in question at the southeast corner of the building. Our records indicate that we access the property via a customer owned conduit that was placed by the customer. This conduit runs from the north end of the building and goes directly across the north parking lot and out to the TXDOT Right of Way.

Please call or email me, should you have any questions.

Sincerely,

Scott Ulrich

Scott Ulrich
Manager - Engineering Design



August 25, 2015

Tyler D. Barnett, E.I.T.
Spiars Engineering
765 Custer Road
Suite #100
Plano, Texas 75075

Re: Utility Easement Abandonment at Honda of Rockwall

Dear Mr. Barnett,

Please be advised that Atmos Energy has no objection to the abandonment of a 20'x20' utility easement located at the Honda of Rockwall in Rockwall, Texas.

If additional information is required please contact me at 972-485-6277.

Sincerely,

A handwritten signature in blue ink that reads "Dinah Wood".

Dinah Wood
Project Specialist



9/15/2015

Tyler D. Barnett, E.I.T.
Spiars Engineering
765 Custer Road / Suite# 100
Plano, Texas 75075

RE: Abandon Easement –Honda of Rockwall, 1550 Interstate -30, Lot 1,
Block 1- Project located on the south side of I-30, west of John King Blvd.

Dear Tyler D. Barnett:

Charter Communications has no conflict, or objection with the application to
abandon the easement at the location mentioned above.

Sincerely,
Jim

Jim Friske
Construction Coordinator
15100 Trinity Blvd. Suite 500
Fort Worth, Texas 76155



Randy Voight
New Construction Manager
New Construction Management

Oncor Electric Delivery
310 Hwy. 205 North
Terrell, TX 75160

Tel 972 551 7233
Fax 972 551 7239
Cell 214 681 3020
randy.voight@oncor.com

September 11, 2015

Tyler D. Barnett
Spiars Engineering
765 Custer Rd Suite# 100
Plano, Texas 75075

Re: Honda of Rockwall Addition – Utility Easement Abandonment

To Whom It May Concern:

This letter is to confirm that Oncor Electric Delivery Company has no objection to the abandonment of the portion of the Utility Easement that is located in the building footprint. Oncor has no facilities that are located in this area.

Sincerely,

A handwritten signature in blue ink that reads "Randy Voight".

Randy Voight

QUITCLAIM DEED

THE STATE OF TEXAS §
COUNTY OF ROCKWALL § KNOW ALL MEN BY THESE PRESENTS:
CITY OF ROCKWALL §

That the City of Rockwall Texas, a municipal corporation (“Grantor”), has quitclaimed, and by these presents does quitclaim unto Realty Holdings of Rockwall, LLC (Grantee”), its heirs and assigns, all of its rights, title and interest in and to the following described real property situated in Rockwall County, Texas:

SEE EXHIBITS ATTACHED HERETO

TO HAVE AND TO HOLD all of its rights, title and interest in and to said premises, together with all and singular the rights, privileges, and appurtenances hereto in any manner belonging unto the said Grantee, its heirs and assigns forever, so that neither the City of Rockwall, Texas, nor any person or persons claiming under the City of Rockwall, Texas, shall at any time hereafter have claim, or demand any right or title to the aforesaid property, premises, or appurtenances or any part thereof.

EXECUTED this ____ day of _____ 2015.

GRANTOR

By: _____
Jim Pruitt, Mayor

STATE OF TEXAS §
COUNTY OF ROCKWALL §

BEFORE ME, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL this ____ day of _____ 2015

My Commission Expires:

Notary Public in and for the State of Texas

**EASEMENT ABANDONMENT
 LOT 1, BLOCK 1
 HONDA OF ROCKWALL ADDITION
 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS**

BEING a tract of land situated in the J.M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, the subject tract being a portion of Lot 1, Block 1, Honda of Rockwall Addition according to the plat recorded in Cabinet H, Page 277 of the Plat Records, Rockwall County, Texas (PRRCT), and being a portion of a 10 foot utility easement created by said plat, with the subject tract being more particularly described as follows:

BEGINNING at a point for an inset corner of said easement, and from which a 1/2" iron rod with plastic cap found for the northeast corner of said Lot 1 and for the northwest corner of a tract conveyed to The Cambridge Companies, Inc., Trustee, recorded in Volume 99, Page 1022, Deed Records, Rockwall County, Texas, bears N 00°41'03" E, 539.83 feet;

THENCE S 00°22'38" E, 10.00 feet through said easement to the easterly south line thereof, and from which a 1/2" iron rod with plastic cap found for the southeast corner of said Lot 1 bears S 01°50'51" E, 389.73 feet;

THENCE S 89°37'22" W, 20.77 feet along the easterly south line of said easement;

THENCE S 00°22'38" E, 5.00 feet along the southerly east line of said easement;

THENCE S 89°37'22" W, 20.00 feet along the westerly south line of said easement;

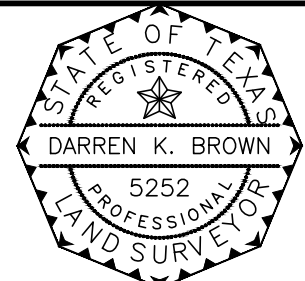
THENCE N 00°22'38" W, 20.00 feet along the southerly west line of said easement;

THENCE N 89°37'22" E, 20.00 feet along the westerly north line of said easement;

THENCE S 00°22'38" E, 5.00 feet along the westerly east line of said easement;


THENCE N 89°37'22" E, 20.77 feet along the westerly north line of said easement to the POINT OF BEGINNING with the subject tract containing 608 square feet or 0.014 acres of land.

PAGE 1 OF 2



D.K.B.

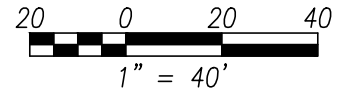
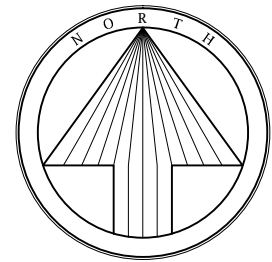
DARREN K. BROWN, R.P.L.S. 5252

				
<small>765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121</small>				
Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB		8/31/15	15-122

UTILITY EASEMENT ABANDONMENT
 J.M. ALLEN SURVEY, A-2
 CITY OF ROCKWALL
 ROCKWALL COUNTY, TEXAS

**J.M. ALLEN SURVEY
ABSTRACT NO. 2**

**Lot 1, Block 1
HONDA OF
ROCKWALL ADDITION**
Cab. H, Pg. 277 PRRCT



Basis of bearing derived from the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, (2011).

**The Cambridge
Companies, Inc., Trustee**
Vol. 99, Pg. 1022 DRRCT

20' X 20' UE
H/277 PRRCT
(Hatched portion
to be abandoned)

**Utility Easement
Abandonment**
0.014 Ac.
(608 Sq. Ft.)

10' X 10' WE
H/277 PRRCT

ONCOR Electric
Delivery Company Esmt.
Inst. No. 2013-00488545
OPRRCT

24' FAUDE
H/277 PRRCT

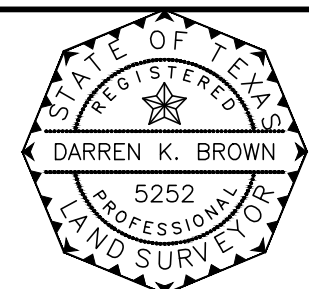
N 00°41'03" E, 539.83'
to a 1/2" CIRCF (CM)

S 01°50'51" E, 389.73'
to a 1/2" CIRCF (CM)

**POINT OF
BEGINNING**

Line Table		
Line #	Bearing	Distance
L1	S 00°22'38" E	10.00'
L2	S 89°37'22" W	20.77'
L3	S 00°22'38" E	5.00'
L4	S 89°37'22" W	20.00'
L5	N 00°22'38" W	20.00'
L6	N 89°37'22" E	20.00'
L7	S 00°22'38" E	5.00'
L8	N 89°37'22" E	20.77'

PAGE 2 OF 2



D.K.B.

DARREN K. BROWN, R.P.L.S. 5252

**p i a r s
ENGINEERING**

765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121

Drawn By: ED Checked By: DKB Scale: 1" = 40' Date: 8/31/15 Job No.: 15-122

UTILITY EASEMENT ABANDONMENT

J.M. ALLEN SURVEY, A-2

CITY OF ROCKWALL

ROCKWALL COUNTY, TEXAS

**CITY OF ROCKWALL, TEXAS
RESOLUTION NO. _____**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ABANDONING A UTILITY EASEMENT AS MORE SPECIFICALLY DESCRIBED ON THE EXHIBIT ATTACHED HERETO; AUTHORIZING THE MAYOR TO ISSUE A QUITCLAIM DEED TO THE LANDOWNERS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 272.001 Texas Local Government Code provides for the release of easements to the abutting owners; and

WHEREAS, the City Council of the City of Rockwall has been requested to abandon a Utility Easement (608 Square Feet), more specifically described and shown on the exhibit attached hereto for all purposes;

WHEREAS, Realty Holdings of Rockwall, LLC has provided another easement to place the electric transformer and appurtenances in; and

WHEREAS, this portion of the easement is no longer needed for utilities by the City or other private utilities, and the City Council has determined that the provision of Section 272.001 Texas Local Government Code requiring an appraisal shall not be necessary;

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

Section 1. That the above recitals have been found to be true and correct.

Section 2. That the City Council does hereby authorize the abandonment of a utility easement to the abutting landowner, Realty Holdings of Rockwall, LLC, the Utility Easement more specifically shown on the exhibit attached hereto and made a part hereof for all purposes.

Section 3. That the Mayor is hereby authorized to issue and sign a quitclaim deed to the abutting landowner who last appears on the current tax rolls of the City.

Section 4. That this resolution shall take effect immediately after its passage and approval and it is so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this _____ of _____, 2015.

Jim Pruitt, Mayor

ATTEST:

APPROVED AS TO FORM:

Kristy Ashberry, City Secretary

Frank Garza, City Attorney

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager

FROM: Timothy M. Tumulty, Director of Public Works/City Engineer

DATE: September 10, 2015

SUBJECT: Signal Ridge Sanitary Sewer Pipe-Bursting Project

Signal Ridge sanitary sewer line carries flow from the PD-32 development to the Buffalo Creek Sanitary Sewer Trunk Main. As a part of the Wastewater Impact Fee Update Process and the Master Wastewater Study, a 1075 linear foot section of the Signal Ridge 10 inch diameter sanitary sewer line requires upsizing to a 14 inch diameter line to handle future flows. With the improvements occurring to the Signal Ridge Lift Station in the very near future to meet future development, this line needs to be increased at this time.

Staff requested a proposal from Grantham & Associates, Inc. to provide the engineering design and specifications for the replacement of this sanitary sewer line. The method of replacement to increase line capacity will be the pipe-bursting method. This method is considered a trenchless form of construction and should expedite construction if the existing line is on-grade and has limited number of sanitary sewer service connections.

The preliminary cost estimate to reconstruct this section of sanitary sewer line is \$229,500 with an engineering fee of \$27,480. Funds are available from the 2016 water and sewer revenue bonds. Staff recommends City Council consideration to award a professional services contract to Grantham & Associates, Inc. to perform the engineering design services and specifications for the Signal Ridge Sanitary Sewer Pipe Bursting Project in an amount of \$27,480.00 and take any action necessary. If you have any questions, please advise.

TMT:tt

Attachments

Cc:

Rick Sherer, Manager of Water/Wastewater
Amy Williams, Assistant City Engineer
Jeremy White, Civil Engineer
File

STATE OF TEXAS



COUNTY OF ROCKWALL



PROFESSIONAL ENGINEERING SERVICES CONTRACT

This Agreement is made and entered into in Rockwall County, Texas, between City of Rockwall, Texas ("CITY"), a municipal corporation and political subdivision of the State of Texas, acting by and through its City Manager and Grantham & Associates, Inc., ("ENGINEER"), located at 6570 Naaman Forest Boulevard, Suite 200, LB 2, Garland, Texas 75044, Engineers duly licensed and practicing under the laws of the State of Texas.

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

PROFESSIONAL ENGINEERING SERVICES for SIGNAL RIDGE SANITARY SEWER PIPE BURSTING

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

1. Scope of Work

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

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

2. Compensation & Term of Agreement

Cost for such services will be an annual amount not to exceed twenty nine thousand, nine hundred and twenty dollars (\$29,920.00) and billed as an hourly basis per rates provided in Attachment "A". Engineer is not authorized to perform any work beyond the limited not to exceed amount without authorized written approval by CITY.

The term of this Agreement shall commence upon execution of this agreement and follow the

schedule described in Attachment “B”. In the event of termination, Engineer will assist the CITY in arranging a smooth transition process. However, Engineer’s obligation to provide services to the CITY will cease upon the effective date of termination, unless otherwise agreed in writing.

3. Method of Payment

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

4. Engineer's Standard of Care

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

Engineer will seek written CITY approval to accept any contract or perform any services for any person, entity, or business that has an agreement or is in negotiations of an agreement with CITY. CITY may waive this conflict, but such waiver is at CITY’s sole discretion and its decision shall be final.

5. Ownership of Documents

As part of the total compensation which CITY has agreed to pay Engineer for the professional services to be rendered under this Contract, Engineer agrees that hard copies of all finished and unfinished documents, data, studies, surveys, drawings, specifications, field notes, maps, models, photographs, preliminary reports, reports, bid packet/construction contract documents/advertisement for bids incorporating any CITY standard provisions provided by Engineer, will remain the property of the CITY. Engineer will furnish CITY with paper and electronic copies, to the extent they are available, of all of the foregoing to facilitate coordination, however, ownership of the underlying work product shall remain the intellectual property of the Engineer. Engineer shall have the right to use such work products for Engineer's purposes. However, such documents are not intended to be suitable for reuse by CITY or others on extension of the

Project or on any other project. Any reuse without the express written consent of the Engineer will be at reuser's sole risk and without liability or legal exposure to the Engineer, and CITY to the extent allowed by law, shall hold harmless the Engineer from all claims, damages, losses, expenses, and costs, including attorneys' fees arising out of or resulting from the reuse of said documents without the Engineer's consent. The granting of such consent will entitle the Engineer to further compensation at rates to be agreed upon by CITY and the Engineer. The above notwithstanding, Engineer shall retain all rights in its standard drawing details, designs, specifications, databases, computer software and any other proprietary and intellectual property information provided pursuant to this Contract, whether or not such proprietary information was modified during the course of providing the services.

6. Insurance

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

Workmen's Compensation – Statutory
Employer's Liability – \$100,000.00
Bodily Injury by Disease - \$500,000 (policy limits)
Bodily Injury by Disease - \$100,000 (each employee)

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

\$2,000,000.00 General aggregate limit

\$1,000,000.00 each occurrence sub-limit for all bodily injury or property damage incurred all in one occurrence

\$1,000,000.00 each occurrence sub-limit for Personal Injury and Advertising

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

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

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

7. **INDEMNIFICATION**

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

ENGINEER'S TOTAL LIABILITY TO CITY FOR ANY LOSS OR DAMAGES FROM CLAIMS ARISING OUT OF, OR IN CONNECTION WITH, THIS CONTRACT FROM ANY CAUSE INCLUDING ENGINEER'S STRICT LIABILITY, BREACH OF CONTRACT, OR PROFESSIONAL NEGLIGENCE, ERRORS AND OMISSIONS SHALL NOT EXCEED ONE MILLION DOLLARS (\$1,000,000.00). NEITHER PARTY TO THIS AGREEMENT SHALL BE LIABLE TO THE OTHER PARTY OR ANY THIRD PARTY CLAIMING THROUGH THE OTHER RESPECTIVE PARTY, FOR ANY SPECIAL, INCIDENTAL, INDIRECT, PUNITIVE, LIQUIDATED, DELAY OR CONSEQUENTIAL DAMAGES OF ANY KIND INCLUDING BUT NOT LIMITED TO LOST PROFITS OR USE OF PROPERTY, FACILITIES OR RESOURCES, THAT MAY RESULT FROM THIS AGREEMENT, OR OUT OF ANY GOODS OR SERVICES FURNISHED HEREUNDER.

8. Addresses for Notices and Communications

CITY

City Manager

City of Rockwall
385 S. Goliad Street
Rockwall, TX 75087

Engineer

Bruce Grantham, P.E.

Grantham & Associates, Inc.
6570 Naaman Forest Boulevard, Suite 200, LB 2,
Garland, Texas 75044

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

9. Successors and Assigns

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

10. Termination for Convenience of the Parties

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

11. Changes

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

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

13. Reports and Information

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

14. Entire Agreement

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

15. Waiver

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

16. Severability

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

17. Survival

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

18. Governing Powers and Law

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

19. Attorney's Fees


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

20. State or Federal Laws

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

EXECUTED in triplicate originals on this 20 day of July, 2015.

Grantham & Associates, Inc.

By: 
Name: Bruce Grantham, P.E.
Title: President

EXECUTED in triplicate originals on this ____ day of _____ 2013.

ATTEST:

City of Rockwall, Texas

Richard Crowley, City Manager

ATTACHMENT "A"

Scope of Services & Fee Schedule

See attached G&A proposal dated July 20, 2015 and Standard Rate Schedule

ATTACHMENT "B"

Work Schedule

Surveying & Engineering:
Bidding & Construction:

3 months (exclusive of City review time)
7 months (estimated)

July 20, 2015

Mr. Tim Timulty, P.E.
City Engineer
City of Rockwall
385 S. Goliad Street
Rockwall, TX 75087

Re: Proposal for Engineering and Surveying Services – Signal Ridge Sanitary Sewer Pipe Burst

Dear Tim:

Grantham & Associates, Inc. (G&A) is pleased to provide this proposal for engineering and surveying services for the pipe bursting of a 10” sanitary sewer line to a 14” pipe. This line begins at the lift station on the south side of the Water’s Edge Condominiums and extends approximately 1,075 feet to just north of the Harbor Hotel and Conference Center. G&A’s scope of services is summarized below.

BASIC SERVICES

Surveying

- Establish survey control for design and construction.
- Perform a limited topographic survey of around manholes and along the pipe centerline.
- Tie property corners and utility markings. DIGTESS will be called to locate underground utilities in serviced locations where excavation may occur during construction.

Engineering

- Coordinate with the City and franchise utility companies regarding the location of underground utilities in the vicinity of each excavation location.
- Review the design improvements and construction specifications with City staff.
- Prepare 30%, 90% and 100% submittals including any special construction details.
- Prepare an Engineer’s Opinion of Probable Cost based upon the final design.

Bidding and Construction

- Distribute drawings and contract documents for bidding purposes from G&A’s office.
- Respond to contractor questions during bidding by issuing addenda.
- Attend a prebid conference.
- Assist the City in opening, tabulating, and analyzing of bids, check references for the low bidder, and prepare a recommendation of award letter.
- Attend a preconstruction conference and furnish ten (10) sets of conformed drawings that include any addenda revisions.
- Make two (2) site visits during construction and perform a final walk through with the City.
- Respond to contractor questions during construction.
- Review contractor pay requests for mathematical correctness.
- Furnish the City with Record Drawings in digital format based on Contractor and City inspector markups.

SPECIAL SERVICES

Geotechnical Boring

- Obtain one test hole from GME Consulting Services, Inc. to determine the soil conditions and whether or not there is rock present at the pipe bursting depth.

Clean and Television Inspection

- Clean and television inspection of the existing 10” sanitary sewer by Acme Television Company, Inc. to determine the pipe condition and whether or not there is any joint separation.

FEE

G&A’s proposed fee schedule is provided below. Attachment A contains an engineering cost based on a summary of sheets and a comparison with TSPE Curve A. Attachment B contains an Opinion of Probable Construction Cost (OPCC) of \$229,650. Attachment C contains a manhour spreadsheet fee for the surveying, bidding and construction, and temporary construction easement services.

BASIC SERVICES

• Topographic Survey/Control	\$ 3,650 (Fixed Fee)
• Engineering (includes 1 plan sheet @ 1” = 30’ scale, no profile)	\$ 11,500 (Fixed Fee)
• Bidding and Construction Services	\$ 4,380 (Fixed Fee)
• Reimbursable Expenses	\$ 250 (Fixed Fee)
SUBTOTAL – Basic Services	\$ 19,780

SPECIAL SERVICES

• Add pipe profile to plan (add 1 sheet @ 1” = 30’ scale)	\$ 2,200 (Fixed Fee)
• Geotechnical Boring Allowance	\$ 1,700 (Cost Plus)
• Cleaning & Television Inspection Allowance	\$ 3,800 (Cost Plus)
SUBTOTAL – Special Services	\$ 7,700

Total Fee \$ 27,480

We have assumed that the City will coordinate with the affected property owners for access to the site during design and construction, and with the City of Dallas regarding their requirements if any. The cleaning allowance assumes that the City will furnish a meter to the contractor if one is required and that there is no heavy pipe cleaning.

If you have any questions or would like to discuss this proposal further, please do not hesitate to call.

Very truly yours,



Bruce Grantham, P.E.
President

Attachments

Attachment A
City of Rockwall - Signal Ridge Sanitary Sewer Pipe Burst

DATE:

July 20, 2015

SUMMARY OF SHEETS

Sheet Index	No. Sheets	Unit Cost	Total
Cover	1	\$1,500	\$1,500
General Notes & Quantities	1	\$2,500	\$2,500
Erosion Control Plan (30 scale)	1	\$2,500	\$2,500
Pipe Bursting Plan (30 scale)	1	\$5,000	\$5,000
Basic Services Total - plan view only	4		\$11,500
Special Services - add profile	1	\$2,200	\$2,200

NOTES:

1. Applicable City details have not been included.
2. TSPE Curve A = 10.0% of \$229,650 = \$22,965. Engineering = 90% of \$22,965 = \$20,669.

Attachment B - Opinion of Probable Construction Cost
City of Rockwall - Signal Ridge Sanitary Sewer Pipe Burst

DATE: July 20, 2015

Item No.	Quantity	Unit	Item Description	Unit Price	Item Price
1	1	LS	Mobilization	\$ 10,000.00	\$ 10,000.00
2	1,075	LF	10" Pipe Burst to 14" Sanitary Sewer	\$ 120.00	\$ 129,000.00
3	2	EA	Point Repair	\$ 1,500.00	\$ 3,000.00
4	3	EA	Remove and Replace 4' Dia. Manhole	\$ 6,000.00	\$ 18,000.00
5	3	EA	Connect to Existing Manhole	\$ 1,000.00	\$ 3,000.00
6	1	EA	Connect to Existing Lift Station	\$ 2,500.00	\$ 2,500.00
7	2	EA	External Lateral Reconnection	\$ 1,500.00	\$ 3,000.00
8	1	LS	Erosion Control	\$ 2,000.00	\$ 2,000.00
9	200	SY	Sodding	\$ 5.00	\$ 1,000.00
10	1,075	LF	Post-Construction TV Inspection	\$ 5.00	\$ 5,375.00
11	300	LF	Temporary Construction Fencing	\$ 10.00	\$ 3,000.00
12	50	LF	Trench Safety	\$ 30.00	\$ 1,500.00
13	1	LS	Bypass Pumping	\$ 10,000.00	\$ 10,000.00

SUBTOTAL: \$ 191,375.00
 CONTINGENCY (20%): \$ 38,275.00
TOTAL: \$ 229,650.00

Attachment C - Manhours

City of Rockwall - Signal Ridge Sanitary Sewer Pipe Burst

DATE:						July 20, 2015
TASK	DISCIPLINE / HOURLY RATE					FEE
	Principal	Project Manager	Cadd Tech	Survey Manager	Survey Crew	
	\$200	\$130	\$60	\$110	\$120	
Surveying Services						
Obtain & review relevant plats/deeds				2		\$220
Establish survey control				1	3	\$470
Locate and tie property corners				1	3	\$470
Set down R.O.W. and property lines in CADD file			4	1		\$350
Contact and track DIGTESS				1		\$110
Topographic survey		1		1	8	\$1,200
Locate and tie utility markers					2	\$240
Prepare CADD topographic base sheet			8	1		\$590
TOTAL SURVEYING HOURS	0	1	12	8	16	37
TOTAL SURVEYING COST	\$0	\$130	\$720	\$880	\$1,920	\$3,650
Bidding and Construction Services						
Copy & issue bid documents to contractors			4			\$240
Respond to contractor bid questions & issue addenda	1	2				\$460
Attend bid opening		2				\$260
Prepare bid tabulation and recommendation for award		3				\$390
Prepare contract documents and for-construction plans		1	4			\$370
Attend preconstruction conference		2				\$260
Review construction submittals	1	2				\$460
Respond to construction questions & make 3 site visits	1	6				\$980
Review monthly pay requests		3				\$390
Perform final walk through		2				\$260
Prepare record drawings		1	3			\$310
TOTAL BIDDING & CONSTRUCTION HOURS	3	24	11	0	0	38
TOTAL BIDDING & CONSTRUCTION COST	\$600	\$3,120	\$660	\$0	\$0	\$4,380

FEE SUMMARY	
Surveying Services	\$3,650
Bidding and Construction Services	\$4,380

2015 STANDARD RATE SCHEDULE Grantham & Associates, Inc.

Personnel:

Personnel cost is calculated using a multiplier of 2.483 applied to salary cost. Salary cost is calculated by using a multiplier of 1.3325 for employee benefits applied to the actual hourly wage. Ranges of salary cost for various personnel classifications are provided below:

	<u>Salary Cost Ranges</u>
Principal	\$55.00 to \$82.00
Management Staff	\$30.00 to \$65.00
Professional Staff	\$35.00 to \$50.00
Project Staff	\$15.00 to \$27.00
Technical Support	\$10.00 to \$24.00
Administrative Support	\$10.00 to \$36.00

The multiplier will be reviewed and updated if necessary on January 1st of each year.

Surveying services performed on a time and materials basis are billed at the hourly crew rates shown below:

Survey Crew (One Man)	\$ 115.00
Survey Crew (Two Man)	\$ 145.00

The hourly crew rates will be reviewed and updated if necessary on January 1st of each year.

Travel and Subsistence:

A 10% handling charge will be added to all travel and subsistence expenses. The prevailing rate designated by the U.S. Internal Revenue Service will be used in determining the cost of mileage for all private vehicles.

Purchased Services:

A 10% handling charge will be added to all purchased services including but not limited to reproduction, long distance and cellular telephone, rented or leased equipment, and expendable supplies. No handling charge will be added to subcontract service; these services will be billed at actual cost.

Terms:

Invoices for services rendered will be submitted on a monthly basis and are payable within 30 days.

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Mary Smith, Assistant City Manager
DATE: September 17, 2015
SUBJECT: Approve City Depository

As required by State Statutes, the City must designate a City Depository. Local Government Code Section 105.017 allows the depository services contract to extend up to five years. The City has had a long-standing depository relationship with American National Bank spanning more than 29 years.

The City requested proposals for depository services and received only one response; American National Bank. The RFP document required the bank to have at least one branch in the corporate limits of Rockwall and each of the 14 banks fitting that criteria s was sent a request for proposal package.

ANB meets all requirements of the state statute and offers a wide range of beneficial services to the City. All of the current online banking and branch services are continued in the proposal. ANB is required to ensure that all funds are fully collateralized at all times. City accounts are monitored daily by the bank to ensure full collateralization. The designation of ANB as the City depository does not preclude city management from using the services of other entities or advisors for financial services.

The depository arrangement with ANB is being prepared by ANB staff and the proposal terms were favorable to the city; staff therefore requests Council consider authorizing the City Manager to execute a contract agreement with ANB for the five-year period.

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Timothy M. Tumulty, Director of Public Works/City Engineer
DATE: September 16, 2015
SUBJECT: Damascus Road Pro-Rata Facility Agreement Extension

Our Lady of the Lake Catholic Church widened Damascus Road back in 2010 to improve access to the Church and Heritage Christian Academy. The City Subdivision Ordinance required that adjacent properties along an unimproved road construct the road to City Standards at the time of development. These improvements would have been the responsibility of the Heritage Christian Academy and the undeveloped property owner along Damascus Road. The City approved a Pro-Rata Facility Agreement with the church on October 4, 2010 to address the future reimbursement.

The original agreement was for a term of five-years. This agreement will expire later this year and the church has requested the City to extend the agreement. Attached is a revised Facility Agreement for the Damascus Road Pro-Rata agreement extending the reimbursement period for consideration.

If you have any questions, please advise.

TMT:em

Attachment

Cc:

Mary Smith, Assistant City Manager
Amy Williams, Assistant City Engineer
Jeremy White, Civil Engineer
File

HERITAGE CHRISTIAN ACADEMY

College Preparatory • Christ Centered • Family Focused

August 24, 2015

Mr. David Gonzales, Senior Planner
Planning & Zoning Department
City of Rockwall
385 S. Goliad Street
Rockwall, Texas 75087

Hand-Delivered

Re: Heritage Christian Academy, 1408 S. Goliad Street, Rockwall, Texas

Dear Mr. Gonzales:

Thank you for visiting with me recently about our discovery of the “Facility Agreement” between the City of Rockwall and Our Lady of the Lake Catholic Church, dated October 18, 2010, regarding improvements to Damascus Road. As I had stated to you, we were unaware of the existence of the Agreement until it came up in a pre-planning meeting our contractor, Matt Mulliken, was having with your department regarding a possible parking lot project on our property in the future. Thank you for providing him with a copy.

We still do not understand how an Agreement that encumbered our property and imposed financial obligations on us was entered into and filed of record without us being a party to the agreement, or receiving any notice. We had no opportunity to oppose it or protect the rights that exist on our property.

According to the “Agreement” it has a term of 5 years, but can be extended by the parties. You said that we would be notified if that was being considered.

Please be advised that Heritage Christian Academy opposes the existence, and possible extension, of the “Agreement”. If any such extension is requested or considered, we request that we be given Notice of the time and place, as well as an opportunity to appear and be heard at any such meeting or hearing.

Please forward this request to all relevant departments and persons within the City of Rockwall to ensure that we will be notified as requested above. Feel free to contact us should you have any questions or need any additional information.

Once again, thank you for your assistance and professionalism in helping us with these issues.

Respectfully,



Robert Huckabee
Assistant Headmaster

STATE OF TEXAS)
COUNTY OF ROCKWALL)
CITY OF ROCKWALL)

**FACILITY AGREEMENT
DAMASCUS ROAD PRO-RATA**

This Agreement is entered into on the 18th day of October, 2010, by and between the City of Rockwall, Texas ("City") and Our Lady of the Lake Catholic Church ("Church").

Whereas, Damascus Road currently provides sole access to Our Lady of the Lake Church, Heritage Christian Academy and an undeveloped 8.85 acre tract;

Whereas, Our Lady of the Lake Church is building a portion of Damascus Road;

Whereas, the City of Rockwall is to put forth a good faith effort to collect and pay to the Church the funds collected;

WITNESSETH:

That in consideration of the Damascus Road construction adjacent to the property owned by the Heritage Christian Academy (HCA), located in Rockwall, Texas, the parties agree as follows:

Section 1. Church agrees to the following:

1. Church agrees to construct the approximately 1000 foot portion of Damascus Road that is not currently constructed (18' wide with 6" curb); including the 40-foot radius cul-de-sac, as shown on the plans prepared by Helmberger and Associates dated July 29, 2009 (Area "D" on the attached Exhibit A). *APM
10-4-2010*
2. The cost of the above referenced Damascus Improvements, including design, construction and City inspection (2% of construction cost) totals \$173,024.45.

Section 2. The City agrees to the following:

1. City will collect, from the developer, or owners, of the property adjacent to the section of Damascus Road constructed by the Church ("B" on the attached Exhibit A), the "proportional" share of the cost of the *APM
10-4-2010*

above improvements (as determined by the appropriate sections of the City of Rockwall Subdivision Regulations), up to \$118,146.80. These funds will be collected when the undeveloped land adjacent to the improved Damascus Road is platted and prior to start of improvements on the property (and after the Damascus Road improvements are completed and accepted by the City).

2. The City will collect from HCA ("A" on the attached Exhibit A) the cost of 4-feet of the 18-feet of pavement, constructed by the Church (Section 1.1, above), and not paid by the adjacent property owner per Section 2.1, above, up to \$25,281.89. These funds will be collected when HCA expands its existing facility. 17024
104200
3. The City will pay the monies collected for the improvements as outlined in Sections 2.1 and 2.2 above, to the Church, within 15 business days of the receipt of the funds.
4. The City will not charge Heritage Christian Academy or Our Lady of the Lake Catholic Church, any pro-rata for the construction costs for the relocation of the Damascus and SH-205 intersection (which provides access to the Church and HCA), paid by the City.
5. Nothing in this agreement shall obligate the City to pay any monies other than those collected pursuant to this agreement in satisfaction of obligations herein stated. Failure of the City, for whatever reason, to collect associated fees shall not obligate the City to pay any monies to Our Lady of the Lake Catholic Church from any other City funding source.

Section 3. The City agrees that along with the widening of Damascus Road (to a minimum of 24-foot face of curb to face of curb, at this time), one additional point of access or emergency access, constructed in accordance with City Standards, will meet the City's requirement for the Church to obtain secondary access for current and future site development (as it relates to church expansion) for Lot 1, Block A, Our Lady of the Lake Catholic Church Addition ("C" on the attached Exhibit A).

Section 4. Nothing contained herein shall be considered as a waiver of the provisions of the City's Comprehensive Zoning Ordinance and Subdivision Regulations as the case may be.

Section 5. This Agreement shall remain in effect for a period of 5 years from the date of execution by both parties. If no payment is received from HCA or the owner of the undeveloped property by 180 days before the 5 years, the parties may by mutual written consent, extend the term for an additional period of time to be determined by the parties.

Section 6. Venue for this Agreement shall be in Rockwall County, Texas.

Section 7. Notice of this Agreement shall be in writing and addressed to the following:

City of Rockwall
385 S. Goliad
Rockwall, Texas 75087
Attn: City Manager

Our Lady of the Lake Catholic
Church
1305 Damascus Road
Rockwall, TX 75087

SIGNED ON THE DATE FIRST ABOVE WRITTEN.

CITY OF ROCKWALL

By: Jillie
City Manager

CHURCH

By: Rev. George P. Monaghan
Pastor

ACKNOWLEDGEMENTS

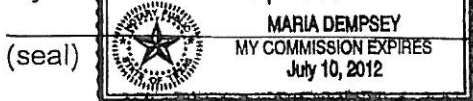
STATE OF TEXAS)
COUNTY OF ROCKWALL)
CITY OF ROCKWALL)

BEFORE ME, the undersigned authority, on this day Personally appeared, Rev. George P. Monaghan, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the foregoing Agreement for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said Church,

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 28th day of September, 2010.

Maria Dempsey
Notary Public in and for the State of Texas

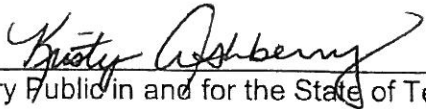
My Commission Expires:



STATE OF TEXAS)
COUNTY OF ROCKWALL)
CITY OF ROCKWALL)

BEFORE ME, the undersigned authority, on this day Personally appeared, Julie Couch, City of Rockwall City Manager, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the foregoing Agreement for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said City,

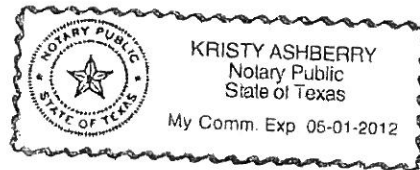
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 18th day of October, 2010.

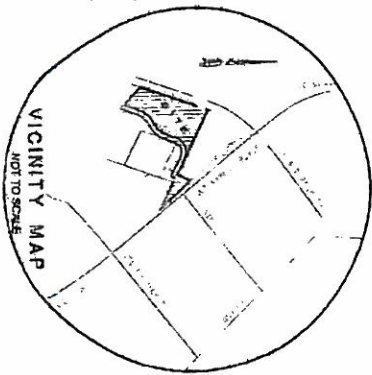


Notary Public in and for the State of Texas

My Commission Expires:
05/01/12

(seal)





LINE TABLE

LINE	BEARING	DISTANCE	CURVE TYPE	TEMPORARY	CHORD	CHORD BEARING
1	S 47° 22' 42" E	59.16		18° 20'	116.70	S 61° 42' 27" W
2	N 1° 02' 30" E	21.52		18° 20'	20.17	S 88° 57' 30" W
3	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
4	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
5	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
6	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
7	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
8	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
9	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
10	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
11	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
12	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
13	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
14	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
15	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
16	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
17	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
18	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
19	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E
20	S 89° 57' 30" W	21.52		18° 20'	20.17	N 1° 02' 30" E

HERITAGE OWNERS: HERITAGE CHRISTIAN ACADEMY, ROCKWALL, TEXAS 75087, BRANDY B. RILEY, ROCKWALL, TEXAS 75087

FROM STATE AGREEMENT: GARRETT A. RILEY, JR.

FROM STATE AGREEMENT: GARRETT A. RILEY, JR.

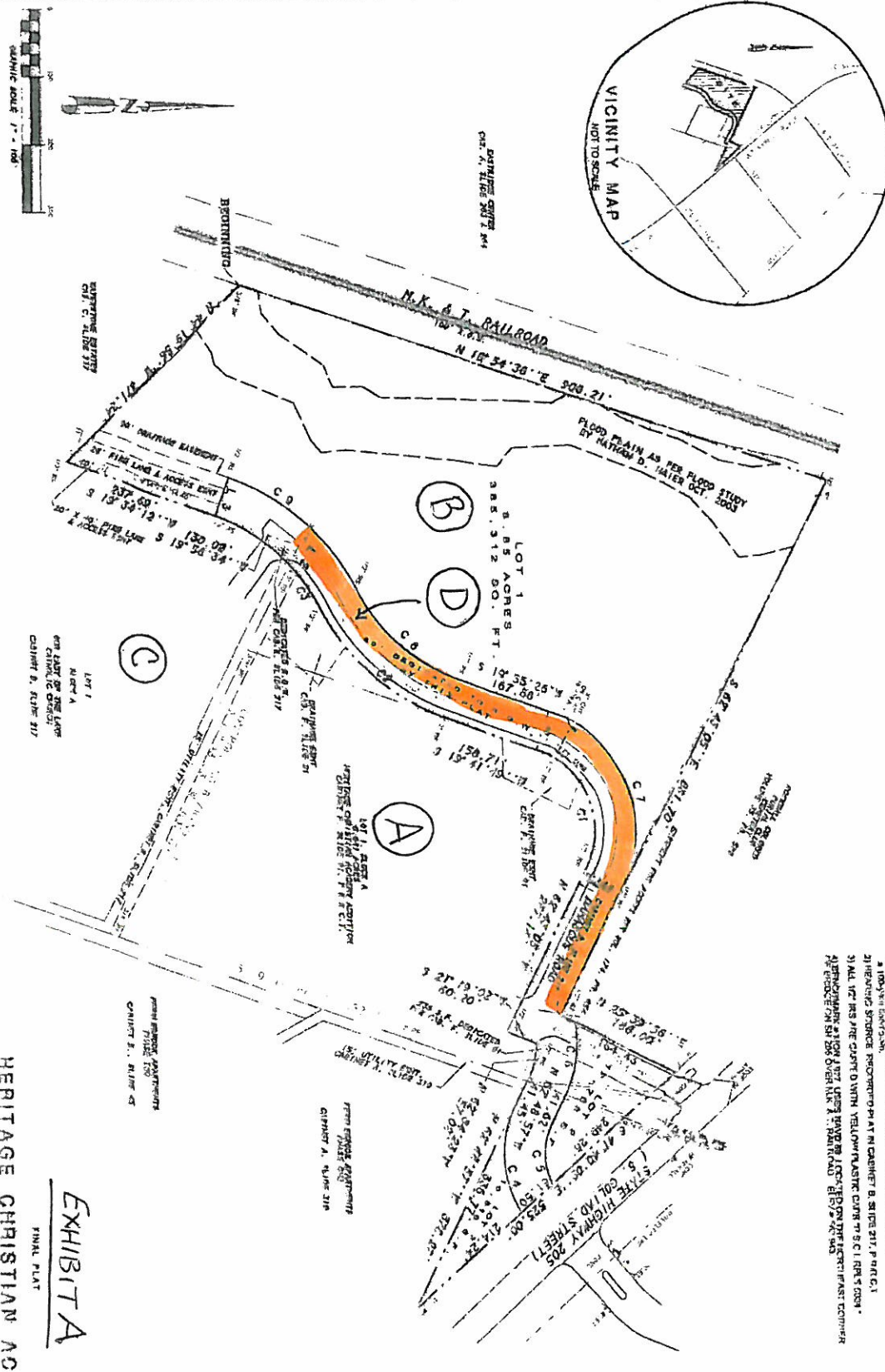


RSC LAND SURVEYING

1801 S. FM 501, SUITE 100, ROCKWALL, TEXAS 75087

PHONE: 972-222-1111

FAX: 972-222-1112



NOTES

- 1) ALL LOTS ARE TO BE SURVEYED AND PLATTED IN ACCORDANCE WITH THE TERMS OF THE DEED DATED 03/11/09.
- 2) HERITAGE SOURCE PROPERTIES AT M. GARRETT B. RILEY, JR. P. 04/01/01.
- 3) ALL LOTS ARE TO BE SURVEYED WITH YELLOW PLASTIC CORNERS TO S.I. PER 5.0209.

APPROXIMATE 4.100 ACRES TO BE LOST TO FLOOD PLAIN AS PER FLOOD STUDY BY NATIONAL D. WATER OCT. 2005.

APPROXIMATE 5.100 ACRES OVER M.K. & T. RAILROAD E.I.S. P. 04/01/01.

Inst # 00441530

Filed for Record in: Rockwall County

On: Nov 01, 2010 at 03:14P

Heritage Christian Academy, Phase II

Page 1

STATE OF TEXAS)

COUNTY OF ROCKWALL)

CITY OF ROCKWALL)

**FACILITY AGREEMENT
DAMASCUS ROAD PRO-RATA**

This Agreement is entered into on the ____ day of _____, 2015, by and between the City of Rockwall, Texas ("City") and Most Reverend Kevin J. Farrell, D.D., Bishop of the Roman Catholic Diocese of Dallas, and his successors in office, for the exclusive benefit of Our Lady of the Lake Parish (Rockwall) ("Church").

Whereas, Damascus Road currently provides sole access to the Church, Heritage Christian Academy (HCA) and an undeveloped 8.85 acre tract;

Whereas, The Church built a portion of Damascus Road described more particularly as paragraph 1 of Section 1, below;

Whereas, the City of Rockwall is to put forth a good faith effort to collect and pay to the Church the funds collected pursuant to Section 2, below;

WITNESSETH:

That in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

Section 1. Church agrees to the following:

1. Church constructed the approximately 1000 foot portion of Damascus Road (18' wide with 6" curb); including the 40-foot radius cul-de-sac, as shown on the plans prepared by Helmberger and Associates dated July 29, 2009 (Area "D" on the attached Exhibit A the "Road Segment").
2. The cost of the above referenced Damascus Improvements, including design, construction and City inspection (2% of construction cost) totals \$173,024.45.

Section 2. The City agrees to the following:

1. City will collect, from each developer, or owners, of the property adjacent to the Road Segment ("B" on the attached Exhibit A), the "proportional" share of the cost of the Road Segment (as determined by the appropriate sections of the City of Rockwall Subdivision

Regulations), up to \$118,146.80. These funds will be collected when the undeveloped land adjacent to the Road Segment is platted and prior to start of improvements on the adjacent property.

2. The City will collect from HCA ("A" on the attached Exhibit A) the cost of 4-feet of the 18-feet of pavement, constructed by the Church (Section 1.1, above), and not paid by the adjacent property owner per Section 2.1, above, up to \$25,281.89. These funds will be collected when HCA expands its existing facility.
3. The City will pay the monies collected as outlined in Sections 2.1 and 2.2 above, to the Church, within 15 business days of the receipt of the funds.
4. The City will not charge Heritage Christian Academy or the Church, any pro-rata for the construction costs for the relocation of the Damascus and SH-205 intersection (which provides access to the Church and HCA), paid by the City.
5. Nothing in this agreement shall obligate the City to pay any monies other than those collected pursuant to this agreement in satisfaction of obligations herein stated. After diligent effort to collect payments, failure of the City, for whatever reason, to collect funds pursuant to sections 2.1 and 2.2 shall not obligate the City to pay any monies to the Church from any other City funding source.

Section 3. The City agrees that along with the widening of Damascus Road (to a minimum of 24-feet face of curb to face of curb, at this time), one additional point of access or emergency access, constructed in accordance with City Standards, will meet the City's requirement for the Church to obtain secondary access for current and future site development (as it relates to church expansion) for Lot 1, Block A, Our Lady of the Lake Catholic Church Addition ("C" on the attached Exhibit A).

Section 4. Nothing contained herein shall be considered as a waiver of the provisions of the City's Comprehensive Zoning Ordinance and Subdivision Regulations as the case may be.

Section 5. This Agreement replaces the original Facilities Agreement dated October 18, 2010 and shall remain in effect for a period of ten (10) years from the date of execution by both parties. If no payment is received from HCA or the owner of the undeveloped property by 180 days before the ten (10) years, the parties may by mutual written consent, extend the term for an additional period of time to be determined by the parties.

Section 6. Venue for this Agreement shall be in Rockwall County, Texas.

Section 7. Notice of this Agreement shall be in writing and addressed to the following:

City of Rockwall
385 S. Goliad
Rockwall, Texas 75087
Attn: City Manager

Our Lady of the Lake Catholic Church
1305 Damascus Road
Rockwall, TX 75087

Catholic Diocese of Dallas
CFO
P.O. Box 190507
Dallas, TX 75219

SIGNED ON THE DATE FIRST ABOVE WRITTEN.

CITY OF ROCKWALL

CHURCH

By: _____
Rick Crowley
City Manager

By: _____
Pastor

By: _____
Bishop

ACKNOWLEDGEMENTS

STATE OF TEXAS)

COUNTY OF ROCKWALL)

CITY OF ROCKWALL)

BEFORE ME, the undersigned authority, on this day Personally appeared, _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the foregoing Agreement for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said Church,

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ day of _____, 2015.

Notary Public in and for the State of Texas

My Commission Expires:

(seal)

STATE OF TEXAS)

COUNTY OF ROCKWALL)

CITY OF ROCKWALL)

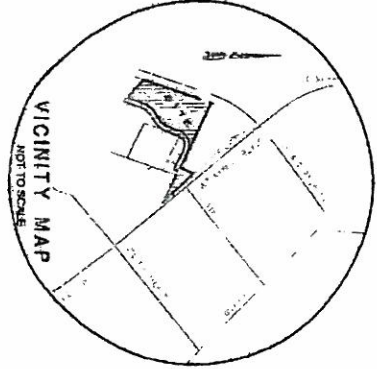
BEFORE ME, the undersigned authority, on this day Personally appeared, Rick Crowley, City of Rockwall City Manager, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the foregoing Agreement for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said City,

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ day of _____, 2015.

Notary Public in and for the State of Texas

My Commission Expires:

(seal)



LINE TABLE

Line	Bearing	Evidence	Chain	Course
1	N 42° 30' 00" E	50.75	100	50.75
2	N 87° 00' 00" E	50.75	100	50.75
3	S 70° 00' 00" E	50.75	100	50.75
4	S 87° 00' 00" E	50.75	100	50.75
5	S 42° 30' 00" E	50.75	100	50.75
6	N 42° 30' 00" E	50.75	100	50.75

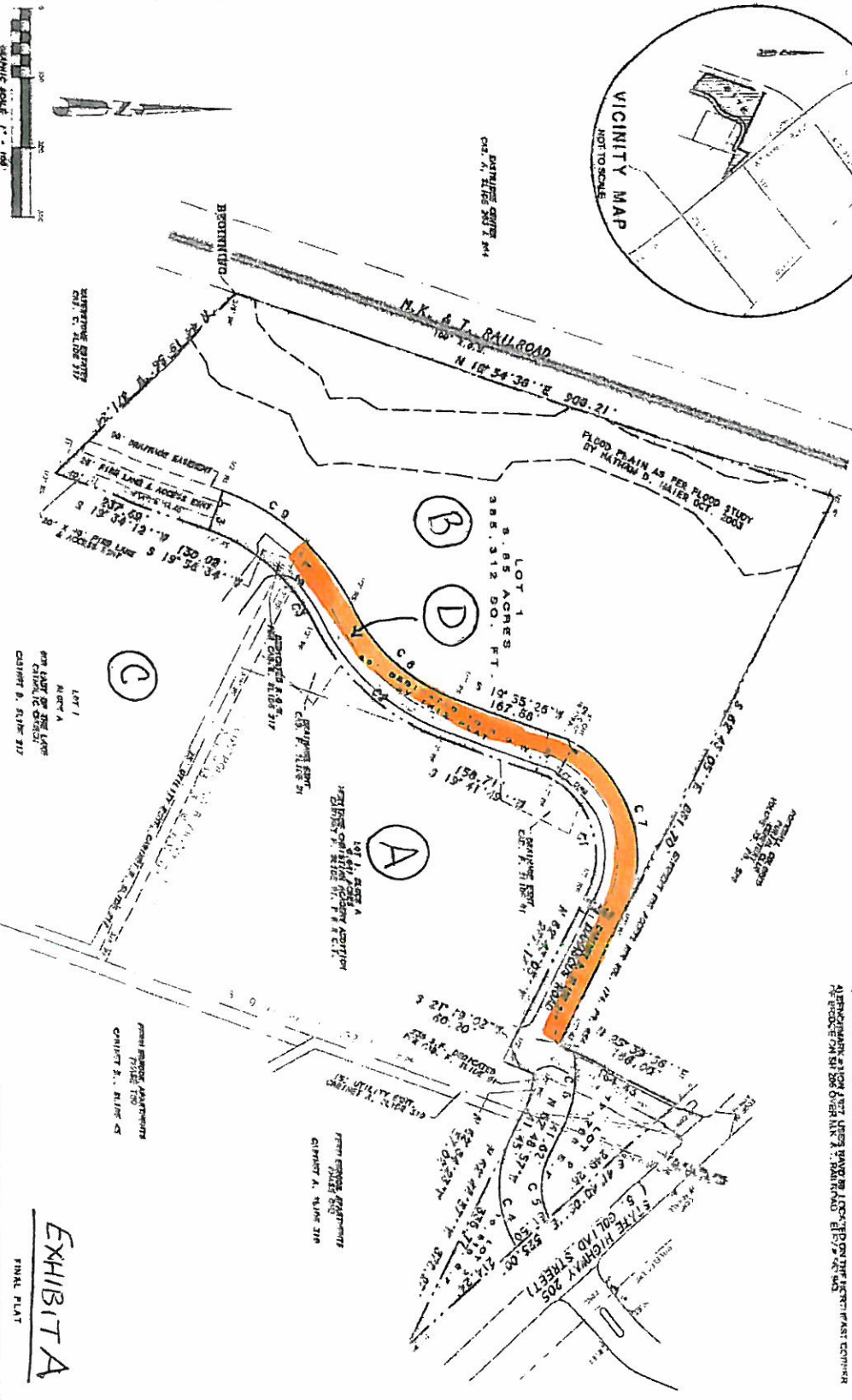
COURSE TABLE

Line	Bearing	Distance	Course	Latitude	Longitude
1	N 42° 30' 00" E	50.75	100	46.87	34.39
2	N 87° 00' 00" E	50.75	100	50.75	0.00
3	S 70° 00' 00" E	50.75	100	-46.87	34.39
4	S 87° 00' 00" E	50.75	100	-50.75	0.00
5	S 42° 30' 00" E	50.75	100	-46.87	34.39
6	N 42° 30' 00" E	50.75	100	46.87	-34.39

HERITAGE CHRISTIAN ACADEMY
 OWNERS: J. L. AND J. M. GIBSON
 10000 W. STATE ST. SUITE 100
 ROCKWALL, TEXAS 75087



RSCJ
 ROCKWALL SURVEYING & CONSULTING, INC.
 10000 W. STATE ST. SUITE 100
 ROCKWALL, TEXAS 75087
 9571



NOTES

- 1) ALL LOTS ARE TO BE CONVEYED TO THE HERITAGE CHRISTIAN ACADEMY BY DEED.
- 2) THE FLOOD PLAIN IS AS PER FLOOD STUDY BY MATTHEW D. WALTER, OCT. 2005.
- 3) ALL LOTS ARE TO BE CONVEYED WITH YELLOW PLASTIC CURB TO S.C.I. ROAD'S CORNER.

Inst # 00441530
 Filed for Record in: Rockwall County
 On: Nov 01, 2010 at 03:14P

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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 09/21/2015

APPLICANT: Sam Ellis of Dallas Design Build

AGENDA ITEM: **SP2015-020**; Children's Lighthouse Daycare – Certain Variances

SUMMARY:

Discuss and consider a request by Sam Ellis of Dallas Design Build on behalf of the owner Amalraj Fernando of MREA Properties-2, LLC for the approval of variances associated with articulation, screening and landscape buffers as stipulated by Articles V & VIII of the Unified Development Code (UDC) in conjunction with an approved site plan for a daycare facility on a two (2) acre parcel of land identified as Lot 1 of the Dewoody Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the North SH-205 Corridor Overlay (N SH-205 OV) District, addressed as 3011 N. Goliad Street [SH-205], and take any action necessary.

PURPOSE:

The applicant is requesting approval of certain variances as outlined below in conjunction with an approved site plan for the purpose of new construction of an approximately 7,828 sq. ft. daycare facility on a two (2) acre parcel of land. The applicant intends to combine the proposed two (2) acre property and the existing Children's Lighthouse that is adjacent (south) for the purpose of expanding the business operations. The property is zoned *Agricultural (AG) District* and has been granted a Specific Use Permit [*SUP Ord. No. 15-22*] on August 3, 2015 to allow for a daycare development. The property is also within the *North SH-205 Corridor Overlay (N SH-205 OV) District* and is generally located on the west side of North Goliad Street, north of the intersection of Pecan Valley Drive and North Goliad Street.

VARIANCE REQUESTS:

The applicant is requesting variances to the *Unified Development Code (UDC)* for certain sections as outlined below. As a note, a variance request to the UDC requires passage of a simple majority vote of Council for approval; however, a variance to the *North SH-205 Corridor Overlay (N SH-205 OV) District* requires passage by a $\frac{3}{4}$ majority vote of those council members present. The requests are as follows:

- a) *Article V, Section 4.1 General Commercial District Standards* - to allow for not meeting the Horizontal Articulation requirements as established in *Art. V, Sec. 4.1, C.1.a.* and as depicted in the Building Elevations as submitted. **(Simple majority vote)**
- b) *Article VIII, Landscape Standards* - to allow for not meeting the screening standards as established in *Art. VIII, Sec. 5.6 Screening from Residential Uses* which requires a minimum 6-ft high masonry screening fence. The applicant is requesting a 6-ft wrought iron fence that will be constructed atop the retaining wall at the rear of the property, but will not provide the required screening; however, the property is considered to be heavily treed and is screened by the existing trees. **(Simple majority vote)**
- c) *Article V, Sec. 6.11 North SH-205 Corridor Overlay District* – to allow for not meeting the minimum 20-ft landscape buffer strip as established in *Art. V, Sec. 6.11, E., 1* by

allowing nine (9) parking spaces to encroach the landscape buffer strip. ($\frac{3}{4}$ majority vote)

ARCHITECTURAL REVIEW BOARD RECOMMENDATION:

On August 25, 2015, the Architectural Review Board (ARB) reviewed the proposed building elevations for the site. The board expressed concern with the lack of horizontal articulation at the rear of the building, the gabled roof of the north and south elevations being highly visible and having no additional elements or interest, and the amount of stucco proposed compared to the existing buildings' use of primarily stone. The board suggested the building have more of a "campus" feel.

To address these concerns the board recommended that the applicant use hip roof elements and dormers on the north and south elevations to match the existing structure or to provide an overhang creating a "porch" effect as an additional architectural feature. The board also requested the use of more stone to match the existing building and wanted to see columns incorporated supporting the overhang at the rear of the property.

The applicant has revised the elevations and has incorporated stone columns along the rear, the addition of standing seam metal roof elements supported by cedar columns on the north and south elevations that project 8-ft from the building and create a covered area, increased the stone for the north and south elevation replacing the stucco, and incorporate a second stone product used as a wainscot around the building. The stone and stucco applied to the new building will match the existing Children's Lighthouse per the revised plans.

On September 15, 2015, the ARB reviewed the changes and requested the applicant change the north elevations' projecting element and provide articulation similar to the quality presented on the front (east facing) elevation. The ARB also included a recommendation of approval of the variance to the horizontal articulation standards.

RECOMMENDATIONS:

The site plan submitted by the applicant meets all the technical criteria stipulated by the *UDC* and *N SH-205 OV*, with the exception of the variances requested and the items listed below. Should the Planning and Zoning Commission choose to approve the applicant's request, then the following conditions of approval should be adopted with this case:

- 1) All staff comments (*Project Plan Review History*) provided by the Planning, Engineering and Fire Department must be addressed prior to the submittal of a building permit and to include the following additional Planning comments;
 - a. Adherence to Engineering and Fire Department standards shall be required.
 - b. All exterior signage requires submittal and approval of a separate permit through the Building Inspections Department
 - c. Submittal, approval, and filing of a final plat incorporating the existing Children's Lighthouse located adjacent to the property identified in this request prior to the issuance of a Certificate of Occupancy.
 - d. All exterior light sources are not to exceed 0.2-FC along the property line. The readings along the front property line (SH-205) as per the submitted plan exceed 0.2-FC at the property line. Make necessary adjustments and provide an updated plan indicating compliance.

- e. Approval of the variances requested from the City Council for not meeting the standards established in the *Unified Development Code* as noted in this report as follows:
 - a) the horizontal articulation standards,
 - b) the requirements for screening from residential uses,
 - c) by allowing parking spaces to encroach into the landscape buffer.
- 2) Any construction or building necessary to complete this *Site Plan* request must conform to the requirements set forth by the UDC, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On September 15, 2015, the Planning and Zoning Commission approved the site plan with staff conditions by a vote of 4 to 0 with Commissioners Renfro and Logan absent and one vacancy. The Planning Commission also recommended approval of the following variances by a vote of 4 to 0:

- a) A variance to the horizontal articulation standards as outlined in staff's report, including ARB's recommendation; and,
- b) A variance to the 6-ft masonry screening wall requirements as outlined in staff's report; and,
- c) A variance to allow for parking spaces in the landscape buffer as outlined in staff's report.



SP2015-020 - CHILDREN'S LIGHTHOUSE
 SITE PLAN - LOCATION MAP = [icon]

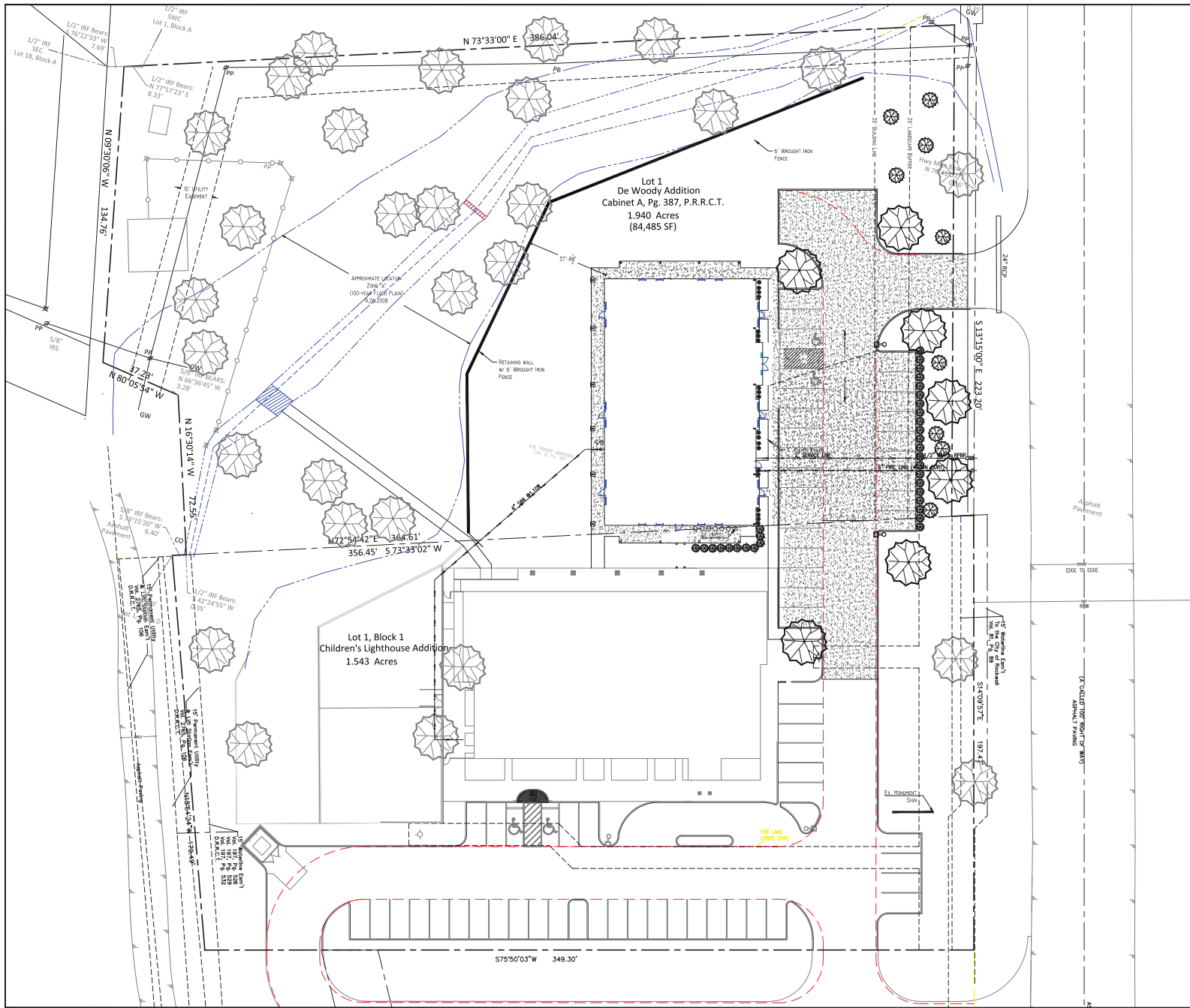


City of Rockwall

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

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



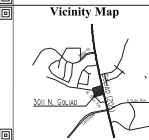
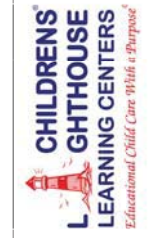


- NEW 4" LIVE OAK
- EXISTING TREE TO REMAIN
- CREPE MYRTLE
- FOSTER HOLLY
- BOXWOOD

LANDSCAPE TABLE:
 LOT AREA: 81,885 S.F.
 IMPERVIOUS AREA: 10,058 S.F. (12.6%)
 LANDSCAPE AREA: 65,427 S.F. (77.4%)

- LANDSCAPE NOTES:
1. ALL REQUIRED LANDSCAPE AREAS SHALL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM WITH RAIN AND FROST/SENSORS AND DATA/ADAPTIVE/WEATHER BASED CONTROLLERS AND SAID IRRIGATION SYSTEM SHALL BE DESIGNED BY A QUALIFIED PROFESSIONAL AND INSTALLED BY A LICENSED IRRIGATOR.
 2. GRASS AREAS SHALL BE ESTABLISHED IN 100% COVERAGE AND 70% DENSITY PRIOR TO ISSUANCE OF C/O.
 3. NO TREES SHALL BE LOCATED WITHIN 5' OF AN UTILITY.

General Notes



Copyright
 ALL INFORMATION, DESIGN, DRAWING, WRITING, OR PHOTOGRAPHS ON THIS DOCUMENT SHALL NOT BE REPRODUCED, DISCLOSED OR OTHERWISE USED WITHOUT WRITTEN PERMISSION OF THE AUTHOR.
 THIS DOCUMENT IS AN INSTRUMENT OF SERVICE AND IS THE SOLE PROPERTY OF THE AUTHOR. FURTHERMORE, THE USE OF THIS DOCUMENT FOR ANY PURPOSE SHALL BE REVIEWED AT THE DISCRETION OF THE DESIGNER. THE CONTRACTOR'S RESPONSIBILITY FOR DETAILS SHOWN HEREIN ARE NOT ADVISED TO OR ON THE CONTRACTUAL AGREEMENT GOVERNING THEIR USE IS NOT STRICTLY LIMITED TO:

No.	Revision/Issue	Date

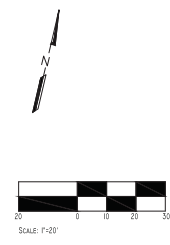
Dallas Design Build
 1696 Echo Canyon
 Suite 100
 Rockwall, TX 75070
 972-977-8830
 ddb@dallasdb.com

Project
 3011 N. GOLIAD
 LOT 1
 DE WOODY ADDITION
 ROCKWALL, TX

Description
 LANDSCAPE PLAN
 CASE NO. SP2015-020

Date	Revised	Drawn By	Scale

OWNER: H EDA PROPERTIES - L.L.C.
 APAL AND EMILY FERNANDEZ
 3445 FM 544
 WHITE, TX 75354
 ZIL-436-2016
 ANJALA.FERNANDEZ@HANO.COM
 DEVELOPER: DALLAS DESIGN BUILD
 SAM ELLIS
 6500 ECHO CANYON
 ROCKWALL, TX 75070
 972-977-8830
 SARB@DALLASDB.COM



General Notes



Vicinity Map

Copyright
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 THIS DOCUMENT IS AN INSTRUMENT OF SERVICE AND IS THE SOLE PROPERTY OF THE AUTHOR. FURTHERMORE, THE USE OF THIS DOCUMENT FOR ANY PURPOSE SHALL BE REVIEWED AT THE DISCRETION OF THE DESIGNER. THE CONSTRUCTION TECHNIQUES OF DETAILS SHOWN HEREIN ARE NOT ADVISED TO OR THE CONTRACTUAL AGREEMENT GOVERNING THEIR USE IS NOT STRICTLY ADVISED TO.

No.	Revision/Issue	Date

Dallas Design Build
 1606 Echo Canyon
 Suite 75070
 972-977-8830
 ddb@dallasdb.com

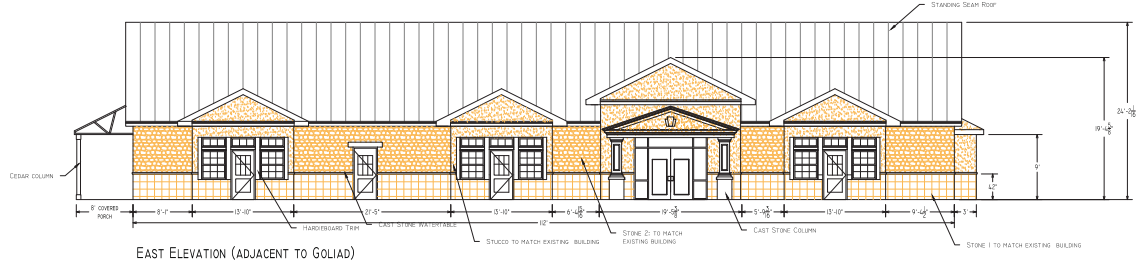
Project

LOT 1, BLOCK 1
 CHILDREN'S LIGHTHOUSE
 ADDITION
 ROCKWALL, TX

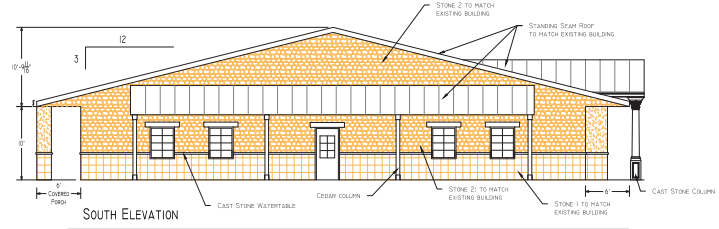
Description

ELEVATION
 CASE NO. SP215-020

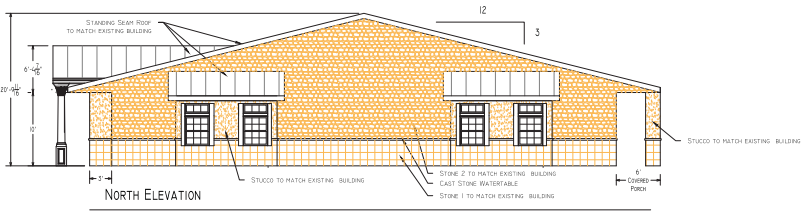
Date	Drawn By	Scale
01/16/20		A-2



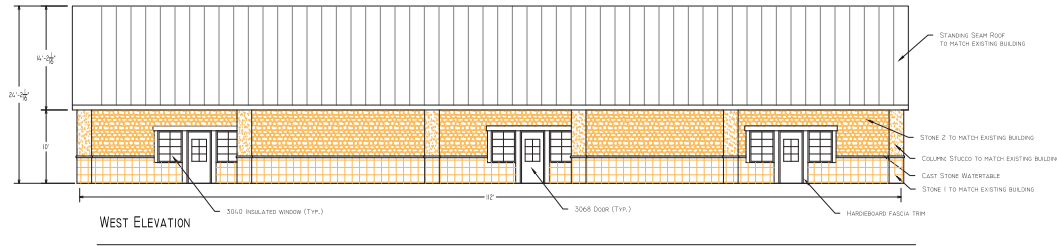
EAST ELEVATION (ADJACENT TO GOLIAD)



SOUTH ELEVATION



NORTH ELEVATION



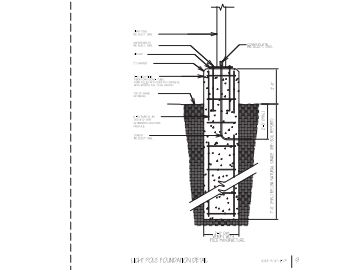
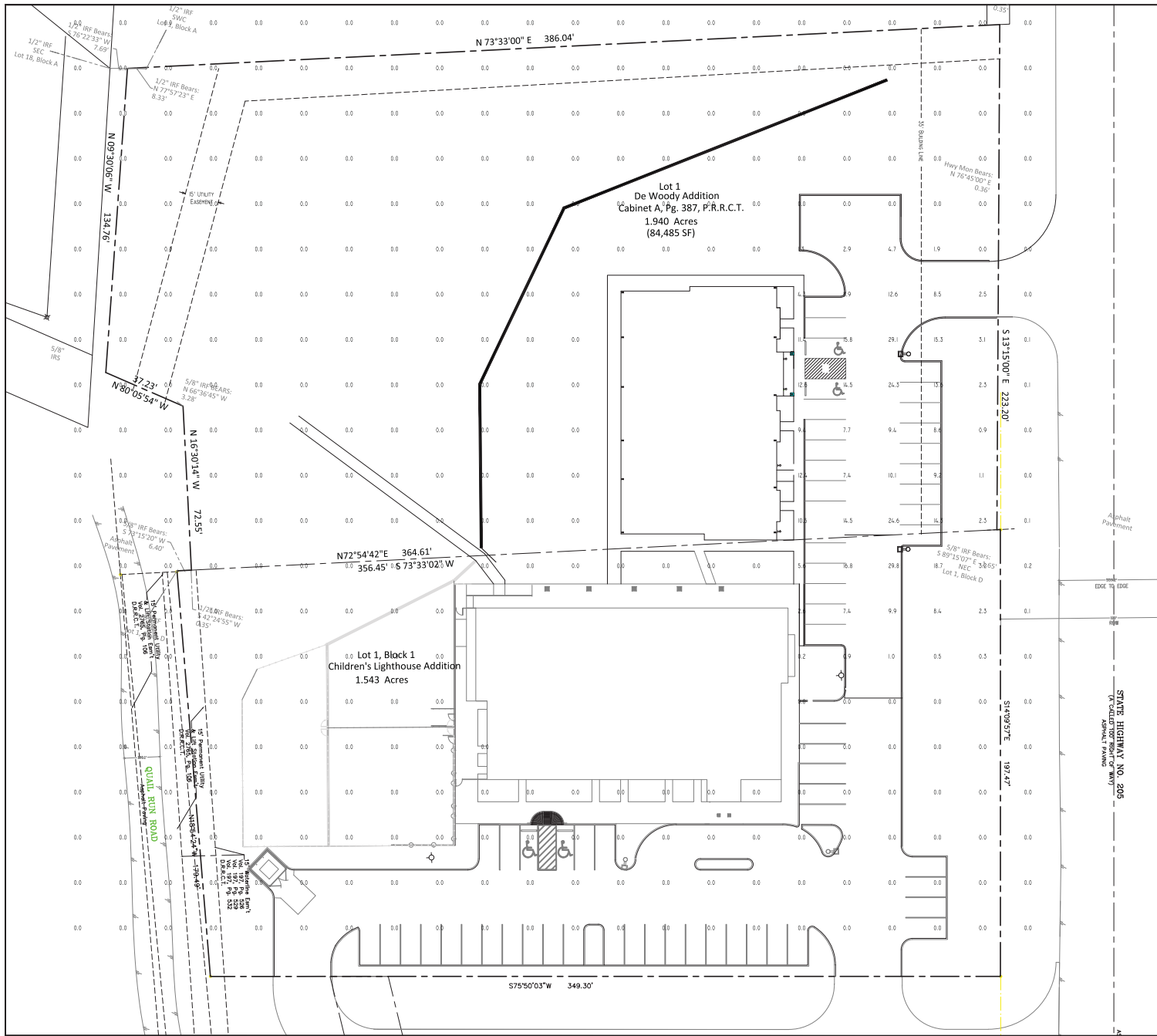
WEST ELEVATION

ELEVATION FINISH MATERIAL TABLE:

ELEVATION (ADJ TO GOLIAD)	STONE	S.F.	%
EAST ELEVATION (ADJ TO GOLIAD)	STONE	582 S.F.	70.8%
	STUCCO	240 S.F.	29.2%
SOUTH ELEVATION	STONE	1015 S.F.	100%
	STUCCO	0 S.F.	0%
NORTH ELEVATION	STONE	835 S.F.	93.2%
	STUCCO	60 S.F.	6.8%
WEST ELEVATION	STONE	878 S.F.	100.0%
	STUCCO	0 S.F.	0%

NOTE:
 1. NO MECHANICAL EQUIPMENT SHALL LOCATED ON THE ROOF.
 2. WINDOWS SHALL HAVE A MAXIMUM EXTERIOR VISIBLE REFLECTIVITY OF 20%.

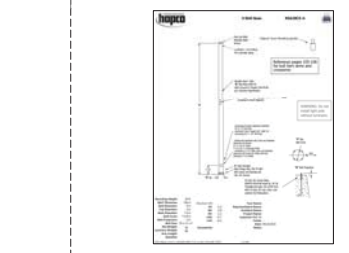
STONE 1: 12"x12" CUT SEA SHELLSTONE
 STONE 2: 8" AUSTIN CAULK



LEDway Straightlight - Type III Medium

Model: LEDway Straightlight - Type III Medium
 Model: LEDway Straightlight - Type III Medium
 Model: LEDway Straightlight - Type III Medium

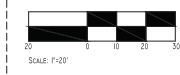
Model	Height	Width	Depth	Weight	Material
LEDway Straightlight - Type III Medium	12.0	12.0	12.0	12.0	Aluminum
LEDway Straightlight - Type III Medium	15.0	15.0	15.0	15.0	Aluminum
LEDway Straightlight - Type III Medium	18.0	18.0	18.0	18.0	Aluminum



- NOTE:**
1. ALL EXTERIOR LIGHT SOURCES ARE TO BE PARTIALLY OR FULLY CUT-OFF, DIRECTED DOWN AND SHIELDED WITH A MAXIMUM ONE INCH REVEAL.
 2. ALL EXTERIOR LIGHT SOURCES ARE NOT TO EXCEED 0.2-FC ALONG PROPERTY LINE, DIRECTED DOWN AND SHIELDED WITH A MAXIMUM ONE INCH REVEAL.

FIXTURE SCHEDULE

SYM	QTY	DESCRIPTION	LAMPS	LUMENS
□	4	LED WALL	1	6,800
□	2	20' LIGHTPOLE	1	60,000



OWNER: H EDA PROPERTIES - L.L.C.
 APAL AND EMILY FERNANDEZ
 3445 FM 544
 WHITE, TX 75081
 ZIL-436-200
 MAIL:EFERNANDEZ@HEDAC.COM

DEVELOPER: DALLAS DESIGN BUILD
 SAM ELLIS
 6500 ECHO CANYON
 ROCKWELL, TX 75070
 972-877-8830
 SAE@DALLASDB.COM

General Notes

CHILDRENS' GHYTHOUSE LEARNING CENTERS
Educational Child Care With a Purpose

Vicinity Map

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No. Revision/Issue Date

No.	Revision/Issue	Date

Dallas Design Build
 1606 Echo Canyon
 Rockwall, TX 75070
 972-877-8830
 sae@dallasdb.com

Project
 3011 N. GOLIAD
 LOT 1
 DE WOODY ADDITION
 ROCKWALL, TX

Description
 PHOTOMETRIC PLAN
 CASE NO. SP016-000

Date
 11/20/15

Drawn By
 SP-2

Scale
 1"=20'

Dallas Design Build

6916 Echo Canyon
McKinney, Tx 75070
972-877-6630
Fax: 877-750-4887
E-Mail: sam@dallasdb.com

Tuesday, August 18, 2015

David Gonzales
City of Rockwall
Planning Department

Re: Childrens Lighthouse Addition

David,

Thank you your help with this project. In regard to the Material Board, please be advise that we will be matching the same stone, stucco, roof and colors of the existing facility. If you need anything further, please advise.

Thanks

Sam Ellis
972-8776630
sam@dallasdb.com\













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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley – City Manager
FROM: Brad Griggs – Assistant City Manager
DATE: September 17, 2015
SUBJECT: Temporary Outdoor Storage

The Wal-Mart located on the north side of I-30 between FM 740 and SH 205 has requested additional outdoor storage of goods in preparation for the Christmas season. In 2012, Wal-Mart requested permission for additional semi-trailers to be parked on their grounds for the storage of merchandise and was granted permission to use a maximum of eight semi-trailers between the first week of November and December 10 plus an additional seven storage containers which could be used between the first week of November and January 10.

For the upcoming Christmas season, Wal-Mart has requested permission to use 26 semi-trailers for merchandise storage between October 1 and January 1. A layout of the proposed location is attached for your review. Although this is significantly above what they have used in the past, the manager has informed us that they ran out of merchandise and had customer complaints.

With this request being brought to the City Council, the staff also requests direction in handling these requests in the future. If the Council desires, similar future requests may be handled administratively or we can continue to present them to the City Council.

Subject:

FW:

From: Jason Kelley - jrkelle.s00259 <jrkelle.s00259.us@wal-mart.com>

Date: September 17, 2015 at 3:10:47 PM CDT

To: "Griggs, Brad" <BGriggs@rockwall.com>

Brad,

The trailers will be used for storage during our Holiday peak season, specifically our "Event" (Black Friday). These trailers are crucial for ensuring we have storage space for the amount of product we will need to have on hand to serve the Rockwall community throughout the holiday season. The dates we will need these trailers will be October 1st through December 1st for side parking lot trailers, which will hold all our our sale merchandise, and October 1st through January 1st for the trailers in the back of the store which will be used to hold our layaway and DOT COM orders that we receive through the holidays. This request is relatively the same as a few years ago when we went through a remodel. Last year we had issues with supply and our customers were unable to get what they wanted, which is why we requested more trailers this year to make sure we take strides to take care of our customers and community.

Thank you,

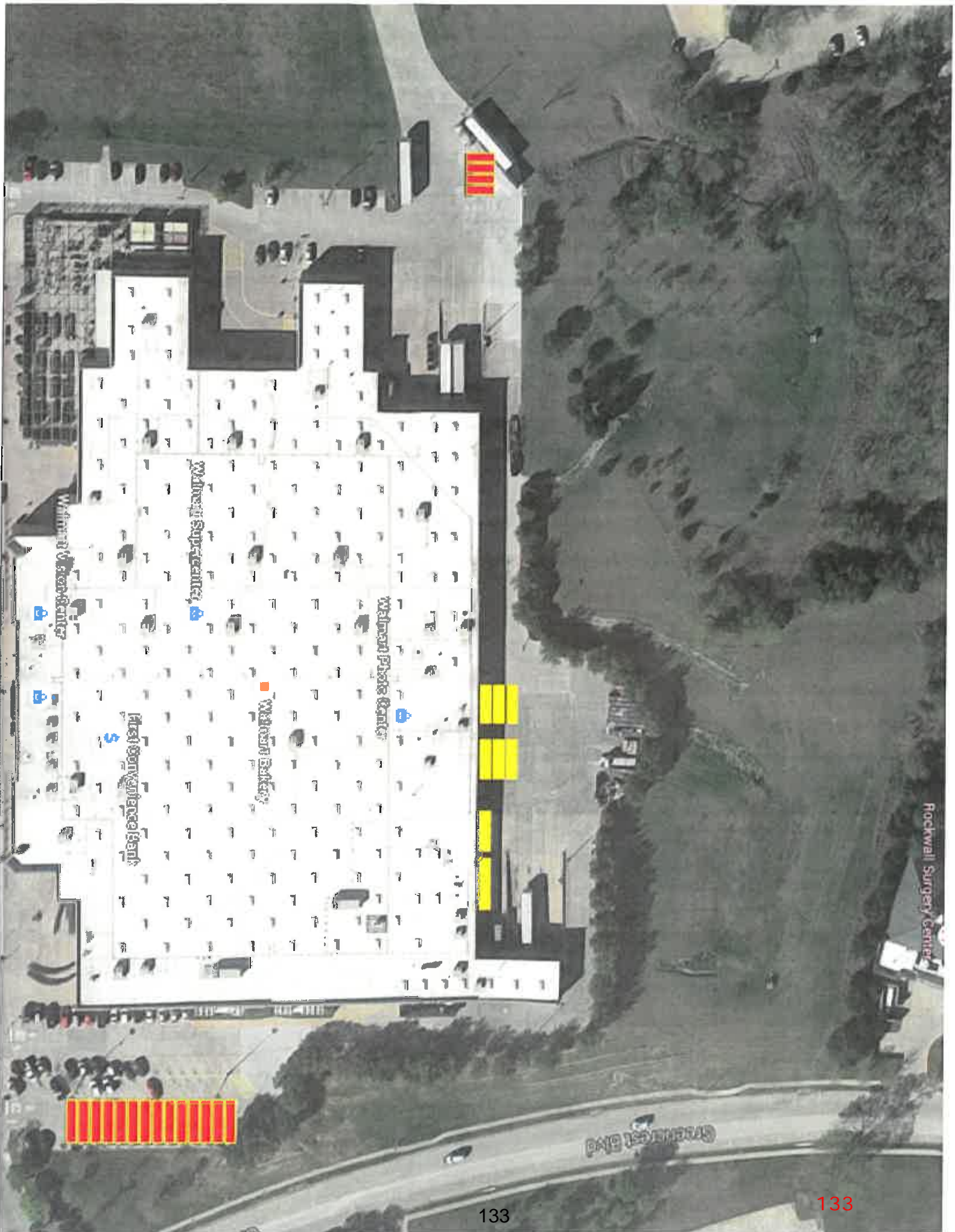
Jason Kelley

Store Manager

Walmart #259

jrkelle.s00259.us@wal-mart.com<<mailto:jrkelle.s00259.us@wal-mart.com>>

This email and any files transmitted with it are confidential and intended solely for the individual or entity to whom they are addressed. If you have received this email in error destroy it immediately. *** Walmart Confidential ***



Walmart Supercenter

Walmart Photo Center

Walmart Bakery

First Bank

Walmart Supercenter

Rockwall Surgery Center

Rockledge Blvd



City of Rockwall
The New Horizon

November 12, 2012

Carol Shaikh
Store Manager, Walmart #259
782 I-30
Rockwall, TX 75087

RE: Storage of semi-trailers and storage containers

Ms. Shaikh:

Following our meeting on site with you, the City of Rockwall can grant permission for the following:

1. **Beginning the first week in November, semi-trailers for storage use on the premises (8 maximum) are allowed and shall be removed by December 10th and;**
2. **Storage containers (7 maximum) located behind the building for layaway and Christmas storage are allowed and shall be removed by January 10th.**

Please contact the City of Rockwall Planning staff at (972) 771-7745 or at the address below with any questions or concerns regarding this matter.

Sincerely yours,

Robert LaCroix
Director of Planning & Zoning



782 I-30
Rockwall, TX 75187
972.771.8309
972.722.3165
www.walmart.com

November 8th, 2012

Robert LaCroy
City of Rockwall Planning Director

Rockwall Walmart Supercenter 0259 would like to request permission for the following :

Semi-trailers for storage use on the premises through first week of December.

Storage containers located behind the building for Layaway and Christmas storage through January 1st, 2013.

The storage trailers will be off the premises by the first week of December while the storage containers will be off the premises by the first week of January.

Sincerely,

Carol Shaikh
Store Manager, Walmart #259
Walmart Stores, Inc.

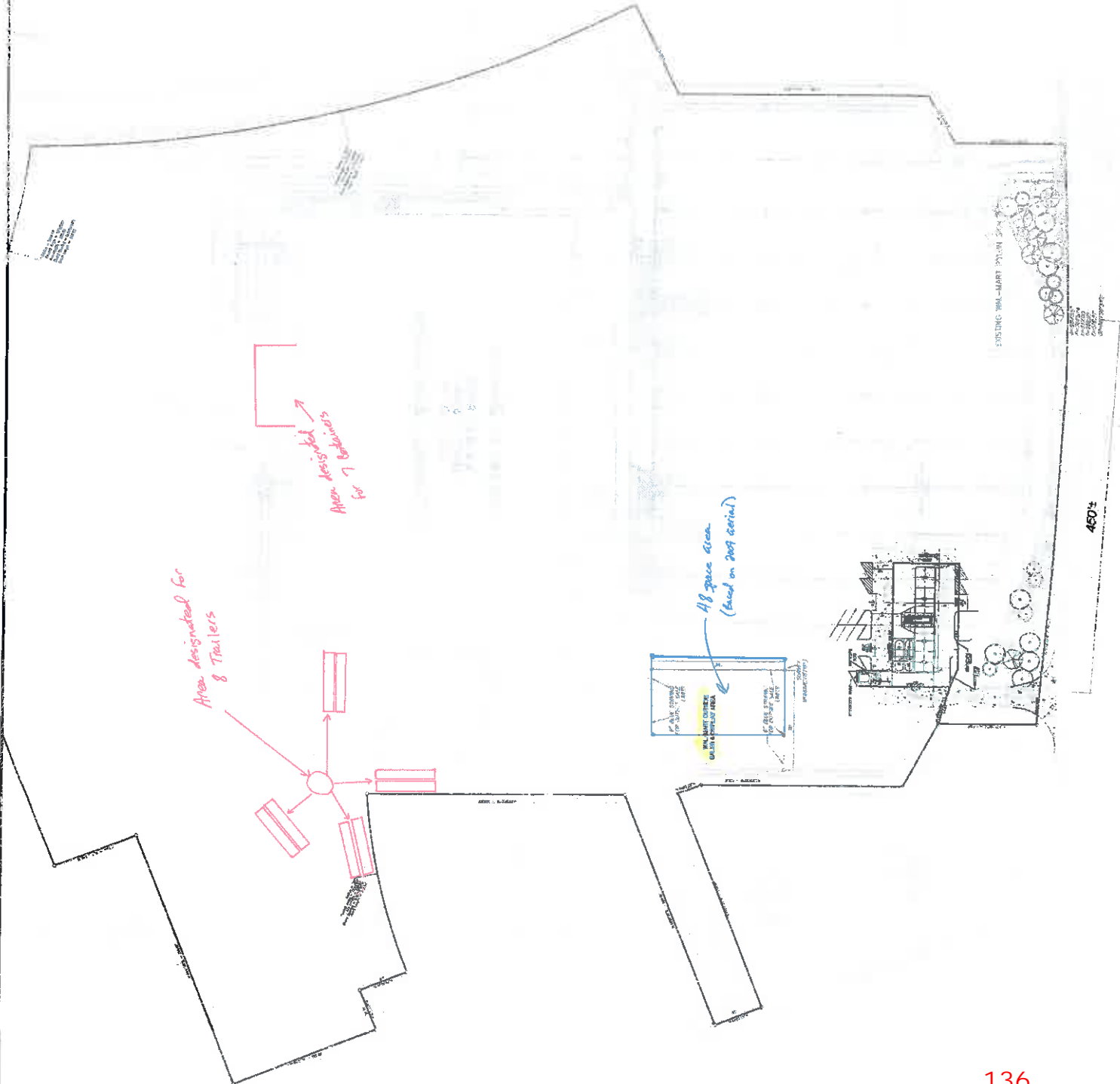


- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA, AND FEDERAL REGULATIONS.
- 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA, AND FEDERAL REGULATIONS.
- 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA, AND FEDERAL REGULATIONS.
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- 5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA, AND FEDERAL REGULATIONS.
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- 8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA, AND FEDERAL REGULATIONS.
- 9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA, AND FEDERAL REGULATIONS.
- 10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA, AND FEDERAL REGULATIONS.

NO.	DATE	DESCRIPTION
1	10/27/24	REVISED PER WMA-MART & CITY'S COMMENTS.
2	10/27/24	REVISED PER WMA-MART & CITY'S COMMENTS.
3	10/27/24	REVISED PER WMA-MART & CITY'S COMMENTS.
4	10/27/24	REVISED PER WMA-MART & CITY'S COMMENTS.
5	10/27/24	REVISED PER WMA-MART & CITY'S COMMENTS.
6	10/27/24	REVISED PER WMA-MART & CITY'S COMMENTS.
7	10/27/24	REVISED PER WMA-MART & CITY'S COMMENTS.
8	10/27/24	REVISED PER WMA-MART & CITY'S COMMENTS.
9	10/27/24	REVISED PER WMA-MART & CITY'S COMMENTS.
10	10/27/24	REVISED PER WMA-MART & CITY'S COMMENTS.

NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA, AND FEDERAL REGULATIONS.
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10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA, AND FEDERAL REGULATIONS.



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CITY OF ROCKWALL, TEXAS

MEMORANDUM

TO: Mayor and City Council

CC: Rick Crowley, *City Manger*
Brad Griggs, *Assistant City Manager*

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

DATE: September 21, 2015

SUBJECT: Landscape Ordinance Review Committee

As part of the *New Volunteer Opportunity Program* initiated by the City Manager's office, the Planning Department was tasked with leading a group of citizens through a comprehensive review of the City's landscape ordinances. The purpose of this exercise was to use local experts and interested citizens to make recommendations to ensure that the ordinances were conservation minded with regard to water usage requirements and policies. Committee members included Tim Nichols, Jan Self, John Thomas and Marcus Yarborough and City Staff members Andy Hesser and Ryan Miller. Through this process, the *Landscape Ordinance Review Committee* identified the following recommendations that could improve water usage with regard to landscaping throughout the City:

- 1) Smart irrigation meters should be required for all new commercial developments.
- 2) The planting requirements for the City's Overlay Districts should be reduced from three (3) canopy trees and four (4) accent trees per 100-linear feet to two (2) canopy trees and four (4) accent trees per 100-linear feet.
- 3) The City's list of acceptable trees, trees to be planted within the landscape buffers of the City's Overlay Districts, and as replacement trees for tree preservation should be changed as stated in the attached packet.
- 4) An appendix should be added to the Unified Development Code that includes recommended planting lists for trees, shrubs, grasses etc.
- 5) Xeriscaping standards should be established as an alternative to conventional landscaping standards for the purpose of incorporating low water use plants and/or pervious hardscapes. Additionally, xeriscaping should be incentivized by allowing a 2.5% reduction in the overall required landscaping percentage for the purpose of making it a more attractive option to developers.
- 6) The screening required of a commercial development when adjacent to a residential development should be changed to include an option to allow a wrought iron fence with landscape screening where applicable.

In addition, City staff would recommend adding the following additional recommendation to address the installation of commercial landscaping during drought conditions:

- 7) During drought or water emergency response stages the Director of Planning and Zoning or his designee can grant an applicant permission to delay the installation of required landscaping to a specified time and date.

In response to the *Landscape Ordinance Review Committee's* recommendations, staff has prepared code amendments showing the proposed changes for the City Council's review. If the City Council chooses to accept the *Landscape Ordinance Review Committee's* recommendations staff will prepare a zoning case in conformance to the procedures stipulated by Section 4, *Unified Development Code Text Amendments*, of Article XI, *Zoning Related Applications*, of the Unified Development Code.

Recommendation 1: Smart irrigation meters should be required for all new commercial developments.

*Municipal Code of Ordinances
Chapter 10. Buildings and Buildings Regulations
Article XVI. Irrigation Code*

Division 1. Generally

Section 10-673: Definitions.

Smart irrigation controller means a signal based device that is capable of automatically adjusting irrigation patterns in response to weather data by monitoring moisture, temperature, humidity and other various environmental conditions.

Division 2. Design, Use and Compliance Standards

Section 10-699: Minimum Standards-Irrigation Plan Design.

- (c) All irrigation plans used for construction must be drawn to scale. The plan must include, at a minimum, the following information:
- (1) The irrigator's seal, signature, and date of signing;
 - (2) All major physical features and the boundaries of the areas to be watered;
 - (3) A north arrow;
 - (4) A legend;
 - (5) The zone flow measurement for each zone;
 - (6) The location and type of each:
 - a. **Smart Irrigation/Irrigation** Controller; and
 - b. Sensor, including, but not limited to, rain, moisture, wind, flow, or freeze;
 - (7) The location, type, and size of each:
 - a. Water source, such as, but not limited to, a water meter and point of connection;
 - b. Backflow prevention device;
 - c. Water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, or micro-sprays;
 - d. Valve, including, but not limited to, zone valves, master valves, and isolation valves;
 - e. Pressure regulation component; and
 - f. Main line and lateral piping;
 - (8) The scale used; and
 - (9) The design pressure.

Section 10-700: Minimum Standards-Design and Installation.

(A) All new commercial irrigation systems must include a smart irrigation controller that is capable of monitoring weather patterns and adjusting the frequency and/or duration of watering in response to changing weather conditions.

Recommendation 2: The planting requirements for the City's Overlay Districts should be reduced from three (3) canopy trees and four (4) accent trees per 100-linear feet to two (2) canopy trees and four (4) accent trees per 100-linear feet.

*Unified Development Code
Article V. District Development Standards*

Section 6.6. IH-30 Overlay (IH-30 OV) District

E.2 Buffer-strip plantings. **Three Two (2)** canopy trees, along with four **(4)** accent trees shall be required per 100 feet of the IH-30 right-of-way as set out below.

Section 6.7. SH-205 Overlay (SH-205 OV) District

E.2 Buffer-strip plantings. **Three Two (2)** canopy trees, along with four **(4)** accent trees shall be required per 100 feet of the SH 205 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in subsections E.3 and E.4.

Section 6.8. Scenic Overlay (SOV) District

F.2 Buffer-strip plantings. **Three Two (2)** canopy trees, along with four **(4)** accent trees shall be required per 100 feet of the FM 740 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in subsections F.3 and F.4.

Section 6.9. SH-66 Overlay (SH-66 OV) District

F.2 Buffer-strip plantings. **Three Two (2)** canopy trees, along with four **(4)** accent trees shall be required per 100 feet of the SH 66 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in subsections F.3 and F.4.

Section 6.10. 205 By-Pass Corridor Overlay (205 BY-OV) District

E.2 Buffer-strip plantings. **Three Two (2)** canopy trees, along with four **(4)** accent trees shall be required per 100 feet of the John King Blvd. right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in section E — (3) and (4). The area of John King Blvd. from Quail Run Road to SH 205 North shall include an average of one cedar tree for each 100 feet of frontage planted in clusters of three to five trees.

Section 6.11. North SH-205 Corridor Overlay (N-SH 205 OV) District

E.2 Buffer-strip plantings. **Three Two (2)** canopy trees, along with four **(4)** accent trees shall be required per 100 feet of the SH 205 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in section E — (3) and (4).

Section 6.12. East SH-66 Corridor Overlay (E-SH 66 OV) District

E.2 Buffer-strip plantings. **Three Two (2)** canopy trees, along with four **(4)** accent trees shall be required per 100 feet of the East SH 66 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in section E — (3) and (4). The East SH 66 Corridor Overlay shall include an average of one cedar tree for each 100 feet of frontage planted in clusters of three to five trees.

Section 6.13. FM-549 Corridor Overlay (FM-549 OV) District

E.2 Buffer-strip plantings. **Three Two (2)** canopy trees, along with four **(4)** accent trees shall be required per 100 feet of the FM 549 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in section E — (3) and (4). The area of the FM 549 Corridor Overlay from Airport Road to SH 66 shall include an average of one cedar tree for each 100 feet of frontage planted in clusters of three to five trees.

Section 6.14. SH-276 Corridor Overlay (SH-276 OV) District

E.2 Buffer-strip plantings. **Three Two (2)** canopy trees, along with four **(4)** accent trees shall be required per 100 feet of the SH 276 right-of-way. Canopy trees, accent trees, and shrubs as defined, along with sizes and types are included in section E — (3) and (4).

Recommendation 3: The City's list of acceptable trees, trees to be planted within the landscape buffers of the City's Overlay Districts and as replacement trees for tree preservation should be changed as follows:

Unified Development Code
Article V. District Development Standards

Section 6.6. IH-30 Overlay (IH-30 OV) District

E.4 Plant material selections. The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:

Canopy trees: **Afghan Pine, Bald Cypress,** Bur Oak, Cedar Elm, **Eastern Red Cedar, Homestead Elm, Lacebark Elm, Little Gem Magnolia,** Live Oak, **October Glory Maple,** Red Oak, **Texas Ash, Texas Red Oak Leyland-Cypress.**

Accent trees: **Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.** ~~Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw.~~

Section 6.7. SH-205 Overlay (SH-205 OV) District

E.3 Plant material selections. The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:

Canopy trees: **Afghan Pine,** Bur Oak, **Caddo Maple,** Cedar Elm, Lacebark Elm, Leyland Cypress, **Little Gem Magnolia,** Live Oak, **October Glory Maple Red Oak.**

Accent trees: **Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.** ~~Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw.~~

Section 6.8. Scenic Overlay (SOV) District

F.4 Plant material selections. The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:

Canopy trees: **Afghan Pine,** Bur Oak, **Caddo Maple,** Cedar Elm, Lacebark Elm, Leyland Cypress, **Little Gem Magnolia,** Live Oak, **October Glory Maple Red Oak.**

Accent trees: **Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.** ~~Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw.~~

Section 6.9. SH-66 Overlay (SH-66 OV) District

F.4 Plant material selections. The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:

Canopy trees: **Afghan Pine,** Bur Oak, Cedar Elm, Lacebark Elm, **Leyland Cypress, Little Gem Magnolia,** Live Oak, **October Glory Maple,** Red Oak, **Texas Ash, Texas Red Oak.**

Accent trees: **Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.** ~~Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw.~~

Section 6.10. 205 By-Pass Corridor Overlay (205 BY-OV) District

E.4 Plant material selections. The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:

Canopy trees: **Afghan Pine, Bald Cypress,** Bur Oak, Cedar Elm, **Eastern Red Cedar, Homestead Elm,** Lacebark Elm, **Leyland Cypress, Little Gem Magnolia,** Live Oak, **October Glory Maple,** Red Oak, **Texas Ash, Texas Red Oak.**

Accent trees: **Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.** ~~Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw.~~

Section 6.11. North SH-205 Corridor Overlay (N-SH 205 OV) District

E.4 Plant material selections. The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:

Canopy trees: **Afghan Pine,** Bur Oak, **Caddo Maple,** Cedar Elm, Lacebark Elm, Leyland Cypress, **Little Gem Magnolia,** Live Oak, **October Glory Maple Red Oak.**

Accent trees: **Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.** ~~Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw.~~

Section 6.12. East SH-66 Corridor Overlay (E-SH 66 OV) District

E.4 Plant material selections. The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:

Canopy trees: **Afghan Pine,** Bur Oak, **Caddo Maple,** Cedar Elm, Lacebark Elm, Leyland Cypress, **Little Gem Magnolia,** Live Oak, **October Glory Maple Red Oak.**

Accent trees: **Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.** ~~Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw.~~

Section 6.13. FM-549 Corridor Overlay (FM-549 OV) District

E.4 Plant material selections. The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:

Canopy trees: **Afghan Pine, Bald Cypress,** Bur Oak, **Caddo Maple,** Cedar Elm, **Lacebark Elm, Leyland Cypress, Little Gem Magnolia,** Live Oak, **October Glory Maple,** Red Oak, **Texas Ash, Texas Red Oak.**

Accent trees: **Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.** ~~Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw.~~

Section 6.14. SH-276 Corridor Overlay (SH-276 OV) District

E.4 *Plant material selections.* The following materials are recommended for planting in the buffer-strip; however, other materials may be acceptable:

Canopy trees: **Afghan Pine, Bald Cypress,** Bur Oak, Cedar Elm, **Eastern Red Cedar, Homestead Elm, Lacebark Elm, Little Gem Magnolia,** Live Oak, **October Glory Maple,** Red Oak, **Leyland Cypress.**

Accent trees: **Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shantung Maple, Yaupon Holly.** ~~Tree Yaupon, Red Bud, Eldarica Pine, Wax Myrtle, Ornamental Pear, Mexican Plum, Possumhaw.~~

Article VIII. Landscape Standards

Section 5.3. Acceptable Landscape Materials

E. Trees allowed in street landscape buffer areas. The following trees are allowed within the street landscape buffers along public streets:

1. **Afghan Pine.**
2. Bald Cypress.
3. Burr Oak.
4. **Caddo Maple.**
5. Cedar Elm.
6. Chinquapin Oak.
7. **Eastern Red Cedar.**
8. Homestead Elm.
9. Lace Bark Elm.
10. **Leyland Cypress.**
11. **Little Gem Magnolia.**
12. Live Oak.
13. October Glory Maple.
14. Pecan.
15. **Red Oak.**
16. Texas Ash.
17. Texas Red Oak.
18. **Chinese Pistachio.**

and various native understory trees such as:

1. **Desert Willow**
2. Downy Hawthorn.
3. **Eastern Redbud**
4. **Eve's Necklace**
5. **Mexican Buckeye**
6. **Possumhaw Holly**
7. **Shantung Maple**
8. **Yaupon Holly**
9. **Texas Redbud.**
10. **Mexican Plum.**
11. **Wax Myrtle.**
12. **Yaupon.**

13. Deciduous Yaupon.

Article IX. Tree Preservation
Section 7. Tree Replacement Credits

D. Types of trees. Replacement trees shall be selected from the following list and shall be a minimum of three caliper inches as measured six inches above the root ball.

Canopy Trees:

1. **Afghan Pine.**
2. **Bald Cypress.**
3. **Burr Oak.**
4. **Caddo Maple.**
5. **Cedar Elm.**
6. **Chinquapin Oak.**
7. **Eastern Red Cedar.**
8. **Homestead Elm.**
9. **Lace Bark Elm.**
10. **Leyland Cypress.**
11. **Little Gem Magnolia.**
12. **Live Oak.**
13. **October Glory Maple.**
14. **Pecan.**
15. **Red Oak.**
16. **Texas Ash.**
17. **Texas Red Oak.**

Accent Trees:

1. **Desert Willow**
2. Downy Hawthorn.
3. **Eastern Redbud**
4. **Eve's Necklace**
5. **Mexican Buckeye**
6. **Possumhaw Holly**
7. **Shantung Maple**
8. **Yaupon Holly**

Evergreen.

- ~~Afghan Pine.~~
- ~~Eastern Red Cedar.~~
- ~~Japanese Black Pine.~~
- ~~Live Oak.~~
- ~~Magnolia.~~

Deciduous.

- ~~Bald Cypress.~~
- ~~Burr Oak.~~
- ~~Cedar Elm.~~
- ~~Chinese Pistachio.~~

Chinquapin Oak.
Eve's Necklace.
Lace Bark Elm.
Aristocrat Pear.
Pecan.
Sweet Gum.
Sycamore.
Texas Ash.
Texas Red Oak.
Possumhaw Holly.

Recommendation 4: An appendix should be added to the Unified Development Code that includes recommended planting lists for trees, shrubs, grasses etc.

(See Appendix F, Landscape Guidelines and Requirements, of the UDC attached to this Memorandum)

Recommendation 5: Xeriscaping standards should be established as an alternative to conventional landscaping standards for the purpose of incorporating low water use plants and/or pervious hardscapes. Additionally, xeriscaping should be incentivize by allowing a 2.5% reduction in the overall required landscaping percentage for the purpose of making it a more attractive option to developers.

*Unified Development Code
Article VIII. Landscape Standards*

Section 3. Definitions

Xeriscaping means type of landscaping design that uses a combination of native plants and grasses, approved hardscapes and drought tolerant ground covers and planting materials for the purpose of conserving water and protecting the local environment.

Section 5.3 Acceptable Landscape Materials

A. Plant materials used to satisfy the requirements of this article must comply with the following minimum size requirements at the time of installation:

- Large trees must have a minimum caliper of three inches, or a minimum height of six feet, depending on the standard measuring technique for the species.
- Shrubs shall be a minimum of three (3) gallons in size.**

E. As an alternative, the xeriscaping standards in Section 5.10 of this Article have been adopted to encourage new and existing developments to implement landscaping standards targeted at reducing water usage by using drought tolerant plantings and plans.

Section 5.10 ~~Deleted.~~ Xeriscaping Standards.

A. Purpose. The purpose of this section is to promote the establishment of water conscious landscaping through the implementation of xeriscaping principles. Additionally, this section is intended to provide an alternative to the typical landscape requirements for commercial properties.

B. Principles. All xeriscaping plans submitted to the city should demonstrate conformance with the following principles:

- 1. Planning and Design.** Landscape designs and plans should take into account the regional and microclimatic conditions of the site, its existing vegetation and topographical conditions, the intended use, and the zoning (*i.e. vegetation zone*) of plant materials according to their unique water needs. Plans should take into account the various heights of landscaping materials. If the landscape plan is proposed in phases, to account for optimum planting times, all future phases should be included on the submitted landscape plan. In reviewing plans to ensure proper site planning and design, staff shall ensure that the plan: 1) preserves and protects existing vegetation, 2) preserves and protects topsoil, 3) stabilizes and covers all bare soil areas, and 4) incorporates energy/water conservation.
- 2. Soil Improvement.** Since soil tends to vary from site to site all soil should be analyzed to determine what plants are suitable to include on the landscape plan and if any soil amendments are required. Soil may require additional organic material be added to ensure the continued health of plants.
- 3. Appropriate Plant Selection.** Plant selection should be based on the plant's adaptability to the existing site conditions and need for supplemental watering. Most xeriscape plants

will not require supplemental watering. In selecting plant materials, mature plants and shrubs should be used to ensure establishment after installation. A list of plants that are native and acceptable within the City of Rockwall has been provided in Appendix F, *Recommended Plantings*, of the Unified Development Code; however, staff may approve alternate plantings if they are deemed appropriate for the site. In reviewing plans for conformance to this principle staff will consider the: 1) diversity of the plant species being proposed, 2) size, maturity and water requirements of the selected plantings, and 3) variation of height, spread and color.

4. **Practical Turf Areas.** The type and location of turf areas are considered to be a major design element in xeriscape plans. Turf in this case involves typical varieties of Bermuda, St. Augustine, Ryegrass blends, etc. The maintenance needs of turf can be minimized by the shape, area, irrigation equipment, and turf type selected. Drainage areas and sloped areas are especially suited to the use of native grasses as opposed to turf. In reviewing plans to ensure that the turf areas being proposed are practical staff will review: 1) the design of the turf areas [*with rounded, compact turf areas being more efficient*], 2) turf areas should be designed to be on a separate zone from other landscaping, 3) turf should be appropriate for the selected location, 4) turf should be avoided on slopes and drainage areas in favor of native grasses, and 5) minimize turf areas by using native grasses, hardscape elements and alternatives.
5. **Efficient Irrigation.** All landscaping is required to have an irrigation system that is designed by a licensed irrigator. Additionally, all irrigation systems should be designed to be water efficient utilizing low-flow irrigation equipment. The plan should show that turf areas should be watered separately, and plants should be grouped in separate zones based on water need. Finally, all irrigation systems are required to be maintained in proper working order.
6. **Use of Mulches.** Mulches minimize evaporation, reduce weed growth, slow erosion and help maintain soil temperature. In reviewing the use of mulches in xeriscape plans staff shall ensure: 1) the use of a deep layer of mulch in planting beds [*typically 3-4 inches*] is utilized, and 2) mulches should be locally or regionally derived materials. Additionally, mulches may include the use of pea gravel, crushed granite, rock or pebbles in unplanted areas.
7. **Appropriate Maintenance.** Proper pruning, weeding and fertilization as required with all landscape plans shall be required. Typically, xeriscape plans require less maintenance, fertilizer and other chemicals and pesticides.

C. Standards.

1. If approved with a Landscape Plan native grasses shall be exempt from the rules and requirements of Section 16-43, *Weeds, Brush and Grass*; however, the grass should be maintained to a height typical for the particular native grass.
2. Drainage or detention areas that utilize native grasses in lieu of turf shall be exempt from the requirements stipulated by Section 5.12.C (*i.e. one [1] tree per every 750 square feet of dry land area*). Instead, a shrub or ornamental grass per every 1,500 square feet of dry land area shall be required to be planted on the site or around the detention area.
3. A maximum of 30% mulches or hardscape is permitted to be incorporated into all xeriscape plans. This may be increased by the Planning & Zoning Commission if deemed appropriate and necessary for the proposed plan.

D. Approval of Xeriscape Plans. All xeriscape plans shall require approval by the Planning & Zoning Commission, upon a recommendation by staff concerning conformance to the requirements of this section, at the time of site plan approval.

~~(Ord. No. 06-14, 4-17-2006)~~

Section 6.4 Credit for Xeriscaping.

The overall landscaping requirement may be reduced by 2.5 percent when the Planning Director or his/her designee determines that the standards stipulated by Section 5.10, *Xeriscaping Standards*, of this Article have been satisfied.

Recommendation 6: The screening required of a commercial development when adjacent to a residential development should be changed to include an option to allow a wrought iron fence and landscape screening where applicable.

*Unified Development Code
Article VIII. Landscape Standards
Section 5. Mandatory Provisions*

Section 5.6. Screening from Residential Uses

- A. Any commercial or industrial use or parking lot that has a side or rear contiguous to any residential district, or any multi-family use with more than five dwelling units or parking lot that has a side or rear contiguous to any single-family, townhouse, or duplex district, shall be screened with a masonry fence (~~excluding~~ tilt wall or concrete block **are prohibited; however, precast walls may be approved by the Planning and Zoning Commission unless approved by the city council**), six **(6)** feet in height, ~~unless otherwise approved by the city council~~. As an alternative, berms in conjunction with a **minimum of a six (6) foot wrought fence** and a combination of trees and shrubs can be utilized to meet ~~this~~ the screening requirements **if the Planning & Zoning Commission determines that the proposed alternative will provide sufficient screening**. The screen shall be located no closer to the street than the property line. Any ordinances concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or driveway.
- B. Prior to construction of any required screens, complete plans showing type of material, depth of beam, and structural support shall be analyzed by the building permit office to determine whether or not:
1. The screen will withstand the pressures of time and nature;
 2. The screen adequately accomplishes the purpose for which it was intended;
 3. Plans shall be sealed by a registered engineer or they shall conform to the city's standard design for screening walls.
- C. Such screen shall be constructed prior to the issuance of a certificate of occupancy for any building or portion thereof.
- D. The areas adjacent to the required screening wall, or areas adjacent to a public street or right-of-way, shall be maintained by the property owner in a clean and orderly condition, free of debris and trash in accordance with the applicable codes of the city.

Recommendation 7: During drought or water emergency response stages the Director of Planning and Zoning or his designee can grant an applicant permission to delay the installation of required landscaping to a specified time and date.

*Unified Development Code
Article VIII. Landscape Standards
Section 7. Completion of Landscaping*

Section 7.1. In Accordance with Approved Plans.

Except as otherwise provided in Subsection 7.2, all landscaping must be completed in accordance with the approved landscape plan before a Certificate of Occupancy may be issued for any building on the lot; **however, during drought or water emergency response stages the Director of Planning and Zoning or his designee can grant an applicant permission to delay the installation of required landscaping (independent of Subsection 7.2) upon receipt of a letter from the applicant stating that the landscaping will be installed by a specific date that is within a reasonable time period not to exceed six (6) months. The Director of Planning and Zoning may extend the agreement for successive terms if the City is still under drought or water emergency response stages.**



TABLE OF CONTENTS

- Section. F.1. Introduction.
- Section. F.2. District Landscaping Requirements.
- Section. F.3. Tree Planting Guidelines & Requirements.
- Section. F.4. Recommended Tree Varieties (*Canopy and Accent*)
- Section. F.5. Recommended Shrub Varieties
- Section. F.6. Recommended Grass Varieties

F.1. INTRODUCTION.

These guidelines were drafted by the citizens and local experts for the purpose of outlining the requirements of Article VIII, *Landscape Standards*, of the Unified Development Code, and to provide guidelines for plantings that are appropriate within the City of Rockwall.

F.2. PURPOSE.

The purpose of the following appendix is to provide a general reference guide for meeting the requirements of Article VIII, *Landscape Standards*, of the Unified Development Code. This appendix is not intended to be a comprehensive list of all plant materials that can be utilized for development within the City of Rockwall. The Director of Planning or his designee can approve a landscape plan that includes tree, shrub, and grass varieties not indicated in this appendix upon a finding that the proposed planting is appropriate for the development.

F.3. DISTRICT LANDSCAPING REQUIREMENTS

		Overlay Districts									NON
		IH-30	SH-205	SOV	SH-66	205-BY	N-205	E-66	FM-549	SH-276	
Landscape Buffer Requirement	10' Landscape Buffer										X
	20' Berm and/or Shrubbery Row (30"-48")	X	X	X	X		X				
	15' Berm and/or Shrubbery Row (30"-48") [<i>Retail/Commercial</i>]					X		X	X	X	
	25' Berm and/or Shrubbery Row (30"-48") [<i>Residential</i>]					X		X	X	X	
	50' Berm and/or Shrubbery Row (30"-48") [<i>Industrial/Research/Technology</i>]					X		X	X	X	
Tree Planting Requirements	1 Canopy Tree for Each 50-Linear Feet of Street Frontage										X
	3, 4" Caliper Canopy Trees for Each 100-Linear Feet of Street Frontage	X	X	X	X	X	X	X	X	X	
	4, 4' Tall Accent Trees for Each 100-Linear Feet of Street Frontage	X	X	X	X	X	X	X	X	X	
	1 Cedar Tree for Each 100-Linear Feet of Street Frontage Planted in Clusters of 3-5 Trees					X		X	X		

References:

- IH-30: Section 6.6, Article V, UDC
- SH-205: Section 6.7, Article V, UDC
- SOV: Section 6.8, Article V, UDC
- SH-66: Section 6.9, Article V, UDC
- 205-BY: Section 6.10, Article V, UDC
- N-205: Section 6.11, Article V, UDC
- E-66: Section 6.12, Article V, UDC

References (Continued):

- FM-549: Section 6.13, Article V, UDC
- SH-276: Section 6.14, Article V, UDC

Abbreviations:

- NON: Non-Overlay Districts



APPENDIX F. LANDSCAPING GUIDELINES & REQUIREMENTS

TREE PLANTING GUIDELINES & REQUIREMENTS.

The following table and guidelines are a summary of the required tree planting requirements stipulated by Article VIII, *Landscape Standards*, of the Unified Development Code.

Table 1.1: Required Trees by District.

	Overlay Districts										NON	XERI	REC
	IH-30	SH-205	SOV	SH-66	205-BY	N-205	E-66	FM-549	SH-276				
Canopy Trees	Afghan Pine	X	X	X	X	X	X	X	X	X	X	X	X
	Bald Cypress	X				X			X	X	X		X
	Burr Oak	X	X	X	X	X	X	X	X	X	X	X	X
	Caddo Maple		X	X			X	X	X		X		X
	Cedar Elm	X	X	X	X	X	X	X	X	X	X		X
	Chinquapin Oak										X	X	X
	Eastern Red Cedar	X				X				X	X		X
	Homestead Elm	X				X				X	X		X
	Lacebark Elm	X	X	X	X	X	X	X	X	X	X		X
	Leyland Cypress		X	X			X	X	X		X		X
	Little Gem Magnolia	X	X	X	X	X	X	X	X	X	X		X
	Live Oak	X	X	X	X	X	X	X	X	X	X		X
	October Glory Maple	X	X	X	X	X	X	X	X	X	X		X
	Pecan										X		X
	Red Oak	X			X	X			X	X	X		X
	Texas Ash	X			X	X			X	X	X		X
	Texas Red Oak	X			X	X			X	X	X		X
Accent Trees	Desert Willow	X	X	X	X	X	X	X	X	X	X	X	X
	Downy Hawthorn										X		X
	Eastern Redbud	X	X	X	X	X	X	X	X	X	X		X
	Eves Necklace	X	X	X	X	X	X	X	X	X	X	X	X
	Mexican Buckeye	X	X	X	X	X	X	X	X	X	X		X
	Possumhaw Holly	X	X	X	X	X	X	X	X	X	X	X	X
	Shantung Maple	X	X	X	X	X	X	X	X	X	X		X
	Flame Leaf Sumac	X	X	X	X	X	X	X	X	X	X		X
Yaupon Holly	X	X	X	X	X	X	X	X	X	X		X	

Abbreviations & References:

- IH-30: Section 6.6, Article V, UDC
- SH-205: Section 6.7, Article V, UDC
- SOV: Section 6.8, Article V, UDC
- SH-66: Section 6.9, Article V, UDC
- 205-BY: Section 6.10, Article V, UDC
- N-205: Section 6.11, Article V, UDC
- E-66: Section 6.12, Article V, UDC
- FM-549: Section 6.13, Article V, UDC
- SH-276: Section 6.14, Article V, UDC
- NON: Non-Overlay Districts
- XERI: Xeriscaping
- REC: Reclamation/Tree Preservation

Prohibited Trees:

- Silver maple (acer saccharinum).
- Box Elder (Acer Negundo).
- Mimosa (Albizia Julibrissin).
- Catalpa (Catalpa sp.).

Prohibited Trees (Continued):

- Catalpa (Catalpa sp.).
- Hackberry, Sugarberry (Celtis sp.).
- Honeylocust (Gleditsia Triacanthos).
- Tulip tree (Liriodendron Tulipifera).
- Chinaberry (Melia Azedarach).
- Sycamore (Platanus Occidentalis).
- Cottonwood, Poplar (Populus sp.).
- Willows (Salix sp.).
- American Elm (Ulmus Americana).
- Siberian Elm (Ulmus Pumilia).
- Jerusalem Thorn/Petuma (Parkinsonia Aculeata).
- Bois D'Arc (Maclura Pomifera).
- Flowering Crabapple varieties (Malus sp.).
- Ginko Tree (Ginko Biloba).
- Peach/Plum varieties.
- Mulberry varieties (Morus sp.).
- Texas Mountain Laurel (Sophora Secundiflora).
- Lilac Chaste Tree (Vitex Agnuscastus).
- Pine Tree Varieties (Pinus So.)



F.4. RECOMMENDED TREE VARIETIES (CANOPY AND ACCENT TREES).

The following information concerning the City's recommended trees was obtained from the Texas A&M Forest Service, *Texas Tree Planting Guide* and all illustrations were provided courtesy of Texas A&M Forest Service Copyright by Robert O'Brien.

Afghan Pine

Latin Name: *Pinus Eldarica*
 Secondary Names: Eldarica Pine, Mondel Pine

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: 35' to 50'
- ✓ Leaf Type: *Evergreen*
- ✓ Growth Rate: Rapid
- ✓ Native: Afghanistan and Central Asia
- ✓ Soil Needs: Requires Well Drained, Dry Soils
- ✓ Tolerances: Salty Soil, Drought, Alkaline Soils [*PH* > 7.5]
- ✓ Features: Soft, Green Needles form a Dense Canopy
- ✓ Uses: Screening and Windbreaks
- ✓ Firewise: No
- ✓ Issues: The pine tip moth can kill new shoots and ruin the shape of the tree. The tree is not tolerant of wet sites.
- ✓ Similar Species: Aleppo Pine (*Pinus Halapensis*)



Bald Cypress

Latin Name: *Taxodium Distichum*
 Secondary Names: Baldcypress

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: 50' to 70'
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Moderate
- ✓ Native: Texas
- ✓ Soil Needs: Will Grow in a Variety of Soils
- ✓ Tolerances: Drought and Poorly Drained Sites
- ✓ Features: Deciduous Conifer with Feather-Like Leaves, Round Seed Balls, and Fibrous Bark
- ✓ Uses: Detention Areas and Poorly Drained Areas
- ✓ Firewise: Yes
- ✓ Issues: Woody 'Knees' and Bagworms
- ✓ Similar Species: Montezuma Balcypress (*Taxodium Mucronatum*)

Bur Oak

Latin Name: *Quercus Macrocarpa*
 Secondary Names: Mossy Cup Oak

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: 40' to 60'
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Moderate to Rapid
- ✓ Native: Texas
- ✓ Soil Needs: Adaptable, Prefers Deeper Soil
- ✓ Tolerances: Salty Soil, Drought, Alkaline Soils [*PH* > 7.5]
- ✓ Features: Unique Leaf Shape, Largest Acorn of any Oak
- ✓ Uses: Drought Tolerant Tree
- ✓ Firewise: Yes
- ✓ Issues: Acorns and leaves can create significant clean-up.
- ✓ Similar Species: White Oak (*Quercus Alba*)





Caddo Maple

Latin Name: *Acer saccharum* 'Caddo'
Secondary Names: Eldarica Pine, Mondel Pine

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: *50' to 60'*
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Slow to Medium
- ✓ Native: Texas
- ✓ Soil Needs: Adaptable
- ✓ Tolerances: Rocky & Alkaline Soils and Drought Tolerant
- ✓ Features: Medium tree with a rounded appearance, dark green foliage that changes to a golden color in the fall.
- ✓ Firewise: Yes
- ✓ Issues: Availability
- ✓ Similar Species: Sugar Maple (*A. saccharum*)



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Cedar Elm

Latin Name: *Ulmus Crassifolia*
Secondary Names: Texas Elm

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: *70' to 90'*
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Moderate
- ✓ Native: Texas
- ✓ Soil Needs: Alkaline Adaptable
- ✓ Tolerances: Drought and Very High Heat
- ✓ Features: Lustrous Dark Green Leaves that are Stiff and Rough to the Touch
- ✓ Uses: Generally a Landscape Tree
- ✓ Firewise: Yes
- ✓ Issues: Aphids, Minor Leaf Beetle & Dutch Elm Disease
- ✓ Similar Species: Winged Elm (*Ulmus Alata*)

Chinquapin Oak

Latin Name: *Quercus Muehlenbergii*
Secondary Names: Chinkapin Oak

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: *40' to 50'*
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Slow to Moderate
- ✓ Native: Texas
- ✓ Soil Needs: Adaptable, Alkaline Soils
- ✓ Tolerances: Drought and Very High Heat
- ✓ Features: Yellow-Green Leaves w/ Small Acorns (~3/4" Long)
- ✓ Uses: Shade Tree
- ✓ Firewise: Yes
- ✓ Issues: Sensitive root system; as little as 1" of fill dirt can hurt the tree.
- ✓ Similar Species: Swamp Chestnut Oak (*Quercus Michauxii*)



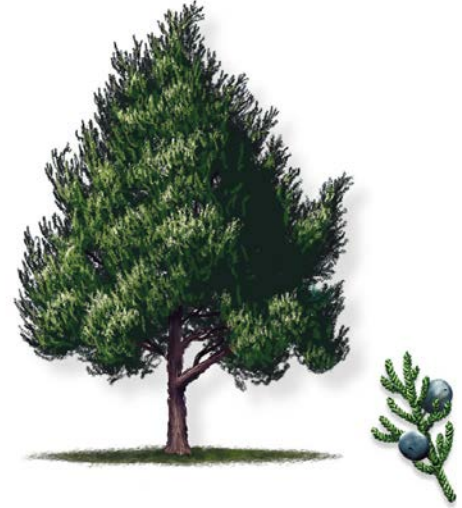
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Eastern Red Cedar

Latin Name: *Juniperus virginiana* var. *virginiana*
 Secondary Names: Pencil Cedar

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: 30' to 50'
- ✓ Leaf Type: *Evergreen*
- ✓ Growth Rate: Medium
- ✓ Native: Eastern North America
- ✓ Soil Needs: Acidic, Alkaline, Loamy, Well-Drained and Clay
- ✓ Tolerances: Drought, Erosion, Dry Soil, Shallow Rocky Areas
- ✓ Features: Scale-like evergreen leaves compacted to form rounded 4-sided branchlets.
- ✓ Uses: Windbreaks and Fence Rows
- ✓ Firewise: No
- ✓ Issues: Cedar apple rust and bagworms.
- ✓ Similar Species: Southern redcedar (*Juniperus virginiana* var. *silicicola*) and Rocky Mountain juniper (*J. scopulorum*)



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Homestead Elm

Latin Name: *Ulmus* 'Homestead'
 Secondary Names: N/A

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: 50' to 60'
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Rapid
- ✓ Native: Texas
- ✓ Soil Needs: Adaptable
- ✓ Tolerances: Drought and Very High Heat
- ✓ Features: Dark green leaves that turn bleach yellow in the fall and greenish tiny multi flowered pendulous racemes in spring.
- ✓ Uses: Shade Tree
- ✓ Firewise: Yes
- ✓ Issues: Resistant to Dutch Elm Disease but Susceptible to Elm Leaf Beetle.
- ✓ Similar Species: N/A. The Homestead Elm is a Hybrid.

Lacebark Elm

Latin Name: *Ulmus Parvifolia*
 Secondary Names:

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: 35' to 50'
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Rapid
- ✓ Native: China, Japan and Korea
- ✓ Soil Needs: Adaptable, Prefers Well Drained Soils
- ✓ Tolerances: Drought, Alkaline Soils [*PH* > 7.5]
- ✓ Features: Variable fall color; interesting bark texture.
- ✓ Firewise: Yes
- ✓ Issues: Requires pruning to develop a strong branch structure.
- ✓ Similar Species: Siberian Elm (*Ulmus Pumila*) and Japanese Zelkova (*Zelkova Serrata*)



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Leyland Cypress

Latin Name: x Cupressocyparis leylandii
Secondary Names: Cypress

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: *60' to 70'*
- ✓ Leaf Type: *Evergreen*
- ✓ Growth Rate: *Rapid*
- ✓ Native: *England and Europe*
- ✓ Soil Needs: *Adaptable*
- ✓ Tolerances: *Drought and Poor Soil*
- ✓ Features: *Deciduous Conifer with Feather-Like Leaves, Round Seed Balls, and Fibrous Bark*
- ✓ Uses: *Screening, Windbreaks, and Non-Residential Landscaping*
- ✓ Firewise: *No*
- ✓ Issues: *Bagworms and Spider mites*
- ✓ Similar Species: *Montezuma baldcypress (Taxodium mucronatum)*



Little Gem Magnolia

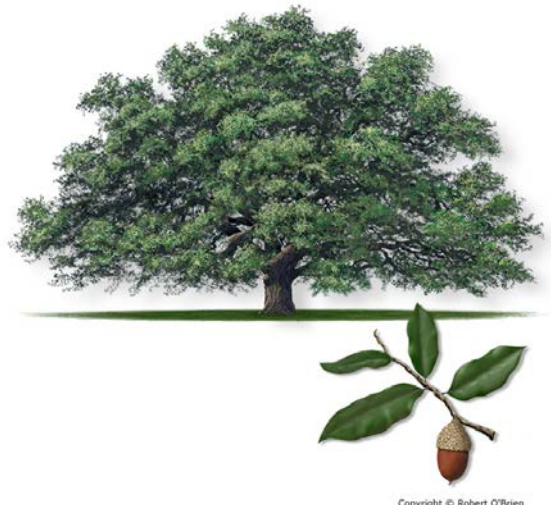
Latin Name: Magnolia grandiflora 'Little Gem'
Secondary Names: Large-Flowered Magnolia

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: *15' to 20'*
- ✓ Leaf Type: *Evergreen*
- ✓ Growth Rate: *Moderate*
- ✓ Native: *Southeast United States*
- ✓ Soil Needs: *Well Drained Soil*
- ✓ Tolerances: *Moderate Drought, Salt and Soil Variation*
- ✓ Features: *Large leathery, dark green and glossy leaves with cup shaped, white flowers and oval aggregation of seed pods 3"-4" long.*
- ✓ Uses: *Shade and Landscape Tree*
- ✓ Firewise: *Yes*
- ✓ Issues: *No Major Problems*
- ✓ Similar Species: *Sweetbay magnolia (Magnolia virginiana)*

Live Oak

Latin Name: Quercus Virginiana
Secondary Names: Coast Live Oak, Southern Live Oak

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: *40' to 50'*
- ✓ Leaf Type: *Evergreen/Semi Evergreen*
- ✓ Growth Rate: *Moderately Fast*
- ✓ Native: *Texas*
- ✓ Soil Needs: *Adaptable, Acidic, Alkaline, Clay, Loamy and Well Drained*
- ✓ Tolerances: *Drought and Very High Heat*
- ✓ Features: *Green to dark green leaves with small acorns about ¾-inch long and borne singly or in clusters up to five.*
- ✓ Firewise: *Yes*
- ✓ Issues: *Leaf Blister and Fungal Gall*
- ✓ Similar Species: *Texas live oak (Quercus fusiformis)*





October Glory Maple

Latin Name: *Acer rubrum* 'October Glory'
 Secondary Names:

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: 40' to 50'
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Moderate to Rapid
- ✓ Native: North America
- ✓ Soil Needs: Adaptable; Prefers Slightly Acidic Soil
- ✓ Tolerances: Moderate Drought Tolerance
- ✓ Features: Soft, Green Needles form a Dense Canopy
- ✓ Uses: Shade Tree
- ✓ Firewise: Yes
- ✓ Issues: Aphids and Leaf Scorch
- ✓ Similar Species: Chalk maple (*Acer leucoderme*)



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Pecan

Latin Name: *Carya Illinoensis*
 Secondary Names: Pecan Hickory

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: 50' to 70'
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Moderate
- ✓ Native: Texas
- ✓ Soil Needs: Adaptable, Prefers Deep Moist Soil
- ✓ Tolerances: Drought, Salty Soil, Poorly Drained Soil, Alkaline Soils [PH>7.5]
- ✓ Features: Nuts are in important wildlife food; mature crown is open and airy.
- ✓ Uses: Generally a Landscape Tree
- ✓ Firewise: Yes
- ✓ Issues: Aphids, Brittle Wood; Susceptible to Insects
- ✓ Similar Species: Water hickory (*Carya aquatica*) & black walnut (*Juglans nigra*)

Red Oak

Latin Name: *Quercus Falcata*
 Secondary Names: Southern Red Oak

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: 30' to 55'
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Rapid
- ✓ Native: Texas
- ✓ Soil Needs: Avoid PH>7.5; Any Texture; Prefers Good Drainage
- ✓ Tolerances: Drought and Very High Heat
- ✓ Features: Young Trees Have 'Candleabra' Shape; Fall Color is Orange to Deep Red
- ✓ Firewise: Yes
- ✓ Issues: Oak Wilt
- ✓ Similar Species: Black oak (*Quercus velutina*)



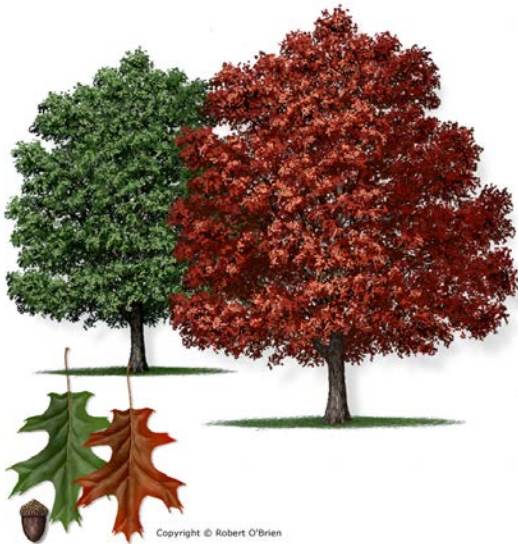
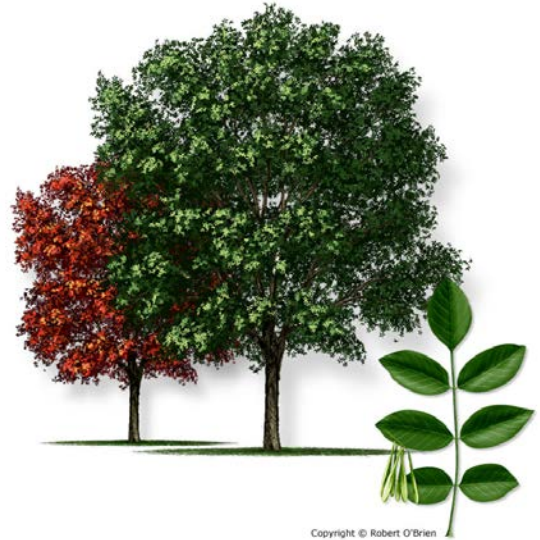
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Texas Ash

Latin Name: *Fraxinus texensis*
Secondary Names: Mountain Ash

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: *35' to 50'*
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Rapid (but Variable)
- ✓ Native: East and Central Texas
- ✓ Soil Needs: Adaptable
- ✓ Tolerances: Drought and Very High Heat
- ✓ Features: Medium sized tree with green or purple flowers and small woody winged samara in long panicles.
- ✓ Firewise: Yes
- ✓ Issues: Poor Drainage Leads to Root Diseases
- ✓ Similar Species: Carolina ash (*Fraxinus caroliniana*) and Gregg ash (*F. greggii*)



Texas Red Oak

Latin Name: *Quercus buckleyi*
Secondary Names: Buckley Oak, Texas Red Oak, Spanish Oak

- ✓ City Tree Classification: *Canopy Tree*
- ✓ Mature Height: *30' to 55'*
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Rapid
- ✓ Native: Central Texas
- ✓ Soil Needs: Alkaline Adaptable
- ✓ Tolerances: Drought and Very High Heat
- ✓ Features: Medium tree with reddish-brown catkins/acorns and slender, dark green leaves that turn red in the fall.
- ✓ Firewise: Yes
- ✓ Issues: Oak Wilt
- ✓ Similar Species: Shumard oak (*Quercus shumardii*)

Desert Willow

Latin Name: *Chilopsis Linearis*
Secondary Names: Desert-Willow

- ✓ City Tree Classification: *Accent Tree*
- ✓ Mature Height: *15' to 20'*
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Medium
- ✓ Native: West Texas
- ✓ Soil Needs: Adaptable, Acidic, Loamy and Well Drained Soil
- ✓ Tolerances: Drought and Very High Heat
- ✓ Features: Multi-Trunked, Well Branched and Thick Growth
- ✓ Uses: Primarily a Landscape Tree; Xeriscaping
- ✓ Firewise: Yes
- ✓ Issues: Susceptible to Alternaria Leaf Spot
- ✓ Similar Species: Flowering Willow, Willowleaf Catalpa, Desert Catalpa, Flor de Mimbres, Mimbre, Bow Willow

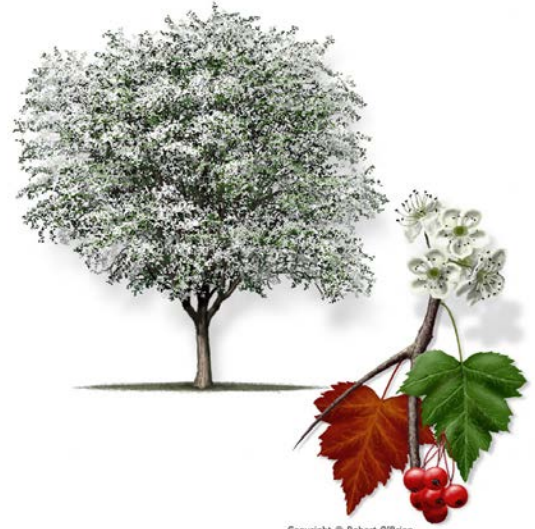




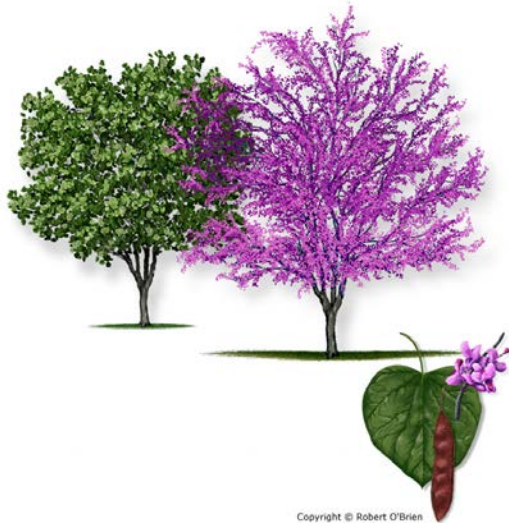
Downy Hawthorn

Latin Name: Crataegus mollis
 Secondary Names: A Variety Of Common Names Often Ending In "Haw" – Are Used For the Individual Hawthorn Species

- ✓ City Tree Classification: *Accent Tree*
- ✓ Mature Height: 20' to 30'
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Slow
- ✓ Native: Eastern and Central United States and Canada
- ✓ Soil Needs: Requires Well Drained, Dry Soils
- ✓ Tolerances: Dry Soil and Drought
- ✓ Features: Small tree with clusters of white flowers and bright red berry fruit.
- ✓ Uses: Landscaping
- ✓ Firewise: Yes
- ✓ Issues: Susceptible to Several Leaf Diseases
- ✓ Similar Species: River birch (Betula nigra) & Gum Bully (Sideroxylon lanuginosum)



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Eastern Redbud

Latin Name: Cercis canadensis var. canadensis
 Secondary Names: Judas-Tree

- ✓ City Tree Classification: *Accent Tree*
- ✓ Mature Height: 20' to 30'
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Medium
- ✓ Native: East Texas
- ✓ Soil Needs: Alkaline, Acidic, Loamy, Sandy and Well Drained
- ✓ Tolerances: Clay Soils and Very High Heat
- ✓ Features: Small tree with pink and purple, rose-purple or white blooms and small flattened pods with brown seeds.
- ✓ Uses: Wildlife and Landscaping
- ✓ Firewise: Yes
- ✓ Issues: Leaf Spots, Dieback/Canker, and Verticillium Wilt
- ✓ Similar Species: Redbud

Eve's Necklace

Latin Name: Sophora affinis
 Secondary Names: Texas Sophora, Eve's-Necklacepod

- ✓ City Tree Classification: *Accent Tree*
- ✓ Mature Height: 15' to 35'
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: Fast (*Generally Slows at 15'*)
- ✓ Native: Central Texas
- ✓ Soil Needs: Alkaline Adaptable
- ✓ Tolerances: Very High Heat
- ✓ Features: Small tree with pale to rosy pink flowers that bloom in the spring and long black segmented seedpods.
- ✓ Uses: Landscape Tree
- ✓ Firewise: Yes
- ✓ Issues: No Problems Reported
- ✓ Similar Species: Black locust (Robinia pseudoacacia)



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Mexican Buckeye

Latin Name: *Ungnadia Speciosa*
Secondary Names:

- ✓ City Tree Classification: *AccentTree*
- ✓ Mature Height: *15' to 30'*
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: *Moderate*
- ✓ Native: *Texas*
- ✓ Soil Needs: *Neutral Alkaline*
- ✓ Tolerances: *Drought, Alkaline Soils [PH > 7.5]*
- ✓ Features: *Pink flowers appear with new leaves; brown fruit husks remain through winter.*
- ✓ Uses: *Generally a Landscape or Specimen Tree*
- ✓ Firewise: *Yes*
- ✓ Issues: *Requires pruning to develop one or more trunks.*
- ✓ Similar Species: *Monillo, Mona, Texas Buckeye, Spanish Buckeye, False Buckeye, Canyon Buckeye*



Possumhaw Holly

Latin Name: *Ilex Decidua*
Secondary Names: *Possumhaw (Deciduous Holly)*

- ✓ City Tree Classification: *Accent Tree*
- ✓ Mature Height: *8' to 10' (Occasionally 20')*
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: *Slow*
- ✓ Native: *Texas*
- ✓ Soil Needs: *Adaptable*
- ✓ Tolerances: *Drought, Poorly Drained Sites, Alkaline Soils [PH>7.5]*
- ✓ Features: *Orange or red berries on gray branches.*
- ✓ Uses: *Generally a Landscape Tree and Detention Tree*
- ✓ Firewise: *Yes*
- ✓ Issues: *Thin Bark Susceptible to Injury*
- ✓ Similar Species: *Bearberry, Meadow Holly, Prairie Holly, Swamp Holly, Welk Holly, Winterberry*

Shantung Maple

Latin Name: *Acer truncatum*
Secondary Names: *Shandong Maple, Purpleblow Maple*

- ✓ City Tree Classification: *Accent Tree*
- ✓ Mature Height: *25' to 35'*
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: *Rapid*
- ✓ Native: *Northern China*
- ✓ Soil Needs: *Loam, Sandy and Clay (Adaptable)*
- ✓ Tolerances: *Moderate Drought*
- ✓ Features: *Medium sized tree with dark green, glossy leaves that change to yellow orange/bright red in the fall.*
- ✓ Firewise: *No*
- ✓ Issues: *Leaf Spot and Leaf Scorch*
- ✓ Similar Species: *Japanese Maples*

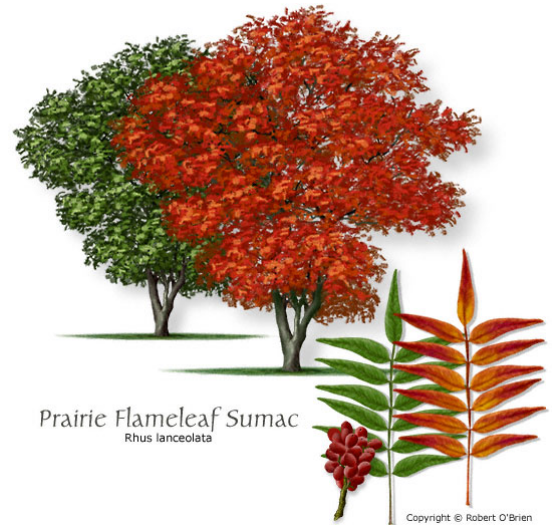




Flameleaf Sumac

Latin Name: *Rhus lanceolata*
 Secondary Names: Prairie Sumac, Prairie Flameleaf Sumac

- ✓ City Tree Classification: *Accent Tree*
- ✓ Mature Height: *40' to 50'*
- ✓ Leaf Type: *Deciduous*
- ✓ Growth Rate: *Moderate*
- ✓ Native: *Texas*
- ✓ Soil Needs: *Neutral Alkaline*
- ✓ Tolerances: *Drought, Alkaline Soils [PH > 7.5]*
- ✓ Features: *Compound leaves turn bright red in fall; white flower spikes bear red clusters of berries.*
- ✓ Uses: *Generally a Landscape Tree*
- ✓ Firewise: *Yes*
- ✓ Issues: *Requies pruning to develop one or more trunks.*
- ✓ Similar Species: *Texas Sumac, Lance-Leaved Sumac, Limestone Sumac and Prairie Shining Sumac*



Yaupon Holly

Latin Name: *Ilex vomitoria*
 Secondary Names: Yaupon, Cassina

- ✓ City Tree Classification: *Accent Tree*
- ✓ Mature Height: *10' to 20'*
- ✓ Leaf Type: *Evergreen*
- ✓ Growth Rate: *Slow*
- ✓ Native: *Southeast United States (Texas)*
- ✓ Soil Needs: *Well Drained, Sandy, Loamy, Clay and Limestone*
- ✓ Tolerances: *Drought and Very High Heat*
- ✓ Features: *Small tree with inconspicuous light green blooms and red berry like drupe.*
- ✓ Uses: *Landscape Tree*
- ✓ Firewise: *Yes*
- ✓ Issues: *Aphids, Minor Leaf Beetle & Dutch Elm Disease*
- ✓ Similar Species: *Evergreen Cassena, Emetic Holly, Indian Black Drink*



APPENDIX F. LANDSCAPING GUIDELINES & REQUIREMENTS

F.5. RECOMMENDED SHRUB VARIETIES

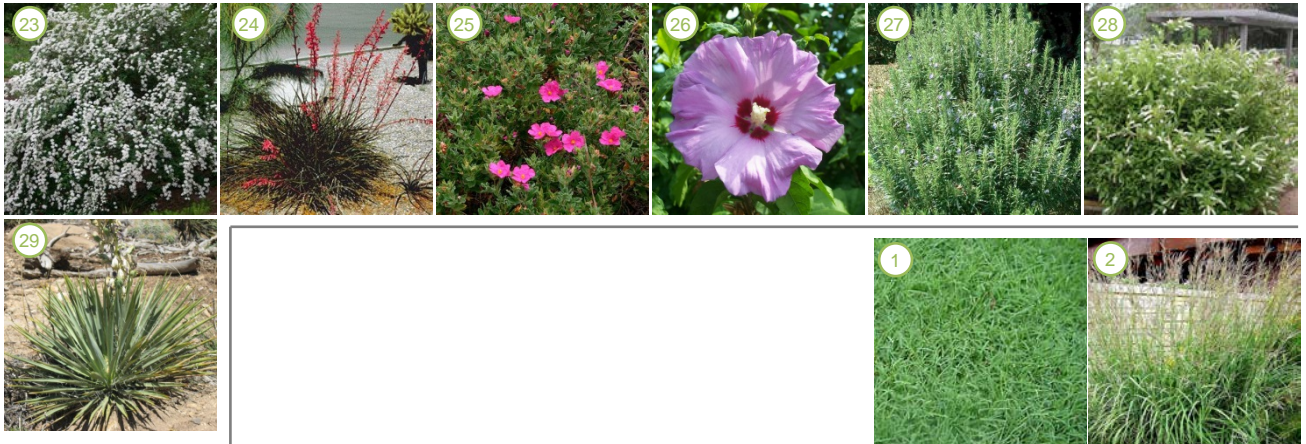
The following are the City of Rockwall's recommended shrub varieties.

	Shrub	Scientific Name	SCR	XERI
1	Agarita	Mahonia Trifoliolata		X
2	Barberry	Berberis Atropurpurea 'Rose Glow'		
3	Barberry	Berberis Thumbergii 'Crimson Pygmy'		
4	Bridal Wreath Spirea	Spiraea Cantoniensis	X	X
5	Cenizo (Texas Sage)	Leucophyllum Sp.	X	X
6	Chinese Fringe	Loropetalum Chinense	X	
7	Dwarf Burford Holly	Ilex Cornuta 'Burfordii Nana'	X	
8	Dwarf Yaupon Holly	Ilex Vomitoria 'Nana'		
9	Elaeagnus	Elaeagnus x Ebbingei	X	
10	Elbow Bush	Forestiera		
11	Evergreen Sumac	Rhus Virens		
12	Forsythia	Forsythia Intermedia 'Spectabilis'		
13	Glossy Abelia	Abelia x Gradiflora		
14	Hogplum	Colubrina Texensis		
15	Indian Hawthorn	Raphiolepis Indica		
16	Juniper	Juniperus Sp.		
17	Japanese Boxwood	Buxus Japonica		
18	Japanese Cleyera	Cleyera Ternstroemia Gymnanthera		
19	Japanese Quince	Chaenomeles Japonica		
20	Mexican Oregano	Poliomentha Longiflora		
21	Nellie Stevens Holly	Ilex 'Nellie R. Stevens'	X	
22	Oleander	Nerium Oledander	X	
23	Pearl Bush	Exochorda Giraldui Wilsonii		
24	Red Yucca	Hesperaloe Parvifolia		X
25	Rock Rose	Pavonia Lasiopetala		X
26	Rose of Sharon	Hibiscus Syriacus	X	
27	Rosemary	Rosmarinus Officinalis		X
28	Virginia Sweetspire	Itea Virginica		
29	Yucca	Yucca Sp.		X



Abbreviations:
 SCR: Screening Shrub
 XERI: Xeriscaping





Abbreviations:
 XERI: Xeriscaping

F.6. RECOMMENDED GRASSES

The following are the City of Rockwall's recommended shrub varieties.

	Shrub	Scientific Name	XERI
1	Bermuda Grass	Cynodon Dactylon	
2	Big Bluestem	Andropogon Gerardii	X
3	Buffalo Grass	Buchloe Dactyloides	X
4	Deer Muhly	Muhlenbergia Rigens	
5	Eastern Gamagrass	Tripsacum Dactyloides	X
6	Fountain Grass	Pennisetum Alopecuroides 'Hamelin'	
7	Feather Reed Grass	Calamagrostis Acutiflora 'Karl Foerster'	
8	Inland Seaoats	Chasmanthium Latifolium	X
9	Japanses Blood Grass	Imperata Cylindrica 'Red Baron'	
10	Little Bluestem	Schixachyrium Scoparium	X
11	Maiden Grass	Adagio, Cabaret, Gracillimus, Morining Light, Varigatus, Zebra Grass	X
12	Mexican Feather Grass	Stipa Tenuissima 'Pony Tails'	X
13	Muhly Grass	Muehelenbergia Lindheimeri	X
14	Prairie Mix	N/A	X
15	Prairie Dropseed	Sporobolus Heterolepsis	
16	St. Augustine Grass	Stenotaphrum Secundatum	X
17	Switch Grass	Panicum Virgatum	X
18	Weeping Love Grass	Eragrostis Curvula	X



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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Mary Smith, Assistant City Manager
DATE: September 18, 2015
SUBJECT: REDC Budget

The Rockwall Economic Development Corporation Board approved the attached budget at their Board meeting on September 17, 2015.

The budget is largely unchanged from this fiscal year's base budget. The EDC having completed the infrastructure and Justin Road projects this summer did not include any major projects in the budget. About \$1million of bond proceeds from 2013 remain which can be used for similar projects. A number of previously contracted incentives are due to be paid in fiscal year 2016. The EDC's unallocated operating reserves will remain \$2.4 million dollars after those payments and operating expenses.

REDC President, Sheri Franza, will be available at the Council meeting to present aspects of the budget and answer any questions.

SUMMARY OF OPERATIONS

Fund

21 Economic Development

	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
Total Revenues	4,843,135	4,710,150	4,959,800	5,151,400
Total Expenditures	7,874,165	10,996,900	9,883,350	6,203,250
Excess Revenues Over (Under) Expenditures	(3,031,030)	(6,286,750)	(4,923,550)	(1,051,850)
Net Other Financing Sources (Uses)	-	-	-	-
Net Gain (Loss)	(3,031,030)	(6,286,750)	(4,923,550)	(1,051,850)
Fund Balance - Beginning	12,553,464	12,874,952	9,523,498	4,599,948
Fund Balance - Ending	9,523,498	6,588,202	4,599,948	3,548,098

SUMMARY OF REVENUES

Fund

21 Economic Development

71 EDC Administration

Account	Description	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
4150	Sales Tax	4,600,423	4,539,100	4,788,750	4,980,350
4001	Interest Earnings	1,918	2,500	2,500	2,500
4019	Misc. Revenue	498	-	-	-
4020	Interest/Reserve Fund	3,067	1,000	1,000	1,000
4160	Harbor Tax Rebates	160,000	167,550	167,550	167,550
4450	Technology Park Sales	100	-	-	-
4500	Grant Proceeds-TxDOT	77,129	-	-	-
Total Revenues		4,843,135	4,710,150	4,959,800	5,151,400

SUMMARY OF EXPENDITURES

Fund

21 Economic Development

	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
REDC Administration	1,073,561	2,711,450	3,144,350	2,963,500
Promotions & Marketing	239,288	252,500	252,500	252,500
Capital Projects	3,361,846	4,833,500	3,287,050	-
Debt Service	3,199,470	3,199,450	3,199,450	2,987,250
Total Expenditures	7,874,165	10,996,900	9,883,350	6,203,250

Marketing Cap Allowable Carryover per Statute \$ 1,977,384

DIVISION SUMMARY

Fund	Department	Division
21 Economic Development	70 Economic Development	71 Economic Develop.

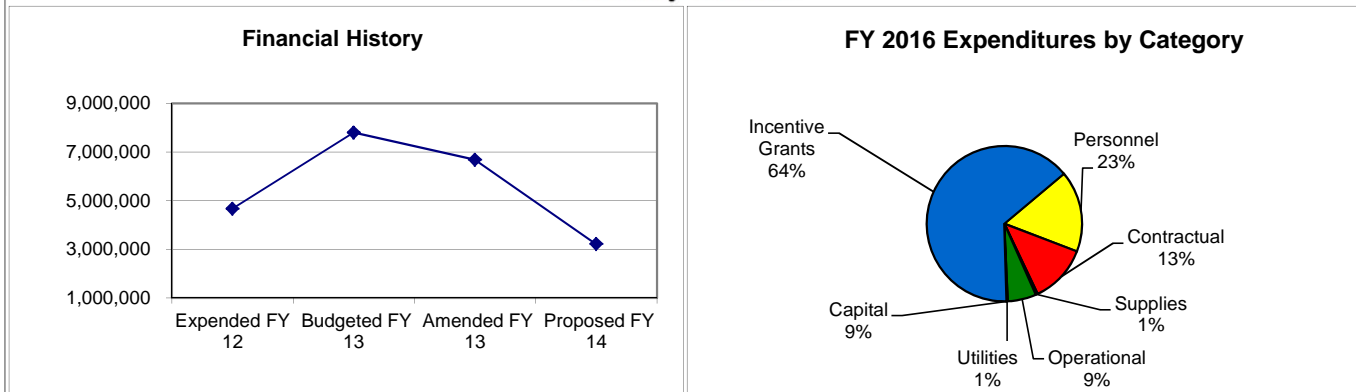
Expenditure Summary

	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
Personnel	457,011	559,400	608,150	544,300
Contractual	408,204	390,400	390,400	390,400
Supplies	10,490	13,800	17,800	13,800
Operational	132,655	176,950	173,700	191,600
Utilities	7,587	8,500	8,500	8,500
Capital	3,361,846	4,833,500	3,287,050	-
Incentive Grants	296,902	1,814,900	2,198,300	2,067,400
Total	4,674,695	7,797,450	6,683,900	3,216,000

Personnel Schedule

<u>Position</u>	<u>FY 15 Approved</u>	<u>FY 16 Proposed</u>
Economic Development Corporation President	1	1
Director of Business & Project Development	1	1
Director of Marketing	1	1
Executive Assistant	1	1

Activity Trends



ECONOMIC DEVELOPMENT

Fund	Department	Division
21 Economic Development	70 Economic Develop.	71 Economic Develop.

Account Description	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
Personnel				
Salaries - Wages & Incentives	350,157	433,550	468,500	414,150
Total Salaries - Wages Incentives	350,157	433,550	468,500	414,150
120 FICA & Medicare	23,778	31,350	35,850	31,700
122 Retirement	56,053	67,600	76,900	67,950
128 Ins. Unemployment	523	400	400	2,000
224 Workers Comp.	500	500	500	500
230 Health Insurance	26,000	26,000	26,000	28,000
Total Benefits	106,854	125,850	139,650	130,150
Total Personnel Costs	457,011	559,400	608,150	544,300
Contractual				
210 Auditing	1,500	1,500	1,500	1,500
211 Legal	47,970	60,000	60,000	60,000
213 Consulting Fees	75,161	60,000	60,000	60,000
217 IT Services	11,967	13,000	13,000	13,000
223 Insurance - Blanket Surety Bond	100	100	100	100
227 Insurance - Property	1,800	1,800	1,800	1,800
229 Insurance - Liability	500	500	500	500
232 Temporary Labor	1,988	5,200	5,200	5,200
234 Marketing Expenses	203,811	180,000	180,000	180,000
242 Equipment Rental & Lease	8,326	8,500	8,500	8,500
243 Building Lease	43,081	44,800	44,800	44,800
244 Building Repairs	-	3,000	3,000	3,000
299 Administrative Services	12,000	12,000	12,000	12,000
Total Contractual	408,204	390,400	390,400	390,400

Annual Budget, Economic Development Cont'd

Account Description	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
Supplies				
301 Office Supplies	6,444	6,500	6,500	6,500
307 Postage	1,685	3,000	7,000	3,000
310 Printing & Binding	1,948	4,000	4,000	4,000
347 Gen. Maint. Supplies	413	300	300	300
Total Supplies	10,490	13,800	17,800	13,800
Operational				
410 Dues & Subscriptions	2,624	2,000	2,000	2,000
428 Meeting Expenses - Other	6,911	7,000	7,000	7,000
430 Tuition & Training	3,643	2,500	2,500	2,500
436 Travel	10,619	30,000	30,000	30,000
437 Marketing Conferences	12,552	12,500	12,500	12,500
438 Prospect Visits	12,306	30,000	30,000	30,000
439 Common Area Maintenance-Park	84,000	92,950	89,700	107,600
Total Operational	132,655	176,950	173,700	191,600
Utilities				
507 Telephone	7,587	8,500	8,500	8,500
Total Utilities	7,587	8,500	8,500	8,500
Capital				
612 Computer Equipment	2,153	-	5,000	-
678 Phase IV Eng/Construction	2,873,573	1,823,000	1,007,050	-
698 Justin Rd. Extension	486,120	3,010,500	2,275,000	-
Total Capital	3,361,846	4,833,500	3,287,050	-
Incentives				
660 Due Diligence	652	2,000	2,000	2,000
661 Contracted Incentives	296,250	1,812,900	2,196,300	2,065,400
Total Incentives	296,902	1,814,900	2,198,300	2,067,400
Division Total	4,674,695	7,797,450	6,683,900	3,216,000

ECONOMIC DEVELOPMENT

Fund	Department	Division
21 Economic Development	70 Economic Develop.	71 Economic Develop.

Account	Description	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
Debt Service					
750	Administration Fees	4,500	4,500	4,500	4,500
752	Principal - Bonds	1,785,000	1,785,000	1,785,000	1,685,000
754	Interest - Bonds	1,409,970	1,409,950	1,409,950	1,297,750
Total Debt Service		3,199,470	3,199,450	3,199,450	2,987,250

Detail	Principal	Interest
2006-Hospital	155,000	95,625
2006-Justin Road	105,000	63,969
2008-Land Purchase	180,000	248,500
2008-Infrastructure	260,000	214,488
2011-HH Project	190,000	159,125
2012-Ref. Bonds (1999)	345,000	28,300
2013- Infrastructure	285,000	277,988
2013 Land Purchase	165,000	209,760
	1,685,000	1,297,755

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Mary Smith, Assistant City Manager
DATE: September 18, 2015
SUBJECT: RTPA Budget

The Rockwall Technology Park Association Board met Thursday September 18, 2015 to approve the budget for maintenance of the Tech Park. The budget includes a slight increase in the park maintenance budget to reflect more frequent mowing intervals on the former Hitt property and a reserve for irrigation system repairs.

REDC President, Sheri Franza, will be available at the Council meeting to answer any questions about the proposed budget.

SUMMARY OF OPERATIONS

Fund

22 Tech Park Association

	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
Total Revenues	138,355	168,100	159,100	185,100
Total Expenditures	141,545	168,100	159,100	185,100
Excess Revenues Over (Under) Expenditures	(3,189)	-	-	-
Net Other Financing Sources (Uses)	-	-	-	-
Net Gain (Loss)	(3,189)	-	-	-
Fund Balance - Beginning	37,415	37,415	34,226	34,226
Fund Balance - Ending	34,226	37,415	34,226	34,226

SUMMARY OF REVENUES

Fund

22 Tech Park Association

RTPA

Account	Description	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
4470	RTP Dues - Tenants	84,000	79,150	69,400	77,500
	REDC Cam Dues	54,345	88,950	89,700	107,600
Total Revenues		138,355	168,100	159,100	185,100

DIVISION SUMMARY

Fund	Department	Division
22 Tech Park Association	70 Economic Development	RTPA

Expenditure Summary

	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
Contractual	120,953	124,300	124,300	141,300
Supplies	8,101	10,300	10,300	10,300
Utilities	12,491	33,500	24,500	33,500
Total	141,545	168,100	159,100	185,100

ECONOMIC DEVELOPMENT

Fund	Department	Division 75
22 Tech Park Association	70 Economic Develop.	RTPA Developed Phases

Account	Description	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
Contractual					
210	Auditing	500	500	500	500
227	Insurance - Property	900	900	900	900
247	Landscape/Irrig Maint	105,813	104,000	104,000	110,000
299	Administrative Svcs	2,000	2,000	2,000	2,000
Total Contractual		109,213	107,400	107,400	113,400
Supplies					
329	Flag Replacements	6,000	6,000	6,000	6,000
347	Gen. Maint. Supplies	-	1,000	1,000	1,000
Total Supplies		6,000	7,000	7,000	7,000
Utilities					
501	Electric	728	2,000	2,000	2,000
513	Water	6,247	20,000	11,000	20,000
Total Utilities		6,975	22,000	13,000	22,000
Division Total		122,188	136,400	127,400	142,400

ECONOMIC DEVELOPMENT

Fund	Department	Division 77
22 Tech Park Association	70 Economic Develop.	RTPA Undeveloped Phases

Account	Description	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
Contractual					
227	Insurance - Property	900	900	900	900
247	Landscape/Irrig Main incl. mowing EDC owned lots	10,840	16,000	16,000	27,000
Total Contractual		11,740	16,900	16,900	27,900
Supplies					
329	Flag Replacements	2,101	3,000	3,000	3,000
347	Gen. Maint. Supplies	-	300	300	300
Total Supplies		2,101	3,300	3,300	3,300
Utilities					
501	Electric	1,872	1,500	1,500	1,500
513	Water	3,644	10,000	10,000	10,000
Total Utilities		5,516	11,500	11,500	11,500
Division Total		19,357	31,700	31,700	42,700

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Hotel Occupancy Tax Sub-committee Members
FROM: Mary Smith, Assistant City Manager
DATE: September 2, 2015
SUBJECT: Request for Funding Allocation – Multiple Projects

The City received a supplemental funding request for hotel occupancy tax revenues from The Colbert Project. Copies of the Funding Request Questionnaire and supporting narrative is attached for your review. Their request totals \$40,000 for promotion of their fourth annual Firefighters Ball, which was held at the Hilton on August 29. The subcommittee recommends \$6,700 award for promotional expenses.

In addition, Musicfest requested more funds for the 2015 Labor Day concert. The original application was for \$18,000 and the Council awarded \$8,000. The City Recreation staff has been asked to assist with coordination of the event – in a similar manner as they did for the Memorial Day concert. A supplemental request for an additional \$4,860 has been submitted and is recommended for funding.

Also, in 2014 the City hosted “Rib, Rub and Run” received hotel tax funding. This event was in transition from the Mainstreet program to the Recreation department at the time and a request for 2015 hotel tax funding was inadvertently not prepared. The event brings many people to the downtown area and to area hotels. Funding is requested in the amount of \$10,000 and is recommended by the subcommittee. In addition, the City is hosting the TAAF conference at the Hilton next week. Having originally allocated \$6,000, the committee is recommending an additional \$3,000 for conference expenses.

Included in the Chamber of Commerce report for fiscal year 2015, which is attached in the Council packet, is a request to reallocate \$37,590 of previously allocated funding for the Chamber’s boat show, which had to be cancelled for 2014 due to low lake levels. The Chamber has been paid the funds, has retained them, and is now asking to be allowed to use the funds for the purpose to support, produce, publish and distribute three Rockwall-centric magazines. The subcommittee is not recommending funding and instead is requesting the funds be netted against the payment to be allocated for fiscal year 2016.

Prior to Council action on the above, the Hotel Occupancy Tax budget is as follows:

Fund Balance carried forward	\$ 144,140
Amended Revenues	325,000
Previously Allocated Funding	<u>(333,765)</u>
Projected Fund Balance	\$ 135,375



City of Rockwall
The New Horizon

Hotel Occupancy Tax Program Year 2015 Application

MUST BE TYPED or PRINTED

DELIVER TO:

City of Rockwall Finance Office
Attn: Lea Ann Ewing
385 S. Goliad St., Rockwall, TX 75087
972-771-7700 lewing@rockwall.com

Organization Name: The Colbert Project
Name of Event: 2015 Firefighter's Ball
Date(s) of Event: August 29, 2015
Funding Request \$: 41,427.71
Website Address: www.thecolbertproject.org
Mailing Address: P.O. Box 818 Rockwall, Tx 75087
Physical Address:
Telephone: 469-338-6387

Fax:

Primary Contact Name: Emily Colbert
(Project Director)
Mailing Address: 2020 W FM 550 Rockwall, Tx 75032

Email Address: emily@thecolbertproject.org
Telephone: 469-338-6387

Fax:

Secondary Contact Name: Devon Colbert
(President/Board Chairman)
Mailing Address: 2020 W FM 550 Rockwall, Tx 75032

Email Address: devon@thecolbertproject.org
Telephone: 214-923-4189

Fax:

- ▶ COMPLETE AN APPLICATION FOR EACH EVENT/PROGRAM/EXHIBIT REQUESTING FUNDS
- ▶ INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED TO THE COUNCIL SUBCOMMITTEE

1. Mark an "X" next to the category or categories that your organization is requesting funds in the attached budget request.

X **Advertising/Tourism** **Requested funding amount \$41,437.71**

Conducting solicitation or promotional programs that encourage tourists and delegates to come to the City of Rockwall.

Arts **Requested funding amount \$**

Providing encouragement, promotion, improvement and application of the arts as it relates to the presentation, performance execution or exhibition of the major art forms in the City of Rockwall.

Historical **Requested funding amount \$**

Providing historical restoration, preservation, programs and encouragement to visit preserved historic sites or museums located in the City of Rockwall.

2. Briefly state the purpose of your organization/mission statement:
Our mission is to provide financial assistance to fire families who have found themselves facing financial strife brought on by illness or off duty injury.
3. Does your organization have paid staff? *No*
Full-Time # Part-Time
4. Does your organization use volunteers? *Yes*
Approximately how many? *25-50*
5. Is the event/program that the organization is requesting Hotel Tax funds held in/on City-owned property? *Yes*
Name location: *Hilton Bella Harbor in Rockwall off of Lake Ray Hubbard*

If you are holding your event in/on city-owned property, the City may, in lieu of funds, donate the cost of the facility/property rental for that event.
6. Will your event be held in "The Downtown" or adjacent to *Lake Ray Hubbard*?
Name location: *adjacent to Lake Ray Hubbard*
7. Will your organization provide special event insurance coverage for the event/program if held on City property?
Name of Insurance Company:
8. List all other sources of funding your organization receives for this event. Include event budget (use the required budget form attached). *We currently receive funding to hold our event through multi level sponsorship opportunities.*
9. List the programs, activities, exhibits, or event for the upcoming fiscal year (Oct. 1, 2014-Sept. 30, 2015) that the requested Hotel funding will support partially or in full. *At this time we have put our main focus to our annual event, the Firefighter's Ball. As more departments and individuals become aware of our foundation and*

mission it is our hope to add additional fundraising events. We have discussed adding a department chili cook off. However, there are no dates for this at this time as location will be key in planning such endeavor.

10. Provide 3 years attendance history for the above listed programs, activities, exhibits or event in #9 above.

Event	Year	Event Duration (in Days)	Audience Size	# of Attendees in hotel rooms
2013 Firefighter's Ball	2013	1	589	200
2014 Firefighter's Ball	2014	1	568	200
2015 Firefighter's Ball August 29, 2015	2015	1	650	200

11. How do the requested budget expenditures meet the definition of the categories marked in #1? Advertising/Tourism, Arts, Historical
 Funding will be utilized for a multitude of ways to advertise and promote our event. In doing this we continue to host an annual sold out event in the city of Rockwall. *Advertisement is our direct tool for our guests to know information pertaining to our event as well as date. Because we host the event at the Hilton majority of our guests attending will not only be present for our fundraising efforts but will also be booking rooms to stay overnight following event.*
12. What specific market will you target with the event/program's marketing plan? Attach up to 3 examples and evidence of marketing area and readership (Label Exhibit C). *Local and surrounding fire departments along with non fire service attendees through use of print media, social media and new to us this year our website*
13. Describe in detail how your event/program will promote tourism and the hotel industry in Rockwall. *During our event we average 550-650 guests in one day. We see this as a direct way for individuals who may not otherwise come to the Rockwall area to see the wonderful amenities within our community. In hosting such a large and diverse event in Rockwall our guests get the exposure of our wonderful community, shops and restaurants. Many of these local shops and restaurants continue to be supporters in our efforts by providing items to our live*

and silent auctions. It is our goal in hosting this event to not only raise funds for our recipient but promote to buy from small business and purchase local.

14. Describe the organization's long-term plan (3-5 year) in regard to the program/event that funds are being requested. *To be able to continue growing awareness of our foundation, its mission and services provided.*
15. The City of Rockwall must require segregated accounting of its Hotel funds. Organizations must maintain and account for revenue provided from the tax authorized by section 351.101(a) within one of the two options listed below.
- a) Separate checking account without combining with any other revenues or maintained in any other bank account or
 - b) Maintain a line item accounting, whereby the Hotel revenues may not be combined with any other revenues or expenditures. The funds may be maintained in the same bank account, provided they are reported as a separate line item in the organization's budget. Interest earned on the Hotel revenues must be used to support the event/program as well.

Will the organization be able to segregate the accounting process in either a) or b) above? YES

16. Provide all of the following documentation with this application and label each as outlined below.

Exhibit A	Proposed budget for each event/program using attached form
Exhibit B	Letter of determination certifying federal tax exempt 501(c)(3) status
Exhibit C	Examples and evidence of marketing area and readership (limit 3)
Exhibit D	List members of the governing body including name, position, mailing address and phone number

We certify, to the best of our ability, that the information in this application, including all exhibits and supporting documentation is true and correct to the best of our knowledge. It is understood and agreed that any funds awarded as a result of this application will be used for the purpose set for herein and the program guidelines.

President/Board Chairman:

Print Name

Signature

Date 7-14-15

Event/Program Director:

Print Name

7-14-15

Signature

Date

Both signatures are required for application to be considered complete.

EXHIBIT A

**Hotel Occupancy Tax Funding Request
Event/Program Budget - Program Year 2015**

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request.

Organization Name: The Colbert Project
 Event/Program Name: Firefighter's Ball 2015
 Requested Funding: \$ \$41,437.71

Expenses (for this project only)	Funding Request	Cash from all other sources	In-Kind, no cash Paid (value of volunteered services or goods)	Total a + b + c
	a	b	c	= d
1. Personnel	0			
Administrative	0			
Artistic	0			
Technical	0			
Other personnel	0			
2. Fees for outside professional service	0			
Administrative	0			
Artistic	\$1,000.00			
Technical	\$5,162.00			
3. Space Rental	\$22,750.00			
4. Equipment Rental	\$4,814.00			
5. Travel/Transportation	0			
6. Promotion/Printing	\$6,667.55			
7. Costumes/Royalties	0			
8. Other (supplies, postage etc.)	\$1,044.16			
9. Sub -Totals	\$41,437.71			
10. Total Expenses				\$41,437.71

Revenues (for this project only)		
1. Total Amount of funding request	\$40,873.71	
2. Admissions (ticket and concessions)	\$75.00	

3. Donations		\$2,950.00			
4. Organizational funds budgeted					
5. Grants (State)		0			
6. Other (list):		0			
7. Other (list):		0			
8. Other (list):		0			
9. Other (list):		0			
10. Total income and contributions					
11. Total In-Kind					
12. Total Revenues					
Financial Information (for this project only)					
Fiscal Year		2011	2012	2013	2014
Total Revenues		0	0		
Total Expenses		0	0		
Total Prior Year Hotel funds awarded		0	0		

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUN 30 2015

COLBERT PROJECT
C/O EMILY COLBERT
2020 W FM 550
ROCKWALL, TX 75032

Employer Identification Number:
47-1548459
DLN:
17053148316005
Contact Person:
SARA S REPENNING ID# 31797
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
June 23, 2015
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 947

COLBERT PROJECT

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,

A handwritten signature in black ink that reads "Tamera Ripperda". The signature is written in a cursive, flowing style with a large initial 'T'.

Director, Exempt Organizations

EXHIBIT A SUMMARY

Yes/No	Description	Amount
	2. Artistic:	
✓	-DJ	\$1,000.00
✓	-Technical (PSAV Sound & Audio)	\$5,162.00
✓	3. Space Rental (Hilton Bella Harbor)	\$22,750.00
	4. Equipment Rental:	
✓	-Casino	\$4,200.00
✓	-Photobooth	\$500.00
✓	-Card Readers	\$114.00
	6. Promotion/Printing	
✓	-Alpha Graphics Printing (Posters, flyers, business cards, BID sheets, auction form, sponsorship form, return address stamp)	\$899.38
✓	-Geiger Printing (Koozie's, Kraft Bag w/logo, poker chips)	\$1,491.32
✓	-Website (Monthly Fee)	\$82.95
✓	-Jeff Loyd (T-Shirts)	\$4,000.00
✓	-Tickets (event tickets printing fees)	\$193.90
	8. Other (Supplies, Postage, etc.)	
✓	-Post Office (P.O. Box and stamps)	\$296.68
✓	-Staples	\$299.39
✓	-Hobby Lobby	\$252.02
✓	-Business Starter kit checking account	\$196.07
		\$41,437.71



Your cart
0 items

- HOME
- OUR MISSION
- EVENT DETAILS
- BUY
- DONATIONS FOR AUCTION
- CASH DONATION
- EVENT SPONSORS
- CONTACT US
- ABOUT US

2015 FIREFIGHTERS BALL

This event benefits The Colbert Project - No Brother Battles Alone Fund, which provides support to fellow firefighters and their families during times of financial strife, brought on by illness, injury or other circumstances.

Join us for an evening of dinner, dancing, live and silent auction, casino gaming, and music!

AUGUST 29TH, 2015 @ HILTON DALLAS / ROCKWALL LAKEFRONT

THE COLBERT



PROJECT

Firefighters' Ball

Join us and show your support
for your firefighters!

Saturday, August 29th
at Hilton Lakefront @ The Harbor
5:30 pm TIL 12:00 am

Dress Code is Black Tie

**DINNER ♦ DANCING ♦ CASH BAR ♦ LIVE AUCTION
SILENT AUCTION ♦ CASINO GAMING**

Event Cost: \$75 per person
(Tickets available at www.thecolbertproject.org)

For ticket and sponsorship information email: info@thecolbertproject.org
Or visit the website: www.thecolbertproject.org

*Special Room Rates Available at the Hilton Rockwall (214) 771-3700
Use Promo Code #RTE*

The Colbert Project offers relief from financial strife brought on by illness or injury to our brothers and sisters who serve as firefighters to the surrounding areas.

Board Member Addresses:

Emily Colbert:
2020 W FM 550
Rockwall, TX 75032

Marcie Pickard:
1709 Crescent Oak Street
Wylie, TX 75098

Jane Braddock:
1980 Club Lake Circle
Rockwall, TX 75087

Jerry Click:
7087 CR 3219
Lone Oak, TX 75453

Ariana Hargrove:
1004 Colonial
Royse City, TX 75189



Proposed Budget

Annual Pops Concert at the Harbor

September 5, 2015

LABOR DAY WEEKEND

MUSIC SCORES AND SUPPLIES

Purchase of Scores	\$ 680.00
Copying Scores & Parts	60.00

INSURANCE

Weather for Concert	480.00
Event Liability	350.00

MUSICIANS

Contracting Local Professional Musicians (30)	12,200.00
Community Musicians (6)	900.00
Student Musicians (10)	750.00

EQUIPMENT MOVE AND SET-UP

Personnel and Truck	300.00
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SOUND AND LIGHTING

ASA Concert Services	2,000.00
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HARBOR RENTAL & CITY CREW

City of Rockwall	1,140.00
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TOTAL \$ 18,860.00



City of Rockwall
The New Horizon

Hotel Occupancy Tax

Program Year 2015

Application

MUST BE TYPED or PRINTED

DELIVER TO:

City of Rockwall Finance Office
Attn: Lea Ann Ewing
385 S. Goliad St., Rockwall, TX 75087
972-771-7700 lewing@rockwall.com

COMPLETED APPLICATIONS ARE DUE JUNE 28, 2014 BY 5:00 PM - NO EXCEPTIONS

Organization Name: City of Rockwall
Name of Event: 6th Rockwall Rib Rub & Run
Date of Event:
Funding Request \$: 10,500.00
Website Address: <http://www.rockwall.com>
Mailing Address: 385 S. Goliad, Rockwall TX 75087
Physical Address: 385 S. Goliad, Rockwall TX 75087
Telephone: 972-772-6400 **Fax:** 972-771-7762

Primary Contact Name: Andy Hesser
(Project Director)
Mailing Address: 385 S. Goliad
Rockwall TX 75087
Email Address: ahesser@rockwall.com
Telephone: 972-771-7761 **Fax:** 972-771-7762

Secondary Contact Name:
(President/ Board Chairman)
Mailing Address:
Email Address:
Telephone: **Fax:**

- ▶ COMPLETE AN APPLICATION FOR EACH EVENT/PROGRAM/EXHIBIT REQUESTING FUNDS
- ▶ INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED TO THE COUNCIL SUBCOMMITTEE

1. Mark an "X" next to the category or categories that your organization is requesting funds in the attached budget request.

Advertising/Tourism Requested funding amount \$ **10,500.00**
Conducting solicitation or promotional programs that encourage tourists and delegates to come to the City of Rockwall.

Arts Requested funding amount \$
Providing encouragement, promotion, improvement and application of the arts as it relates to the presentation, performance execution or exhibition of the major art forms in the City of Rockwall.

Historical Requested funding amount \$
Providing historical restoration, preservation, programs and encouragement to visit preserved historic sites or museums located in the City of Rockwall.

2. Briefly state the purpose of your organization/mission statement:

Vision Statement

We envision historic downtown Rockwall as a safe, attractive and thriving business, retail, residential, entertainment and community celebration district.

Mission Statement

The mission of the Rockwall Main Street is to create an inviting, historic downtown district that serves as a center for recreational, economic and cultural activity for residents and visitors of downtown Rockwall utilizing the four point approach of organization, promotions, design and economic restructuring.

3. Does your organization have paid staff?

Yes 1 # Full-Time # Part-Time

4. Does your organization use volunteers?

Yes Approximately how many? 50

5. Is the event/program that the organization is requesting Hotel Tax funds held in/on City-owned property?

No Name location: "The Downtown"

If you are holding your event in/on city-owned property, the City may, in lieu of funds, donate the cost of the facility/property rental for that event.

6. Will your event be held in "The Downtown" or adjacent to Lake Ray Hubbard?

Yes Name location: "The Downtown"

7. Will your organization provide special event insurance coverage for the event/program if held on City property?

Yes Name of Insurance Company: TML

8. List all other sources of funding your organization receives for this event. Include event budget (use the required budget form attached).

Sponsorships, sales and budgeted promotions

9. List the programs, activities, exhibits, or event for the upcoming fiscal year (Oct. 1, 2013-Sept. 30, 2014) that the requested Hotel funding will support partially or in full.

6th Annual Rockwall Rib Rub & Run

10. Provide 3 years attendance history for the above listed programs, activities, exhibits or event in #9 above.

Event	Year	Event Duration (in Days)	Audience Size	# of Attendees in hotel rooms
Rib Rub BBQ Comp & 5k Run 14 BBQ Teams/100 Runners	2009	1	1000	2
Rib Rub BBQ Comp & 5k Run 53 BBQ Teams/150 Runners	2010	1	3000	16
Rib Rub BBQ Comp & 5k Run 35 BBQ Teams/200 Runners	2011	1	3000	16
Rib Rub BBQ Comp & 5k Run 35 BBQ Teams/225 Runners	2012	1	4000	20
Rib Rub BBQ Comp & 5k Run 35 BBQ Teams/200 Runners	2014	1	4000	20

11. How do the requested budget expenditures meet the definition of the categories marked in #1?

Advertising/Tourism, Arts, Historical

BBQ competitions are a huge draw for barbecue enthusiasts, backyard amateurs and foodies. This event is successful because a) people love food and b) people love talking about food. While the competition is serious business for competitors they also enjoy “cooking for the crowd” with 90% participating in the People’s Choice Wing Tasting Competition. The crowd purchases taste tickets and vote for their favorite. With their elaborate rigs and their festive spirit, the cook’s engage the crowd.

12. What specific market will you target with the event/program’s marketing plan?

Attach up to 3 examples and evidence of marketing area and readership (Label Exhibit C).

Barbecue competitors travel all over the country to compete in events. The competition is sanctioned by the International Barbecue Cookers Association and they advertise the event on their website as well as BBQ forums and blogs.

The 5k run and car show will provide two different attractions that are intended to draw individuals to event throughout the day.

We also plan to advertise the Rib Rub in: 3 web based outlets, 4 regional newspapers, and Facebook (paid). Other media outlets include Facebook, downtown merchant websites, public websites and Snap Retail.

13. Describe in detail how your event/program will promote tourism and the hotel industry in Rockwall.

Barbecue competitors, runners and visitors will stay in Rockwall hotels/motels.

14. Describe the organization’s long-term plan (3-5 year) in regard to the program/ event that funds are being requested.

The 3-5 year plan is to grow the attendance and the quality of the event as well as showcase Downtown Rockwall as a destination center. In addition the special events committee plans to:

1. introduce car show as additional draw
2. include more "tasting events" or "people's choice"
3. increase our BBQ teams from 35 to 45
4. step up downtown restaurant participation regarding food/beverage sales
5. increase crowd from 4k to 10k (increase overnight guests)
6. gain name/event recognition for "best bbq contest"
7. continue to obtain sponsorships and increase ticket sales to offset expenses

15. The City of Rockwall must require segregated accounting of its Hotel funds. Organizations must maintain and account for revenue provided from the tax authorized by section 351.101(a) within one of the two options listed below.

- a) Separate checking account without combining with any other revenues or maintained in any other bank account or
- b) Maintain a line item accounting, whereby the Hotel revenues may not be combined with any other revenues or expenditures. The funds may be maintained in the same bank account, provided they are reported as a separate line item in the organization's budget. Interest earned on the Hotel revenues must be used to support the event/program as well.

Will the organization be able to segregate the accounting process in either a) or b) above?

Yes

16. Provide all of the following documentation with this application and label each as outlined below.

- | | |
|-----------|---|
| Exhibit A | Proposed budget for each event/program using attached form |
| Exhibit B | Letter of determination certifying federal tax exempt 501(c)(3) status |
| Exhibit C | Examples and evidence of marketing area and readership (limit 3) |
| Exhibit D | List members of the governing body including name, position, mailing address and phone number |

We certify, to the best of our ability, that the information in this application, including all exhibits and supporting documentation is true and correct to the best of our knowledge. It is understood and agreed that any funds awarded as a result of this application will be used for the purpose set for herein and the program guidelines.

President/Board Chairman:

Print Name

ANDY HESSER
Signature

Event/Program Director:

Andy Hesser

Print Name

Andy Hesser
Signature

June 30, 2015

Date

Both signatures are required for application to be considered complete.

EXHIBIT A

**Hotel Occupancy Tax Funding Request
Event/Program Budget - Program Year 2015**

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request.

Organization Name: Rockwall Main Street
 Event/Program Name: 6th Annual Rockwall Rib Rub and Run
 Requested Funding: \$ \$10,500

Expenses (for this project only)	Funding Request a	Cash from all other sources b	In-Kind, no cash Paid (value of volunteered services or goods) c	Total a + b + c = d
1. Personnel				
Administrative				
Artistic				
Technical				
Other personnel				
2. Fees for outside professional service				
Administrative		13,375 event revenue		
Artistic	3500			
Technical	1400			
3. Space Rental				
4. Equipment Rental	1500			
5. Travel/Transportation				
6. Promotion/Printing	4100			
7. Costumes/Royalties				
8. Other (supplies, include prize \$)				
9. Sub -Totals	10500			
10. Total Expenses				23875.00

Revenues (for this project only)	
1. Total Amount of funding request	10500.00
2. Admissions (ticket and concessions)	
3. Donations	4000.00
4. Organizational funds budgeted	
5. Grants (State)	
6. Other (t-shirt sales):	2000.00
7. Other (people's choice contest):	1500.00
8. Other (barbecue entry fees):	3375.00
9. Other (list): 5k race	2500.00
10. Total income and contributions	
11. Total In-Kind	
12. Total Revenues	23875.00

Financial Information (for this project only)	2011	2012	2013	2014
Fiscal Year	2010	2011	2012	2013
Total Revenues				
Total Expenses				

Hot funds

- 0 -

- 0 -

- 0 -

\$6350
204

EXHIBIT B

Detailed Reporting of HOT Expenditures

Organization Name: Rockwall Area Chamber of Commerce/Visitors Center
 Event/Program Name: Boat Show -
 Event/Program Date/Location: September 2014- **Cancelled DUE to lack of water in lake**
www.VisitRockwall.com / www.Rockwallchamber.org

Profit & Loss Detail	Date:	Type	Name	Amount
Income	10/1/13	check	HOT	\$28,000
	2/1/14	check	HOT	\$20,000
Total Income				\$48,000
Expenses	1/1/14-7/10/14	Staff	Admin	\$3,920
	7 mo. @ \$560/mo		Coordinator	
	3 mo @ \$1100/mo	Staff	Director	\$3,300
	Same time period	Check	Contractor/	\$ 875
	7 mo @ \$125		Website	
	Mkt/Promotion	check	Contractor/	\$1,540
	7 mo @ \$220			
	Advertising	Staff	multiple sites	\$1,225
	7 mo @\$175			
	Other/Supplies/Postage			\$ 425
Total Expenses				\$10,410
	OUTSTANDING BALANCE OWED			\$37,590

See next page for funding recommendation

Recommendation:

Move outstanding funds and transfer to a new program for the purpose to support, produce, publish and distribute (3) three high-gloss, expertly written lifestyle Rockwall-centric magazines. (see attached samples) This print media publication would be used to inform visitors, potential residents about our community. The benefits would be:

- Building a strong community brand
Each publication would include the following:
 - 1) City of Rockwall
 - 2) REDC
 - 3) Pull-out Map
 - 4) Listing of community events, tourism and Shop Local messages
- Creating a relationship with visitors and residents alike; utilizing visitor request- mailings
- Communicating the excellence of Rockwall and the reasons to visit and relocate
- Merging content and commerce
- Inform, inspire, educate and entertain

Income:	Advertising- (unknown) Per magazine- conservatively	\$7,000-10,000
Expense:	Administrative (per magazine)	\$ 2,097
	Staff Support (per magazine)	\$ 779
	Professional Services (per magazine)	\$ 4,061
	Production/Promotion (per magazine)	\$ 7,890
	Circulation (per magazine)	\$ 1,775
	Sub-total- per magazine	\$16,602
	Total for all 3 magazines	\$49,806

Distributed 5000 per
December 2015
March 2016
August 2016

It is the intent and belief of the Chamber that the difference of \$12,216 would be met by the reflected advertising income and we're comfortable with taking this risk.

Added Notes:

The Frisco Chamber and others I've met with who've utilized this type of advertising medium have positive comments about this vehicle within their community and as it relates to tourism and community awareness. Research has shown that people are more focused when reading print than when listening to radio or watching TV. Communications are the cornerstone of the Visitor Center and the Chamber and we want to continue to deliver a product of excellence that supports our community.

FRISCO 2014

 FRISCO

REFERRAL AND RELOCATION GUIDE

**INSIDE:
COWBOYS, GRAND PARK,
AND MORE FOR 2014!**

Conejo View

Fall 2013

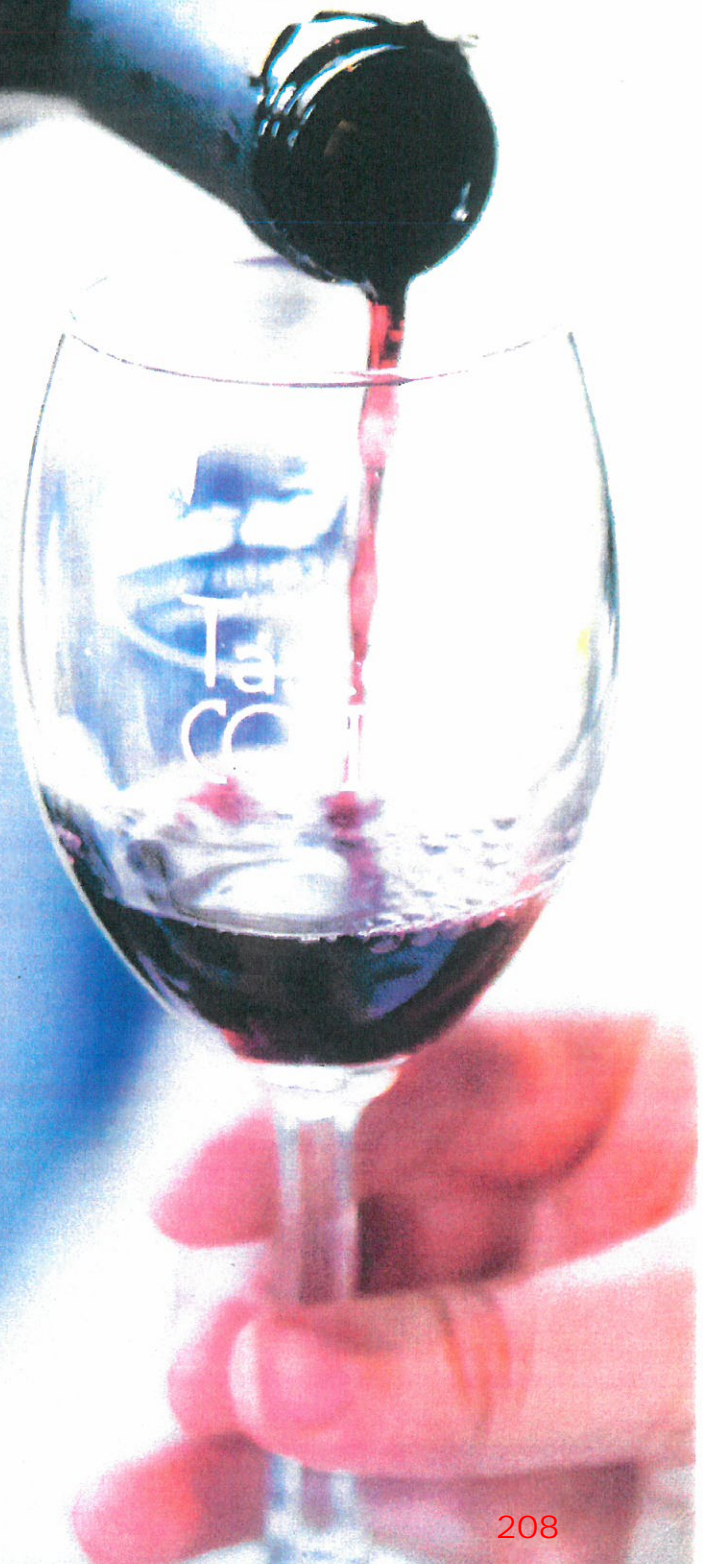
THE BUSINESS MAGAZINE SERVING THE CITIES OF THOUSAND OAKS, WESTLAKE VILLAGE & AGOURA HILLS

5th Annual TASTE OF CONEJO Preview

*Facebook
Marketing Strategies*

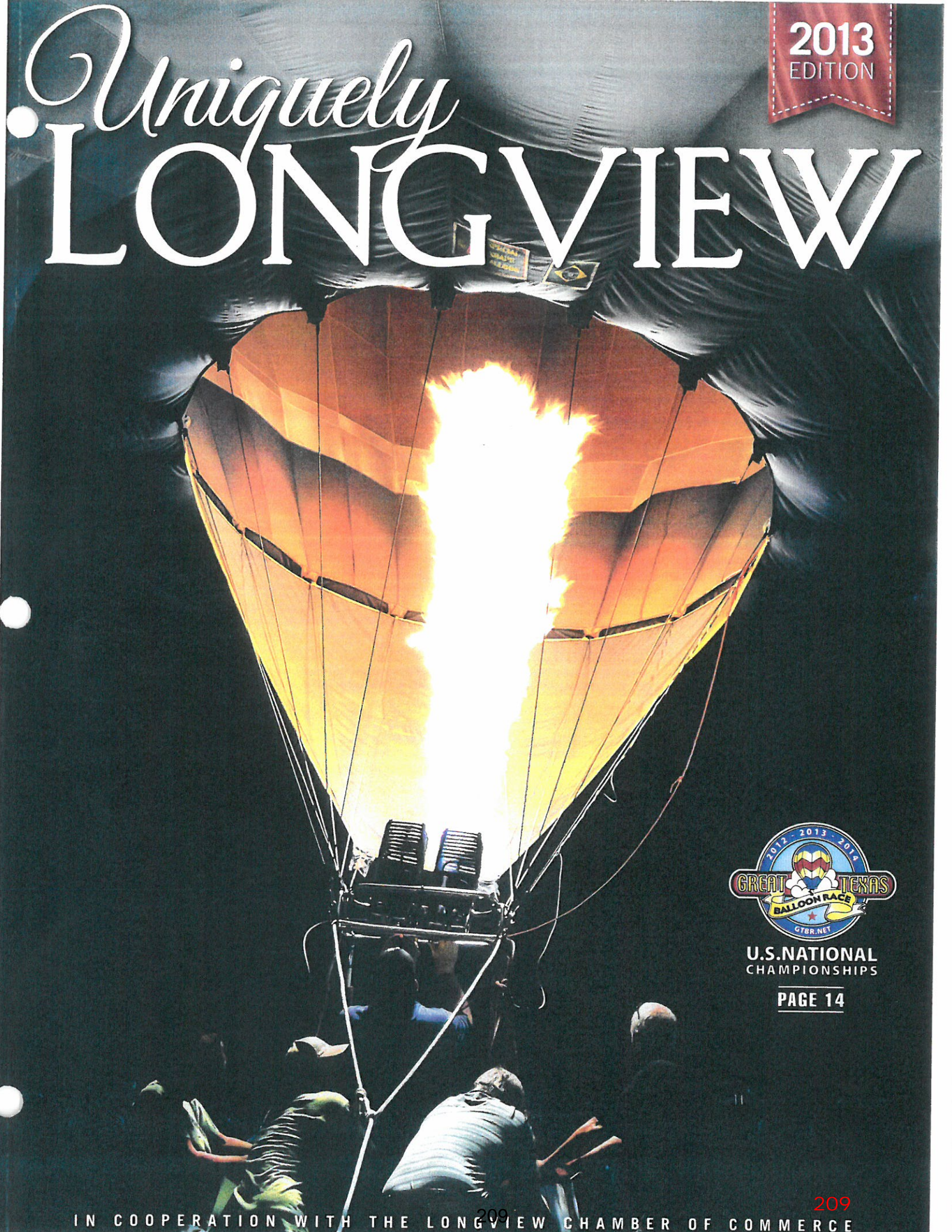
*Meal Campaign
Benefits FOOD Share*

*Updating the Iconic
Whizin Market Square*



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KANSAS

2015 Official Visitors Guide



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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Mary Smith, Assistant City Manager
DATE: September 16, 2015
SUBJECT: Hotel/Motel Funding Recommendation

The Hotel / Motel subcommittee comprised of Council members White, Lewis and Milder met to discuss funding requests for budget year 2015-2016. The Council received a notebook including the organization's requests along with their required reporting for this year's funded events. Attached is a summary of the requests with the previous year's allocations to the organizations. This summary also includes the subcommittee recommendations as to funding for the coming budget year.

Revenues and Fund Balance

Staff continues to be conservative in the projection of revenues. With that said, revenues increased by 6.5% during the current year and are expected to maintain that level for fiscal year 2016. We expect to receive \$350,000 in hotel tax revenues and to finish fiscal year 2015 with a fund balance of \$110,000. The committee chose to maintain a healthy fund balance in order to allow flexibility in meeting supplemental requests during the year.

Funding Levels

Funding requests for fiscal year 2015 totaled \$483,170 which is a 10% increase from the current year's requests. Each specific application was discussed and whether they met our stated purposes and the state statute's requirement for "heads in beds". The subcommittee's recommendations for funding are attached. The subcommittee chose to fund events as funding allowed with most organizations receiving less than they requested due to a lack of sufficient revenues. One program request from the Chamber of Commerce for monument signage was specifically not recommended for funding and is are noted on the accompanying spreadsheet.

Contract Language/Documentation

Each organization will continue to be required to provide documentation such as a log, guestbook, registration list or other documentation that specifically notes if each person is spending the night in a hotel establishment. The City provides a link which must be included in each printed ad or event website with contact information for the hotels.

Staff will be available at the Council meeting to answer any questions.

Hotel Occupancy Tax Funding Requests for FY 2016

	2014 Actual	2015 Budget	2016 Request	Variance	Council Subcommittee Recommendation
Tourism					
Alliance for the Arts	6,500	6,500	-	(6,500)	-
Artist's League	-	3,500	9,800	6,300	6,100
Aspasians	2,000	2,000	13,950	11,950	2,500
Chamber of Commerce	116,450	114,865	158,700	43,835	131,500
Dodies	1,000	-	-	-	-
Duck Regatta	13,600	20,000	-	(20,000)	-
Friends of the Library	comp space	comp space	comp space	-	comp space
Kiwanis	5,000	9,500	9,500	-	9,500
Lone Star CASA	5,000	5,000	23,500	18,500	6,500
Pumpkin Patch	2,000	-	-	-	-
Rotary Breakfast	5,000	-	-	-	-
Rotary Noon	5,000	9,500	10,000	500	10,000
Soroptimists	2,000	2,500	20,000	17,500	3,000
Triathlon (Pacific Sports)	-	17,400	18,500	1,100	18,500
Colbert Project		6,700	-	(6,700)	-
Sail with Scott			16,000	16,000	16,000
SubTotals	163,550	197,465	279,950	73,185	203,600
Cultural	-		-		
Community Playhouse	4,000	4,000	10,350	6,350	5,000
Music Fest	8,000	12,500	16,200	3,700	13,000
Summer Musicals	3,500	3,500	7,000	3,500	4,000
SubTotals	15,500	20,000	33,550	13,550	22,000
Historical	-		-		
Historical Foundation	2,000	4,000	8,500	4,500	4,000
City					
Concert by the Lake	31,800	32,000	32,000	-	32,000
Downtown Music Series		12,000	12,000	-	12,000
Founders Day	56,640	60,500	69,500	9,000	79,500
Mainstreet (Old Town Shoppes)	13,046	11,450	17,170	5,720	17,170
TAAF Conference		9,000	-	(9,000)	-
YAC Conference	25,000	-	-	-	-
Memorial Day Concert	-	5,000	5,000	-	5,000
Rib Rub	6,350	10,000	10,500	500	10,000
Harbor 10th Anniversary			15,000	15,000	15,000
SubTotals	126,486	139,950	161,170	21,220	170,670
Totals	307,536	361,415	483,170	121,755	400,270

no funding -monument sign

Fund Summary

Fund Balance 10-01-15	110,995
Projected Revenue FY16	350,000
Less Cultural	22,000
Less City Events	170,670
Less Tourism/Historical	207,600
Sub Total	400,270
Fund Balance 09-30-16	60,725

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Mary Smith, Assistant City Manager
DATE: September 15, 2015
SUBJECT: Amending the Fiscal Year 2015 Budget

The final General fund budget summary sheets for the fiscal year 2015 amended and fiscal year 2016 proposed budget are included in the Council packet with the budget adoption agenda item. The amended budget was not changed during budget discussions.

CITY OF ROCKWALL, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015; PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. That the budget of the City Council of the City of Rockwall for the fiscal year October 1, 2014, through September 30, 2015, be and the same is hereby amended and such amendments are indicated and shown on **Exhibit "A"** attached hereto and made a part hereof for all purposes.

Section 2. 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 21st day of September, 2015.

ATTEST:

Jim Pruitt, Mayor

Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

Frank Garza, City Attorney

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Mary Smith, Assistant City Manager
DATE: September 16, 2015
SUBJECT: Adopting the Fiscal Year 2016 Budget

Notebook. It is included by reference only, rather than presented again in its entirety.

General Fund

The General Fund as adopted will anticipate tax collections based on a 48.53 cent tax rate with expenditures adjusted as discussed at the previous Council meetings.

The budget as included in the Council packet includes funding for Meals on Wheels Senior Services in the amount of \$30,000. Council member White has requested a separate vote on this funding from which he will recuse himself. STAR Transit is included in the amount of \$55,201.50 as discussed at the September 8th Council meeting. Councilmember White requested a separate vote on that funding as well.

If further discussion of any specific appropriation is needed it should take place prior to the vote on the budget ordinance.

Water – Sewer Fund

The budget as proposed reflected increased sales revenue from a rate increase. The associated rate resolution will be presented to Council shortly with the new rates to be effective on January 1st.

Budget Cover Wording

Senate Bill 656 effective for budgets adopted after September 1, 2013 requires specific wording is included in the adopted budget document. The following statement will appear on the cover of the document and be published on the City's website for one year:

"This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$511,174."

Staff proposes Council have the statement read into the record prior to the Council's vote on the ordinance adopting the budget.

CITY OF ROCKWALL

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2015, THROUGH SEPTEMBER 30, 2016; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Rockwall, Texas has heretofore filed with the City Secretary a proposed General Budget for the City covering the fiscal year aforesaid, and

WHEREAS, the governing body of the City has concluded its public hearing on said budget,

WHEREAS, in accordance with Section 7.06 of the City Charter, the budget for fiscal year 2015-16 is being adopted in a timely manner,

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

Section 1. That said budget for the fiscal year October 1, 2015, through September 30, 2016, be and the same is hereby attached to this ordinance and made a part hereof for all purposes and marked "**Exhibit A**".

Section 2. That said budget attached hereto and marked "**Exhibit A**" be, and the same hereby is, approved and adopted by the City Council as the official budget for the City for the fiscal year aforesaid.

Section 3. That expenditures during the fiscal year shall be made in accordance with the budget approved by this ordinance unless otherwise amended by a duly enacted ordinance of the city.

Section 4. 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 21st day of September, 2015.

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

Frank Garza, City Attorney

SUMMARY OF OPERATIONS

Fund

01 General

	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
Total Revenues	28,503,081	28,864,250	30,002,750	31,589,800
Total Operating Expenditures	25,482,029	26,252,550	26,767,650	28,624,250
Capital Reserve Expenditures	1,323,950	860,100	900,950	1,203,000
Excess Revenues Over (Under) Expenditures	1,697,102	1,751,600	2,334,150	1,762,550
Net Other Financing Sources (Uses)	(2,667,442)	(2,584,500)	(2,616,500)	(2,816,500)
Net Gain (Loss)	(970,340)	(832,900)	(282,350)	(1,053,950)
Fund Balance - Beginning	11,275,984	9,045,234	10,305,644	10,023,294
Fund Balance - Ending	10,305,644	8,212,334	10,023,294	8,969,344

SUMMARY OF REVENUES

Fund

01 General

Account	Description	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
4100	Current Taxes	8,301,522	8,580,100	8,580,100	9,588,000
4105	Delinquent Taxes	61,979	60,000	60,000	60,000
4110	Penalty & Interest	50,054	60,000	60,000	60,000
Total Property Taxes		8,413,555	8,700,100	8,700,100	9,708,000
4150	Sales Taxes	13,515,016	13,617,300	14,366,300	14,941,000
4155	Beverage Taxes	214,951	210,000	210,000	210,000
Total Sales Taxes		13,729,967	13,827,300	14,576,300	15,151,000
4201	Electrical Franchise	1,675,912	1,680,000	1,680,000	1,725,000
4203	Telephone Franchise	147,542	150,000	150,000	150,000
4205	Gas Franchise	402,664	388,000	538,000	440,000
4207	Cable TV Franchise	561,956	500,000	643,000	600,000
4209	Garbage Franchise	228,371	208,000	208,000	218,000
Total Franchise		3,016,445	2,926,000	3,219,000	3,133,000
4250	Park & Recreation Fees	35,892	35,000	35,000	35,000
4251	Municipal Pool Fees	11,821	17,000	17,000	17,000
4253	Center Rentals	39,428	38,000	38,000	38,000
4255	Harbor Rentals	4,710	10,000	3,000	10,000
4260	Tax Certificate Fees	216	250	250	250
4270	Code Enforcement Fees	42,954	5,000	12,000	5,000
4280	Zoning Request Fees	43,849	35,000	49,000	35,000
4283	Construction Inspection	242,205	280,000	250,000	280,000
4295	Fire - Plans	20,750	20,000	15,000	20,000
Total Fees		441,825	440,250	419,250	440,250

Summary of Revenues, Cont'd.

Account	Description	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
4300	Building Permits	723,095	710,000	875,000	775,000
4302	Fence Permits	20,757	20,000	20,000	20,000
4304	Electrical Permits	31,883	30,000	21,000	30,000
4306	Plumbing Permits	41,443	38,000	38,000	38,000
4308	Mechanical Permits	40,487	35,000	39,000	39,000
4310	Daycare Center Permits	2,410	2,000	2,000	2,000
4312	Health Permits	84,180	86,000	86,000	88,000
4314	Sign Permits	25,560	26,000	26,000	26,000
4288	Beverage Permits	6,370	10,000	7,000	10,000
4320	Miscellaneous Permits	42,944	41,000	48,000	41,000
Total Permits		1,019,129	998,000	1,162,000	1,069,000
4400	Court Fines	483,439	500,000	500,000	500,000
4402	Court Fees	173,078	165,000	165,000	165,000
4404	Warrant Fees	76,227	70,000	76,000	90,000
4406	Court Deferral Fees	310,546	285,000	285,000	285,000
4408	Animal Registration Fees	7,199	7,000	7,000	7,000
4414	Alarm Fees and Fines	48,970	45,000	45,000	45,000
Total Municipal Court		1,099,459	1,072,000	1,078,000	1,092,000
4001	Interest Earnings	25,209	20,000	25,000	25,000
4007	Sale of Supplies	638	500	1,000	500
4010	Auction/Scrap Proceeds	48,263	20,000	40,000	40,000
4019	Other	72,292	58,000	20,000	20,000
	Developer Contributions	-	-	-	77,000
4480	Tower Leases	55,920	70,000	70,000	70,000
Total Miscellaneous		202,322	168,500	156,000	232,500
4500	Grant Proceeds	4,257	106,000	66,000	66,000
4510	School Patrol	326,131	306,100	306,100	346,850
4520	County Contracts	1,040	1,000	1,000	1,000
4530	City Contracts	248,951	319,000	319,000	350,200
Total Intergovernmental		580,379	732,100	692,100	764,050
Total Revenues		28,503,081	28,864,250	30,002,750	31,589,800

SUMMARY OF OPERATING TRANSFERS

Fund

01 General

	Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
Other Financing Sources				
Operating Transfers In:				
From Water & Sewer	-	-	-	-
From Recreational Development	110,000	60,000	60,000	60,000
From Court Security/Tech Fees	25,000	30,500	30,500	30,500
From Narcotics	176,782	-	-	-
Total Other Financing Sources	311,782	90,500	90,500	90,500
Other Financing Uses				
Operating Transfers Out:				
To Airport Fund	11,000	15,000	15,000	15,000
To Rec. Dev. Fund	40,500	-	-	-
To Radio Fund	185,000	160,000	185,000	160,000
To Employee Benefit Fund (Ins.)	2,500,000	2,300,000	2,300,000	2,500,000
To Workers Compensation Fund	-	50,000	50,000	75,000
To Tech. Replacement Fund	157,000	150,000	157,000	157,000
To Bond Projects	126,224	-	-	-
Total Other Financing Uses	3,019,724	2,675,000	2,707,000	2,907,000
Less Capital Reserve	40,500	-	-	-
Net Other Financing Sources (Uses)	(2,667,442)	(2,584,500)	(2,616,500)	(2,816,500)

SUMMARY OF EXPENDITURES

Fund

01 General

Dept.	Div.		Actual 13-14	Budgeted 14-15	Amended 14-15	Proposed 15-16
10	01	Mayor/Council	94,747	112,250	113,550	117,450
10	05	Administration	1,684,508	1,709,900	1,725,000	1,811,150
10	06	Administrative Services	512,985	532,150	556,150	555,100
10	09	Internal Operations	1,931,276	1,670,250	1,702,150	1,823,800
15	11	Finance	678,197	699,650	652,450	734,700
15	15	Municipal Court	415,220	436,350	436,450	437,600
20	25	Fire Operations	2,394,837	2,841,250	2,934,250	3,355,300
20	29	Fire Marshal	503,151	534,400	526,250	443,750
30	31	Police Administration	1,078,725	1,102,350	1,145,650	996,700
30	32	Communications	984,639	1,057,600	1,115,500	1,196,150
30	33	Patrol	5,540,051	5,097,050	5,161,150	5,598,750
30	34	CID	1,046,806	1,090,000	1,139,350	1,167,450
30	35	Community Services	791,395	810,450	785,700	950,600
30	36	Warrants	180,498	198,750	198,250	231,250
30	37	Records	321,449	338,950	336,300	426,550
40	41	Planning	576,227	595,450	670,600	600,850
40	42	Neighborhood Improv.	455,652	462,350	448,900	517,850
40	43	Building Inspections	667,549	687,950	686,750	727,650
45	45	Parks	1,779,140	1,855,600	1,989,350	2,000,050
45	46	Harbor O&M	410,238	374,150	359,600	395,650
45	47	Recreation	799,466	835,750	769,400	831,850
45	48	Animal Services	617,543	625,650	618,450	632,650
50	53	Engineering	1,074,669	1,105,000	1,086,500	1,122,350
50	59	Streets	2,226,511	2,339,400	2,510,900	3,152,050
			26,765,479	27,112,650	27,668,600	29,827,250
Less Capital Reserve			1,283,450	860,100	900,950	1,203,000
Total Operating Expenditures			25,482,029	26,252,550	26,767,650	28,624,250

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Mary Smith, Assistant City Manager
DATE: September 15, 2015
SUBJECT: Tax Rate Adoption

The Council agenda for Monday September 21, 2015 includes the ordinance to adopt the Ad Valorem tax rate of 48.53 cents per one hundred dollars of assessed value. Specific language in the motion is not required this year since we are adopting the Effective tax rate.

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2015 AT A RATE OF \$.4853 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2015 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2015 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

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

Section 1. That there be and is hereby levied for the year 2015 on all taxable property, real, personal and mixed, situated within the limits of the City of Rockwall, Texas, and not exempt by the Constitution of the state and valid State Laws, a tax of \$.4853 on each **ONE HUNDRED DOLLARS** (\$100.00) assessed value of taxable property and shall be apportioned and distributed as follows:

- a. For the purpose of defraying the current expenses of municipal government of the City, a tax of \$.2342 each ONE HUNDRED DOLLARS (\$100.00) assessed value of all taxable property.
- b. For the purpose of creating a sinking fund to pay the interest and principal on all outstanding bonds of the City not otherwise provided for, a tax of \$.2511 each ONE HUNDRED DOLLARS (\$100.00) assessed value of all taxable property, within the city which shall be applied to the payment of such interest and maturities of all outstanding bonds.

Section 2. That all ad valorem taxes shall become due and payable on October 1, 2015, and all ad valorem taxes for the year shall become delinquent after January 31, 2016. If any person fails to pay the ad valorem taxes on or before the 31st of January, 2016, the following penalties shall be payable thereon, to wit:

During the month of February, six percent (6%); during the month of March, seven percent (7%); during the month of April, eight percent (8%); during the month of May, nine percent (9%); during the month of June, ten percent (10%); and on or after the first day of July, twelve percent (12%).

Section 3. Taxes are payable in Rockwall, Texas, at the office of the designated Tax Collector. The City shall have available all rights and remedies provided by law for the enforcement of the collection of taxes levied under this ordinance.

Section 4. All delinquent taxes shall bear the maximum rate of interest per annum as provided by law, in addition to the penalties provided herein.

Section 5. All taxes for the year 2015 which remain delinquent on July 1, 2016 shall incur an additional penalty of twenty percent (20%) of the amount of taxes, penalty and interest due to defray cost of collection.

Section 6. That pursuant to Article VIII-1b of the Constitution of Texas, \$60,000 of the appraised value of residence homesteads of any married or unmarried persons, including those living alone, who were sixty-five (65) years of age or older on January 1, 2005, shall be exempt from ad valorem taxes.

Section 7. This ordinance is enacted in order to authorize the collection of ad valorem taxes for the year 2015 and shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 21st day of September, 2015.

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

Frank Garza, City Attorney

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Mayor and City Council

FROM: Rick Crowley, City Manager

DATE: September 18, 2015

SUBJECT: Ambulance Ordinance - Exclusivity Repeal

This item has been placed on the agenda for action Monday evening. As of the time of packet distribution, the draft ordinance is not available. My being out of town has contributed to the delay in preparation, and Frank is researching several legal questions that the Mayor has requested.

Frank will want to discuss direction from the Council, so this item will be read for consideration first in Executive Session. Based on the direction that I think I heard from the Council at the last meeting, I have asked that Frank not prepare a Franchise Ordinance, but that the Ordinance be prepared to:

1. Repeal the exclusivity aspect of the current ordinance
2. Require that ambulance companies desiring to do business in the City, as a single requirement, register with the City and provide proof that they are licensed by the State of Texas to operate their business in Texas.

I understand that there may still be discussion on the matter Monday evening. Frank will provide legal consultation first in Executive Session.

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