

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, March 01, 2021 - 4:00 PM

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

I. Call Public Meeting to Order

II. Work Session

1. Hold a work session with Jim Rosenberg to discuss Harbor Bay Marina agreement.

III. Executive Session.

The City of Rockwall City Council will Recess into Executive Session to discuss the following matter as authorized by Chapter 551 of the Texas Government Code:

1. Discussion regarding city's lease of property on Ridge Road pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney)
2. Discussion regarding land lease and airport management agreements at the Ralph M Hall / Rockwall Municipal Airport pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding the Texas Department of Transportation (TXDOT) and property along John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

IV. Adjourn Executive Session

V. Reconvene Public Meeting (6:00 P.M.)

VI. Invocation and Pledge of Allegiance - Councilmember Daniels

VII. Proclamations

1. 'Certificate of Merit' Awards - Rockwall Police Officers:
 - a) Wener Perez
 - b) Stephen Nagy and Mitchell Attaway
2. "Theater in Our Schools Month" Proclamation

VIII. Open Forum

This is a time for anyone to address the Council and public on any topic not already listed on the agenda or set for a public hearing. Per Council policy, public comment is limited to 3 minutes out of respect for other citizens' time. If you have a topic that warrants longer time, please contact the City Secretary at kcole@rockwall.com to be placed on the Agenda during the 'Appointment Items' portion of the meeting. This will allow your topic to be provided sufficient time for discussion and will permit proper notice to be given to the public. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting (the Texas Open Meetings Act requires that topics of discussion/deliberation be specifically posted on an agenda not less than 72 hours in advance of the Council meeting). This, in part, is so that other citizens who may have the same concern may also be involved in the discussion.

IX. Take any Action as a Result of Executive Session

X. Consent Agenda

These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or may not generate further City Council deliberation. If you would like to discuss one of these items, please let the City Secretary know before the meeting starts so that you may speak during 'Open Forum.'

1. Consider approval of the minutes from the February 1, 2021 regular City Council meeting, and take any action necessary.

2. **P2021-006** - Consider a request by Joseph Hornisher of Kimley-Horn on behalf of Mark Andrews of 2424 MTA Realty, LLC for the approval of a *Replat* for Lots 4 & 5, Block A, MTA Andrews Addition being an 8.6234-acre tract of land identified as Lots 1 & 2, Block A, MTA Andrews Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, addressed as 2424 Ridge Road, and take any action necessary.
3. **P2021-008** - Consider a request by Bryan Connally of CBG Surveying Texas, LLC on behalf of Dr. Mary Courtin of BLBP Property Group for the approval of a *Replat* for Lot 1, Block A, BLPB-Mims Addition being a 1.743-acre tract of land identified as a portion of Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 54 (PD-54) for Commercial (C) District land uses, situated at the southeast corner of the intersection of E. Ralph Hall Parkway and Mims Road, and take any action necessary.
4. **P2021-001** - Consider a request by Bill Thomas of Engineering Concepts and Design, LP on behalf of Joshua Swiercinsky of 7.1 Ridge, LLC for the approval of a *Preliminary Plat* for Lots 1-7, Block A, Sky Ridge Addition being a 8.583-acre parcel of land identified as Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, generally located west of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary.
5. Consider an **ordinance** amending the Code of Ordinances in Chapter 36 “Streets, Sidewalks, and Public Places”, Article II “Driveways,” Section 36-11 “Culverts” to include provisions for the maintenance, repair, and replacement of driveways and culverts, and take any action necessary.
(1st reading)
6. Consider authorizing the Interim City Manager to enter into an Interlocal Cooperation Agreement with Collin County for Subdivision Regulation in the Extraterritorial Jurisdiction (ETJ), and take any action necessary.
7. Consider authorizing the Interim City Manager to execute a contract with the Rockwall County Elections Administrator for Election Services related to administering the May 1, 2021 joint, general election with RISD and the City of Rockwall, and take any action necessary.
8. Consider authorizing the Interim City Manager to execute a Facility Use Agreement with Lakepointe Church, and take any action necessary.
9. Consider approval of the Rockwall Police Department's 2020 Racial Profiling Report, and take any action necessary.
10. Consider awarding a bid to SRH Landscapes and authorizing the Interim City Manager to execute a Contract for Grounds Maintenance Services II (Small) in the amount of \$87,661 to be funded out of the General Fund, Parks Operations Budget, and take any action necessary.
11. Consider authorizing the Interim City Manager to execute a contract renewal to SLM Landscape and Maintenance for Grounds Maintenance Services (Large) in the amount of \$569,110.23 to be funded out of the General Fund, Parks Operations budget, and take any action necessary.

XI. Appointment Items

1. Appointment with Planning & Zoning Commission chairman to discuss and answer any questions regarding planning-related cases on the agenda.
2. Appointment with Brett Merritt to request waiving of the rental fees for the use of the City of Rockwall Portable Restroom facility and a fire hydrant meter related to the Youth Fair of Rockwall, and take any action necessary.

XII. Public Hearing Items

If you would like to speak regarding an item listed below, please turn in a (yellow) 'Request to Address City Council' form to the City Secretary either before the meeting or as you approach the podium. The Mayor or Mayor Pro Tem will call upon you to come forth at the proper time. Please limit comments to no more than 3 minutes.

1. **Z2021-001** - Hold a public hearing to discuss and consider a request by Otoniel Jaramillo for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.50-acre parcel of land identified as Lot 17, Block B, Lago Vista Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses, addressed as 2825 Marcie Lane, and take any action necessary **(1st Reading)**.
2. **Z2021-002** - Hold a public hearing to discuss and consider a request by Lisa White of Boing US HoldCo, Inc. on behalf of Donald L. Silverman of Rockwall 205-552, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing a *Self Service Car Wash and Auto Detail* on a 0.89-acre tract of land identified as a portion of Lot 2, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3611 N. Goliad Street [H-205], and take any action necessary **(1st Reading)**.
3. **MIS2021-002** - Hold a public hearing to discuss and consider a request by Reubin Harle for the approval of a *Special Exception* for On-Site Sewage Facilities (OSSFs) on two (2) residential tracts of land both identified as being a portion of a 4.632-acre parcel of land identified as Lot 5R, Block A, Zion Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 1 (SF-1) District, addressed as 825 Zion Hill Circle, and take any action necessary.

XIII. Action Items

If your comments are regarding an agenda item below, you are asked to wait until that particular agenda item is up for discussion, and the Mayor or Mayor Pro Tem will call you forth to the podium to hear your comments (please limit to 3 minutes). This allows for all public comments to be grouped with each specific agenda item for the Council to consider, and they are then easily referenced in meeting recordings.

1. Discuss and consider Parks & Recreation Department's upcoming special events, and take any action necessary.
2. Discuss and consider winter weather event of February 13-20, 2021 to include, but not be limited to, the impact to the city and possible relief to utility customers, and take any action necessary.

XIV. City Manager's Report, Departmental Reports and related discussions pertaining to current city activities, upcoming meetings, future legislative activities, and other related matters.

1. Building Inspections Monthly Report - January 2021
2. Fire Department Monthly Report - January 2021
3. Parks & Recreation Monthly Report - January 2021
4. Police Department Monthly Report - January 2021
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics
7. Recap of February 2021 Winter Weather Event (snow, ice, freezing temps.)

XV. Executive Session.

The City of Rockwall City Council will Recess into Executive Session to discuss the following matter as authorized by Chapter 551 of the Texas Government Code:

1. Discussion regarding city's lease of property on Ridge Road pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney).
2. Discussion regarding land lease and airport management agreements at the Ralph M Hall / Rockwall Municipal Airport pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding the Texas Department of Transportation (TXDOT) and property along John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

XVI. Reconvene Public Meeting & Take Any Action as Result of Executive Session

XVII. Adjournment

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

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

I, Kristy Cole, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 26th day of February, 2021 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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

Date Removed



CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Honorable Mayor and City Council

CC: Mary Smith, Interim City Manager
Joey Boyd, Assistant City Manager

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

DATE: March 1, 2021

SUBJECT: Harbor Bay Marina Work Session with Mr. Jim Rosenberg

For several months now and with a delay with the Covid Pandemic, Mr. Rosenberg, the City of Rockwall and the City of Dallas have been meeting and discussing the Harbor Bay Marina Concession agreement that expires in December 2021. Mr. Rosenberg is currently requesting to move forward with a new agreement.

Per Council request for a work session Mr. Rosenberg will be presenting his concept and design plans for the Harbor Bay Marina Redevelopment and Expansion in hopes of getting feedback from Rockwall City Council. Mr. Rosenberg has met with the City of Dallas and the City of Rockwall and has received initial feedback. Mr. Rosenberg has met with the Lakeside Village HOA and has received feedback and has altered his original plans to accommodate their request. He has met with them a 2nd time to ensure the changes were satisfactory. His final step in gathering feedback is to present and get feedback from the Rockwall City Council. At that point, all feedback will be compiled and plans adjusted if needed so the Parks and Recreation Department can take a new concession agreement to the Park Advisory Board and City Council.

Work session with Jim Rosenberg to hear presentation regarding a concept plan for Harbor Bay Marina, and take any action necessary.”

HARBOR BAY MARINA

Redevelopment and Expansion



Harbor Bay Marina

Phase 1

346 Existing Slips
78 New Slips
424 Total Slips

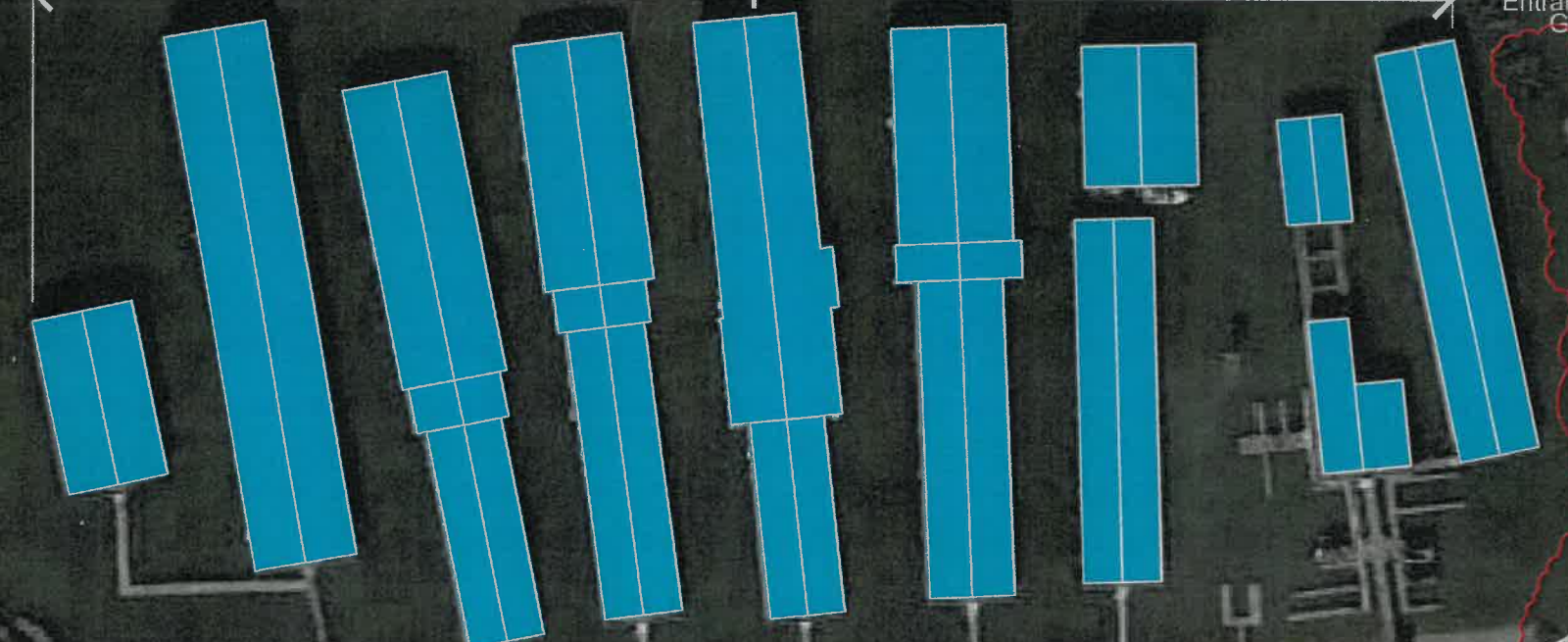
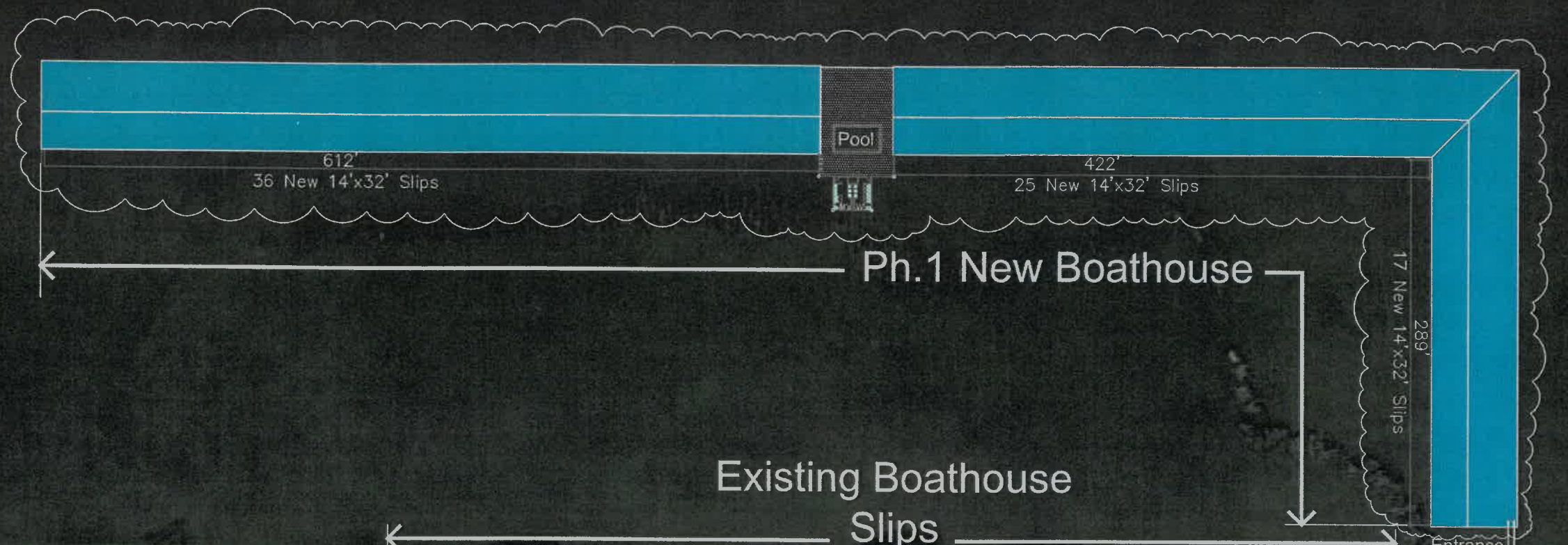
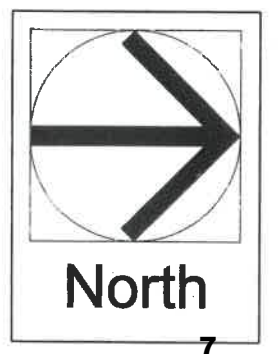
Parking Required:
1 sp. / 2 slips

212 Required Parking Spaces

221 Parking Spaces Provided

Revision: 1
 Removed proposed new Phase I parking at north end of site and replace with connecting sidewalk.

PHASE I



Windjammer Ln.

0 100' 200' 300'

Medit

Harbor Bay Marina

Phase 2

Parking Required:
1 sp. / 2 slips

| | |
|------------------------|--|
| 424 Existing Slips | |
| 78 New Slips | |
| 502 Total Slips | |

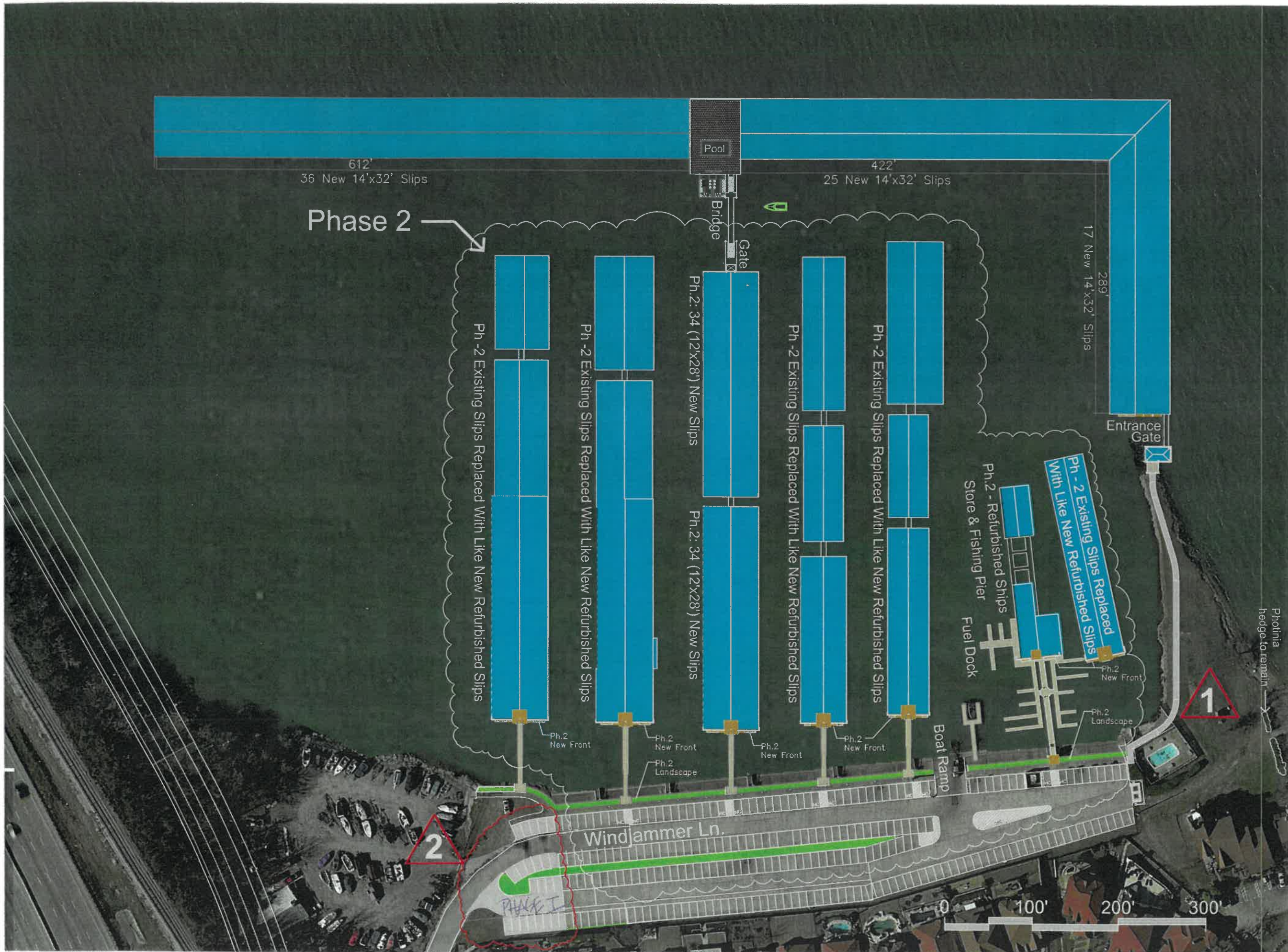
Parking Required:
1 sp. / 2 slips

251 Required Parking Spaces

251 Parking Spaces Provided

Revision: 1
Removed proposed new Phase I parking at north end of site and replace with connecting sidewalk.

PHASE I
Revision: 2
Add 23 spaces to south end of existing parking.



Harbor Bay Marina

Phase 3

502 Existing Slips
 374 New Slips
 876 Total Slips

371 Parking Spaces Provided



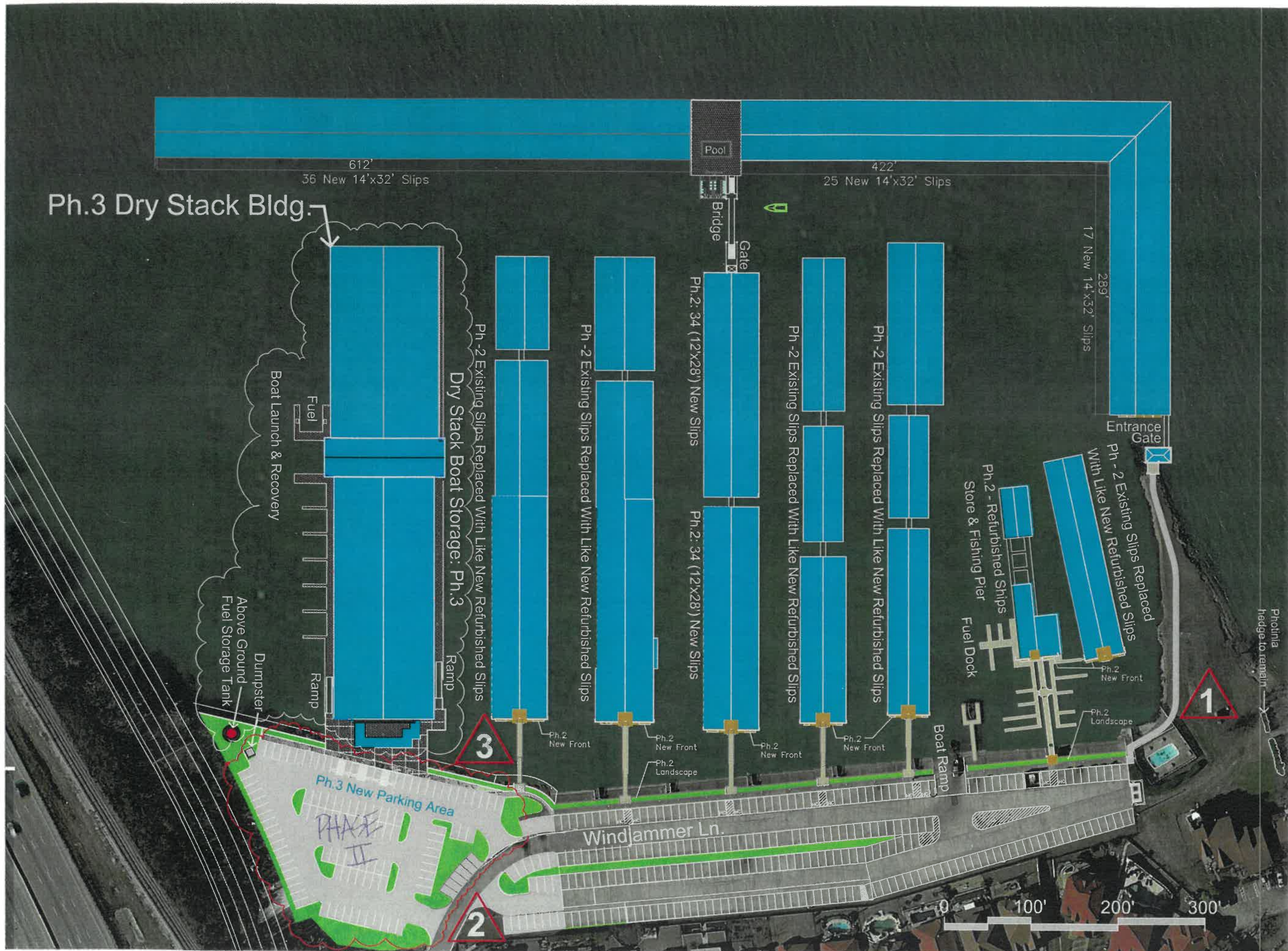
Parking Ratio:
 2.4 slips / space

Note: A ratio of 2 slips / space requires 67 more spaces

Revision: **1**
 Removed proposed new Ph. I parking at north end of site and replaced with connecting sidewalk.

Revision: **2**
 Add 23 spaces to south end of existing parking.

Revision: **3**
 Revised parking ratio



On December 10, 2020, Jim Rosenberg addressed the Lakeside Village Homeowners' Board and homeowners in person, and via the Zoom meeting platform, to discuss the Harbor Bay Marina expansion proposal.

Lakeside village responses to marina proposal

These are the people opposed to adding any parking spaces to the area where the pool is currently and beyond. Concerns are noise, lighting and ruining their view. If parking is included in plan they are prepared to go to city to fight the parking part only.

- Betty Taylor Mediterranean St
- Majella Casimero Mediterranean St
- Julie Ballentine Pompei Court
- Clara Butler Mediterranean St
- Paul McCary Mediterranean St*
- Steve Brenneman Mediterranean St
- Johnny Mitchell Lakeside Dr
- Marc Means Mediterranean St*
- Timothy Norwood Mediterranean St

The same people are very excited about the renovations to marina itself. They are excited about the colors and foliage. Several along Ponchartrain believe it will increase their home values if the marina was updated. In addition to the above names ,we have the following names to add that also completely support the renovations to the docks . The ones with the * are people who have also expressed complete support of the proposed location of pool

- Don Scott Ponchartrain
- Helen Valdez Ponchartrain*
- Katherine Whaley Huron
- Evelyn Wilkins Ponchartrain*
- Daniel Saenz Huron*
- Patrick Kelly Huron
- Kathy Williams Saratoga
- Marion Johnson Huron*
- Mark Bovee Huron
- John Bullock Augusta Blvd
- Bill Clark Augusta Blvd*
- James Colburn Mediterranean St
- Michael Crawford Lakeside Dr
- Bill Dunman Ponchartrain
- Aaron Gajkowski Ponchartrain
- Jamie Fuller Roma Court
- James Gault Lakeside Dr*
- Jerry Grammer High Point Dr*
- Gary Gossett Preston Trail
- Frances Bennett Augusta Blvd*
- Brent Rogers Tahoe Dr*
- Gregory Smith Ponchartrain
- Austin Greenberg Waterview Trail*
- Michael Heffrin Lakeside Dr
- John Johnson Mediterranean St

LVHA Monthly Board Meeting was held on December 10, 2020. Residents attended in person following social distancing norms and wearing masks and also thru the meeting application called ZOOM. There were two cameras & microphones in place so residents on ZOOM could see hear what handouts the Board was reviewing.

Harbor Bay Marina Presentation - Jim Rosenberg

Jim Rosenberg, Owner of Harbor Bay Marina shared his vision for the expansion and redevelopment of the Marina. The presentation included:

- Timeline of expansion/redevelopment
- Phase I (2021 – 2022) will include removing marina's swimming pool and expanding north to allow more parking and an entrance to a new 78 spaced boat slip to the west of current marina.

Note: Expansion to the north with additional park will impact LVHA owners/residents with properties in the 3900 – 4000 block of Mediterranean.

- Phase III – (2025) Consists of constructing a three level High and Dry Boat Stack Storage on the South end of the marina.

Note: With the height of the Stack Storage and storage equipment, view of the lake maybe be impacted for owners/residents with properties located in the southern end of Pontchartrain.

Owners/residents in attendance and via Zoom expressed the following concerns:

- Direct view of lake could be obstructed.
- At all hours there will be an increase of noise, bright lights directed into owners/residents' homes, increase in civil disturbances.

Note: These are current issues all Pontchartrain properties backing up to the marina have experienced.

- Plans to locate the facility's dumpsters to the north end of Harbor Bay Marina new expanded parking lot is problematic. Owners/residents could be inundated with the smell of old garbage, dead fish matter, or discarded food especially during the busy boating/fishing season when the wind is from the southwest. This would be unpleasant and even unsafe situation for Mediterranean residents backing up to the lake and even residents in the surrounding area when trying to enjoy outdoors activities (i.e. opening back door, sitting on decks/balconies; cooking outdoors; family gatherings, etc.).
- With only a landscape (bushes, vegetation, etc.) barrier being planned on the north side of the facility's expanded parking, owners/residents with properties in the southwestern part of the community feel strongly about the need for a more secured barrier (fencing, wall, etc.) This will minimize nonresidents from walking onto LVHA's property. In some cases, the edge of the parking lot comes awfully close to a LVHA owners/residents' back dock.

Note: Residents current living in the southwestern part of our community have experienced more nonresidents walking around during boating season sometimes causing issues with police been notified.

Mr. Rosenberg did indicate he would be willing to work with LVHA to minimize some of their concerns.

The next step for Harbor Bay Marina is to present their plan the Rockwall City Council for approval. Several residents suggested owners/residents who still have concerns should attend the City Council meeting to state their concerns at the meeting when the Harbor Bay Marina presents their plan.

Resident Issues Follow Up - Erin Caldwell reported previous, resolved and new issues:

- Approved No Parking Zones and Fire Lane Zones stripping bid with some modifications based on residents' feedback.
- Picnic tables in playground area have been repaired by Maintenance.
- Steps on Hole 1 & 9 have been repaired by Maintenance

Bennie Daniels Marina Expansion
Recommendations 1/13/21
Per Phone Conversation

1. Marina shall not move north of current location under any circumstances.
2. Institute set operating times to avoid late night activities and noise.
3. Provide security person to monitor boat ramp activity to prevent vehicle headlights from shining into LV residents' homes.
4. Resubmit new plan to Lakeside Village that eliminates any northern expansion.

NOMINATED OFFICER: Officer Wener Perez

AWARD CONFERRED: Certificate of Merit

On Tuesday, December 29th, 2020 Officer Perez received an intelligence bulletin from the Dallas Police Department regarding a suspect that was wanted in connection with a homicide the prior day. Utilizing Rockwall Police Department in-house records, Officer Perez located a report from 2018 that established the suspect had a girlfriend that lived in Lakeside Village. He was able to verify the girlfriend still lived at the address and later that morning, he located the suspect's vehicle parked near the residence.

Covert surveillance was quickly established and the US Marshall's North Texas Fugitive Task Force responded and wrote a warrant to search the location. The warrant was served but the suspect was not located inside the house. However, officers were able to recover a rifle from inside the residence that belonged to the suspect. Later that day, neighbors observed the suspect return but he quickly left before officers could arrive. Contact was made with individuals who were able to provide information that ultimately resulted in the capture of the suspect the next day in Dallas, TX.

During an interview with the suspect's girlfriend, she indicated that when the suspect returned to the house the second time, his sole intent was to obtain the rifle that had been previously seized in order to shoot officers who tried to arrest him. The diligent efforts of Officer Perez put the manhunt of this fugitive on track which provided focus that ultimately led to the suspect's capture. Additionally, early intervention during the search warrant and the seizing of the suspect's weapon likely prevent a deadly confrontation with officers. The level of effort and diligence demonstrated by Officer Perez went above and beyond and helped to make the City of Rockwall safer for our residents. For his actions and diligence, Officer Wener Perez is being awarded the Certificate of Merit.

NOMINATED OFFICER(S): Officer Stephen Nagy and Officer Mitchell Attaway

AWARD CONFERRED: Certificate of Merit

On Thursday, November 19, 2020, at approximately 1:30pm, Officer Stephen Nagy and Officer Mitchell Attaway responded to the Bank of America on Horizon Road in reference to what was initially reported to be a parking violation. After arriving, the two officers located a dark colored Subaru backed into a handicap parking place. The Subaru had heavy window tint on all windows including the windshield and, based on its position, provided the driver and front seat passenger with an unobstructed view of the ATM and drive thru.

After making these observations, Officers Nagy and Attaway both developed the belief that the occupants of the car might be casing the location to identify potential victims for an offense known as “Jugging”. In this offense, suspects will identify persons making a large withdrawal of cash from a bank, follow them until they leave their vehicle, and then break into the vehicle in order to steal the money without confrontation from the victim. Many suspects in this scheme will travel from other urban centers outside of Dallas and utilize rental cars to make it more difficult for law enforcement to determine their identity. This scheme of conduct is growing in popularity and has become a challenge for law enforcement organizations.

Officers Nagy and Attaway continued observing the suspicious activities of both men and eventually developed probable cause to stop and identify the occupants. Both suspects were arrested on misdemeanor marijuana possession and evidence of a prior Jugging offense was located inside the vehicle (which included rolled coins that had been taken earlier in the day in an offense in Richardson, TX). Officers Nagy and Attaway used their police intuition and investigative skills to realize that a simple parking complaint was in fact a criminal offense far greater than what was reported. They used their knowledge of criminal law to effect the arrest of two individuals and to disrupt an offense where cases are rarely solved. Their actions exemplify the highest standards of law enforcement and reflect positively on the Rockwall Police Department and the law enforcement profession. For this, Officer Stephen Nagy and Officer Mitchell Attaway are both awarded the Certificate of Merit.

Rockwall,  Texas

Proclamation

Whereas, the International Thespian Society is an affiliate of the Educational Theatre Association (EdTA) and is a high school honor society that recognizes students in theatre; and

Whereas, the State Thespian Officer Board has two main responsibilities - planning and coordinating the State Thespian Festival, which was hosted virtually this year for over 4,000 thespians across the country; and advocating for theatre education in the State of Texas; and

Whereas, theater education has many benefits, with the *Journal for Learning Through the Arts*, publicizing that “High-Poverty K-2 English Language learners who receive weekly drama lessons demonstrate increased listening and speaking skills on standardized tests;” and

Whereas, according to *The College Board*, “In 2015, students who took four years of arts classes in high school scored an average of 92 points higher on their SATs than students who took only one-half year or less;” and

Whereas, Texas Thespians believe that increased awareness of arts education will encourage further advocacy on behalf of the Arts in our schools, resulting in positive change for students throughout Texas in everything that they participate in, including academic achievement.

Now, Therefore, I, Jim Pruitt, Mayor of the City of Rockwall, Texas, do hereby proclaim the
month of **March 2021** as

Theater in Our Schools Month

in the City of Rockwall and encourage all citizens to show enthusiastic support for local thespians and for all arts-related programming within our school district.

In Witness Whereof, I hereunto set my hand and official seal on this 1st day of March, 2021.



Jim Pruitt, Mayor

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, February 01, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and City Council Members Anna Campbell, Dana Macalik, John Hohenshelt, and Bennie Daniels. Also present were Interim City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. City Council Member Trace Johannesen attended the meeting, remotely / virtually (via ZOOM).

Mayor Pruitt read the below listed discussion items into the record before recessing the public meeting to go into Executive Session.

II. EXECUTIVE SESSION.

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

1. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)
2. Discussion regarding appointments to city regulatory boards, commissions, and committees (Board of Adjustments 'alternates' and Rockwall Central Appraisal District Board) pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding sale of city-owned real property off of IH-30 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding zoning and entitlements in the vicinity of the Old Town Rockwall (OTR) Historic District pursuant to §551.071 (Consultation with Attorney).
5. Discussion regarding city's lease of property on Ridge Road pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 6:00 p.m.

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

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

V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR PRO TEM FOWLER

Mayor Pro Tem Fowler delivered the invocation and led the Pledge of Allegiance.

VI. PROCLAMATIONS

1. Black History Month

Councilmember Campbell introduced Edna and Donna, members of the city's adhoc "Diverse History Committee," and Mayor Pruitt introduced Clarence Jorif, all of whom were present for this proclamation. He then read the proclamation, declaring the month of February as "Black History Month" in the City of Rockwall.

VII. OPEN FORUM

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

Mayor Pruitt provided a brief update on COVID-19 vaccines recently received by Helping Hands for Rockwall County residents. He announced that the doses are for those in Categories 1A and 1B, and folks should sign up for the vaccines and associated waiting list by visiting Helping Hands' website. He shared that Rockwall County has requested to be able to establish a "vaccine hub" here in our own county; however, it has not yet been approved by the State of TX. He provided additional suggestions for where Rockwall County residents may visit in Dallas County in order to seek 1A and 1B vaccination opportunities.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler moved to appoint Dan Simmons as an "alternate" to serve on the city's Board of Adjustments. Mayor Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the January 19, 2021 regular City Council meeting, and take any action necessary.
2. **Z2020-055** - Consider a request by Caroline Harklau of Southern Roots, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a General Retail Store on a 0.23-acre parcel of land identified as Lot 1, Block A, TCB Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 505 N. Goliad Street, and take any action necessary **(2nd Reading)**.
3. **Z2020-056** - Consider a request by Ryan Joyce of Michael Joyce Properties, LLC on behalf of Jen-Liang Wu of Unison Investment, LP for the approval of an **ordinance** for a Zoning Change from a Single-Family 16 (SF-16) District and Neighborhood Services (NS) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 121.16-acre tract of land identified as Tract 2 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District and Neighborhood Services (NS) District, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary **(2nd Reading)**.
4. **Z2020-058** - Consider a request by David LeCour for the approval of an **ordinance** for a Specific Use Permit (SUP) for an accessory structure on a 0.50-acre parcel of land identified as Block 107 of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 507 S. Clark Street, and take any action necessary **(2nd Reading)**.
5. **Z2020-060** - Consider a request by Matthew Deyermond of TC Planning and Design Group on behalf of the owners Donald Wallace for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District and a Single-Family Estate 2.0 (SFE-2.0) District to a Single-Family Estate 1.5 (SFE-1.5) District on a 8.17-acre portion of a larger 123.00-acre tract of land identified as Tract 44-01 and all of Tracts 45-02 & 45-07 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Single-Family Estate 2.0 (SFE-2.0) District, generally located on the north side of H. Wallace Lane north of the intersection of H. Wallace Lane and Horizon Road [FM-3097], and take any action necessary **(2nd Reading)**.
6. **P2020-052** - Consider a request by Doug Galloway of Viaduct Development on behalf of GotRocks Properties, LLC for the approval of a Replat for Lots 2, 3 & 4, Block A, North Lake Shore Daycare Addition being a replat of a 2.96-acre parcel of land identified as Lot 1, Block A, North Lake Shore Daycare Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 41 (PD-41) for Single-Family 10 (SF-10) District land uses and Single-Family 10 (SF-10) District, addressed as 1940 N. Lakeshore Road, and take any action necessary.

7. **P2021-002** - Consider a request by Anna C. Blackwell of Carrillo Engineering on behalf Harry J. Kuper of SVEA Industrial II, LLC for the approval of a Replat for Lot 7, Block C, Ellis Center, Phase Two Addition being a 1.905-acre tract of land identified as a portion of Lot 3 and all of Lot 3A-R, Block C, Ellis Center, Phase Two Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1203 Sigma Court, and take any action necessary.
8. **P2021-003** - Consider a request by Corby Bell and Mandy Dorman for the approval of a Final Plat for Lot 1, Block A, R. S. Lofland Subdivision being a 0.304-acre tract of land identified as Tract 23 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 53 (PD-53) for Residential Office (RO) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 1006 Ridge Road, and take any action necessary.
9. Consider authorizing the Interim City Manager to renew a concession agreement with Sail with Scott and take any action necessary.
10. Consider authorizing the Interim City Manager to execute an agreement with Rockwall County for Municipal Court Judge services associated with "No Refusal Weekends" for 2021, and take any action necessary.
11. Consider approval of a resolution calling a General Election to be held on May 1, 2021 for the purpose of electing the following Rockwall City Council Member positions: Mayor, Place 1, Place 3, and Place 5 (each for two-year terms) and Place 6 (for a one-year term), and take any action necessary.

Mayor Pruitt removed item #6 for discussion. Hohenshelt then moved to approve the remaining Consent Agenda items (#s 1, 2, 3, 4, 5, 7, 8, 9, 10, and 11). Mayor Pro Tem Fowler seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-08
SPECIFIC USE PERMIT NO. S-242**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *GENERAL RETAIL STORE* ON A 0.23-ACRE PARCEL OF LAND, ZONED PLANNED DEVELOPMENT DISTRICT 50 (PD-50) FOR RESIDENTIAL OFFICE (RO) DISTRICT LAND USES, AND BEING IDENTIFIED AS BLOCK 20B OF THE AMICK ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 21-09**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM A NEIGHBORHOOD SERVICES (NS) DISTRICT AND A SINGLE-FAMILY 16 (SF-16) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 90 (PD-90) FOR SINGLE-FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 121.16-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE J. M. GASS SURVEY, ABSTRACT NO. 88, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL

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

CITY OF ROCKWALL
ORDINANCE NO. 21-11
SPECIFIC USE PERMIT NO. S-243

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW AN *ACCESSORY BUILDING* THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE ON A 0.50-ACRE PARCEL OF LAND, IDENTIFIED AS BLOCK 107, B. F. BOYDSTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 21-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT AND SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT TO A SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT FOR AN 8.17-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 44-01 AND ALL OF TRACTS 45-02 & 45-07 OF THE W.W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Pruitt introduced Interim City Manager, Mary Smith, announcing that she has been here working for the City of Rockwall for a long time, and she will serve in this capacity until at least the first city council meeting in June when a new City Council is seated (after the election).

Regarding Consent Agenda Item #6, Mayor Pro Tem Fowler moved to approve P2020-052. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. ACTION ITEMS

1. **Z2020-057** - Discuss and consider a request by Doug Galloway of Viaduct Development on behalf of GotRocks Properties, LLC for the approval of an ordinance for a Zoning Change superseding *Specific Use*

Permit No. 57 (S-57; Ordinance No. 08-39) and changing the zoning from a Single-Family 10 (SF-10) District to Planned Development District 41 (PD-41) for General Retail (GR) District land uses on a 2.96-acre parcel of land identified as Lot 1, Block A North Lake Shore Daycare Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 41 (PD-41) for Single-Family 10 (SF-10) District land uses and Single-Family 10 (SF-10) District, addressed as 1940 N. Lakeshore Road, and take any action necessary **(2nd Reading)**.

Planning Director, Ryan Miller explained that this zoning case came before Council at the last meeting with Mayor Pruitt dissenting upon 1st reading at that time. Councilmember Macalik moved to approve Z2020-057. Councilmember Campbell seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-10**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 41 (PD-41) [ORDINANCE NO.'S 94-15 & 01-27] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 41 (PD-41) AND REZONING A 1.46-ACRE TRACT OF LAND FROM SINGLE-FAMILY 10 (SF-10) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 41 (PD-41), BEING A ~145.744-ACRE TRACT OF LAND SITUATED WITHIN THE A. HANNA SURVEY, ABSTRACT NO. 98 AND THE J. G. B. JONES SURVEY, ABSTRACT NO. 124, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Pruitt addressed Consent Agenda item #6 on the agenda next.

2. Discuss and consider approval of a resolution expressing support for Rockwall County's efforts to designate SH-66 as the "David Magness Highway" throughout the limits of the corridor extending from the Dallas/Rockwall County line to the Rockwall/Hunt County line, including the portion of SH-66 that runs thru the City of Rockwall, and take any action necessary.

Mayor Pruitt explained the background concerning this agenda item and provided some clarification as well. He shared that portions of SH-66 that are already named will not be impacted (i.e. "Rusk" and "Williams St."). There will be a sign naming it the "David Magness Highway" where the Rockwall County line starts in both Rowlett and in Royse City. Mayor Pruitt then moved to approve the resolution expressing the City's support for this naming. Mayor Pro Tem Fowler seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

3. Discuss and consider appointment(s) to the city's Airport Advisory Board, and take any action necessary.

Councilmember Macalik moved to appoint Guy White to serve on the Airport Advisory Board to replace Tom Woodruff (who recently resigned). Councilmember Daniels seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

4. Discuss and consider approval of a resolution to nominate a candidate to fill a vacancy on the Rockwall Central Appraisal District (CAD) Board of Directors, and take any action necessary.

Councilmember Johannesen moved to pass the resolution, submitting Matthew Nielsen as the City's nominee to fill the vacancy on this board. Councilmember Macalik seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

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

1. Building Inspections Monthly Report - December 2020
2. Fire Department Monthly Report - December 2020
3. Parks & Recreation Department Monthly Report - December 2020
4. Police Department Monthly Report - December 2020
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Interim City Manager, Mary Smith indicated that staff will be happy to answer any questions Council may have concerning the reports. In addition, the Parks & Rec. Department recently held three, separate "Daddy / Daughter Dance" events, and those were very well received by those who attended. Even after COVID, the city may wish to hold multiple events, as attendees appreciated the ability to spread out.

XII. EXECUTIVE SESSION.

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

1. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)
2. Discussion regarding appointments to city regulatory boards, commissions, and committees (Board of Adjustments 'alternates' and Rockwall Central Appraisal District Board) pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding sale of city-owned real property off of IH-30 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding zoning and entitlements in the vicinity of the Old Town Rockwall (OTR) Historic District pursuant to §551.071 (Consultation with Attorney).
5. Discussion regarding city's lease of property on Ridge Road pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney)

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

XIV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 6:29 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 1st DAY OF MARCH, 2021.

JIM PRUITT, MAYOR

ATTEST:

KRISTY COLE, CITY SECRETARY



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: March 1, 2021

SUBJECT: P2021-006; REPLAT FOR LOTS 4 & 5, BLOCK A, MTA ANDREWS ADDITION

Attachments

Case Memo
Development Application
Location Map
Replat

Summary/Background Information

Consider a request by Joseph Hornisher of Kimley-Horn on behalf of Mark Andrews of 2424 MTA Realty, LLC for the approval of a *Replat* for Lots 4 & 5, Block A, MTA Andrews Addition being an 8.6234-acre tract of land identified as Lots 1 & 2, Block A, MTA Andrews Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, addressed as 2424 Ridge Road, and take any action necessary.

Action Needed

The City Council is being asked to approve, approve with condition, or deny the replat.



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: March 1, 2021
APPLICANT: Joseph Hornisher; *Kimley-Horn*
CASE NUMBER: P2021-006; *Replat for Lots 4 & 5, Block A, MTA Andrews Addition*

SUMMARY

Consider a request by Joseph Hornisher of Kimley-Horn on behalf of Mark Andrews of 2424 MTA Realty, LLC for the approval of a Replat for Lots 4 & 5, Block A, MTA Andrews Addition being an 8.6234-acre tract of land identified as Lots 1 & 2, Block A, MTA Andrews Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, addressed as 2424 Ridge Road, and take any action necessary.

PLAT INFORMATION

- The purpose of this Replat is to dedicate a ten (10) foot sanitary sewer easement on *Lot 5, Block A (i.e. presently Lot 2, Block A)* and a variable width water easement on *Lot 4, Block A (i.e. presently Lot 1, Block A)*. No other dedications, easements, or changes are being proposed with this subdivision plat.
- On January 7, 2019, the City Council approved a Specific Use Permit (SUP) [*Ordinance No. 19-05; S-203; Case No. Z2018-054*] allowing an office building to exceed 36-feet in height in the Scenic Overlay (SOV) District and enabling the construction of a multi-story office building. This approval was followed by a site plan [*Case No. SP2019-025*] proposing a four (4) story, 80,236 SF office building, which was approved by the Planning and Zoning Commission on September 10, 2019. A subsequent final plat [*Case No. P2019-047*] was approved by the City Council on December 2, 2019. Construction on the office building commenced in early 2020, and is nearing completion.
- The surveyor has completed the majority of the technical revisions requested by staff, and this Replat -- *conforming to the requirements for plats as stipulated by Chapter 38, Subdivisions, of the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this Replat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- With the exception of the items listed in the *Conditions of Approval* section below, this Replat is in substantial compliance with the requirements of Chapter 38, *Subdivision*, of the Municipal Code of Ordinances.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the Replat for *Lots 4 & 5, Block A, MTA Andrews Addition*, staff would propose the following conditions of approval:

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

PLANNING AND ZONING COMMISSION

On February 23, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the plat with the conditions of approval by a vote of 5-0, with Commissioners Womble and Thomas absent.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY
PLANNING & ZONING CASE NO. _____

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre)¹
- Preliminary Plat (\$200.00 + \$15.00 Acre)¹
- Final Plat (\$300.00 + \$20.00 Acre)¹
- Replat (\$300.00 + \$20.00 Acre)¹
- Amending or Minor Plat (\$150.00)
- Plat Reinstatement Request (\$100.00)

Site Plan Application Fees:

- Site Plan (\$250.00 + \$20.00 Acre)¹
- Amended Site Plan/Elevations/Landscaping Plan (\$100.00)

Zoning Application Fees:

- Zoning Change (\$200.00 + \$15.00 Acre)¹
- Specific Use Permit (\$200.00 + \$15.00 Acre)¹
- PD Development Plans (\$200.00 + \$15.00 Acre)¹

Other Application Fees:

- Tree Removal (\$75.00)
- Variance Request (\$100.00)

Notes:

¹: In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

PROPERTY INFORMATION [PLEASE PRINT]

Address **2424 Ridge Road**

Subdivision **MTA Andrews Addition**

Lot **1, 2, and 3** Block **A**

General Location **Southwest corner of Turtle Cove and Ridge Road**

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning **C**

Current Use **Office**

Proposed Zoning **C**

Proposed Use **Office**

Acreage **9.6990**

Lots [Current] **3**

Lots [Proposed] **3**

SITE PLANS AND PLATS: By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

Owner **2424 MTA Realty, LLC**

Applicant **Kimley-Horn**

Contact Person **Mark Andrews**

Contact Person **Joseph Hornisher**

Address **1900 Dalrock Rd.**

Address **13455 Noel Road**

City, State & Zip **Rowlett, Texas 75088**

City, State & Zip **Dallas, Texas 75240**

Phone **469-298-1594**

Phone **972-776-1729**

E-Mail

E-Mail **Joseph.Hornisher@Kimley-horn.com**

NOTARY VERIFICATION [REQUIRED]

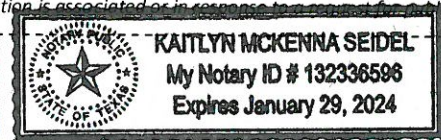
Before me, the undersigned authority, on this day personally appeared Mark Andrews [Owner] the undersigned, who stated the information on this application to be true and certified the following:

"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ _____, to cover the cost of this application, has been paid to the City of Rockwall on this the _____ day of _____, 20 _____. By signing this application, I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is associated or in response to a request for that information."

Given under my hand and seal of office on this the 22nd day of December, 20 20

Owner's Signature

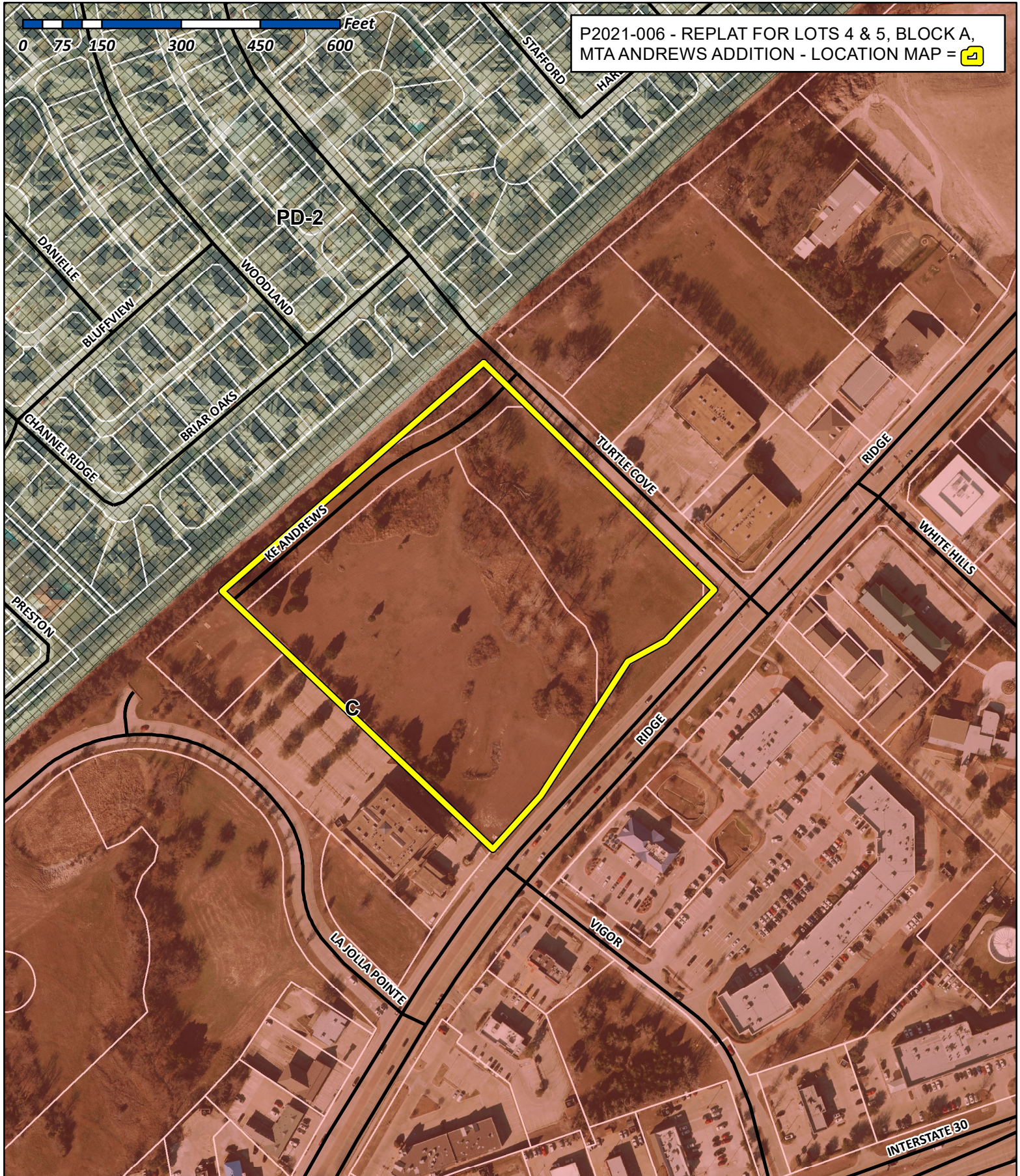
Notary Public in and for the State of Texas



My Commission Expires 1/29/2024



P2021-006 - REPLAT FOR LOTS 4 & 5, BLOCK A, MTA ANDREWS ADDITION - LOCATION MAP =

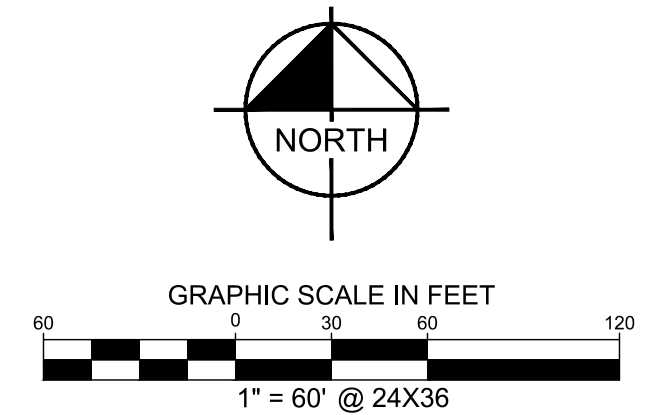
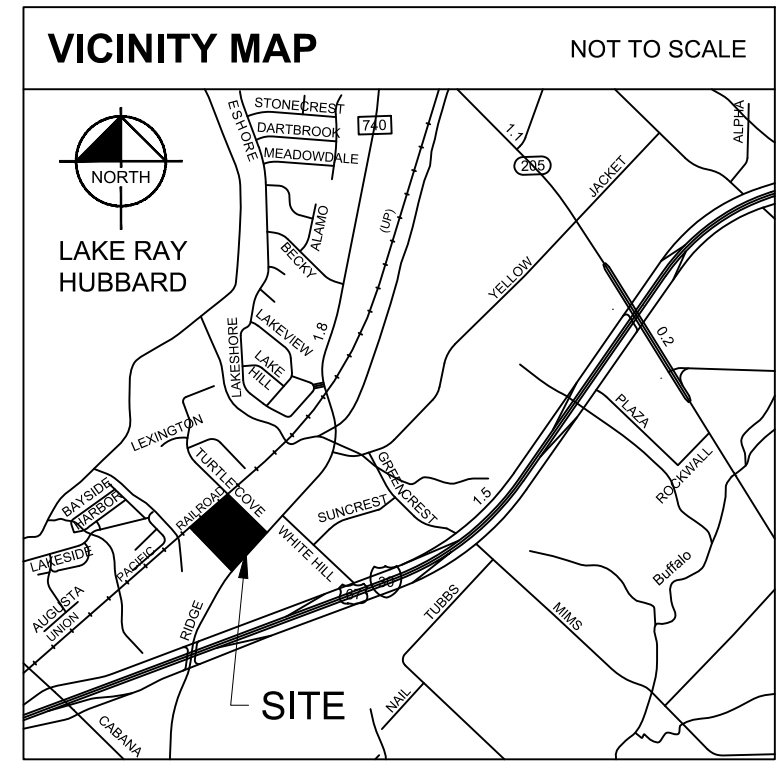
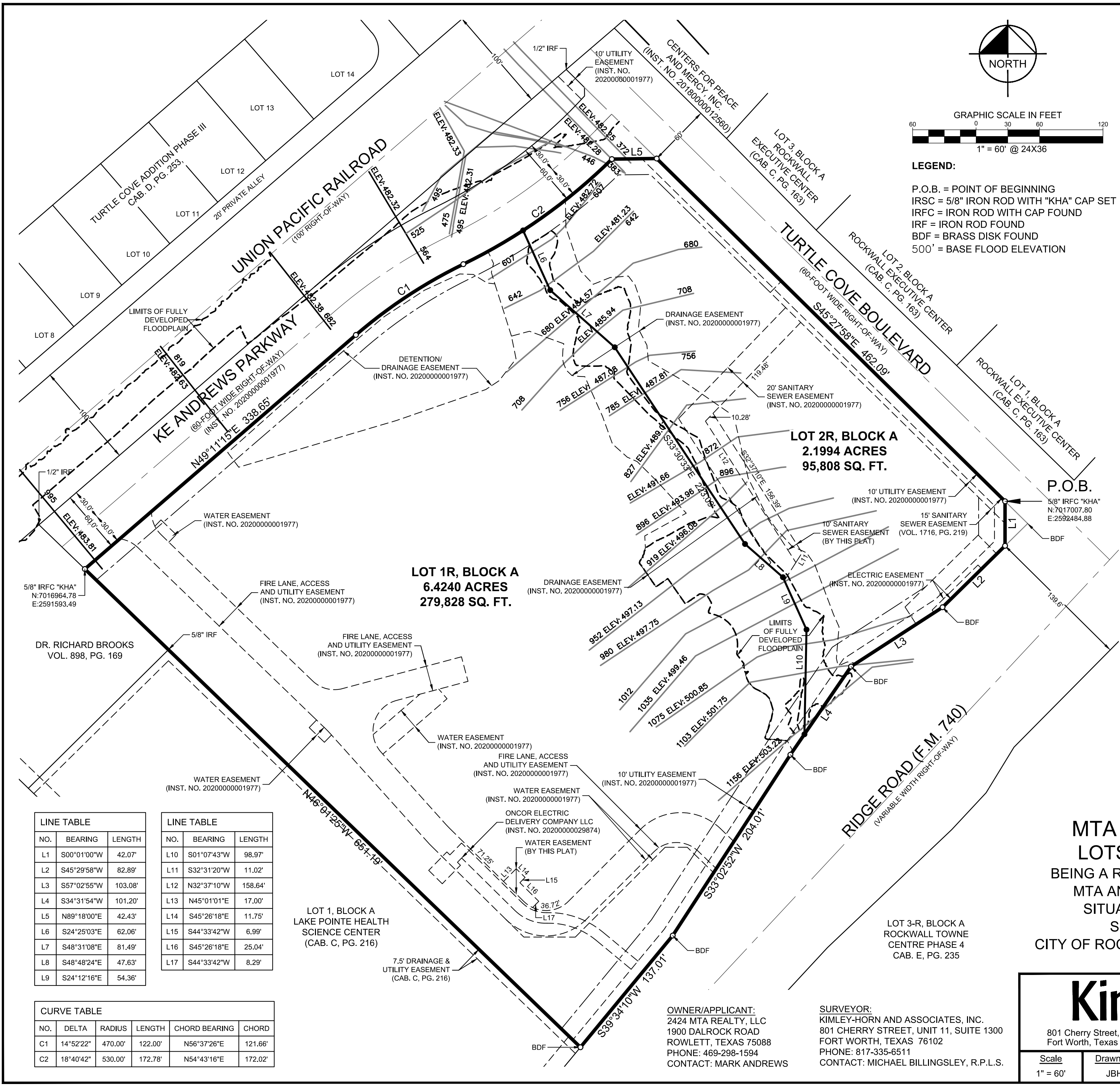


City of Rockwall

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.





LEGEND:
 P.O.B. = POINT OF BEGINNING
 IRSC = 5/8" IRON ROD WITH "KHA" CAP SET
 IRFC = IRON ROD WITH CAP FOUND
 IRF = IRON ROD FOUND
 BDF = BRASS DISK FOUND
 500' = BASE FLOOD ELEVATION

- NOTES:**
- It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee by the City of the adequacy and availability for water for personal use and fire protection within such plat, as required under Ordinance 83-54.
 - Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).
 - The coordinates shown hereon are grid values of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).
 - The distances shown hereon are surface values. The combined scale factor for this plat is 0.999855936.
 - Property owner shall be responsible for all liability maintenance, repairs, and reconstruction of drainage and detention easements on site.
 - The purpose of this replat is to dedicate an additional sanitary sewer easement and water easement.

LOT 1R, BLOCK A
6.4240 ACRES
279,828 SQ. FT.

LOT 2R, BLOCK A
2.1994 ACRES
95,808 SQ. FT.

P.O.B.
 5/8" IRFC "KHA"
 N: 7017007.80
 E: 2592484.88

LINE TABLE

| NO. | BEARING | LENGTH |
|-----|-------------|---------|
| L1 | S00°01'00"W | 42.07' |
| L2 | S45°29'58"W | 82.89' |
| L3 | S57°02'55"W | 103.08' |
| L4 | S34°31'54"W | 101.20' |
| L5 | N89°18'00"E | 42.43' |
| L6 | S24°25'03"E | 62.06' |
| L7 | S48°31'08"E | 81.49' |
| L8 | S48°48'24"E | 47.63' |
| L9 | S24°12'16"E | 54.36' |

LINE TABLE

| NO. | BEARING | LENGTH |
|-----|-------------|---------|
| L10 | S01°07'43"W | 98.97' |
| L11 | S32°31'20"W | 11.02' |
| L12 | N32°37'10"W | 158.64' |
| L13 | N45°01'01"E | 17.00' |
| L14 | S45°26'18"E | 11.75' |
| L15 | S44°33'42"W | 6.99' |
| L16 | S45°26'18"E | 25.04' |
| L17 | S44°33'42"W | 8.29' |

CURVE TABLE

| NO. | DELTA | RADIUS | LENGTH | CHORD BEARING | CHORD |
|-----|-----------|---------|---------|---------------|---------|
| C1 | 14°52'22" | 470.00' | 122.00' | N56°37'26"E | 121.66' |
| C2 | 18°40'42" | 530.00' | 172.78' | N54°43'16"E | 172.02' |

OWNER/APPLICANT:
 2424 MTA REALTY, LLC
 1900 DALROCK ROAD
 ROWLETT, TEXAS 75088
 PHONE: 469-298-1594
 CONTACT: MARK ANDREWS

SURVEYOR:
 KIMLEY-HORN AND ASSOCIATES, INC.
 801 CHERRY STREET, UNIT 11, SUITE 1300
 FORT WORTH, TEXAS 76102
 PHONE: 817-335-6511
 CONTACT: MICHAEL BILLINGSLEY, R.P.L.S.

REPLAT
MTA ANDREWS ADDITION
LOTS 1R AND 2R, BLOCK A
 BEING A REPLAT OF LOTS 1 AND 2, BLOCK A
 MTA ANDREWS ADDITION, AND BEING
 SITUATED IN THE E.P. GAINS CHISM
 SURVEY, ABSTRACT NO. 64
 CITY OF ROCKWALL ROCKWALL COUNTY, TEXAS
 CASE NO. P2019-047

Kimley»Horn

801 Cherry Street, Unit 11, # 1300
Fort Worth, Texas 76102 FIRM # 10194040 Tel. No. (817) 335-6511
www.kimley-horn.com

| | | | | | |
|-------------------|-----------------|-------------------|-------------------|--------------------------|---------------------|
| Scale 1" = 60' | Drawn by JBH | Checked by MCB | Date 1/12/2021 | Project No. 064539200 | Sheet No. 1 OF 1 |
|-------------------|-----------------|-------------------|-------------------|--------------------------|---------------------|

DWG NAME: K:\FTW_SURVEY\064539200-KE ANDREWS OFFICE - ROCKWALL\DWG_PLOTTED BY: HOPPER, BRADIN 2/10/2021 8:51 AM LAST SAVED 2/9/2021 2:34 PM

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

**STATE OF TEXAS
COUNTY OF ROCKWALL**

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

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

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

By: 2424 MTA Realty, LLC

By: MTAA, LLC, its Sole Manager

By: _____
Mark Andrews, its Sole Manager

**STATE OF TEXAS §
COUNTY OF _____ §**

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Mark Andrews, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021.

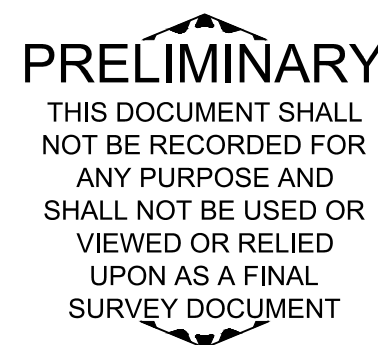
Notary Public in and for the State of Texas

SURVEYOR'S STATEMENT

I, Michael C. Billingsley, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying.

Dated this the 9th day of February, 2021.

Michael C. Billingsley
Registered Professional Land Surveyor No. 6558
Kimley-Horn and Associates, Inc.
801 Cherry Street, Unit 11, Suite 1300
Fort Worth, Texas 76102
Ph. 817-770-6511
michael.billingsley@kimley-horn.com



**STATE OF TEXAS
COUNTY OF ROCKWALL**

WHEREAS, 2424 MTA REALTY, LLC, is the owner of a tract of land in situated in the situated in the E. P. Gains Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, and being all of Lots 1 and 2, Block A, MTA Andrews Addition, an addition to the City of Rockwall, Texas, according to the plat recorded in Instrument No. 20200000001977 of the Official Public Records of Rockwall County, Texas, and being all of a tract of land described in Special Warranty Deed to 2424 MTA Realty, LLC, recorded in Instrument No. 20190000003297, Official Public Records of Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with cap stamped "KHA" found at the north end of a right-of-way corner clip at the intersection of the southwest right-of-way line of Turtle Cove Boulevard (a 60-foot wide right-of-way) and the northwest right-of-way line of Ridge Road (F.M. 740, a variable width right-of-way);

THENCE South 0°01'00" West, along the said right-of-way corner clip, a distance of 42.07 feet to a 5/8-inch iron rod with cap stamped "KHA" found at the south end of the said corner clip;

THENCE along the said northwest right-of-way line, the following courses and distances to wit:

- South 45°29'58" West, a distance of 82.89 feet to a brass disk found for corner;
- South 57°02'55" West, a distance of 103.08 feet (Deed:103.07 feet) to a brass disk found for corner;
- South 34°31'54" West, a distance of 101.20 feet (Deed:101.12 feet) to a brass disk found for corner;
- South 33°02'52" West, a distance of 204.01 feet (Deed:204.12 feet) to a brass disk found for corner;
- South 39°34'10" West, a distance of 137.01 feet (Deed:136.97 feet) to a brass disk found at the easternmost corner of Lot 1, Block A, Lake Pointe Health Science Center, an addition to the City of Rockwall County, Texas according to the plat thereof recorded in Cabinet C, Page 216, Map Records of Rockwall, Texas;

THENCE departing said northwest right-of-way line and with the northeast line of said Lot 1, Block A and the northeast line of a tract of land described in Warranty Deed to Dr. Richard Brooks, recorded in Volume 898, Page 169, Deed Records of Rockwall County, Texas, North 46°01'25" West, at a distance of 651.19 to a 5/8-inch iron rod with cap stamped "KHA" found in the southeast right-of-way line of KE Andrews Parkway (60-foot wide right-of-way), and being the northwest corner of said Lot 1, Block A, MTA Andrews Addition;

THENCE along the said southeast right-of-way line, the following courses and distances to wit:

- North 49°11'15" East, a distance of 338.65 feet to a 5/8-inch iron rod with cap stamped "KHA" found at the beginning of a tangent curve to the right having a central angle of 14°52'22", a radius of 470.00 feet, a chord bearing and distance of North 56°37'26" East, 121.66 feet;
- In a northeasterly direction, with said curve to the right, an arc distance of 122.00 feet to a 5/8-inch iron rod with cap stamped "KHA" found at the beginning of a reverse curve to the left having a central angle of 18°40'42", a radius of 530.00 feet, a chord bearing and distance of North 54°43'16" East, 172.02 feet;
- In a northeasterly direction, with said curve to the left, an arc distance of 172.78 feet to a 5/8-inch iron rod with cap stamped "KHA" found at the west end of a right-of-way corner clip at the intersection of the said southeast right-of-way line of KE Andrews Parkway and the said southwest right-of-way line of Turtle Cove Boulevard;

THENCE North 89°18'00" East, along the said right-of-way corner clip, a distance of 42.43 feet to a 5/8-inch iron rod with cap stamped "KHA" found at the east end of the said corner clip;

THENCE South 45°27'58" East, along the said southwest right-of-way line of Turtle Cove Boulevard, a distance of 462.09 feet to the **POINT OF BEGINNING** and containing 8.6234 acres or 375,636 square feet of land, more or less.

| | | |
|--|----------------|---------------|
| RECOMMENDED FOR FINAL APPROVAL | | |
| _____ | | _____ |
| Planning and Zoning Commission | | Date |
| APPROVED | | |
| I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of th City of Rockwall on the ____ day of _____, 2021. | | |
| This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of final approval. | | |
| WITNESS OUR HANDS, this ____ day of _____, 2021. | | |
| _____ | _____ | _____ |
| Mayor, City of Rockwall | City Secretary | City Engineer |

**REPLAT
MTA ANDREWS ADDITION
LOTS 1R AND 2R, BLOCK A
BEING A REPLAT OF LOTS 1 AND 2, BLOCK A
MTA ANDREWS ADDITION, AND BEING
SITUATED IN THE E.P. GAINS CHISM
SURVEY, ABSTRACT NO. 64
CITY OF ROCKWALL ROCKWALL COUNTY, TEXAS
CASE NO. P2019-047**



801 Cherry Street, Unit 11, # 1300
Fort Worth, Texas 76102 FIRM # 10194040 Tel. No. (817) 335-6511
www.kimley-horn.com

| | | | | | |
|--------------|-----------------|-------------------|-------------|--------------------|------------------|
| <u>Scale</u> | <u>Drawn by</u> | <u>Checked by</u> | <u>Date</u> | <u>Project No.</u> | <u>Sheet No.</u> |
| N/A | JBH | MCB | 1/12/2021 | 064539200 | 1 OF 1 |

OWNER/APPLICANT:
2424 MTA REALTY, LLC
1900 DALROCK ROAD
ROWLETT, TEXAS 75088
PHONE: 469-298-1594
CONTACT: MARK ANDREWS

SURVEYOR:
KIMLEY-HORN AND ASSOCIATES, INC.
801 CHERRY STREET, UNIT 11, SUITE 1300
FORT WORTH, TEXAS 76102
PHONE: 817-335-6511
CONTACT: MICHAEL BILLINGSLEY, R.P.L.S.

DWG NAME: K:\FTW_SURVEY\064539200\4E ANDREWS OFFICE - ROCKWALL\DWG_PLOTTED BY: HOPPER, BRAIDEN 2/10/2021 8:51 AM LAST SAVED 2/9/2021 2:34 PM



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: March 1, 2021

SUBJECT: P2021-006; REPLAT FOR LOT 1, BLOCK A, BLPB-MIMS ADDITION

Attachments

Case Memo
Development Application
Location Map
Replat
Closure Report

Summary/Background Information

Consider a request by Bryan Connally of CBG Surveying Texas, LLC on behalf of Dr. Mary Courtin of BLBP Property Group for the approval of a *Replat* for Lot 1, Block A, BLPB-Mims Addition being a 1.743-acre tract of land identified as a portion of Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 54 (PD-54) for Commercial (C) District land uses, situated at the southeast corner of the intersection of E. Ralph Hall Parkway and Mims Road, and take any action necessary.

Action Needed

The City Council is being asked to approve, approve with condition, or deny the replat.



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: March 1, 2021
APPLICANT: Bryan Connally; *CBG Surveying Texas, LLC*
CASE NUMBER: P2021-008; *Replat for Lot 1, Block A, BLPB-Mims Addition*

SUMMARY

Consider a request by Bryan Connally of CBG Surveying Texas, LLC on behalf of Dr. Mary Courtin of BLPB Property Group for the approval of a Replat for Lot 1, Block A, BLPB-Mims Addition being a 1.743-acre tract of land identified as a portion of Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 54 (PD-54) for Commercial (C) District land uses, situated at the southeast corner of the intersection of E. Ralph Hall Parkway and Mims Road, and take any action necessary.

PLAT INFORMATION

- The applicant is requesting to replat a 1.743-acre portion of an existing parcel of land (*i.e. Lot 9, Block A, Flagstone Corners Addition*) for the purpose of establishing one (1) lot (*i.e. Lot 1, Block A, BLPB-Mims Addition*) to facilitate the development of a ~4,059 SF medical office building and a ~10,841 SF daycare facility.
- The subject property was annexed into the City of Rockwall on December 5, 1983 by *Ordinance No. 83-65*. On December 2, 2002, the City Council approved a zoning change for the subject property changing the zoning designation of the subject property from a Commercial (C) District and a Heavy Commercial (HC) District to Planned Development District 54 (PD-54) [*Ordinance No. 02-52*] for Single-Family 10 (SF-10) District land uses. On May 3, 2004, the City Council approved an amendment to Planned Development District 54 (PD-54) [*Ordinance No. 04-31*] allowing for limited Commercial (C) District land uses on the subject property. On December 8, 2020, the Planning and Zoning Commission approved a site plan [*Case No. SP2020-031*] for a ~4,059 SF medical office building and a ~10,841 SF daycare facility. This approval was followed up by a site plan amendment [*Case No. SP2020-034*], which was approved by the Planning and Zoning Commission on December 29, 2020. This amendment made changes to the exterior building elevations of the proposed daycare facility.
- The surveyor has completed the majority of the technical revisions requested by staff, and this Replat -- *conforming to the requirements for plats as stipulated by Chapter 38, Subdivisions, of the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this Replat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- With the exception of the items listed in the *Conditions of Approval* section below, this Replat is in substantial compliance with the requirements of Chapter 38, *Subdivision*, of the Municipal Code of Ordinances.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the Replat for *Lot 1, Block A, BLPB-Mims Addition*, staff would propose the following conditions of approval:

- (1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this subdivision plat;

- (2) Any construction resulting from the approval of this Replat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On February 23, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the plat with the conditions of approval by a vote of 5-0, with Commissioners Womble and Thomas absent.



DEVELOPMENT APPLICATION

City of Rockwall
 Planning and Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. _____

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ¹
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST (\$100.00)

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS **East Ralph Hall Parkway**

SUBDIVISION **Replat Flagstone Corners** LOT **9** BLOCK **A**

GENERAL LOCATION **Intersection of East Ralph Hall Parkway and Mims Road**

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

| | | | |
|-----------------|--------------|-----------------|-----------------|
| CURRENT ZONING | PD-54 | CURRENT USE | Vacant |
| PROPOSED ZONING | PD-54 | PROPOSED USE | Day Care |
| ACREAGE | 1.743 | LOTS [CURRENT] | 1 |
| | | LOTS [PROPOSED] | 1 |

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

| | | | |
|--------------------------------|------------------------------|---|-------------------------------------|
| <input type="checkbox"/> OWNER | BLBP Property Group | <input checked="" type="checkbox"/> APPLICANT | CBG Surveying Texas, LLC |
| CONTACT PERSON | Dr. Mary Courtin | CONTACT PERSON | Bryan Connally |
| ADDRESS | 991 E I-30 #103 | ADDRESS | 12025 Shiloh Road, Suite 230 |
| CITY, STATE & ZIP | Rockwall, TX 75032 | CITY, STATE & ZIP | Dallas, Texas 75228 |
| PHONE | 214-471-3810 | PHONE | 214-349-9485 |
| E-MAIL | marycourtin@yahoo.com | E-MAIL | bryanc@cbgtxllc.com |

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Mary Courtin [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 340.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 11th DAY OF February, 2021. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

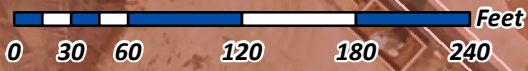
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 11th DAY OF February, 2021.

OWNER'S SIGNATURE

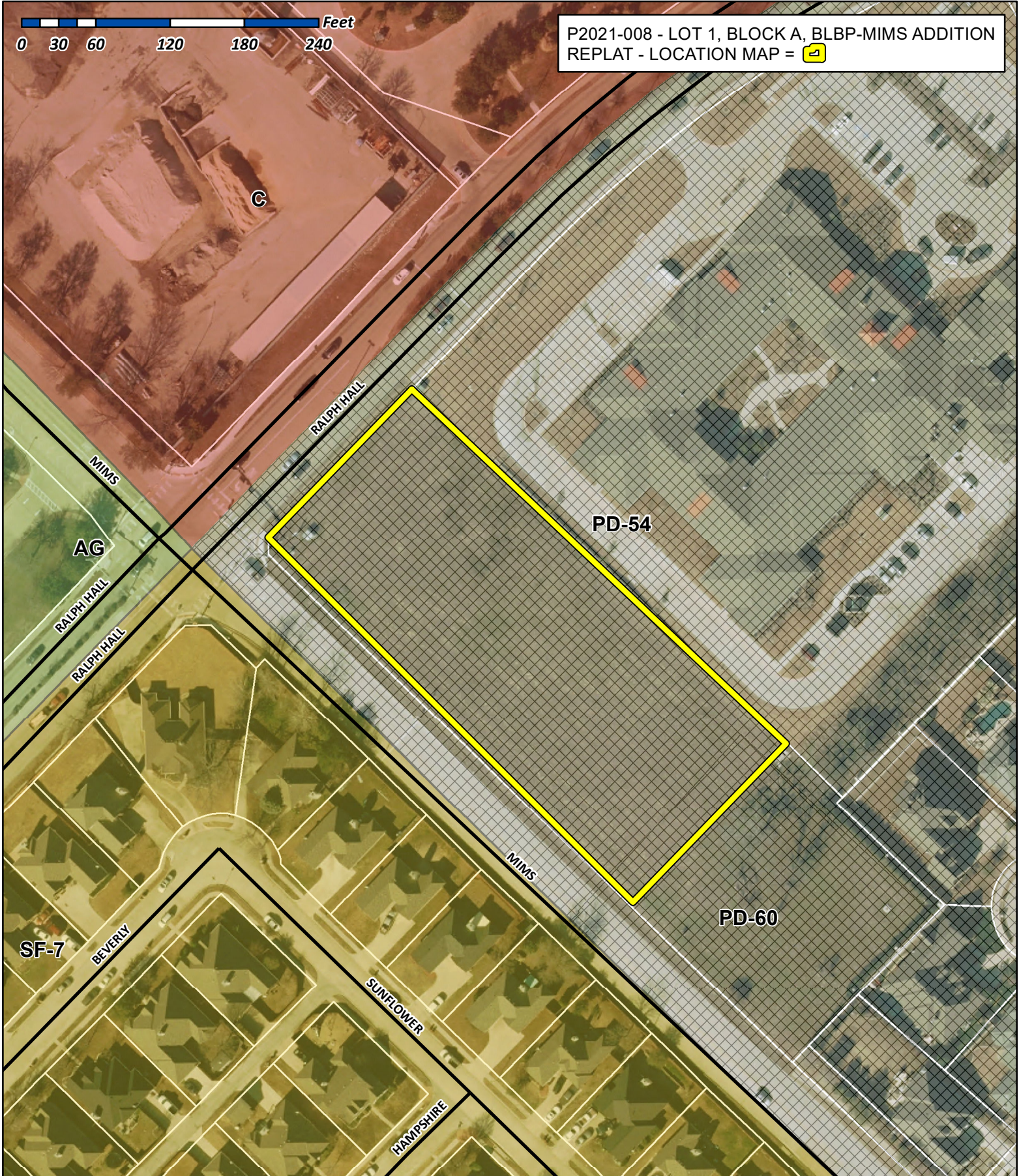
Mary Courtin
 E6229244FAB34E1

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





P2021-008 - LOT 1, BLOCK A, BLBP-MIMS ADDITION
REPLAT - LOCATION MAP =

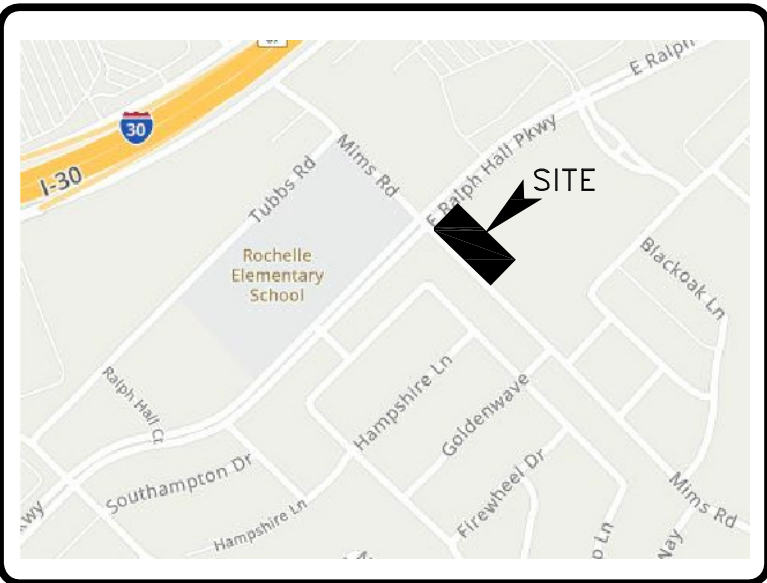


City of Rockwall

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

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





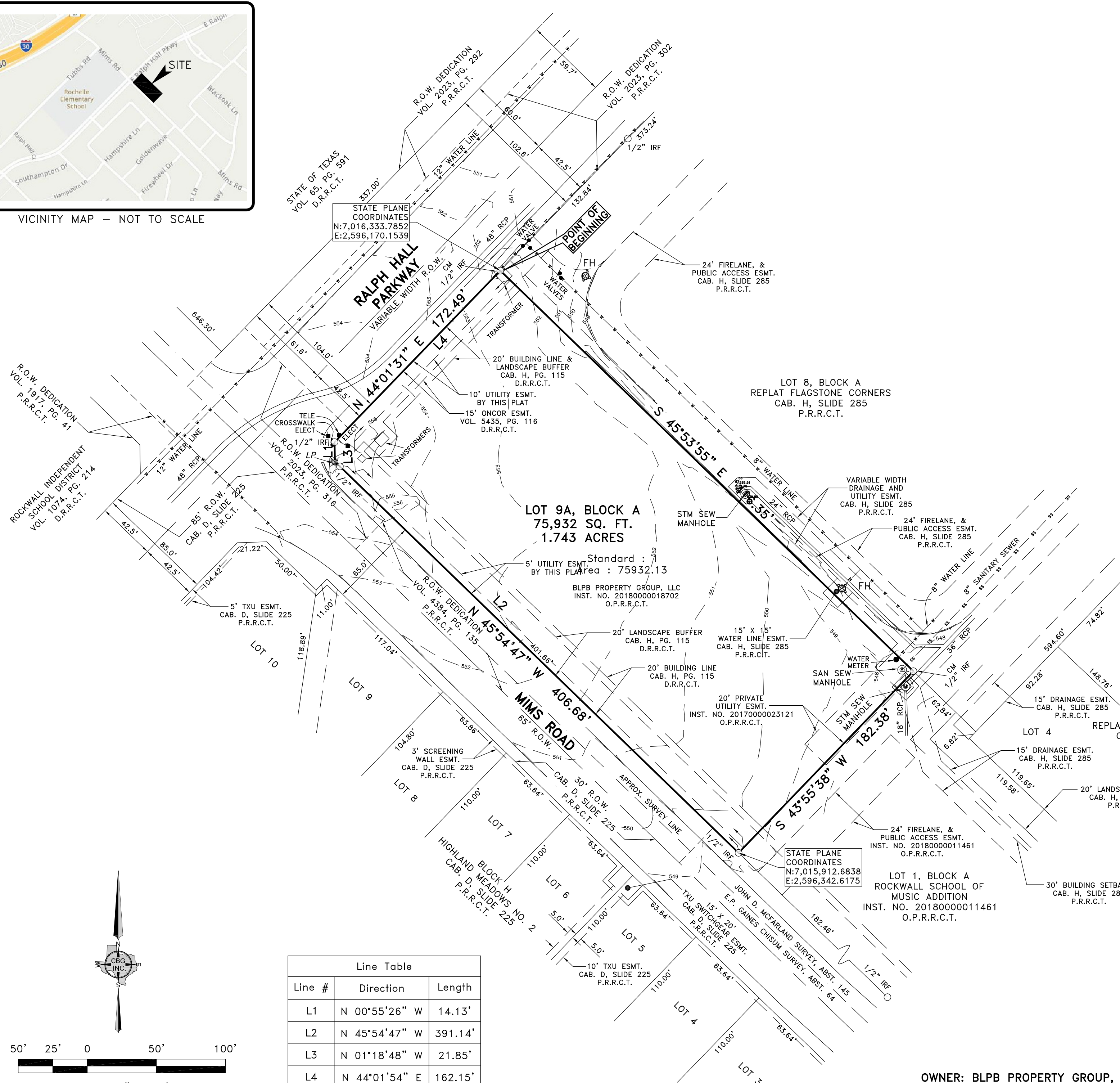
VICINITY MAP - NOT TO SCALE

LEGEND:

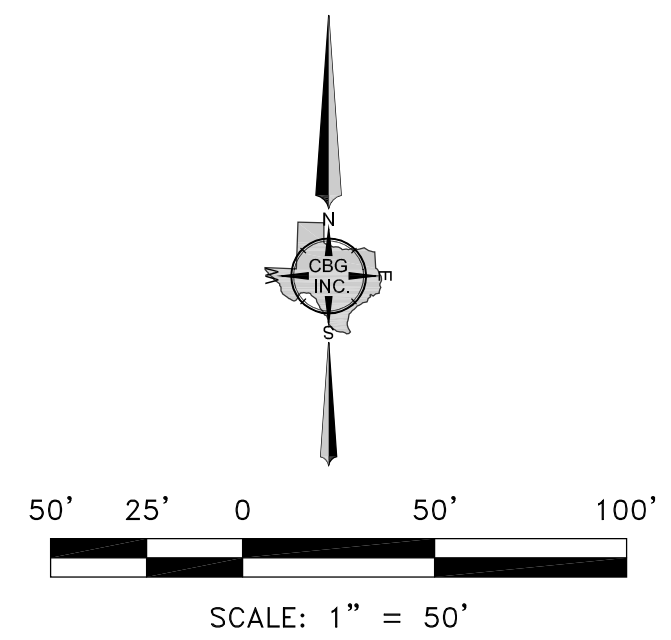
- 1/2 INCH IRON ROD FOUND WITH YELLOW PLASTIC CAP STAMPED "CBG SURVEYING"
- CM CONTROLLING MONUMENT
- VOL VOLUME
- PG PAGE
- R.O.W. RIGHT-OF-WAY
- SQ.FT. SQUARE FEET
- INST. NO. INSTRUMENT NUMBER
- SAN. SEW. SANITARY SEWER
- ESMT. EASEMENT
- APPROX. APPROXIMATE
- O.P.R.R.C.T. OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS
- P.R.R.C.T. PLAT RECORDS, ROCKWALL COUNTY, TEXAS
- D.R.R.C.T. DEED RECORDS, ROCKWALL COUNTY, TEXAS

GENERAL NOTES:

- 1) THE BASIS OF BEARINGS FOR THIS SURVEY IS THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, (4202) GEODETIC BEARING ESTABLISHED BY GPS MEASUREMENTS.
- 2) COORDINATES SHOWN HEREON ARE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.
- 3) THE PURPOSE OF THIS PLAT IS TO REPLAT A PORTION OF LOT 9, BLOCK A, FLAGSTONE CORNERS, CAB. H, SLIDE 285, P.R.R.C.T.
- 4) ACCORDING TO THE F.I.R.M. IN MAP NO. 48397C0040L, THIS PROPERTY DOES LIE IN ZONE X AND DOES NOT LIE WITHIN THE 100 YEAR FLOOD ZONE.
- 5) PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE, REPAIR, AND RECONSTRUCTION OF ALL DRAINAGE AND DETENTION SYSTEMS ON SITE.



| Line Table | | |
|------------|---------------|---------|
| Line # | Direction | Length |
| L1 | N 00°55'26" W | 14.13' |
| L2 | N 45°54'47" W | 391.14' |
| L3 | N 01°18'48" W | 21.85' |
| L4 | N 44°01'54" E | 162.15' |



(SHEET 1 OF 2)

PRELIMINARY PLAT
LOT 9A, BLOCK A
BLPB-MIMS ADDITION
 BEING A REPLAT OF LOT 9, BLOCK A, REPLAT FLAGSTONE ADDITION
 75,932 SQ.FT. / 1.743 ACRES
 JOHN D. MCFARLAND SURVEY, ABSTRACT NO. 145
 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

PLANNING & SURVEYING
 Main Office
 12025 Shiloh Road, Ste. 230
 Dallas, TX 75228
 P 214.349.9485
 F 214.349.2216
 Firm No. 10168800
 www.cbgtllc.com

OWNER: BLPB PROPERTY GROUP, LLC
 991 E. I-30, STE. 103
 ROCKWALL, ROCKWALL COUNTY, TEXAS 75032

SCALE: 1"=50' / DATE: 02-10-2021 / JOB NO. 1816813-1 / DRAWN BY: WTH

CASE NO. SP-2020-031

OWNER'S DEDICATION

STATE OF TEXAS
COUNTY OF ROCKWALL

Whereas BLPB Property Group, LLC, BEING THE OWNER OF A TRACT OF LAND in the County of Rockwall, State of Texas, said tract being described as follows:

BEING a tract of land situated in the John D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, same being a portion of Lot 9, Block A, Replat Flagstone Corners, an addition to the City of Rockwall, Rockwall County, Texas, according to the Map thereof recorded in Cab. H, Slide 285, Plat Records, Rockwall County, Texas, same being that tract of land conveyed to said BLPB Property Group, LLC, by Special Warranty Deed with Vendor's Lien, recorded in Instrument No. 20180000018702, Official Public Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner, being the West corner of Lot 8, of said Replat Flagstone Corners, and being in the Southeast Right-of-Way line of Ralph Hall Parkway (a variable width Right-of-Way)

THENCE South 45 degrees 53 minutes 55 seconds East, along the Southwest line of said Lot 8, a distance of 416.35 feet to a 1/2 inch iron rod found for corner, being the North corner of Lot 1, Block A, Rockwall School of Music Addition, an addition to the City of Rockwall, Rockwall County, Texas, according to the Map thereof recorded in Instrument No. 20180000011461, Official Public Records, Rockwall County, Texas;

THENCE South 43 degrees 55 minutes 38 seconds West, along the Northwest line of said Lot 1, a distance of 182.38 feet to a 1/2 inch iron rod found for corner, being the West corner of said Lot 1, and being in the Northeast Right-of-Way line of Mims Road (a 65 foot Right-of-Way);

THENCE North 45 degrees 54 minutes 47 seconds West, along the Northeast Right-of-Way line of said Mims Road, passing a 1/2 inch iron rod found for reference at a distance of 401.66 feet, and continuing a total distance of 406.68 feet to a light pole for corner, being at the intersection of the Northeast Right-of-Way line of said Mims Road, and the Southeast Right-of-Way line of said Ralph Hall Parkway;

THENCE 00 degrees 55 minutes 26 seconds West, a distance of 14.13 feet to a 1/2 inch iron rod found for corner;

THENCE North 44 degrees 01 minutes 31 seconds East, along the Southeast Right-of-Way line of said Ralph Hall Parkway, a distance of 172.49 feet to the POINT OF BEGINNING, and containing 75,932 square feet or 1.743 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS
COUNTY OF ROCKWALL

We the undersigned owner(s) of the land shown on this plat, and designated herein as the LOT 9A, BLOCK A, BLPB-MIMS ADDITION, an addition to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. We further certify that all other parties who have a mortgage or lien interest in the LOT 9A, BLOCK A, BLPB-MIMS ADDITION, have been notified and signed this plat.

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

1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.

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

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

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

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

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

BLPB Property Group, LLC (Owner)
a Texas limited liability company

By: _____
Dr. Mary Courtin, Manager

STATE OF TEXAS
COUNTY OF ROCKWALL

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

Given upon my hand and seal of office this _____day of _____, 2021.

By: _____

printed name: _____
Notary Public in and for the State of Texas

NOTE: It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee by the City of the adequacy and availability for water for personal use and fire protection within such plat, as required under Ordinance 83-54.

SURVEYOR'S CERTIFICATE:

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Bryan Connally, a Registered Professional Land Surveyor, licensed by the State of Texas, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

Dated this the _____ day of _____, 2021.

RELEASED FOR REVIEW 02/11/2021 PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Bryan Connally
Texas Registered Professional Land Surveyor No. 5513

RECOMMENDED FOR FINAL APPROVAL

Planning and Zoning Commission _____ Date _____

APPROVED

I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the _____ day of _____, 2021.

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

WITNESS OUR HANDS, this _____ day of _____, 2021.

Mayor, City of Rockwall

City Secretary

City Engineer

(SHEET 2 OF 2)

PRELIMINARY PLAT
LOT 9A, BLOCK A
BLPB-MIMS ADDITION
BEING A REPLAT OF LOT 9, BLOCK A, REPLAT FLAGSTONE ADDITION
75,932 SQ.FT. / 1.743 ACRES
JOHN D. MCFARLAND SURVEY, ABSTRACT NO. 145
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS



OWNER: BLPB PROPERTY GROUP, LLC
991 E. I-30, STE. 103
ROCKWALL, ROCKWALL COUNTY, TEXAS 75032

SCALE: 1"=50' / DATE: 02-10-2021 / JOB NO. 1816813-1 / DRAWN BY: WTH

CASE NO. SP-2020-031

North: 7016044.0344' East: 2596469.1391'

Segment #1 : Line

Course: S43° 55' 37.90"W Length: 182.38'

North: 7015912.6803' East: 2596342.6141'

Segment #2 : Line

Course: N45° 54' 47.00"W Length: 406.68'

North: 7016195.6275' East: 2596050.5020'

Segment #3 : Line

Course: N00° 55' 26.00"W Length: 14.13'

North: 7016209.7557' East: 2596050.2742'

Segment #4 : Line

Course: N44° 01' 31.00"E Length: 172.49'

North: 7016333.7818' East: 2596170.1506'

Segment #5 : Line

Course: S45° 53' 55.00"E Length: 416.35'

North: 7016044.0312' East: 2596469.1354'

Perimeter: 1192.03' Area: 75932.13 Sq. Ft.

Error Closure: 0.0048 Course: S49° 35' 32.65"W

Error North: -0.00314 East: -0.00369

Precision 1: 248339.58



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: March 1, 2021

SUBJECT: P2021-001; PRELIMINARY PLAT FOR LOTS 1-7, BLOCK A, SKY RIDGE ADDITION

Attachments

Case Memo
Development Application
Location Map
Preliminary Plat
Preliminary Drainage Plan
Preliminary Utility Plan

Summary/Background Information

Consider a request by Bill Thomas of Engineering Concepts and Design, LP on behalf of Joshua Swiercinsky of 7.1 Ridge, LLC for the approval of a *Preliminary Plat* for Lots 1-7, Block A, Sky Ridge Addition being a 8.583-acre parcel of land identified as Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, generally located west of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary.

Action Needed

The City Council is being asked to approve, approve with condition, or deny the preliminary plat.



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: March 1, 2021
APPLICANT: Bill Thomas; *Engineering Concepts and Design, LP*
CASE NUMBER: P2021-001; *Preliminary Plat for Lots 1-7, Block A, Sky Ridge Addition*

SUMMARY

Discuss and consider a request by Bill Thomas of Engineering Concepts and Design, LP on behalf of Joshua Swiercinsky of 7.1 Ridge, LLC for the approval of a Preliminary Plat for Lots 1-7, Block A, Sky Ridge Addition being a 8.583-acre parcel of land identified as Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, generally located west of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary.

PLAT INFORMATION

- ☑ The purpose of the applicant's request is to preliminary plat an 8.583-acre parcel of land [*i.e. Lot 1, Block A, Sky Ridge Addition*] into seven (7) lots [*i.e. Lots 1-7, Block A, Sky Ridge Addition*] for the purpose of laying out the proposed subdivision of land and the necessary easements (*i.e. firelane, public access, utility, and drainage*) for the future development of the site. In addition to the preliminary plat, the applicant has also submitted preliminary drainage and utility plans showing how the development can be adequately served. The site is located at the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and is zoned Commercial (C) District. It should be noted that the subject property had previously received approval of a preliminary plat [*i.e. Case No. P2017-003*] by the City Council on January 5, 2015; however, this preliminary plat expired after one (1) year of inactivity in 2016.
- ☑ On January 26, 2021, the Planning and Zoning Commission approved a variance to the minimum 20-foot landscape buffer requirement [*i.e. Case No. MIS2021-001*] stipulated by Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) to allow a variable width landscape buffer ranging between five (5) feet and 22-feet along the front of the subject property adjacent to Ridge Road. As a compensatory measure, the approval included the provision of 58, four (4) inch caliper canopy trees and 51, four (4) foot tall accent, which are to be planted within the landscape buffer.
- ☑ On January 20, 2015, the City Council approved an *Alternative Treescape Plan* [*i.e. Case No. MIS2014-018*], allowing the removal of 1,532-caliper inches of tree in exchange for a lump sum payment into the City's *Tree Fund* in the amount of \$111, 262.00. On February 20, 2017, the City Council approved a preliminary plat for the subject property; however, the preliminary plat expired after one (1) year of inactivity.
- ☑ The purpose of the preliminary plat is to provide sufficient information to evaluate and review the general design of the development ensuring compliance with the Commercial (C) District, the OURHometown Vision 2040 Comprehensive Plan, the Unified Development Code (UDC), the Master Thoroughfare Plan, and the requirements of Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances. The proposed preliminary plat appears to meet the intent of these requirements.
- ☑ The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.

- ☑ Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- ☑ With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the preliminary plat for *Lots 1-7, Block A, Sky Ridge Addition*, staff would propose the following conditions of approval:

- (1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans; and,
- (2) Any construction resulting from the approval of this plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On February 9, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the preliminary plat with the conditions of approval by a vote of 5-0, with Commissioners Moeller and Welch absent.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO.

P2021-001

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ¹
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST (\$100.00)

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

PROPERTY INFORMATION [PLEASE PRINT]

| | | | | | |
|------------------|----------------------------|-----|---|-------|---|
| ADDRESS | | | | | |
| SUBDIVISION | SKY RIDGE ADDITION | LOT | 1 | BLOCK | A |
| GENERAL LOCATION | RIDGE ROAD AT YELLOWJACKET | | | | |

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

| | | | | | |
|-----------------|-------|----------------|------------|-----------------|---|
| CURRENT ZONING | C | CURRENT USE | VACANT | | |
| PROPOSED ZONING | C | PROPOSED USE | COMMERCIAL | | |
| ACREAGE | 8.583 | LOTS [CURRENT] | 1 | LOTS [PROPOSED] | 7 |

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

| | | | |
|---|-----------------------------|---|-------------------------------------|
| <input checked="" type="checkbox"/> OWNER | 7.1 RIDGE, LLC | <input checked="" type="checkbox"/> APPLICANT | ENGINEERING CONCEPTS AND DESIGN, LP |
| CONTACT PERSON | JOSHUA SWIERCINSKY | CONTACT PERSON | BILL THOMAS |
| ADDRESS | 106 E. RUSK ST SUITE 200 | ADDRESS | 201 WINDCO CIRCLE |
| CITY, STATE & ZIP | ROCKWALL, TX 75087 | CITY, STATE & ZIP | WYLIE, TX 75098 |
| PHONE | 972-771-7577 | PHONE | 972-941-8403 |
| E-MAIL | JOSHUA@SKYREI.COM | E-MAIL | BILL@ECDLP.COM |

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Michael Swiercinsky [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

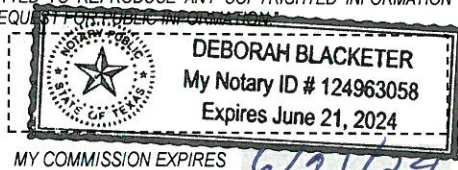
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 13 DAY OF January, 2021

OWNER'S SIGNATURE

Deborah Blacketer

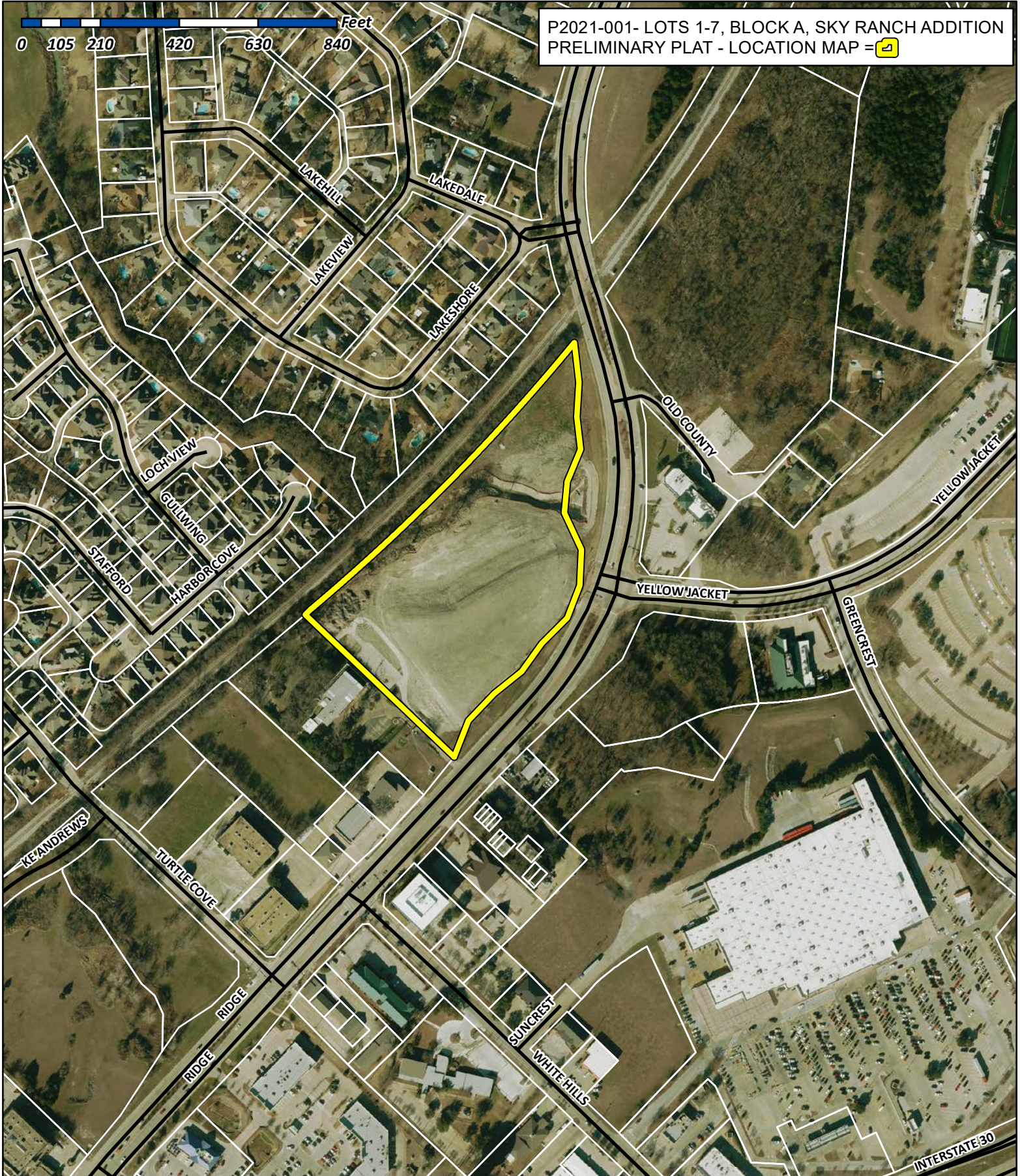
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



MY COMMISSION EXPIRES 6/21/24



P2021-001- LOTS 1-7, BLOCK A, SKY RANCH ADDITION
 PRELIMINARY PLAT - LOCATION MAP =



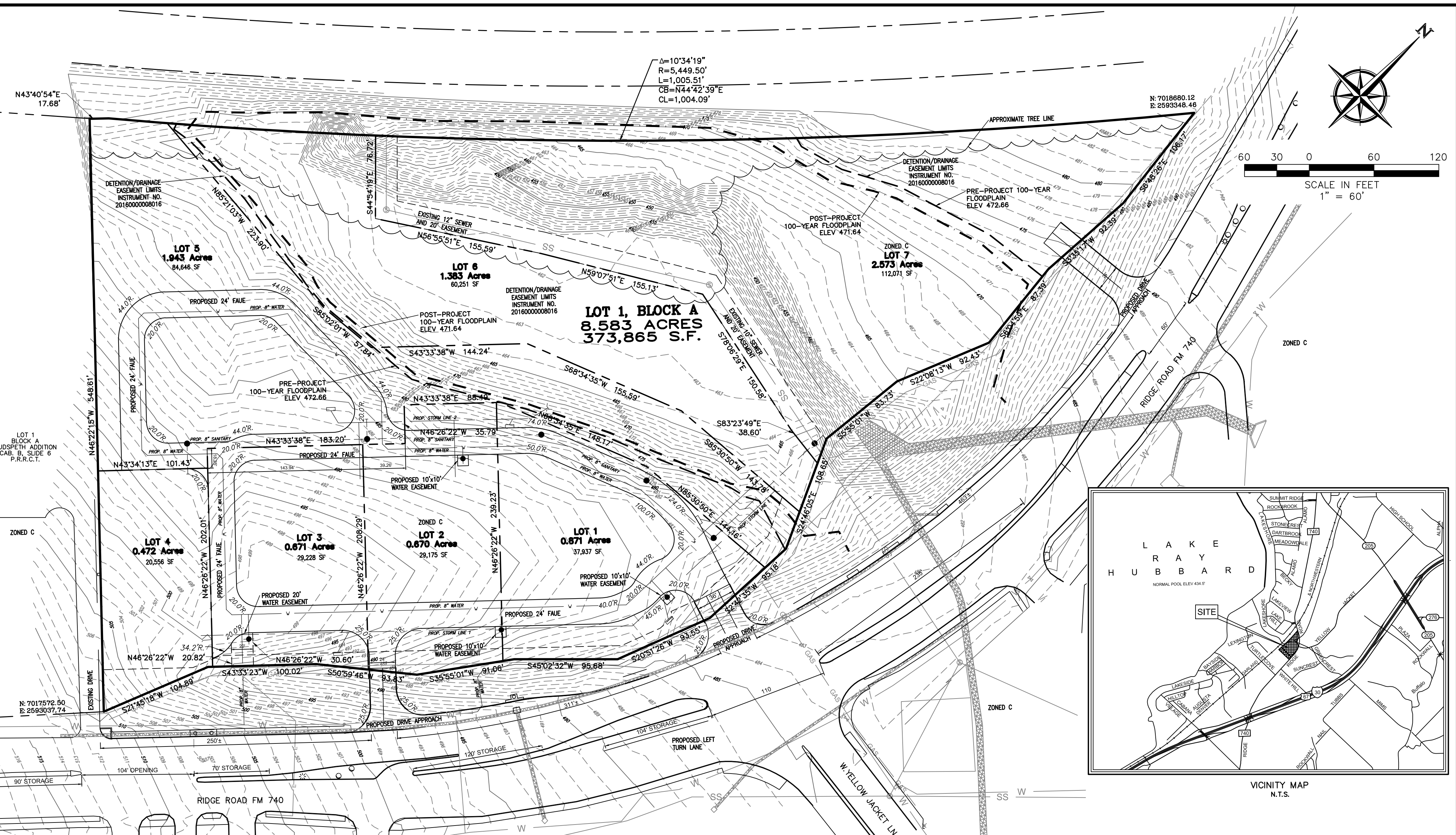
City of Rockwall

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.

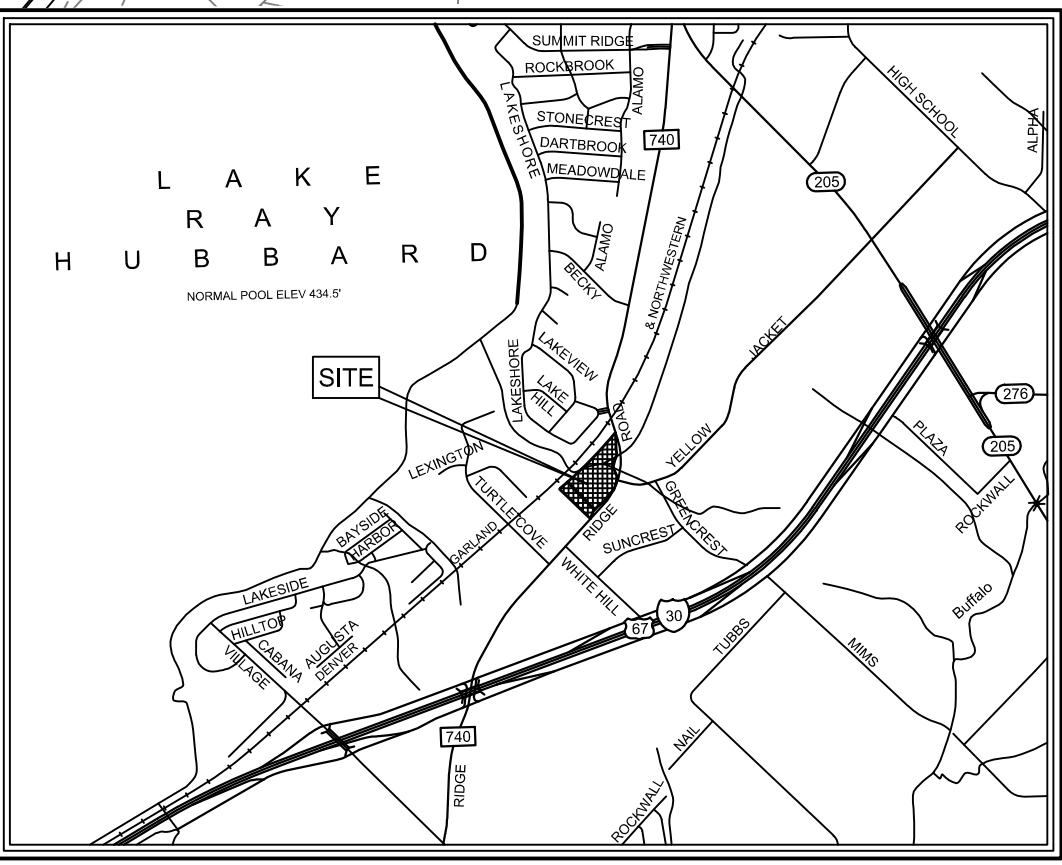


Z:\PROJECTS\03775A\05 CAD Files\06 Preliminary\3775A Prelim Plat 18x24.dwg - 18x24 Plotted Feb 02, 2021 at 11:49am by Clayton Mulrey | Last Saved by: Clayton Mulrey



$\Delta = 10'34'19''$
 $R = 5,449.50'$
 $L = 1,005.51'$
 $CB = N44'42'39''E$
 $CL = 1,004.09'$

SCALE IN FEET
1" = 60'



THE LOCATION OF THE DEVELOPMENT IS REQUIRED TO BE TIED TO A ROCKWALL MONUMENT, OR TIE 2 CORNERS TO STATE PLANE COORDINATED (NAD 83 STATE PLANE TEXAS, NORTH CENTRAL [7202], US SURVEY EAST)

THE PROPERTY OWNER WILL BE RESPONSIBLE FOR MAINTAINING, REPAIR, AND REPLACEMENT OF THE DETENTION/DRAINAGE SYSTEMS.

| LEGEND | |
|--------|-------------------------------------|
| FAUE | FIRELANE, ACCESS & UTILITY EASEMENT |
| | EX FIRE HYDRANT ASSY |
| | EX SANITARY SEWER MH |
| | EX WATER VALVE |
| | PROP. MANHOLE |
| | PROP. FIRE HYDRANT |

RECOMMENDED FOR PRELIMINARY APPROVAL

Planning and Zoning Commission _____ Date _____

APPROVED FOR SUBMITTAL OF FINAL PLAT

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

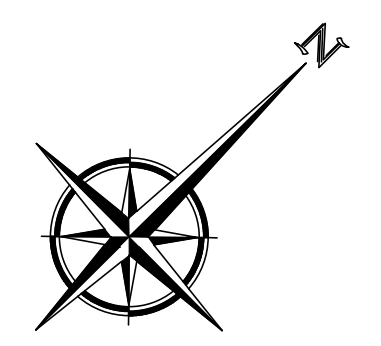
OWNER/DEVELOPER
7.1 RIDGE LLC
106 E. RUSK ST., STE. 200
ROCKWALL, TX 75087
972-771-7577

LAND SURVEYOR
R.C. MYERS SURVEYING, LLC
3400 OXFORD DRIVE
ROWLETT, TX 75088
(213) 532-0636
FAX (972) 412-4875

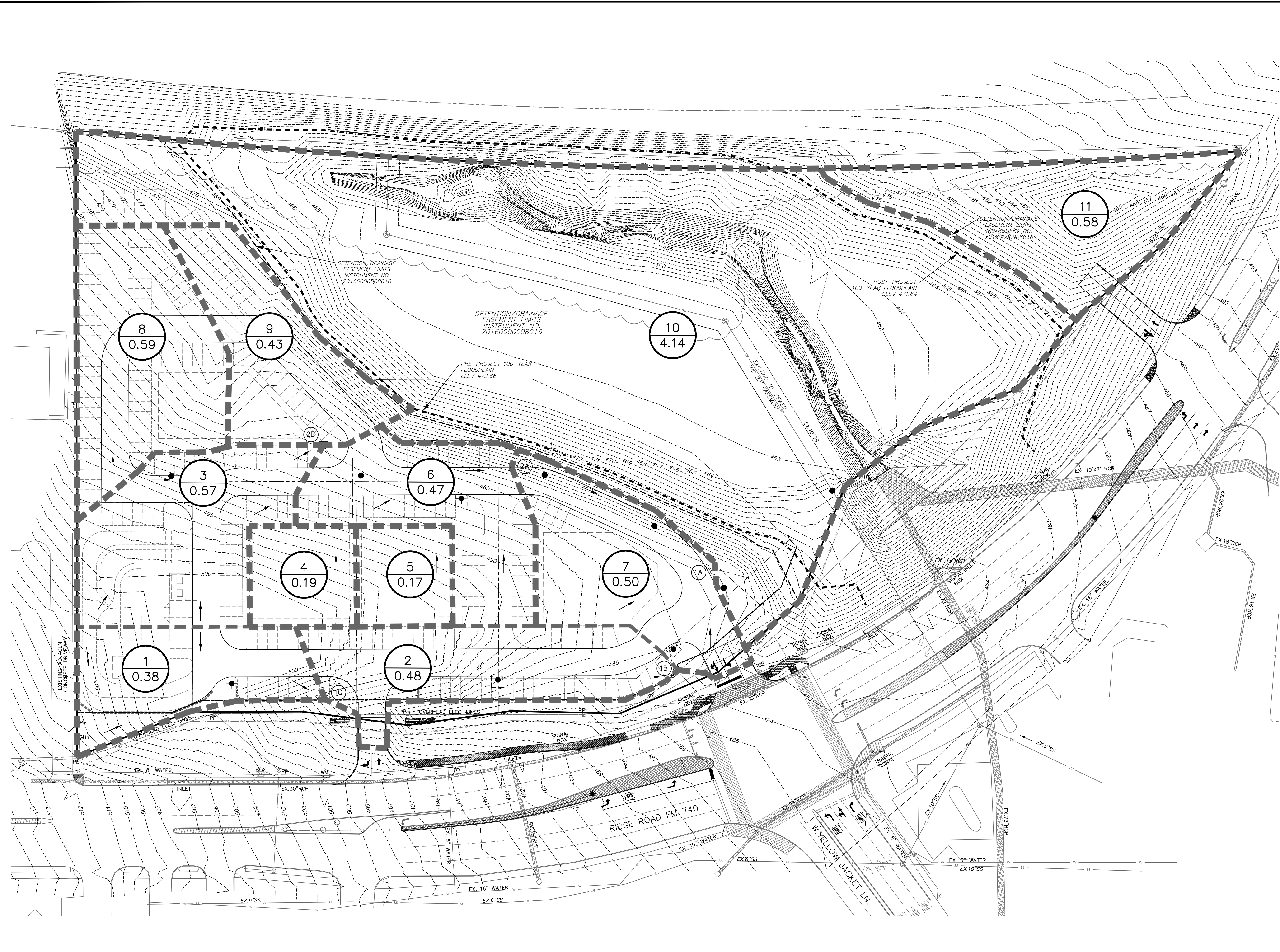
PRELIMINARY PLAT SKY-RIDGE ADDITION LOTS 1-7, BLOCK A 8.583 ACRES

SITUATED IN THE
E.P. GAINES CHISUM SURVEY, A-64
CITY OF ROCKWALL,
ROCKWALL COUNTY, TEXAS

ENGINEERING CONCEPTS & DESIGN, L.P.
ENGINEERING/PROJECT MANAGEMENT/CONSTRUCTION SERVICES
TEXAS FIRM REG. NO. 001145
201 WINDCO CIRCLE, SUITE 200, WYLIE TEXAS 75098
(972) 941-8400 FAX (972) 941-8401



SCALE IN FEET
H: 1" = 40'



LEGEND

- 1
0.36 — DRAINAGE AREA NUMBER
DRAINAGE AREA SIZE (AC)
- DRAINAGE DIVIDE
- FLOW DIRECTION
- 5.50 --- EXISTING CONTOURS
- (A1) INLET NAME

PROPOSED DRAINAGE CALCULATIONS

| AREA # | AREA (acres) | C | Tc | Q(100) (m ³ /hr) | Q(100) (cfs) | COMMENTS |
|--------|--------------|------|----|-----------------------------|--------------|-------------------|
| 1 | 0.38 | 0.90 | 10 | 9.80 | 3.35 | TO STORM INLET 1C |
| 2 | 0.48 | 0.90 | 10 | 9.80 | 4.23 | TO STORM INLET 1B |
| 3 | 0.57 | 0.90 | 10 | 9.80 | 5.03 | TO STORM INLET 2B |
| 4 | 0.19 | 0.90 | 10 | 9.80 | 1.68 | SHEET FLOW |
| 5 | 0.17 | 0.90 | 10 | 9.80 | 1.50 | SHEET FLOW |
| 6 | 0.47 | 0.90 | 10 | 9.80 | 4.15 | TO STORM INLET 2A |
| 7 | 0.50 | 0.90 | 10 | 9.80 | 4.41 | TO STORM INLET 1A |
| 8 | 0.59 | 0.90 | 10 | 9.80 | 5.20 | SHEET FLOW |
| 9 | 0.43 | 0.90 | 10 | 9.80 | 3.79 | SHEET FLOW |
| 10 | 4.14 | 0.90 | 10 | 9.80 | 36.51 | SHEET FLOW |
| 11 | 0.58 | 0.90 | 10 | 9.80 | 5.12 | SHEET FLOW |

100 YEAR FLOOD ELEVATION PER THE STUDY BY DAVID MCLENDON, P.E. THE STUDY INCORPORATES DETENTION FOR THE DEVELOPABLE PORTION OF THIS PROPERTY AT FULLY DEVELOPED CONDITIONS.

Z:\PROJECTS\03775A\05 CAD Files\08 Preliminary\03775A DAM.dwg-DAM Plotted Feb 02, 2021 at 11:45am by Clayton Mulvey | Last Saved by: Clayton Mulvey

CAUTION!
THE UTILITIES SHOWN ON THESE PLANS WERE COMPILED FROM VARIOUS SOURCES AND ARE INTENDED TO SHOW THE GENERAL EXISTENCE AND LOCATION OF UTILITIES IN THE AREA OF CONSTRUCTION. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE UTILITY INFORMATION SHOWN ON THESE PLANS. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CONTACT UTILITY COMPANIES 48 HOURS IN ADVANCE OF ANY CONSTRUCTION ACTIVITIES IN ORDER TO DETERMINE IF THERE ARE ANY CONFLICTS WITH THE PROPOSED FACILITIES. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY WHEN CONFLICTS WITH EXISTING UTILITIES ARE DISCOVERED.

MON. R005-1 N: 7023593.75795; E: 2594175.58258; ELEVATION: 578.6314.
RESET CONCRETE MONUMENT W/BRASS CAP LOCATED IN MEDIAN OF SUMMIT RIDGE DRIVE INTERSECTING F.M. HWY. NO. 740.

MON. R007 N: 7013837.484; E: 2595453.327; ELEVATION: 566.223.
BEING LOCATED ON THE EAST SIDE OF INTERSECTION I-30 SOUTH SERVICE ROAD & MIMS ROAD.

ENGINEERINGCONCEPTS & DESIGN, L.P.

ENGINEERING / PROJECT MANAGEMENT / CONSTRUCTION SERVICES - FIRM REG. #F-001145
201 WINDCO CIR, STE 200, WYLIE, TX 75098
972-941-8400 FAX: 972-941-8401 WWW.ECDLP.COM

DRAWN: ECDLP DATE: February 2, 2021
CHECKED: TW DATE: February 2, 2021
PROJECT NO.: 03775A
DWG FILE NAME: 03775A DAM.DWG

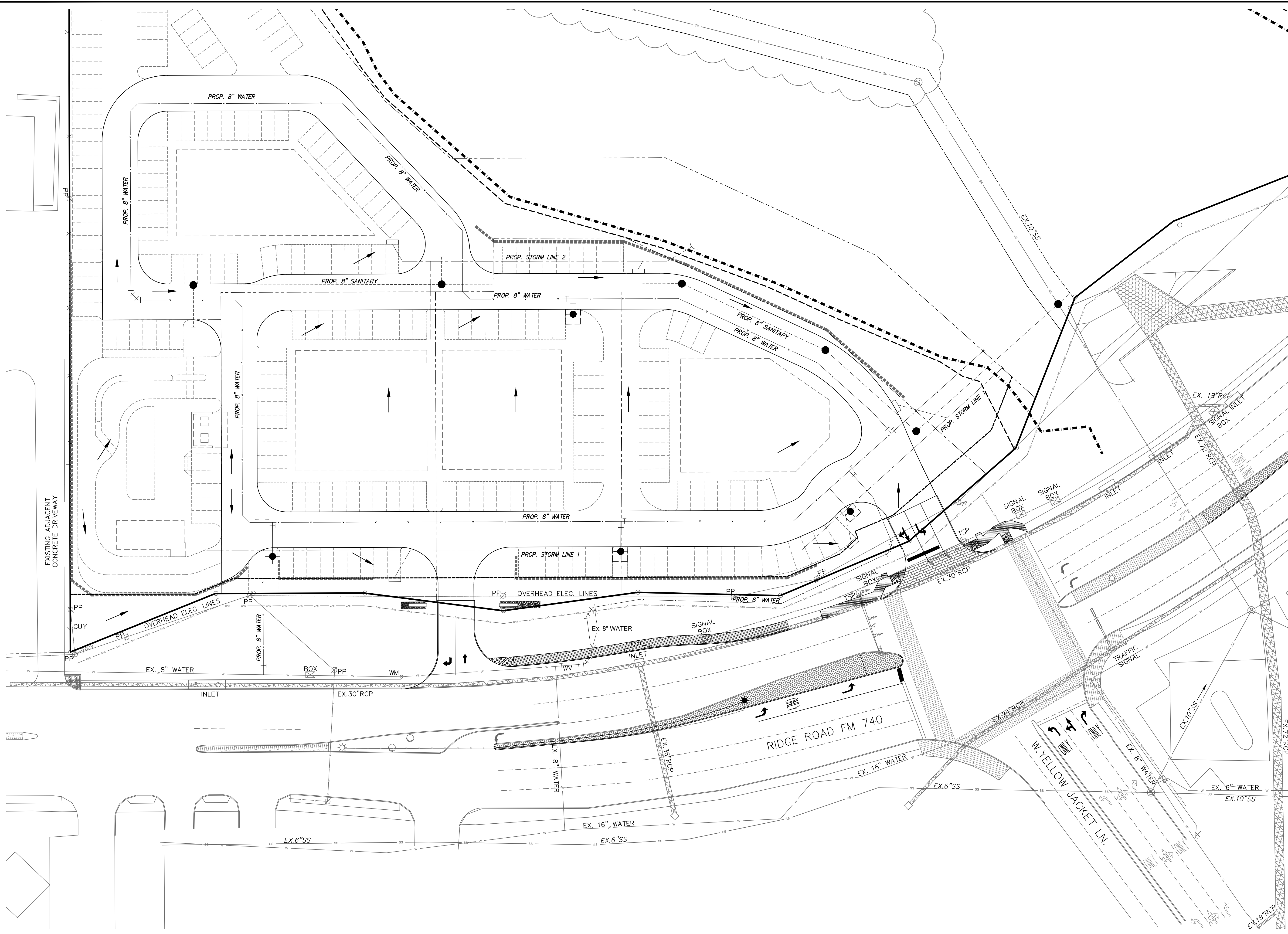
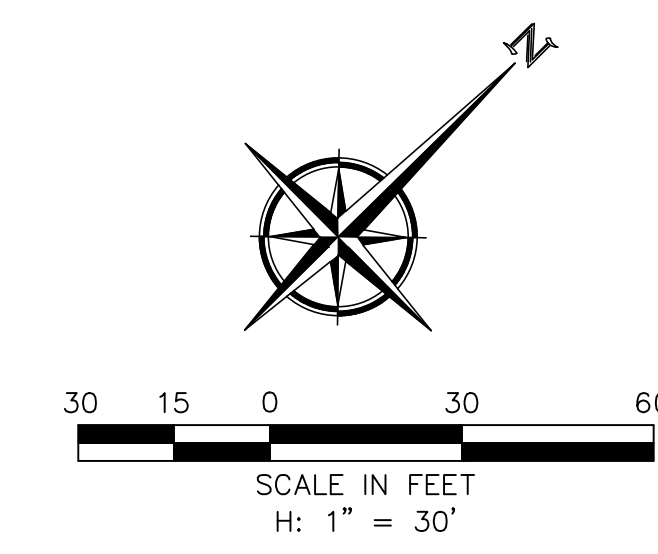
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW AND BIDDING ONLY.

STATE OF TEXAS
REGISTERED PROFESSIONAL ENGINEER
TODD D. WINTERS
87085

01/13/21

PRELIMINARY DRAINAGE AREA MAP

SKY-RIDGE ADDITION
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS



Z:\PROJECTS\03775A\05 CAD Files\08 Prelim\03775A Prelim UTL.dwg - PRELIM UTL, Plotted Feb. 02, 2021, at 11:41am by Clayton Mulrey

MON. R005-1 N: 7023593.75795; E: 2594175.58258;
ELEVATION: 578.6314.
RESET CONCRETE MONUMENT W/BRASS CAP LOCATED IN
MEDIAN OF SUMMIT RIDGE DRIVE INTERSECTING F.M. HWY. NO.
740.
MON. R007 N: 7013837.484; E: 2595453.327; ELEVATION:
566.223.
BEING LOCATED ON THE EAST SIDE OF INTERSECTION I-30
SOUTH SERVICE ROAD & MIMS ROAD.

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CONTRACTOR SHALL CONTACT UTILITY COMPANIES 48 HOURS IN
ADVANCE OF ANY CONSTRUCTION ACTIVITIES IN ORDER TO DETERMINE IF
THERE ARE ANY CONFLICTS WITH THE PROPOSED FACILITIES. THE
CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY WHEN
CONFLICTS WITH EXISTING UTILITIES ARE DISCOVERED.

ENGINEERINGCONCEPTS
& DESIGN, L.P.
ENGINEERING / PROJECT MANAGEMENT /
CONSTRUCTION SERVICES - FIRM REG. #F-001145
201 WINDCO CIR, STE 200, WYLIE, TX 75098
972-941-8400 FAX: 972-941-8401 WWW.ECDLP.COM

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|--------------------------------------|------------------------|
| DRAWN: ECDLP | DATE: February 2, 2021 |
| CHECKED: TW | DATE: February 2, 2021 |
| PROJECT NO.: 03775A | |
| DWG FILE NAME: 03775A PRELIM UTL.DWG | |

THIS DOCUMENT IS RELEASED FOR
THE PURPOSE OF INTERIM REVIEW AND
BIDDING ONLY.



PRELIMINARY UTILITY PLAN
SKY-RIDGE ADDITION
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

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

DATE: March 1, 2021

SUBJECT: AMENDMENT TO CHAPTER 36, ARTICLE II - DRIVEWAYS AND
CULVERTS

Attachments
Ordinance

Summary/Background Information

Currently, Section 36-11 of the City's Municipal Code of Ordinances requires that any installation of driveway culverts on the City's property (i.e. inside public rights-of-way) must be approved by the City prior to construction; however, there isn't language in the Code as to who is required to maintain, repair, and replace such culverts or driveways. With this being said, it has always been standard operating procedure for the property owner to maintain, repair, and replace any culvert or driveway that is located in public right-of-way. The proposed amendment would include language codifying this into the Municipal Code of Ordinances. If the City Council has any questions staff will be available at the March 1, 2021 City Council meeting to discuss.

Action Needed

CITY OF ROCKWALL

ORDINANCE NO. 21-XX

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 36, ARTICLE II, BY AMENDING SECTION 36-11 OF THE CODE OF ORDINANCES, CLARIFYING MAINTENANCE OF DRIVEWAYS AND DRIVEWAY CULVERTS ON CITY PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Rockwall (the *City*), a Home Rule City and by State law and City Charter is permitted to establish ordinances to protect the health, safety and general welfare of its residents; and

WHEREAS, currently Section 36-11 of the City Code of Ordinances requires that any installation of driveway culverts on city property must be approved by the City prior to construction, but there is no language in the Code as to who is required to maintain, repair, and replace such culverts or driveways located on city property;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. FINDINGS. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. AMENDMENT. Chapter 36, Article II, Section 36-11 is hereby amended to read as follows:

Sec. 36-11. – DRIVEWAYS AND CULVERTS.

- (a) Property owner or tenant to purchase and deliver to installation site. All driveway and driveway culvert materials shall be purchased and delivered to the site of the installation by the property owner or tenant.
- (b) Materials, specifications. Driveway and culverts must be constructed of material approved by the city and the culverts must be designed with sufficient diameter to carry drainage water that may accumulate at the place of installation. They shall have a minimum length of ten feet and a maximum length of 24-feet.
- (c) City approval prerequisite to installation on city property. Any installation of driveways and/or driveway culverts on city property must be approved by the city prior to beginning construction.
- (d) Any driveways and/or driveway culverts on city property must be maintained, repaired and replaced, by the property owner. Any driveway and/or driveway culvert not approved by the City that is still located on city property must also be maintained, repaired and replaced by the property owner(s) utilizing such driveway and/or culvert.

SECTION 3. REPEALING ORDINANCES IN CONFLICT. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 15TH DAY OF MARCH, 2021.

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: March 1, 2021

2nd Reading: March 15, 2021



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: March 1, 2021

SUBJECT: INTERLOCAL AGREEMENT WITH COLLIN COUNTY FOR THE REVIEW AND APPROVAL OF SUBDIVISION PLATS

Attachments

Current Interlocal Agreement
Proposed Interlocal Agreement

Summary/Background Information

In October 2020, the City of Rockwall began updating the City's *Interlocal Cooperation Agreement* (ILA) with Collin County for the review and approval of subdivision plats in the City's Extraterritorial Jurisdiction (ETJ) in Collin County. As the City Council may recall, a similar agreement was completed with Rockwall County in April 2020. Recently, City and County staff have come to a consensus on the requirements contained within the agreement, and are ready to bring it forward to the City Council and Commissioners Court for consideration. For the City Council's review, staff has placed a copy of the current ILA and the proposed draft ILA in the attached packet. The proposed ILA is similar to the ILA approved by City Council for Rockwall County in April 2020, with a few minor changes relating to Collin County's subdivision review process. Staff should note, that the City Attorney has reviewed and approved the language contained in the proposed ILA.

Action Needed

Prior to the Collin County Commissioner's Court acting on the ILA, the City Council will need to review and approve the agreement. If approved by the City Council at the March 1, 2021 City Council meeting, it is anticipated that the agreement will be reviewed by the Commissioners Court on March 22, 2021. Should the City council have any questions concerning this agreement, staff and the City Attorney will be available at the meeting on March 1, 2021.

THE STATE OF TEXAS

COUNTY OF COLLIN

Subject: City – County Plat Approval Agreement, City of Rockwall – Engineering

On **June 4, 2012**, the Commissioners Court of Collin County, Texas, met in **regular session** with the following members present and participating, to wit:

Keith Self
Matt Shaheen
Cheryl Williams
Joe Jaynes Not Present
Duncan Webb

County Judge, Presiding
Commissioner, Precinct 1
Commissioner, Precinct 2
Commissioner, Precinct 3
Commissioner, Precinct 4

During such session the court considered a request for approval of a City – County Plat Approval Agreement.

Thereupon, a motion was made, seconded and carried with a majority vote of the court for approval of a City – County Plat Approval Agreement with the City of Rockwall for the enforcement of subdivision regulations within the City of Rockwall's ETJ (Extraterritorial Jurisdiction) and further authorize the County Judge to finalize and execute same. Same is hereby approved in accordance with the attached documentation.



ATTEST:


Stacey Kemp, Ex-Officio Clerk
Commissioners Court
Collin County, T E X A S



Keith Self, County Judge



Matt Shaheen, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2

Not Present

Joe Jaynes, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4

STATE OF TEXAS
COUNTY OF COLLIN

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

CITY – COUNTY PLAT APPROVAL AGREEMENT

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Rockwall, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), enacted by the 77th Legislature of the State of Texas, and is to witness the following:

WHEREAS, County is a County operating under Sections 232.001-232.005 of the Local Government Code; and

WHEREAS, County does not contain extraterritorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

WHEREAS, City is a home rule City of Texas, which has extraterritorial jurisdiction ("ETJ"), within Collin County, Texas, under the provisions of Chapter 42, Local Government Code; and

WHEREAS, House Bill 1445, effective September 1, 2001, Chapter 242, Local Government Code, was amended to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

NOW, THEREFORE, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Ordinance or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fees Payments and Responses.* Pursuant to this Agreement, the Director of Planning and Development of the City is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application approving authority.

3. *Consolidated Regulations.* That the Subdivision Ordinance of the City is hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.
4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.
5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it.
6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

Miscellaneous Provisions.

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.
8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

County of Collin
ATTN: County Judge

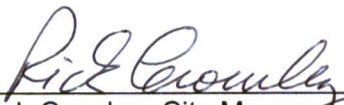
City of Rockwall
ATTN: City Manager
385 S. Goliad
Rockwall, Texas 75087

9. In the event any section, subsection, paragraph, sentence, phrase or word of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.
10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.
11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.
13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City nor the County waives any immunity or defense that would otherwise be available to it against claims by third parties.
16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 5th day of June, 2012.

City of Rockwall, Texas

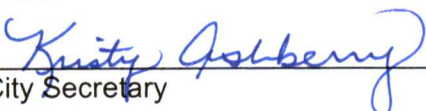
County of Collin, Texas

By: 
Rick Crowley, City Manager

By: 
County Judge

Attest:

Attest:


City Secretary


Secretary

Date: May 9, 2012

Date: 6/5/12

**INTERLOCAL COOPERATION AGREEMENT BETWEEN
COLLIN COUNTY AND THE CITY OF ROCKWALL FOR
SUBDIVISION REGULATION WITHIN THE CITY OF
ROCKWALL'S EXTRATERRITORIAL JURISDICTION (ETJ).**

THIS INTERLOCAL COOPERATION AGREEMENT FOR SUBDIVISION REGULATION IN THE EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY (herein after referred to as the *Agreement*), is executed by and between **Collin County, Texas** -- *a political subdivision of the State of Texas* -- (herein after referred to as the *County*), and the **City of Rockwall** -- *a municipal corporation of the State of Texas* -- (herein after referred to as the *City*), dated March 11, 2021, was drafted pursuant to the requirements of Chapter 242, *Authority of Municipality and County to Regulate Subdivisions in and Outside Municipality's Extraterritorial Jurisdiction*, of the Texas Local Government Code.

RECITALS

The *City* and *County* hereby agree that the following statements are true and correct and constitute the basis upon which the *City* and *County* have entered into this *Agreement*:

WHEREAS, the *City* and *County* seek to foster effective intergovernmental cooperation in the furtherance of the public's interest, and the execution and implementation of this *Agreement* is intended to further a cooperative, good faith relationship between the *City* and *County* in support of their common goals; and,

WHEREAS, the *City* and the *County* accept that it is in the interest of both agencies to combine their respective processes for approving subdivision plats into a single process for land that is located within the *County* and the *City's* Extraterritorial Jurisdiction (ETJ) with each entity retaining certain responsibilities as provided in this *Agreement*; and;

WHEREAS, Chapter 242, *Authority of Municipality and County to Regulate Subdivisions in and Outside Municipality's Extraterritorial Jurisdiction*, of the Texas Local Government Code requires the *City* and the *County* to enter into a written agreement that identifies the governmental entity authorized to regulate subdivisions of land within the Extraterritorial Jurisdiction (ETJ) of the *City*; and,

WHEREAS, the *City* and *County* both accept that the authority to regulate subdivision plats in the *City's* Extraterritorial Jurisdiction (ETJ) should be made pursuant to Section 242.001(d)(4) of the Texas Local Government Code summarized as follows but more particularly described below: the *City* should be granted jurisdiction to regulate subdivision plats in the *City's* Extraterritorial Jurisdiction (ETJ), with *City* regulations to control in the Extraterritorial Jurisdiction (ETJ) except that the *County* will retain authority to regulate certain matters (*i.e. on-site sewage facilities [OSSF] regulate the flood plain and certain other matters*) and *County* regulations governing or providing minimums for certain matters; and

NOW, THEREFORE, in order to carry out the stated intent, obligations, and mutual promises of the above recitals above and for receipt, sufficiency, and monetary consideration, the *City* and the *County* hereby agree to the following:

ARTICLE 1: PURPOSE.

The purpose of this *Agreement* is as follows:

- (1) To establish and clarify the *City* and the *County's* obligations, costs, manner, and method for the approval of subdivision plats for real property located within both the *County* and the *City's* Extraterritorial Jurisdiction (ETJ) during the pendency of this *Agreement*, and the unified regulations for subdivisions in the *City's* Extraterritorial

Jurisdiction (ETJ) -- *which are contained in Exhibit 'A' of this Agreement.*

- (2) To establish a reporting process for the *City* to notify the *County* when City Council acts to change the boundaries of the *City's* Extraterritorial Jurisdiction (ETJ), thereby affecting the process for reviewing and approving subdivision plats for newly incorporated or disincorporated property during the pendency of this *Agreement*.

ARTICLE 2: TERM OF AGREEMENT.

- (1) *Effective Date.* This *Agreement* shall commence on the date that it is formally and duly signed and executed by both the *City* and *County*, and shall be valid for a period of one (1) year. Thereafter, this *Agreement* shall automatically renew annually, unless terminated as provided herein.
- (2) *Renewal.* The renewal of this *Agreement* shall be automatic upon the expiration of the preceding term unless the *City* or *County* provides written notice to the other governmental agency of its desire to *not* renew the agreement. Written notice shall be provided a minimum of 90-days prior to the expiration of the current term. Upon termination of this *Agreement*, neither the *City* nor the *County* shall have any obligations to the other entity under this *Agreement*, except with respect to payment for services already rendered under this *Agreement* but not yet paid.
- (3) *Compliance with Chapter 242; TLGC.* The *City* and *County* mutually certify that this *Agreement* complies with the requirements of Chapter 242, *Authority of Municipality and County to Regulate Subdivisions in and Outside Municipality's Extraterritorial Jurisdiction*, of the Texas Local Government Code.

ARTICLE 3: APPLICABLE SUBDIVISION PLATS.

- (1) *Plats Applicable to this Agreement.* All preliminary plats, amended plats, conveyance plats, minor plats, final plats, and replats where any portion of the property is located inside the *City's* Extraterritorial Jurisdiction (ETJ) and where either the *City* or *County* would have jurisdiction under any applicable law shall be subject to the requirements of this *Agreement*.
- (2) *Bifurcated Development.* If a development crosses over the Extraterritorial Jurisdiction (ETJ) boundary into an unincorporated area, subdivision regulation and platting shall be through the *City* if the majority of the land is within the Extraterritorial Jurisdiction (ETJ), and through the *County* if the majority of the land is outside the Extraterritorial Jurisdiction (ETJ) in an unincorporated area.

ARTICLE 4: EXPANSION OR REDUCTION OF THE EXTRATERRITORIAL JURISDICTION (ETJ).

- (1) *Expansion or Reduction of the City's Extraterritorial Jurisdiction (ETJ).* Should the City Council of the *City* act to expand or reduce its Extraterritorial Jurisdiction (ETJ), the *City* shall notify the *County* in writing of its intent to expand in advance of doing so, as well as notify the *County* a minimum of ten (10) days after the action is finalized and provide the *County* with an updated map showing the adjusted Extraterritorial Jurisdiction (ETJ). Upon receipt of the map by the *County*, the map contained in *Exhibit 'B': City of Rockwall's Extraterritorial Jurisdiction (ETJ)* of this *Agreement* shall be considered to be automatically amended and no further action with regard to this *Agreement* shall be necessary.
- (2) *Effect of Expansion or Reduction of the City's Extraterritorial Jurisdiction (ETJ) on this Agreement.* Upon expansion or reduction in the *City's* Extraterritorial Jurisdiction (ETJ), the *City* shall continue to have jurisdiction to regulate applicable subdivision plats in the *City's* Extraterritorial Jurisdiction (ETJ) including in the expanded areas; however, a change in the area covered by this *Agreement* will not affect any rights accrued under Chapter

245, *Issuance of Local Permits*, of the Texas Local Government Code. All areas outside of the *City's* Extraterritorial Jurisdiction (ETJ) shall be within the *County's* jurisdiction. Should an expansion or reduction in the *City's* Extraterritorial Jurisdiction (ETJ) cause either the *City* or *County* to require a written amendment to this *Agreement*, both the *City* and the *County* agree that the *City* shall continue to have exclusive jurisdiction to regulate subdivision plats in the *City's* Extraterritorial Jurisdiction (ETJ) until this *Agreement* is amended.

- (3) *Map of the City's Extraterritorial Jurisdiction (ETJ)*. A map of the *City's* Extraterritorial Jurisdiction (ETJ) as of the effective date of this *Agreement* is contained in *Exhibit 'B': City of Rockwall's Extraterritorial Jurisdiction (ETJ)* of this *Agreement*; however, to determine whether a property is located within the *City's* Extraterritorial Jurisdiction (ETJ), an owner/developer must consult the most recent map of the *City's* Extraterritorial Jurisdiction (ETJ) on file with the *City*.

ARTICLE 5: COUNTY AUTHORITY AND RESPONSIBILITIES.

The *County* agrees to the following:

- (1) *Authority*. The *City* will have the authority to approve subdivision plats and to issue permits related to public infrastructure improvements under Chapter 212, *Municipal Regulation of Subdivisions and Property Development*, and Chapter 232, *County Regulation of Subdivisions*, of the Texas Local Government Code within the *City's* Extraterritorial Jurisdiction (ETJ), pursuant to Section 242.001(d) of the Texas Local Government Code, for the purpose, unless otherwise stated in this *Agreement*, of granting the *City* the exclusive jurisdiction to regulate subdivision plats and approve permits related to public infrastructure improvements in the *City's* Extraterritorial Jurisdiction (ETJ) utilizing the *City's* subdivision procedures, which are outlined in Chapter 38, *Subdivisions*, of the *City's* Municipal Code of Ordinances; however, permits for on-site sewage facilities (OSSF) and encroachment into the right-of-way may only be obtained from the *County*. Furthermore, the *County's* *Subdivision Regulations* shall control whether or not sidewalks are to be constructed in the rights-of-way of a subdivision, whether or not in conflict with *City's* regulations. The *County* shall not accept any application requesting approval of a subdivision plat within the *City's* Extraterritorial Jurisdiction (ETJ) following the effective date of this *Agreement*. An application for subdivision plat does not include submissions for on-site sewage facilities (OSSF) or encroachments into the right-of-way. In addition, the County Clerk's Office shall not allow any plat to be filed in the *City's* Extraterritorial Jurisdiction (ETJ) without the *City's* authorization. *Permits* as used herein does not include vertical construction (e.g. homes, commercial buildings, etc.) and only relates to the development of subdivision infrastructure.
- (2) *Comments on Subdivision Plats or Engineering Plans*. Upon receipt from the *City* of an application and subdivision plat or engineering plans, the *County* may prepare and send comments (*if any*) to the *City* within ten (10) days. The *City* shall provide the *County* Engineering Department with a copy of the subdivision plat and any ancillary plans submitted with said subdivision plat or engineering plans within two (2) business days of the acceptance of the application.
- (3) *On-Site Sewage Facilities (OSSF)*. The *County* retains exclusive jurisdiction to administer and enforce the *County's* on-site sewage facility (OSSF) regulations on property in the *City's* Extraterritorial Jurisdiction (ETJ). Approval of an on-site sewage facility (OSSF) should take place before the submission of a *Preliminary Plat* as such approvals can affect the configuration of lots, drainage, easements and other development related items. The *County* only has 45 days to act on the submission of an application for an on-site sewage facility (OSSF) to ensure that no unreasonable delay will exist. This requirement is mandated by a governmental entity that supersedes the *City's* authority. An administratively complete submission of a *Preliminary Plat* or *Final Plat* must include proof of approval of a proposed on-site sewage facility (OSSF) by the *County*. This approval shall also be noted in the *Plat Certifications* appended to the *Final Plat* utilizing the language included in *Exhibit 'A'* of this *Agreement*.

- (4) Floodplain. The *County* will continue to be responsible for the enforcement of floodplain regulations within the *City's* Extraterritorial Jurisdiction (ETJ) in accordance with the *County's* Floodplain Management Regulations; however, except as set forth below, any plans or subdivision plats submitted to the *City* for review and approval shall be required to meet the *City's Standards of Design and Construction* manual and *Flood Hazard Damage Prevention and Control*; however, the *Applicant* must comply with all *County Floodplain* regulations with regard surveys, studies, and design. Failure to do so will result in the disapproval of the subdivision plat by the *City*.
- (5) Public Improvements. A dedication of road right-of-way or easements in a subdivision plat approved by the *City* shall not result in an acceptance of roads or any other public infrastructure improvements by the *County*; however, the dedication of the right-of-way to the public is required for the *County* to lawfully consider acceptance of a road for maintenance. Any approvals of roadway design or of a road's final completion by the *City* or the *County* shall not constitute acceptance of the road for *County* maintenance purposes. Roads will be considered for *County* maintenance only pursuant to the request for *County* maintenance process contained in Section 1.10, *Acceptance of Roadways for County Maintenance*, of the *Collin County Subdivision Regulations*. The following are acknowledged and agreed:
 - (a) A road that contains a sidewalk within the road right-of-way will not be accepted by the *County* for maintenance, and shall be the responsibility of the adjacent property owner to maintain;
 - (b) The *County* will not accept sidewalks, drainage improvements, or public infrastructure not associated with a road for maintenance. [*Caveat: ditches and drainage facilities related to roadways will be considered for maintenance*];
 - (c) To be eligible for acceptance into the *County Road System* for maintenance a road must be constructed to at least the *County's* road standards as contained in the *Collin County Roadway Standards*; and
 - (d) To be eligible for acceptance into the *County Road System* for maintenance a road must not be gated or obstructed from public use.

ARTICLE 6: CITY AUTHORITY AND RESPONSIBILITIES.

The *City* agrees to the following:

- (1) Authority. For properties requesting approval of a subdivision plat in the *City's* Extraterritorial Jurisdiction (ETJ), the *City* shall enforce: [1] the subdivision procedures stipulated by Chapter 38, *Subdivisions*, of the *City's* Municipal Code of Ordinances; [2] the standards of design and construction as outline by the *City's Standards of Design and Construction Manual*; and [3] the subdivision regulations contained in *Exhibit A: Subdivision Regulations for Review of Plats in the Extraterritorial Jurisdiction (ETJ) of the City of this Agreement*.
- (2) Subdivision Regulations. The *City* and *County* agree that the subdivision regulations contained in *Exhibit A: Subdivision Regulations for Review of Plats in the Extraterritorial Jurisdiction (ETJ)* shall be applied exclusively in the review of subdivision plats in the *City's* Extraterritorial Jurisdiction (ETJ). Should the *City* or *County* desire to amend the subdivision regulations contained in this *Agreement*, the two (2) entities will cooperate to determine if changes are necessary, and will adopt changes agreed upon by both entities through their respective governing bodies.
- (3) Subdivision Construction Plan Review. The *City's* Engineering Department shall be responsible for the review and approval of all subdivision construction plans (e.g. *engineering and/or civil plans*) in accordance with the requirements of this *Agreement*. All costs shall be accrued in accordance with the *City's* Engineering

Department's standard fees. Any cost incurred through the review of the subdivision construction plans shall be the responsibility of the developer and/or property owner (*i.e. the Applicant*).

- (4) *Dedication of Right-of-Way*. The City agrees, to require developers to dedicate minimum public right-of-way pursuant to the *Collin County Thoroughfare Plan* and the requirements of the *Collin County Roadway Standards -- in existence at the time of the effective date of this Agreement and as may be amended in the future --* subject to applicable constitutional and statutory limitations for subdivision plats and City's Master Thoroughfare Plan. When it appears to the City that a right-of-way dedication requirement [1] may exceed an applicable constitutional or statutory requirement or [2] if there is a conflict between the *Collin County Thoroughfare Plan* and the City's Master Thoroughfare Plan, the City will notify the County of the discrepancy. The City and County will cooperate to determine the extent of the right-of-way dedication to be requested, or establish an alternative method of securing the necessary right-of-way. This alternative method shall be subject to all applicable terms contained within this Agreement (*especially Article 5, Public Improvements, of Section 5, County Authority and Responsibilities*). The County and City will not, and cannot maintain a roadway that has not been dedicated to the public.
- (5) *Proportionality Appeals*. When a proportionality appeal is requested by a developer or property owner, the City -- *in consultation with the County* -- will make an initial determination of proportionality in accordance with the requirements for proportionality appeals stipulated by Chapter 38, *Subdivisions*, of the City's Municipal Code of Ordinances.
- (6) *Notification of Application for a Subdivision Plat or Engineering Plans*. The City will notify the County upon receiving an application for the approval of a subdivision plat or engineering plans by sending a digital copy of the application and the subdivision plat or engineering plans to the County Engineering Department within two (2) business days of acceptance of the application.
- (7) *Approval or Denial of a Subdivision Plat or Engineering Plans*. Subject to the County being previously provided with the proposed subdivision plat and any additional plans required by this Agreement and having the opportunity to provide comments in accordance with the terms of this Agreement, the subdivision plat and/or plans may be submitted to the City Council. The City shall contact the County concerning the status of a subdivision plat or engineering plans no later than 15-days after the City Council acts on a subdivision plat or staff takes administrative action on engineering plans. If a subdivision plat is approved and subsequently filed by the City, then the City shall provide the County with a digital file of the subdivision plat tying it to a minimum of two (2) GPS points in a County approved digital format within ten (10) working days.
- (8) *Exemptions or Exceptions, to the Subdivision Regulations*. The exceptions under Section 232.0015 of the Texas Local Government Code apply to the City's Extraterritorial Jurisdiction (ETJ) and shall be the sole exceptions applicable to the Extraterritorial Jurisdiction (ETJ). Exceptions under Section 232.0015 of the Texas Local Government Code shall be interpreted in accordance with Subsection 1.01H, *Exemptions from Plat Requirement*, of the *Collin County Subdivision Regulations*. Prior to bringing a request to the City Council, the City shall solicit the County's position on a proposed exception; however, the City Council's decision ultimately controls. If a subdivision plat calls for lots ten (10) acres or greater that require no public improvements or the dedication of road right-of-way, the City shall apply the *County Subdivision Regulations*.
- (9) *Variances*. If a variance is requested, the City shall determine whether or not the variance is granted pursuant to its variance procedures; however, in no circumstance may the variance release the Applicant from a regulation in which the County has retained sole authority (*including the standards required for accepting a road for County maintenance*).

ARTICLE 7: BONDS AND INSPECTIONS.

- (1) Performance Bond or Alternative Acceptable Financial Guaranty. Prior to starting work on the subdivision infrastructure/public improvements, the *Applicant* must file with the *City* a performance bond or other financial guarantee acceptable to the *City* that guarantees the work will be completed in accord with the plans and specifications. The time for completion may not exceed two (2) years. The *City* shall be the obligee/payee. The amount of the bond or financial guarantee is based on the design engineer's cost estimate to construct the subdivision infrastructure/public improvements unless the estimate is disputed, in which case the amount of the bond or other financial guarantee will be based on an estimate of costs prepared by the *City's* chosen consultant. The developer and/or property owner (*i.e. the Applicant*) shall be responsible for all cost incurred by the *City's* chosen consultant.
- (2) Warranty and Maintenance Bond Upon Acceptance as Complete. A *Warranty and Maintenance Bond* must be provided by the *Applicant* that meets the requirements of Section 1.09, *Warranty and Securing Maintenance Obligation*, of the *Collin County Subdivision Regulations*. The *City* and *County* shall be named as beneficiaries/obligees on the *Maintenance Bond*. The *County* has the authority to make a claim on the bond.
- (3) Inspections During Construction. The *City* shall be responsible for designating a chosen third-party inspector that will be responsible for the inspection and approval over public improvements within the right-of-way and/or public easements for all construction projects subject to the terms of this *Agreement*. The third-party inspector may issue a stop-work order if the applicable construction standards are not being met, or as deemed necessary by the *City* and/or *County*. The third-party inspector shall submit *as-built* drawings and provide notice to both the *City* and the *County* when construction of all public improvements have been completed within ten (10) days after inspection. The developer and/or property owner (*i.e. the Applicant*) shall be responsible for all cost incurred by the *City's* third-party inspector. The *County* Engineering Department will be notified of inspections and may participate in the inspections. In addition, if any preconstruction meetings are held, the *County* Engineering Department will be notified and given the opportunity to participate.
- (4) Inspection for Acceptance as Complete. Both the *City's* third-party inspector and the *County* shall inspect the work before it will be accepted as complete. If the roads do not meet the minimum standards of the *County*, the *County* reserves the right not to accept the roads as complete. Both the *City* and the *County* must accept the road(s) as complete.
- (5) Warranty Inspection. During the warranty period and again prior to the end of the warranty period the *County* will inspect the work. If the roads do not meet *County* standards either the *Applicant* must do the work to bring them within *County* standards or the *County* will make a claim on the maintenance bond. A road that does not meet the *County* standards will not be accepted for *County* maintenance.
- (6) Lot Sales. The final plat must be recorded in the official public records of the Collin County Clerk's Office prior to any lots being sold.
- (7) No Construction on Lots until Subdivision Infrastructure/Public Improvements Completed. Unless authorized by the *City* for areas of a development where the subdivision infrastructure/public improvements have been completed, no construction on lots may take place until the subdivision infrastructure/public improvements for the entire subdivision have been accepted as complete.

ARTICLE 8: GENERAL PROVISIONS.

- (1) General Administration. The *City* and *County* shall be responsible for designating their respective representatives to generally administer the requirements of this *Agreement*.

- (2) Alteration, Amendment, and/or Modification. This Agreement may not be altered, amended, and/or modified by any official, agent, employee or representative of the City or County unless both the City or County notify the other entity in writing and both governing bodies agree to the alteration, amendment, and/or modification.
- (3) Notice. All notices sent pursuant to the requirements of this Agreement shall be in writing and must be sent by registered or certified mail, postage prepaid, by hand delivery, or commercial delivery service. Notices sent pursuant to this Agreement will be sent to the following:

Collin County Engineering Department

Collin County Director of Engineering
Collin County Engineering Department
4690 Community Avenue, Suite 200
McKinney, Texas 75071

City Manager's Office

Mary Smith, City Manager
City of Rockwall
385 S. Goliad Street
Rockwall, Texas 75087

Note: When notices sent pursuant to this Agreement are mailed via registered or certified mail, notices shall be deemed effective three (3) days after deposit in a US mailbox or at a US post office.

- (4) Severability. If any provision of this Agreement is found to be invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability will not affect the remaining provisions of the Agreement.
- (5) Breach. The failure of either party to comply with the terms and conditions of this Agreement will constitute a breach of this Agreement. Either the City or County will be entitled to any and all rights and remedies allowed under the State of Texas law for any breach of this Agreement by the other entity.
- (6) Non-Waiver. The waiver by either the City or County of a breach of this Agreement will not constitute a continuing waiver of such breach or of a subsequent breach of the same or a different provision. Nothing in this Agreement is intended by either party to constitute a waiver of any immunity for suit or liability to which it is entitled under applicable law.
- (7) Entire Agreement. This Interlocal Cooperation Agreement constitutes the entire Agreement between the City and the County. No other agreement, statement, or promise relating to the subject matter of this Agreement and which is not contained in this Agreement or incorporated by reference in this Agreement will be valid or binding.
- (8) Terms Used in Document. As used in this Agreement, the terms *Interlocal Cooperation Agreement*, *Interlocal Agreement*, *Agreement*, and *Contract* are synonymous.
- (9) Non-Defined Terms. If not specifically defined in this Agreement, words and phrases used in this Agreement will have their ordinary meaning as defined by common usage.
- (10) Current Funds. All amounts, if any, expended by the City or County in the preparation and administration of this Agreement shall be paid from current, available funds.

- (11) Effective Date. To be effective this *Agreement* must be approved by the applicable governing body of for the *City* and *County*.
- (12) Venue. The venue of any action arising out of this *Agreement* shall be in a court of competent jurisdiction sitting in Collin County, Texas.
- (13) Application. The regulations as set forth in this *Agreement* apply only to subdivision applications and engineering submittals submitted after the effective date of this *Agreement*.

DRAFT
AGREEMENT
03.01.2021

SIGNATURES AND ATTESTS

COLLIN COUNTY, TEXAS

EXECUTED THIS THE ___ DAY OF _____, 2021.

By: _____
Honorable Chris Hill
Collin County Judge

Attest: _____
NAME
Collin County Administrator

Date: _____

CITY OF ROCKWALL, TEXAS

EXECUTED THIS THE ___ DAY OF _____, 2021.

By: _____
Mary Smith
City Manager

Attest: _____
Kristy Cole
City Secretary

Date: _____

(A) Process and Procedures. The process and procedures as outlined in Chapter 38, *Subdivisions*, of the City of Rockwall's Municipal Code of Ordinances -- *in existence at the time of the effective date of this Agreement and as may be amended in the future* -- shall apply exclusively to the review of all subdivision plats in the City's Extraterritorial Jurisdiction (ETJ) with the exception of the items contained in Subsection (D), *Subdivision Regulations*, of Exhibit 'A' of this Agreement; however, in general, the process can be summarized as follows:

- (1) On-Site Sewage Facilities (OSSF). An application for On-Site Sewage Facilities (OSSF) shall be submitted to the County's Development Services Department for review and approval.
- (2) Preliminary Plat. A preliminary plat submitted to the City of Rockwall's Planning and Zoning Department shall be required for all developments proposing the subdivision of land into two (2) or more parcels unless waived by the Director of Planning and Zoning of the City of Rockwall [see Subsection (D) below].
- (3) Engineering. Full engineering and civil plans conforming to the City's Standards of Design and Construction manual shall be submitted to the City of Rockwall's Engineering Department.
- (4) Final Plat. A final plat conforming to the preliminary plat and/or engineering/civil plans shall be submitted to the City of Rockwall's Planning and Zoning Department.

NOTE: A checklist for preliminary and final plats is included in Exhibit 'C' of this Agreement.

(B) Design and Construction Standards. Unless specifically addressed in Subsection (C), *Subdivision Regulations*, of Exhibit 'A' of this Agreement, the design and construction standards contained within the City's Standards of Design and Construction manual -- *in existence at the time of the effective date of this Agreement and as may be amended in the future* -- shall exclusively apply to the review of all improvements in the City's Extraterritorial Jurisdiction (ETJ), with the exception of On-Site Sewage Facilities (OSSF).

(C) Subdivision Regulations. The following standards are based on the County's subdivision regulations; the Collin County Thoroughfare Plan; and Chapter 232, *County Regulation of Subdivisions*, of the Texas Local Government Code. If a subdivision regulation is not addressed by this Agreement or in Chapter 38, *Subdivisions*, of the City's Municipal Code of Ordinances, the requirements of the County's *Subdivision Regulations* shall apply.

- (1) Building Setback Requirements Adjacent to a Public Street. Building setbacks shall be indicated on all subdivision plats where any portion of a lot or tract of land is adjacent to a street. Based on the size of the adjacent roadway, the following minimum building setbacks are required: [1] 50-feet from the front property line on all properties directly adjacent to a major thoroughfare or highway, and [2] 25-feet from all properties directly adjacent to any other public roadway.
- (2) Minimum Lot Frontage. All lots shall be required to have frontage on or access to a public roadway. Along existing County roadways, a minimum of 100-feet of lot frontage shall be required. For lots along roadways other than existing County roadways, the road frontage shall be of a reasonable for the proposed lot size, and provide sufficient support for ingress, egress, and turning for emergency vehicles.
- (3) Streets and Roadways.
 - (a) Thoroughfare Plan. In the case that a roadway is shown on the County's Thoroughfare Plan to traverse a proposed subdivision, the right-of-way for that thoroughfare must be dedicated as part of the subdivision plat. The width of the right-of-way must be in accordance with that required in the most recent update of the Collin County Mobility Plan. If the roadway is shown on the City's Master Thoroughfare Plan, then the

City's thoroughfare regulations shall apply.

- (b) Right-of-Way. Unless the City requires a wider right-of-way, the minimum right-of-way required for roads developed in the Extraterritorial Jurisdiction (ETJ) shall be in accordance with Section 1.04, *Roadway & Pavement Selection*, of the *Collin County Roadway Standards*, and which are summarized as follows:

| Roadway Classification | Abbreviation | Right-of-Way ¹ |
|------------------------|--------------|---------------------------|
| Rural Residential | RR | 60' |
| Urban Residential | UR | 50' |
| Rural Collector | RC | 60' |
| Urban Collector | UC | 50' |

Notes:

¹: Private streets shall be subject to the same right-of-way and classification requirements as public streets.

- (c) Street and Roadway Acceptance. Both the City and the County shall be responsible for accepting that a street or roadway is complete in accordance with the approved plans and specifications. The acceptances will be issued by the City's Engineering Department and the County's Engineering Department. Acceptance of a street or roadway as complete in accordance with the approved plans and specifications is not an acceptance of the roadway or street for County maintenance. A road will not be considered for County maintenance until two (2) years after completion and correction of any defects existing at the end of that period; and then will only be considered for maintenance pursuant to the request for maintenance process in Section 1.10, *Acceptance of Roadways for County Maintenance*, of the Collin County Subdivision Regulations. Section 5, *Public Improvements*, of Article 5, *County Authority and Responsibility*, of this Agreement is incorporated herein the same as if set forth at length. Section 1.10, *Acceptance of Roadways for County Maintenance*, of the Collin County Subdivision Regulations is incorporated herein the same as if set forth at length. It is again noted for emphasis that roads with a sidewalk in the road right-of-way will not be accepted for County maintenance, and that sidewalks, whether within or outside of the road right-of-way, will not be accepted for County maintenance.
- (4) Adequate Public Utilities/Facilities. It shall be the responsibility of the developer or applicant to provide adequate public utilities necessary to serve the property. Proof of adequate public utility services must be provided with the subdivision plat, and all easements for the utilities shall be clearly depicted on the subdivision plat as required by the City's Subdivision Regulations; except that on-site sewer facilities (OSSF) must be approved by the County as set forth elsewhere in this Agreement.
- (5) Drainage. The City's Drainage Regulations shall apply in the Extraterritorial Jurisdiction (ETJ) of the City, unless it is deemed that the County's Drainage Standards are more restrictive in which case the County's standards would apply. NEITHER THE CITY NOR THE COUNTY SHALL BE RESPONSIBLE FOR MAINTAINING DRAINAGE EASEMENTS AND FACILITIES. SUCH MAINTENANCE SHALL BE PROVIDED BY A HOMEOWNER'S ASSOCIATION OR IF NOT PROVIDED BY A HOMEOWNER'S ASSOCIATION SHALL BE THE RESPONSIBILITY OF THE LOT OWNER ON WHOSE LAND THE EASEMENT OR FACILITY EXISTS OR IS ADJACENT.
- (6) Certification and Dedication Language. The following certifications and dedication language will be added to all subdivision plats subject to this Agreement [however, the County may require additional notes be added to the subdivision plat]:
- (a) Owner's Certification.

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS [OWNER'S NAME], BEING THE OWNER OF A TRACT OF land in the County of Collin, State of Texas, said tract being described as follows: [LEGAL DESCRIPTION]

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS
COUNTY OF COLLIN

I (we) the undersigned owner(s) of the land shown on this plat, and designated herein as the [SUBDIVISION NAME] subdivision to the County of Collin, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the [SUBDIVISION NAME] subdivision have been notified and signed this plat. I (we) understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. I (we) also understand the following:

- (1) The public rights-of-way depicted on this subdivision plat are dedicated fee simple for the purpose of providing public roadways, streets, alleyways, and utilities.
- (2) All public improvements and dedications are free and clear of all debt, liens, and/or any other encumbrances.
- (3) For the purposes of this subdivision plat, the easements and public areas depicted and created by this subdivision plat, are dedicated to the public and the public's use in perpetuity.
- (4) No buildings, structures, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over, or across the easements depicted on this subdivision plat.
- (5) Utility easements may be used for the mutual use and accommodation of the all public utilities unless the easement limits the use by its designation.
- (6) Public utilities shall have the right to remove and keep removed all or parts of any buildings, structures, fences, trees, shrubs or other improvements or growths, which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements.
- (7) Public utilities shall at all times have the full right of ingress and egress to or from their respective easement for the purpose of construction, reconstructing, inspecting, patrolling, maintaining, reading meters and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.
- (8) The property owners or the Homeowner's Association (HOA) with lots adjacent to or upon the drainage easements created by this subdivision plat will be responsible for the maintenance and or the reconstruction of the drainage improvements constructed in said easements for the purpose of assuring the flow of stormwater to the degree required by the design and original construction.
- (9) Neither the City of Rockwall nor Collin County will be responsible for maintenance or repair of drainage improvements.

(10) Unless authorized by Collin County for areas of a development where the subdivision infrastructure/public improvements have been completed, no construction on lots may take place until the subdivision infrastructure/public improvements for the entire subdivision have been accepted as complete.

(11) The roadways and rights-of-way depicted on the subdivision plat are public and neither the current nor future owner(s) of the subject property have the right to obstruct these roadways or rights-of-way by a fence, gate, or other means.

(12) Collin County will not accept for maintenance any road with a sidewalk in the public right-of-way of the road.

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

Property Owner Signature(s)

(b) Notary Certification.

STATE OF TEXAS
COUNTY OF COLLIN

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

Given upon my hand and seal of office this *[DAY]* day of *[MONTH]*, *[YEAR]*.

Notary Public in and for the State of Texas

My Commission Expires

(c) Surveyor's Certification.

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, *[SURVEYOR'S NAME]*, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

Surveyor Signature

Registered Public Surveyor No.

(d) Signature Blocks.

Planning & Zoning Commission, Chairman

Date

APPROVED:

I hereby certify that the above and foregoing plat of an addition to Collin County, Texas, was approved by the City Council of the City of Rockwall on the [DAY] day of [MONTH], [YEAR] in accordance with the requirements of the *Interlocal Cooperation Agreement for Subdivision Regulation in the Extraterritorial Jurisdiction (ETJ)* of the City entered into by the City of Rockwall and Collin County.

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

WITNESS OUR HANDS, this [DAY] day of [MONTH], [YEAR].

Mayor, City of Rockwall

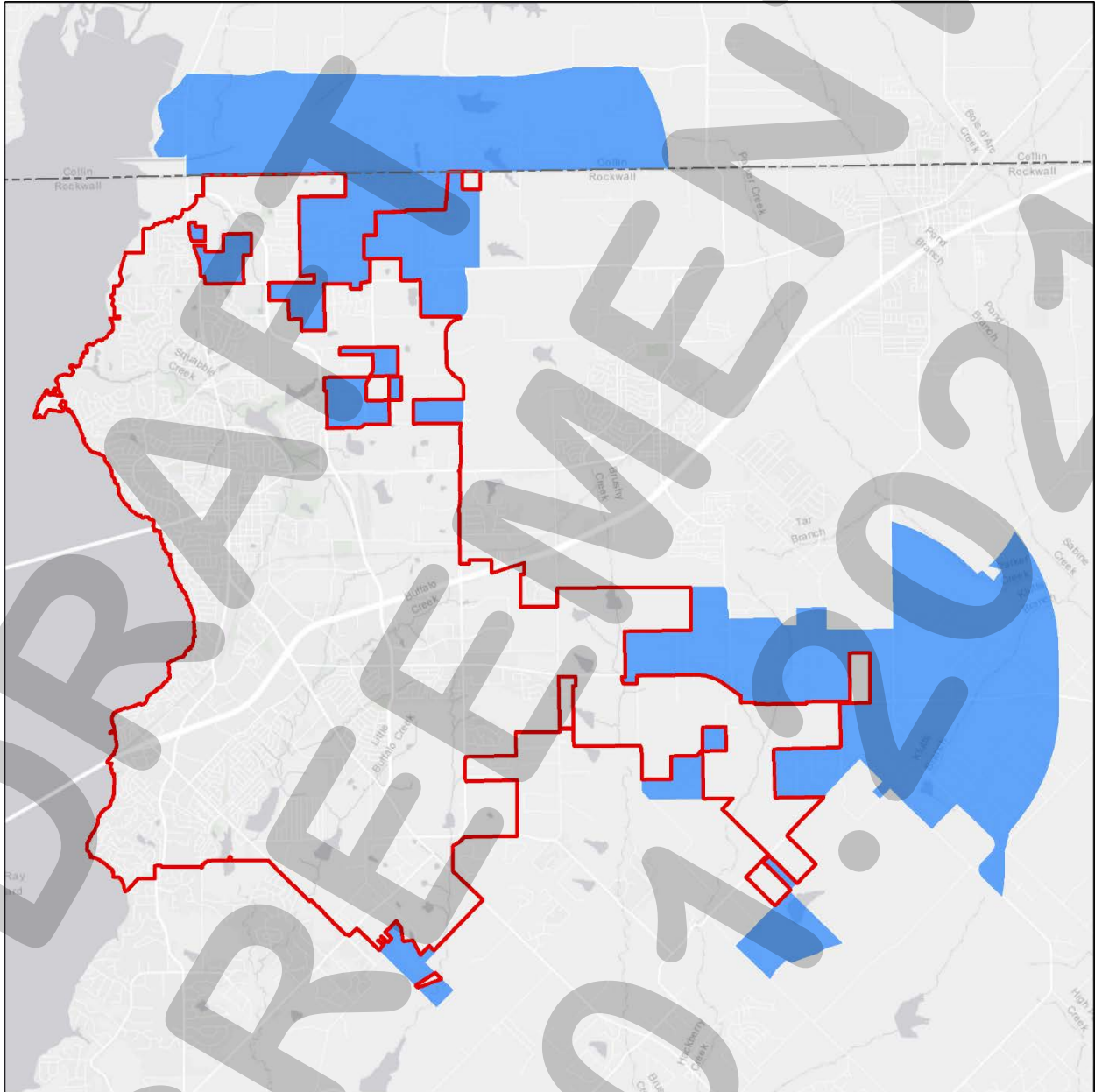
City Secretary

City Engineer

(D) Exceptions. All request for exceptions shall be handled in accordance with Section 8, *Exemptions or Exceptions, to the Subdivision Regulations*, of Article 6, *City Authority and Responsibilities*, of this Agreement. Exceptions shall be limited to the following:

- (1) The tract of land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution;
- (2) The tract of land is divided into four (4) or fewer parcels and each of these parcels is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code;
- (3) All the lots of the subdivision are individually more than ten (10) acres in area;
- (4) All the lots of the subdivision are sold to veterans through the Veterans' Land Board program;
- (5) The tract of land belongs to the State of Texas or any state agency, board or commission or owned by the permanent school fund or any other dedicated funds of the State of Texas;
- (6) The owner of the tract of land is a political subdivision of the State of Texas;
- (7) The land is situated in a 100-year floodplain, and the lots are sold to the adjoining landowners;

- (8) One new part of the tract is to be retained by the owner who does not lay out any streets, alleys, parks, squares or other parts, and the other new part is to be transferred to another person who will further subdivide the tract, and will do so subject to the subdivision plat approval requirements of these *Regulations* [*Note: This requires an actual intent to develop the transferred part and the City may require a concept plan to support this intent. It also requires that the transferred land is of a size that it may be further subdivided, with consideration given to OSSF lot size regulations*];
- (9) All parts of the tract are transferred to persons who owned an undivided interest in the original tract and a subdivision plat is filed before any further development of any part of the tract. This will generally involve a situation where several persons inherit or otherwise receive an undivided interest in land and thereafter obtain a partition judgment to specifically divide the land among them. The partition does not trigger these subdivision requirements, however, any further division of the separate tracts created by the partition for development must comply with these subdivision regulations;
- (10) The acquisition or disposition of land by any federal or state agency, political subdivision of the State of Texas, municipality, or school district intended for or relating to right of way purposes; and/or,
- (11) The tract of land is to be used solely for the financing of the construction of a building or for the refinancing of an existing building with no change in property ownership.



KEY: RED: CITY LIMITS; BLUE: EXTRATERRITORIAL JURISDICTION (ETJ)

Case Type:

- Preliminary Plat
- Final Plat
- Replat

Case Number:

Reviewed By:

Review Date:

NOTES: The requirements listed below are based on the case type, which is indicated in the '[]' below the requirement description. On the checklist below a Replat would be required to meet all the same requirements as a Final Plat.

| Requirements | ✓ = OK | N/A | Comments |
|--|--------------------------|--------------------------|---|
| Case Number [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | The case number will be provided by staff and placed in the lower right-hand corner of all new submittals. |
| Submittal Requirements [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Four (4) large (18" x 24") folded copies and one (1) PDF digital copy of each plat is required at the time of submittal. Provide accurate plat dimensions with all engineering information necessary to reproduce the plat on the ground. ENGINEERING SUBMITTAL AND APPROVAL REQUIRED PRIOR TO SUBMITTING AN APPLICATION FOR FINAL PLAT. |
| Engineering Information [Final Plat] | <input type="checkbox"/> | <input type="checkbox"/> | |
| Title Block: Type of Plat [Final Plat or Preliminary Plat] Subdivision Name (Proposed or Approved) Lot / Block Designation Number of Lots (Proposed) Total Acreage City, State, County | <input type="checkbox"/> | <input type="checkbox"/> | Provide the title block information in the lower right-hand corner. |
| Owner, Developer, and/or Surveyor/Engineer (Name/Address/Phone Number/Date of Preparation) [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | This includes the names and addresses of the sub dividers, record owner, land planner, engineer and/or surveyor. The date of plat preparation should also be put in the lower right-hand corner. |
| Survey Monuments/State Plane Coordinates [Final Plat] | <input type="checkbox"/> | <input type="checkbox"/> | The location of the development is required to be tied to a monument, or tie two (2) corners to state plan coordinates (<i>NAD 83 State Plane Texas, North Central [7202], US Survey Feet</i>). |
| Vicinity Map [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | A Vicinity Map should show the boundaries of the proposed subdivision relative to the rest of the Extraterritorial Jurisdiction (ETJ). |
| North Point [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | The north point or north arrow must be facing true north (or straight up) on all plans, unless the scale of the drawings or scope of the project requires a different position. |
| Numeric and Graphic Scale [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Plats should be drawn to an Engineering Scale of 1" = 50', 1" = 100', etc... |
| Subdivision (Boundary, Acreage, and Square Footage) [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Indicate the subdivision boundary lines, and acreage and square footage. |
| Lot and Block (Designation, Width, Depth and Area) [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Identification of each lot and block by number or letter. For each lot indicate the square footage and acreage or provide a calculation sheet. Also provide a lot count. |
| Building Setbacks [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Label the building lines where adjacent to a street. |
| Easements [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Label all existing and proposed easements relative to the site and include the type, purpose and width. |
| City Limits [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Indicate the location of the City Limits or extent of the Extraterritorial Jurisdiction (ETJ), contiguous or within the platting area. |
| Utilities [Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Indicate the locations of all existing and proposed utilities. Include the size and type of each. |
| Property Lines [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Provide all the proposed and platted property lines. |

| | | | |
|--|--------------------------|--------------------------|---|
| Streets [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Label all proposed and existing streets with the proposed or approved names. |
| Right-Of-Way and Centerline [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Label the right-of-way width and street centerline for each street both within and adjacent to the development. |
| Additional Right-Of-Way [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Indicate the location and dimensions of any proposed right-of-way dedication. |
| Corner Clips [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Indicate all existing and proposed corner clips and any subsequent dedication. |
| Median Openings [Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Locate and identify existing and/or proposed median openings and left turn channelization. |
| Topographical Contours [Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Topographical information and physical features to include contours at two (2) foot intervals. |
| Flood Elevations [Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Show 100-Year & 50-Year floodplain and floodway boundaries (if applicable). |
| Drainage Areas [Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Show all drainage areas and all proposed storm drainages areas with sizes if applicable. |
| Wooded Areas [Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Indicate the boundaries of all adjacent wooded areas. |
| Private/Public Parks and Open Space [Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Identify the dimensions, names and description of all private or public parks and open spaces, both existing and proposed. |
| Proposed Improvements [Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Indicate how the proposed improvements would relate to those in the surrounding area. |
| Water Sources [Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Indicate water sources in the Extraterritorial Jurisdiction (ETJ). |
| Sewage Disposal [Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Indicate sewage disposal method in the Extraterritorial Jurisdiction (ETJ). |
| Adjacent Properties [Final Plat & Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Record owners of contiguous parcels of subdivided land, names and lot patterns of contiguous subdivisions, approved Concept Plans, reference recorded subdivision plats adjoining platted land by record name and by deed record volume and page. |
| Dedication [Final Plat, Preliminary Plat & Master Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Indicate the boundary lines, dimensions and descriptions, of spaces to be dedicated for public use of the inhabitants of the development. |
| Statement of Service [Preliminary Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Provide a detailed statement of how the proposed subdivision will be served by water, wastewater, roadway and drainage facilities that have adequate capacity to serve the development. |
| Standard Plat Wording [Final Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Provide the appropriate plat wording provided in the application packet that details the designation of the entity responsible for the operation and maintenance of any commonly held property and a waiver releasing the city of such responsibility, a waiver releasing the City for damages in establishment or alteration of grade. |
| Legal Description [Final Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Place the Legal Description (<i>Metes and Bounds Description/Field Notes</i>) where indicated in the Owner's Certificate per this agreement. |
| Storm Drainage Improvements Statement [Final Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Provide the appropriate statement of developer responsibility for storm drainage improvements found in the application packet. |
| Dedication Language [Final Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Provide the instrument of dedication or adoption signed by the owners, which is provided in this agreement. |
| Seal/Signature [Final Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Required to have the seal and signature of surveyor responsible for the surveying the development and/or the preparation of the plat. |
| Public Improvement Statement [Final Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Proved the appropriate statement indicating that no construction will be permitted until all public improvements are accepted by the City and County as provided in this agreement. |
| Plat Approval Signatures [Final Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Provide a space for signatures attesting approval of the plat. |
| Compliance with Preliminary Plat [Final Plat] | <input type="checkbox"/> | <input type="checkbox"/> | Does the plat comply with all the special requirements developed in the preliminary plat review? |

Review Plans with Franchise Utility
Companies
[Final Plat & Preliminary Plat]

Review the proposed plans and plat with electric, gas, cable and
phone companies.

DRAFT
AGREEMENT
03.01.2021



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

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

DATE: March 1, 2021

SUBJECT: ELECTIONS CONTRACT - MAY 1, 2021 GENERAL ELECTION

Attachments
Elections Contract

Summary/Background Information

This is a standard contract that the City of Rockwall has entered into in the past with the Rockwall County Elections Administrator and the RISD related to municipal and/or school district elections. A line item of \$10,500 was included in the FY21 General Fund Budget to cover election-related expenses for this year. However, since we are able to hold the election jointly with the school district this time, our portion owed will only be half of the estimated \$9717.15 that is reflected in the attached contract (so about \$4850.00). The City will also incur costs associated with publishing the election notice in the newspaper in April (as prescribed by law); however, it is not anticipated that this year's total election-related costs will exceed the budgeted amount. Staff will be available to help answer any questions the Council may have related to this contract.

Action Needed

Council is being asked to consider authorizing the Interim City Manager to execute the Contract.

May 1, 2021

General Election

Contract for Election Services

**Elections Administrator of
Rockwall County**

and

City of Rockwall

and

**Rockwall Independent School
District**

May 1, 2021

General Election

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**STATE OF TEXAS
COUNTY OF ROCKWALL
CITY OF ROCKWALL
ROCKWALL INDEPENDENT SCHOOL DISTRICT**

CONTRACT FOR ELECTION SERVICES

BY THE TERMS OF THIS CONTRACT made and entered into by and between the city of **ROCKWALL**, the **ROCKWALL INDEPENDENT SCHOOL DISTRICT** and the **ELECTIONS ADMINISTRATOR OF ROCKWALL COUNTY** pursuant to the authority in Subchapter D, Section 31.092 and 271.002 of the Texas Election Code, agree to the following particulars in regard to coordination, supervision and running of the City's General Election and the School District's General Election to be held on May 1, 2021.

THIS AGREEMENT is entered into in consideration of the mutual covenants and promises hereinafter set out. IT IS AGREED AS FOLLOWS:

I. PRINCIPAL DUTIES AND SERVICES OF THE EA. The EA shall be responsible for performing the following duties and shall furnish the following services and equipment:

- A. The EA shall arrange for appointment, notification (including writ of election), training and compensation of all presiding judges, alternate judges, the judge of the Tabulation Room and judge of the Early Voting Balloting Board.
 - 1. The EA shall be responsible for notification of each Election day and Early Voting presiding judge and alternate judge of his or her appointment. The EA recommends providing up to four (4) election workers including alternate judges, clerks and interpreters. The presiding election judge of each polling place, however, will use his/her discretion to determine the working hours of the election workers during normal and peak voting hours. The EA will determine the number of clerks to work in the Tabulation Room and the number of clerks to work on the Balloting Board.
 - 2. Election judges (including Presiding and Alternate) shall attend the EA's school of instruction (Elections Seminar) to be held on a date determined by the EA. The Elections Seminar shall provide training in standard procedures as set forth by the Secretary of State.
 - 3. Election judges shall be responsible for picking up from and returning election supplies to the Rockwall County Election Administrator's office located at 915 Whitmore Dr. Suite D, Rockwall, Texas. Compensation for this pickup and delivery of supplies will be \$25.00.
 - 4. The EA shall compensate each election judge, alternate judge, clerk and interpreter. Each election judge and interpreter shall receive \$16.00 per hour for services rendered. Each alternate judge and clerk shall receive \$14.00 per hour for services rendered. The expenses shall be shared equally pursuant to the Joint Election Agreement as shown in Appendix D attached and incorporated by reference into this contract.

- B. The EA shall procure, prepare, and distribute voting machines, election kits and election supplies.
1. The EA shall secure election kits which include the legal documentation required to hold an election and all supplies including locks, pens, markers, etc.
 2. The EA shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.
- C. The EA shall be appointed as the Early Voting Clerk by the City and School District.
1. The EA shall supervise and conduct early voting by mail and in person and shall secure personnel to serve as Early Voting Deputies.
 2. Early Voting by personal appearance for the City's General Election and School District's General Election held on May 1, 2021 shall be conducted during the time period and at the locations listed in Appendix A, attached and incorporated by reference into this contract.
 3. All applications for an Early Voting mail ballot shall be received and processed by the Rockwall County Elections Administrator's office located at 915 Whitmore Dr. Suite D, Rockwall, Texas 75087.
 - (a) Applications for mail ballots erroneously mailed to the City or School District shall immediately be faxed to the EA for timely processing. The original application shall then be forwarded to the EA for proper retention.
 - (b) All Federal Post Card Applicants (FPCA) will be sent an e-mail ballot.
 4. All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for count by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code. The presiding judge of this Board shall be appointed by the EA. The Board shall meet for preparation of the early voting ballots at a time agreed to between the EA and the Early Voting Ballot Board Judge.
- D. The EA shall arrange for the use of all election day polling places. The City and School District shall each assume the responsibility of incurring and absorbing the cost of its employees required to provide access, security and/or custodial services for the polling locations pursuant to a Joint Election Agreement as shown in Appendix D attached and incorporated by reference into this contract. The election day polling locations are listed in Appendix B, attached and incorporated by reference into this contract.
- E. The EA shall be responsible for establishing and operating the Tabulation Room.

1. The EA shall prepare, test and run the County's Tabulation System in accordance with the statutory requirements.
2. The Public Logic and Accuracy Test of the electronic voting system shall be conducted by the EA and notice of the date shall be posted in local newspapers.
3. The EA shall cause to be published in the local newspapers the required notices including notices of early voting locations, election day voting locations, and tabulation testing.
4. Election night reports will be available to the City and School District after tabulation is completed and will be released on the Election Departments Website www.rockwallvotes.com. Provisional ballots will be tabulated after election night in accordance with the Texas Election Code.
5. The EA shall prepare the unofficial canvass report after all precincts have been counted, and will provide a copy of the unofficial canvass to the City and School District as soon as possible after all returns have been tallied.
6. The EA shall conduct a manual count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the City and School District in a timely manner. Unless waived by the Secretary of State, if applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201(e) of the aforementioned code.

II. PRINCIPAL DUTIES AND SERVICES OF THE CITY AND SCHOOL DISTRICT.

Each entity shall assume the following responsibilities:

- A. The City and School District shall prepare the election orders, resolutions, notices, official canvass and other pertinent documents for adoption by the appropriate office or body.
- B. The City and School District shall provide the EA with an updated map and street index of its jurisdictions in an electronic or printed format not later than 1 March 2021.
- C.
 1. The City and School District shall deliver to the EA as soon as possible the official wording for the City's General Election and School District's General Election to be held on May 1, 2021.
 2. The City and School District shall approve the ballot format prior to the final printing.
- D. The City, School District and the EA shall determine the number of ballots to be purchased.
- E. The City and School District shall compensate the EA for any additional verified cost incurred in the process of running this election or for a manual count of this election, if

required, consistent with charges and rates shown on Appendix C for required services. These costs will be invoiced for reimbursement.

- F. The City and School District shall reimburse Rockwall County for its portion of the printing costs of any and all related materials for ballots, early voting, election day voting, election kits.
- G. The City and School District shall reimburse Rockwall County for its portion of the rental of all electronic voting equipment.
- H. The City and School District shall each reimburse the EA for an administrative fee of ten percent (10%) of the City and School District's portion of the total cost of the election.
- I. The City and School District shall each deposit its share of the election costs as set forth on Appendix C. The check is to be made payable to Rockwall County and delivered to the EA. The final costs of the election along with the ten percent (10%) administration fee will be prepared on a format similar to Appendix C and the invoice along with any supporting documentation shall be delivered by the EA. The invoice is due and payable 30 days after receipt by the City and School District.
- J. The City and School District, in the event of a contested election, agrees to provide competent legal counsel and representation for the EA and staff, covering any and all legal fees and costs as a result of this elections process.
- K. The City and School District, in the event of a recount, agrees to reimburse any expenses incurred by the EA's office not covered by the charges assessed to the person requesting the recount. This would include, but not be limited to the compensation costs of any Rockwall County Election personnel required to work beyond regular office hours in order to conduct said recount of this election. The recount shall take places in the EA's office and the EA's office shall assist the Recount Supervisor and/or the Recount Coordinator in the completion of the recount.
- L. The EA shall be the custodian of the voted ballots and shall retain all election materials for a period of 6 months.

III. COST OF SERVICES. See Appendix C.

- A. The City and School District shall share equally in the expense of conducting early voting and election day voting pursuant to a Joint Election Agreement as shown in Appendix D attached incorporated by reference into this contract.
- B. The cost of site support by Third Party Contractors shall be shared equally by the City and School District pursuant to a Joint Election Agreement as shown in Appendix D attached and incorporated by reference into this contract.

IV. GENERAL PROVISIONS.

- A. To the extent of the law, the City and School District agree to save and hold harmless the EA from any and all claims arising out of the failure or omission of the City or School District to perform its obligations under this contract.

- B. To the extent of the law, the EA agrees to save and hold harmless the City and School District from any all claims arising out of the failure or omission of the County and the EA to perform their obligations under this contract.
- C. Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the City's General Election or School District's General Election held on May 1, 2021 is to be filed or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.066 of the Texas Election Code.
- D. Upon request, the EA shall provide copies of all invoices, cost reports and other charges incurred in the process of running said election for the City and School District.
- E. The EA shall file copies of this contract with the County Auditor and the County Treasurer of Rockwall County, Texas.
- F. The City and School District shall enter into a Joint Election Agreement as shown in Appendix D attached and incorporated by reference into this contract.
- G. If the City and/or School District cancels their election pursuant to Section 2.053 of the Texas Election Code, the EA shall be paid a contract preparation fee of \$75.00. The City and School District will not be liable for any further costs incurred by the EA in conducting the May 1, 2021 Election.
- H. This Agreement contains the entire agreement of the parties to the rights herein granted and the obligations herein assumed and supersedes all prior agreements, including prior election services contracts relating to each Entity's May 2021 election. Any prior agreements, promises, negotiations, or representations not expressly contained in this Agreement are of no force and effect. Any oral representations or modifications concerning this Agreement shall be of no force or effect, excepting a subsequent modification in writing as provided herein.
- I. Except as otherwise provided, this Agreement may not be amended, modified, or changed in any respect whatsoever, except by a further Agreement in writing, duly executed by the parties hereto. No official, representative, agent or employee of any Participating Entity has any authority to modify this Agreement except pursuant to such expressed authorization as may be granted by the governing body of the respective Participating Entity.
- J. This Agreement may be executed in multiple counterparts, all of which shall be deemed originals and with the same effect as if all parties hereto had signed the same document. All of such counterparts shall be construed together and shall constitute one and the same Agreement.

WITNESS BY MY HAND THIS _____ DAY OF _____, 2021.

Christopher J. Lynch, Elections Administrator
Rockwall County, Texas

Mary Smith, Interim City Manager
Rockwall, Texas

ATTEST:

Kristy Cole, City Secretary

JJ Villareal, Superintendent
Rockwall Independent School District

ATTEST:

Secretary

Appendix A

EARLY VOTING LOCATIONS & HOURS FOR GENERAL ELECTION

(votacion anticipada horarios y ubicaciones para elecciones generales)

May 1, 2021

(6 de mayo de 2019)

| POLLING PLACE (lugar de votacion) | | LOCATION & ADDRESS (lugar y direccion) | | | CITY (ciudad) | |
|--------------------------------------|--|---|---------------------------------------|---------------------------------------|---------------------------------------|--|
| COUNTY LIBRARY | | 1215 E YELLOWJACKET | | | ROCKWALL | |
| SUNDAY (Domingo) | MONDAY (Lunes) | TUESDAY (Martes) | WEDNESDAY (Miercoles) | THURSDAY (Jueves) | FRIDAY (Viernes) | SATURDAY (Sabado) |
| N/A | APRIL 19 8am – 5pm Early Voting | APRIL 20 7am – 7pm Early Voting | APRIL 21 8am – 5pm Early Voting | APRIL 22 7am – 7pm Early Voting | APRIL 23 8am – 5pm Early Voting | APRIL 24 10am – 3pm Early Voting |
| SUNDAY N/A | APRIL 30 8am – 5pm* Early Voting | APRIL 27 8am – 5pm* Early Voting | APRIL 28 N/A | APRIL 29 N/A | APRIL 30 N/A | MAY 1 Election Day 7am-7pm |

Appendix B

ELECTION DAY VOTING LOCATIONS & HOURS FOR GENERAL ELECTION

(lugares de votacion de dia de la eleccion para elecciones generales)

May 1, 2021

(6 de mayo de 2019)

7:00 a.m. – 7:00 p.m.

| POLLING PLACE (lugar de votacion) | LOCATION & ADDRESS (lugar y direccion) | CITY (ciudad) |
|--------------------------------------|---|------------------|
| COUNTY LIBRARY | 1215 E YELLOWJACKET | ROCKWALL |

Appendix C

| COST OF SERVICES (Estimate) | | | | |
|--|----------|------------|----------------|----------------|
| | Quantity | Unit Costs | Subtotal Costs | Extended Costs |
| DIRECT COSTS | | | | |
| ES&S (VENDOR) | | | | |
| ES&S Site Support Fee | | | | 846.50 |
| Programming | | | | 1974.40 |
| Ballots | 3000 | .30 | | 1800.00 |
| TOTAL BILLED FROM ES&S | | | | 4620.90 |
| ROCKWALL COUNTY EA | | | | |
| Supply Costs | | | | 30.00 |
| <u>Equipment Rental</u> | | | | |
| Express Vote Device | 5 | 250.00 | 250.00 | 1250.00 |
| DS200 | 1 | 100.00 | 100.00 | 100.00 |
| Herald-Banner (Advertisement) | | | | 133.25 |
| COMPENSATION OF COUNTY EMPLOYEES | | | | |
| Staff Overtime | | | | 700.00 |
| COMPENSATION OF JUDGES & CLERKS | | | | |
| | | | | 2000.00 |
| TOTAL BILLED FROM COUNTY | | | | 4213.25 |
| SUBTOTAL OF DIRECT COSTS | | | | |
| | | | | 8834.15 |
| ADMIN FEE (10% CALCULATED ON FINAL BILLING) | | | | 883.00 |
| TOTAL CONTRACT COST | | | | 9717.15 |

Appendix D

**STATE OF TEXAS
ROCKWALL
ROCKWALL INDEPENDENT SCHOOL DISTRICT**

JOINT ELECTION AGREEMENT

This Agreement is entered into by and between the city of Rockwall, and the Rockwall Independent School District.

By the terms of this agreement, the City and School District do hereby agree, pursuant to the provisions of the Texas Election Code, to hold a joint election of the General Election of the City and the General Election of the School District to be held on Saturday, May 1, 2021. All entities have contracted with the Rockwall County Elections Administrator to perform various duties and responsibilities on behalf of the two entities.

The two entities shall share equally in the expense of conducting Early and Election Day voting, polling locations, election officials, election supplies, ballots and other and all necessary expenses for the election upon receipt of satisfactory billing and invoices reflecting the total of such election.

An entity canceling an election pursuant to Section 2.053 of the Texas Election Code will not be liable for costs incurred by the EA in conducting the May 1, 2021 Joint General Election; they will be liable for on the contract preparation fee of \$75.00.

This Agreement contains the entire agreement of the parties relating to the rights herein granted and the obligations herein assumed and supersedes all prior agreements, including prior election services contracts relating to each Entity's May 2019 election. Any prior agreements, promises, negotiations, or representations not expressly contained in this Agreement are of no force and effect. Any oral representations or modifications concerning this Agreement shall be of no force or effect, excepting a subsequent modification in writing as provided herein.

Except as otherwise provided, this Agreement may not be amended, modified, or changed in any respect whatsoever, except by a further Agreement in writing, duly executed by the parties hereto. No official, representative, agent or employee of any Participating Entity has any authority to modify this Agreement except pursuant to such expressed authorization as may be granted by the governing body of the respective Participating Entity.

This Agreement may be executed in multiple counterparts, all of which shall be deemed originals and with the same effect as if all parties hereto had signed the same document. All of such counterparts shall be construed together and shall constitute one and the same Agreement.

APPROVED BY THE CITY COUNCIL OF ROCKWALL, TEXAS, in its meeting held on the _____ day of _____, 2021, and executed by its authorized representative, as follows:

Mary Smith, Interim City Manager
Rockwall, Texas

ATTEST:

Kristy Cole, City Secretary

APPROVED BY THE TRUSTEES OF THE ROCKWALL INDEPENDENT SCHOOL BOARD, in its meeting held on the _____ day of _____, 2021 and executed by its authorized representative, as follows:

JJ Villareal, Superintendent
Rockwall Independent School District

ATTEST:

Secretary



CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Honorable Mayor and City Council

CC Mary Smith, Interim City Manager
Joey Boyd, Assistant City Manager

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

DATE: March 1, 2021

SUBJECT: Lake Pointe Baseball Agreement

In December 2020, Council approved the Lake Pointe Baseball Agreement for the use of Yellow Jacket Athletic Complex. The agreement was for all (3) three fields at a flat rate of \$10,000.00. Since the approval of this agreement there has been a reduction of the fields required and Lake Pointe is only needing (2) two of the fields. This is primarily due to the Covid Pandemic and the entire 2020 season being cancelled.

At this time, Lake Pointe Baseball is renewing the contract for the 2nd term. Since we are reducing the field use by 33% we are adjusting the contract from \$10,000.00 flat rate to \$6,700.00 flat rate at the request of Lake Pointe Baseball. This updated contract has been reviewed and approved by the City Attorney and the only change is the flat fee.

Park and Recreation staff requests that the City Council review and consider this request.

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

STATE OF TEXAS §
 §
COUNTY OF ROCKWALL §

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

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

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

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

WITNESSETH

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

I.

INCORPORATION

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

II.

DEFINITIONS

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

III.

FIELD USE

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

IV.

OBLIGATIONS OF THE CITY

The City shall:

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

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

V.

OBLIGATIONS OF LPC

LPC shall:

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

2021: Non-resident fees and field use shall be \$6,700

2022: Non-resident fees and field use shall be \$6,700

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

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

- I. Not engage in any business on the premises or do anything in connection therewith that shall violate any existing municipal, state, or federal law or ordinance, or use the same in such manner as to constitute a nuisance. The City reserves the right to exclude any individual or group from its facilities based on conduct, which it determines in its sole discretion to be objectionable or contrary to City interests. LPC hereby consents to the exercise of such authority by the City over its members, officials, and agents;
- J. Submit all of the following to the Director:
 - a. A list of current participants, including name and address, as well as coaches, leadership staff, and officials, including the name, address, day and night time telephone numbers, and e-mail address of all adults;
 - b. A schedule of games with coaches and rosters to be played at the City's fields;
 - c. A copy of a general liability insurance policy naming the City as additional insured in the amount of at least \$1,000,000.00 per occurrence and \$2,000,000 general aggregate under commercial liability;
 - d. A schedule with names and contact numbers of on site field representatives during the spring and fall seasons;
 - e. Policies and procedures for dealing with medical emergencies and hazardous weather conditions;
 - f. Any proposal to install, construct, alter, or modify any temporary or permanent structures, signs, equipment, or other related items, before commencing any work. All such proposals must be approved in writing by the Director in advance of construction. All applicable City codes must be followed. Approval of the proposal shall rest solely with the Director. Permanent structures shall become property of the City;
- K. Designate a point of contact that will be responsible for correspondence with the City;
- L. Communicate all necessary repairs and/or service requests to the Director;

VI.

CESSATION OF PLAY

- A. LPC agrees and understands that the City, acting through an employee designated by the City Manager, the Director, or any Rockwall Police Officer shall have the

authority to order cessation of any ball game, practice, or other activity of LPC on City fields. Such a cessation order by any one of said representatives of the City shall be the result of a determination by said representative that continuation of play would be unsafe or not in the interest of the City or the players. Play or use may resume when approved by the representative of the City who issued the cessation order or the City Manager.

VII.

LIABILITY INSURANCE

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

VIII.

RULE CHANGES

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

IX.

FINANCIAL RECORDS

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

X.

DEFAULT BY LPC

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

XI.

TERM OF AGREEMENT

- A. This Agreement runs from February 1, 2021, to July 1, 2022 and shall be renewable by consent of each party for a one year period a maximum of two times.
- B. Either party may terminate this Agreement by giving thirty days written notice to the other party.

XII.

VENUE

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

XIII.

SEVERABILITY

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

XIV.

SCHEDULE OF FEES

| | |
|---------------------------|----------------------|
| Key Deposit | \$300 |
| Trash Hourly Rate | \$25/hour per worker |
| Weekend Field Preparation | \$25/hour |
| Non-resident Fee | \$30 per individual |

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

EXECUTED and AGREED this _____ day of _____, 2020.

MARY SMITH, ITERIM CITY MANAGER
CITY OF ROCKWALL, TEXAS

GREG BRADFORD, ROCKWALL CAMPUS
PASTOR, LAKEPOINTE CHURCH

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

STATE OF TEXAS §
 §
COUNTY OF ROCKWALL §

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

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

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

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

WITNESSETH

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

I.

INCORPORATION

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

II.

DEFINITIONS

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

III.

FIELD USE

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

IV.

OBLIGATIONS OF THE CITY

The City shall:

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

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

V.

OBLIGATIONS OF LPC

LPC shall:

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

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

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

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

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

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

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

VI.

CESSATION OF PLAY

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

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| Non-resident Fee | \$30 per individual |
| Pitching Mound Construction/Demolition | \$50 per mound each time |

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

EXECUTED and AGREED this ____ day of _____, 2020.

RICK CROWLEY, CITY MANAGER
CITY OF ROCKWALL, TEXAS

GREG BRADFORD, ROCKWALL CAMPUS
PASTOR, LAKEPOINTE CHURCH

DRAFT



City of Rockwall
The New Horizon

MEMORANDUM

TO: Mary Smith, Interim City Manager
FROM: Max Geron, Chief of Police
DATE: February 26, 2021
SUBJECT: 2020 Racial Profiling Comparative Analysis

To comply with Article 2.132 of the Texas Code of Criminal Procedure addressing racial profiling, each law enforcement agency must collect information relating to motor vehicle stops. The law enforcement agency must also report this information to the governing body no later than March 1st of the following year and must submit the report to the Texas Commission on Law Enforcement (TCOLE), the designated central repository for all such reports.

Below is a cursory breakdown of some of the datapoints and attached is the analysis of our data that was prepared by Del Carmen Consulting LLC. This information was submitted to TCOLE as required by the statute.

The Data

The data showed that the Rockwall Police Department conducted a total of 6,022 traffic stops in 2020. The statistics of these encounters revealed that 3,945 received warnings, 1,892 received citations and 318 of the traffic stops resulted in an arrest. The race and ethnicity of the persons stopped were 3,364 White, 1,367 Hispanic, 1,124 Black, 132 Asian/Pacific Islander and 35 Alaskan Native/American Indian. The category of white males overwhelmingly led the statistics at 53% of the stops followed by Hispanic males at 25% and then black males at 18%. In the category of females again white females led with 65%, followed by black and Hispanic females both at 18%. The percentage of both male and female minorities stopped equated to 44% as compared to the city's population makeup of minorities which is estimated at 29%¹ and also Rockwall County at 29%². It should also be noted that the race or ethnicity of the driver was known prior to the stop only 6% of the time. The data also revealed that a search was conducted during 6% of the traffic stops of which 31% of those were consensual and 55% were the result of stabled probable cause to conduct the search.

The Department did not receive any racial profiling complaints during the 2020 Calendar Year. In reviewing the Police Department's public education efforts concerning the racial profiling complaint process, both printed and electronic information on the process to file a racial profiling complaint was found in the Police Department's lobby and website <http://www.rockwallpolice.org/racialprofiling.asp>.

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

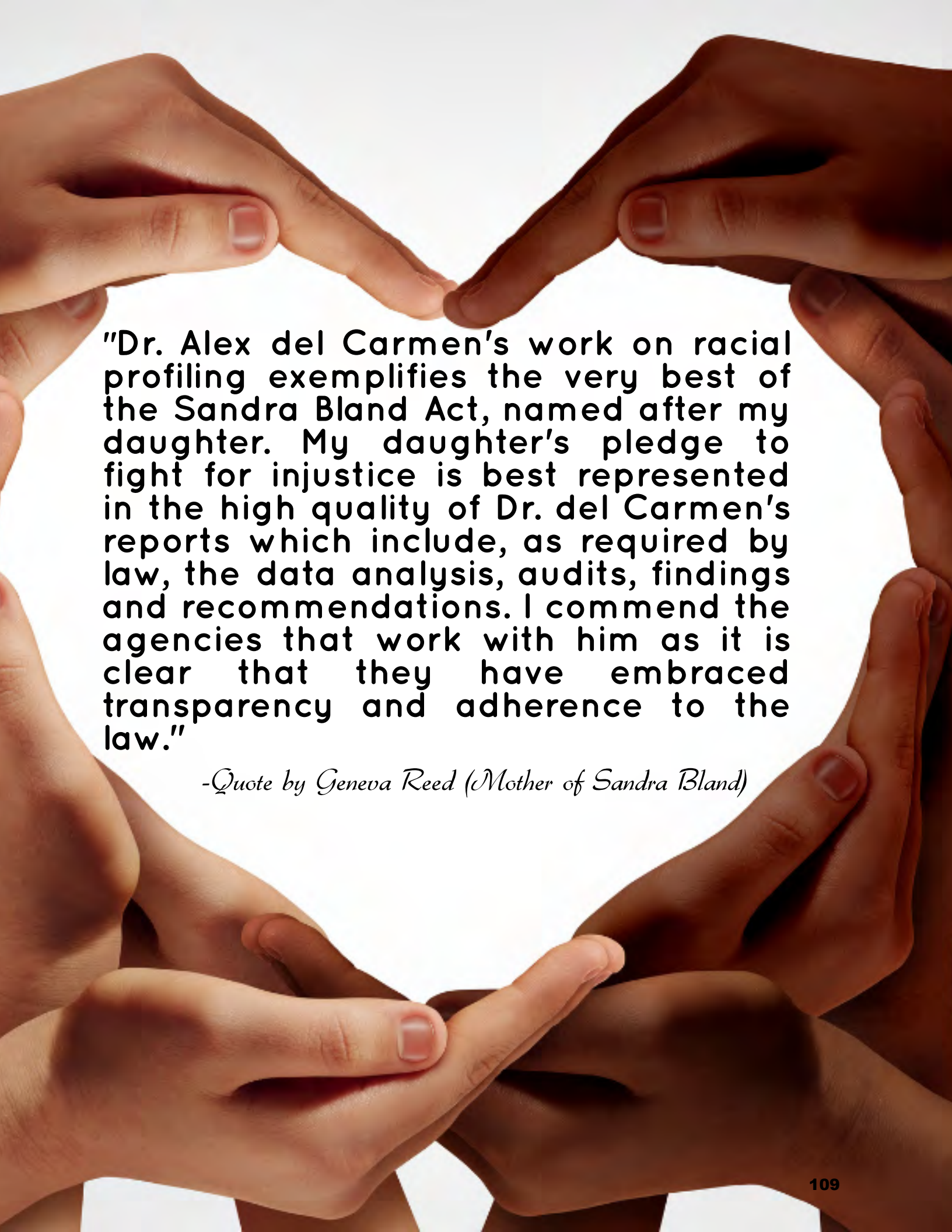
The conclusion based upon the information that has been gleaned from the comparison is that the officers and supervisors of the Rockwall Police Department are following the procedures set forth by the Rockwall Police Department's General Order 412.00 Bias Based Profiling.

¹2019 US Census Bureau Quick Facts

²2019 American Community Survey

Rockwall POLICE DEPARTMENT 2020 RACIAL PROFILING REPORT

SANDRA BLAND ¹⁰⁸ ACT



"Dr. Alex del Carmen's work on racial profiling exemplifies the very best of the Sandra Bland Act, named after my daughter. My daughter's pledge to fight for injustice is best represented in the high quality of Dr. del Carmen's reports which include, as required by law, the data analysis, audits, findings and recommendations. I commend the agencies that work with him as it is clear that they have embraced transparency and adherence to the law."

-Quote by Geneva Reed (Mother of Sandra Bland)



February 25, 2021
Rockwall City Council
385 South Goliad
Rockwall, Texas 75087

Dear Distinguished Members of the City Council,

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



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

The last section of this report includes statistical data relevant to contacts, made during the course of motor vehicle stops and in accordance with the law, between 1/1/20 and 12/31/20. In addition, this section contains the TCOLE Tier 2 form, which is required to be submitted to this particular organization by March 1st of each year. The data in this report has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the Rockwall Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

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Responding to the Law



Public Education on Filing Compliments and Complaints

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

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

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

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

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

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

Racial Profiling

Course Number 3256

Texas Commission on Law Enforcement

September 2001

Racial Profiling 3256

Instructor's Note:

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

Abstract

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

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

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

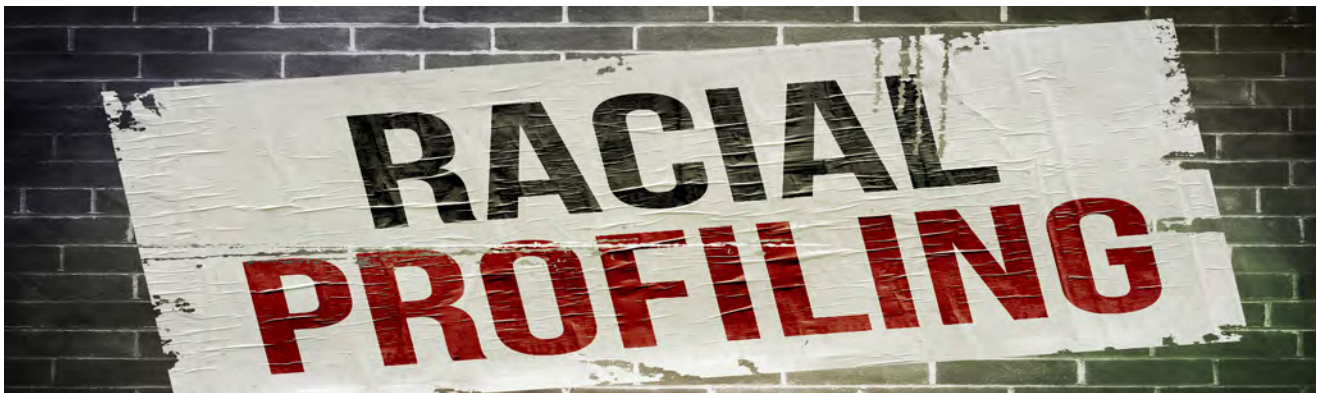
Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

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

Reference Materials

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



Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

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

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

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

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

A. Written departmental policies

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

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

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

F. Vehicle stop report

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

G. Compilation and analysis of data

H. Exemption from reporting - audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

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



Racial Profiling

Course Number 3256

Texas Commission on Law Enforcement

September 2001

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

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

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

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

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

C. Other cases

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



2.0 RACIAL PROFILING AND THE COMMUNITY

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

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

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

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

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

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

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



Racial Profiling

Course Number 3256

Texas Commission on Law Enforcement

September 2001

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

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

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

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

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

C. A typical traffic stop resulting from racial profiling

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



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

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

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

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

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

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

B. Vehicle exterior

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

C. Pre-stop indicators

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

D. Vehicle interior

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

Resources

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

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

Report on Compliments and Racial Profiling Complaints



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/20 - 12/31/20, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



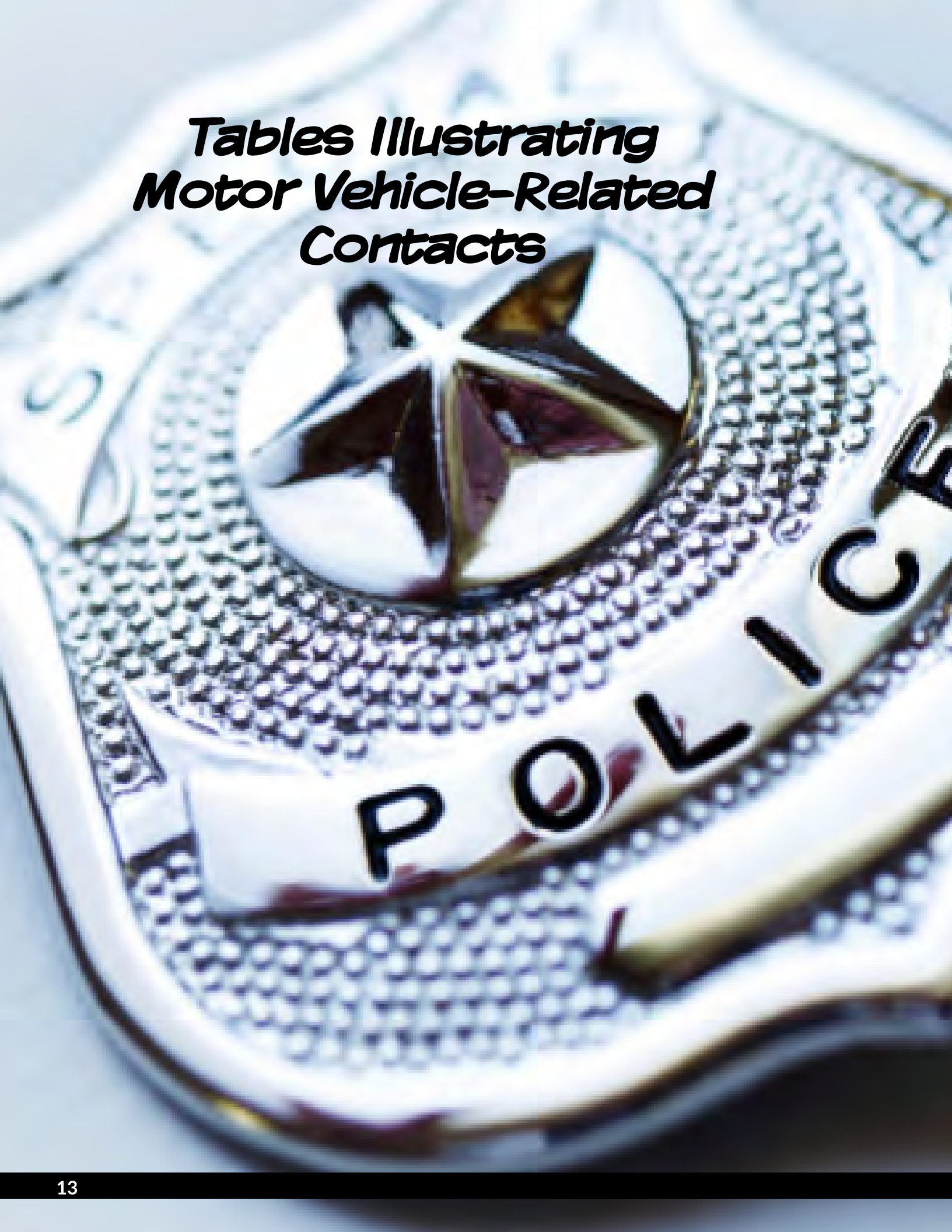
A check above indicates that the Rockwall Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/20 - 12/31/20.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

| Complaint Number | Alleged Violation | Disposition of the Case |
|-------------------------|--------------------------|--------------------------------|
| | | |
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| Additional Comments: |
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***Tables Illustrating
Motor Vehicle-Related
Contacts***



Tier 2 Data



TIER 2 DATA

TOTAL STOPS: 6,022

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

| | |
|------------------|-------|
| City Street | 3,206 |
| US Highway | 903 |
| County Road | 3 |
| State Highway | 677 |
| Private Property | 1,233 |

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

| | |
|-----|-------|
| Yes | 380 |
| No | 5,642 |

RACE OR ETHNICITY

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 35 |
| Asian/Pacific Islander | 132 |
| Black | 1,124 |
| White | 3,364 |
| Hispanic/Latino | 1,367 |

GENDER

Female Total: 2,205

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 12 |
| Asian/Pacific Islander | 42 |
| Black | 413 |
| White | 1,335 |
| Hispanic/Latino | 403 |

Male Total: 3,817

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 23 |
| Asian/Pacific Islander | 90 |
| Black | 711 |
| White | 2,029 |
| Hispanic/Latino | 964 |

REASON FOR STOP?

Violation of Law Total: 746

| | |
|-------------------------------|-----|
| Alaska Native/American Indian | 5 |
| Asian/Pacific Islander | 13 |
| Black | 125 |
| White | 434 |
| Hispanic/Latino | 169 |

Pre-existing Knowledge Total: 157

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 3 |
| Black | 45 |
| White | 76 |
| Hispanic/Latino | 33 |

Moving Traffic Violation Total: 2,857

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 15 |
| Asian/Pacific Islander | 68 |
| Black | 423 |
| White | 1,737 |
| Hispanic/Latino | 614 |

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA continued

Vehicle Traffic Violation Total: 2,262

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 15 |
| Asian/Pacific Islander | 48 |
| Black | 531 |
| White | 1,117 |
| Hispanic/Latino | 551 |

Contraband (in plain view) Total: 8

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 3 |
| White | 4 |
| Hispanic/Latino | 1 |

WAS SEARCH CONDUCTED?

| | YES | NO |
|-------------------------------|------------|--------------|
| Alaska Native/American Indian | 1 | 34 |
| Asian/Pacific Islander | 2 | 130 |
| Black | 148 | 976 |
| White | 133 | 3,231 |
| Hispanic/Latino | 96 | 1,271 |
| TOTAL | 380 | 5,642 |

Probable Cause Total: 211

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 94 |
| White | 66 |
| Hispanic/Latino | 51 |

Inventory Total: 26

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 10 |
| White | 9 |
| Hispanic/Latino | 7 |

REASON FOR SEARCH?

Consent Total: 119

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 2 |
| Black | 34 |
| White | 48 |
| Hispanic/Latino | 35 |

Incident to arrest Total: 16

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 1 |
| Asian/Pacific Islander | 0 |
| Black | 7 |
| White | 6 |
| Hispanic/Latino | 2 |

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA continued

WAS CONTRABAND DISCOVERED?

| | YES | NO |
|-------------------------------|------------|--------------|
| Alaska Native/American Indian | 0 | 35 |
| Asian/Pacific Islander | 1 | 131 |
| Black | 70 | 1,054 |
| White | 65 | 3,299 |
| Hispanic/Latino | 44 | 1,323 |
| | | |
| TOTAL | 180 | 5,842 |

Did the finding result in arrest (total should equal previous column)?

| | YES | NO |
|-------------------------------|-----------|-----------|
| Alaska Native/American Indian | 0 | 0 |
| Asian/Pacific Islander | 0 | 1 |
| Black | 32 | 38 |
| White | 38 | 27 |
| Hispanic/Latino | 23 | 21 |
| | | |
| TOTAL | 93 | 87 |

DESCRIPTION OF CONTRABAND

Drugs Total: 122

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 53 |
| White | 44 |
| Hispanic/Latino | 31 |

Weapons Total: 4

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 2 |
| White | 0 |
| Hispanic/Latino | 2 |

Currency Total: 2

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 0 |
| White | 2 |
| Hispanic/Latino | 0 |

Alcohol Total: 20

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 7 |
| White | 9 |
| Hispanic/Latino | 4 |

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA continued

Stolen Property Total: 0

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 0 |
| White | 0 |
| Hispanic/Latino | 0 |

Other Total: 27

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 1 |
| Black | 9 |
| White | 10 |
| Hispanic/Latino | 7 |

RESULT OF THE STOP

Verbal Warning Total: 3,801

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 24 |
| Asian/Pacific Islander | 98 |
| Black | 772 |
| White | 2,102 |
| Hispanic/Latino | 805 |

Written Warning Total: 144

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 2 |
| Black | 25 |
| White | 91 |
| Hispanic/Latino | 26 |

Citation Total: 1,892

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 10 |
| Asian/Pacific Islander | 31 |
| Black | 268 |
| White | 1,090 |
| Hispanic/Latino | 493 |

Written Warning and Arrest Total: 0

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 0 |
| White | 0 |
| Hispanic/Latino | 0 |

Citation and Arrest Total: 9

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 2 |
| White | 3 |
| Hispanic/Latino | 4 |

Arrest Total: 176

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 1 |
| Asian/Pacific Islander | 1 |
| Black | 57 |
| White | 78 |
| Hispanic/Latino | 39 |

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA continued

ARREST BASED ON

Violation of Penal Code Total: 123

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 1 |
| Asian/Pacific Islander | 0 |
| Black | 35 |
| White | 54 |
| Hispanic/Latino | 33 |

Violation of Traffic Law Total: 16

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 1 |
| Black | 6 |
| White | 8 |
| Hispanic/Latino | 1 |

Violation of City Ordinance Total: 0

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 0 |
| White | 0 |
| Hispanic/Latino | 0 |

Outstanding Warrant Total: 46

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 18 |
| White | 19 |
| Hispanic/Latino | 9 |

WAS PHYSICAL FORCE RESULTING IN BODILY INJURY USED DURING STOP?

Yes Total: 1

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 0 |
| White | 1 |
| Hispanic/Latino | 0 |

No Total: 6,021

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 35 |
| Asian/Pacific Islander | 132 |
| Black | 1,124 |
| White | 3,363 |
| Hispanic/Latino | 1,367 |

NUMBER OF COMPLAINTS OF RACIAL PROFILING

| | |
|---------------------------------------|---|
| Total | 0 |
| Resulted in disciplinary action | 0 |
| Did not result in disciplinary action | 0 |



REGULATIONS

COMPLIANCE

POLICIES

Table 1. Motor Vehicle Contacts Including Tickets, Citations and Warnings. (1/1/20-12/31/20)

| Race/Ethnicity | All Motor Vehicle Contacts | | Tickets or Citations* | | Verbal Warnings | | Written Warnings | |
|---|----------------------------|-----|-----------------------|-----|-----------------|-----|------------------|-----|
| | N | % | N | % | N | % | N | % |
| Alaska Native or American Indian | 35 | 1 | 10 | 1 | 24 | 1 | 0 | 0 |
| Asian or Pacific Islander | 132 | 2 | 31 | 2 | 98 | 3 | 2 | 1 |
| Black | 1,124 | 19 | 270 | 14 | 772 | 20 | 25 | 17 |
| White | 3,364 | 56 | 1,093 | 57 | 2,102 | 55 | 91 | 63 |
| Hispanic or Latino | 1,367 | 23 | 497 | 26 | 805 | 21 | 26 | 18 |
| TOTAL | 6,022 | 100 | 1,901 | 100 | 3,801 | 100 | 144 | 100 |

*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

**Race/Ethnicity is defined by HB 3051.



Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access (in percentages). (1/1/2020 -12/31/20)

| Race/Ethnicity* | Contacts (in percentages) | Households With Vehicle Access (in percentages) |
|---|--------------------------------------|--|
| | | |
| Alaska Native or American Indian | 1 | 0 |
| Asian or Pacific Islander | 2 | 5 |
| Black | 19 | 14 |
| White | 56 | 60 |
| Hispanic or Latino | 23 | 19 |
| | | |
| TOTAL | 100 | 100 |

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051

Table 3. Motor Vehicle Searches and Arrests. (1/1/20-12/31/20)

| Race/Ethnicity | Searches | | Consensual Searches | | Custody Arrests | |
|----------------------------------|----------|-----|---------------------|-----|-----------------|-----|
| | N | % | N | % | N | % |
| Alaska Native or American Indian | 1 | 0 | 0 | 0 | 1 | 1 |
| Asian or Pacific Islander | 2 | 1 | 2 | 2 | 1 | 1 |
| Black | 148 | 39 | 34 | 29 | 59 | 32 |
| White | 133 | 35 | 48 | 40 | 81 | 44 |
| Hispanic or Latino | 96 | 25 | 35 | 29 | 43 | 23 |
| TOTAL | 380 | 100 | 119 | 100 | 185 | 100 |

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051



Table 4. Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury
 (1/1/20-12/31/20)

| Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury | Location of Stop | Reason for Stop |
|--|-------------------------|------------------------|
| | | |
| Arrest | 103 Abby, Rockwall, TX | Reckless Driving |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |



Table 5. Search Data (1/1/20-12/31/20)

| Race/Ethnicity | Searches | | Contraband/ Evidence Found | | Contraband/ Evidence Not Found | | Arrests | |
|---|----------|-----|----------------------------------|-----|--------------------------------------|-----|---------|-----|
| | N | % | N | % | N | % | N | % |
| Alaska Native or American Indian | 1 | 0 | 0 | 0 | 35 | 1 | 1 | 1 |
| Asian or Pacific Islander | 2 | 1 | 1 | 1 | 131 | 2 | 1 | 1 |
| Black | 148 | 39 | 70 | 39 | 1,054 | 18 | 59 | 32 |
| White | 133 | 35 | 65 | 36 | 3,299 | 56 | 81 | 44 |
| Hispanic or Latino | 96 | 25 | 44 | 24 | 1,323 | 23 | 43 | 23 |
| TOTAL | 380 | 100 | 180 | 100 | 5,842 | 100 | 185 | 100 |

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051



Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/20-12/31/20.

Data Audits on Racial Profiling Data

| Number of Data Audits Completed | Date of Completion | Outcome of Audit |
|--|---------------------------|--------------------------------------|
| 1 | February 25, 2020 | Data reviewed is valid and reliable. |
| | | |
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| Additional Comments: |
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Table 7. Instances Where Use of Force Was Used Which Caused Bodily Injury During a Motor Vehicle Contact. (1/1/20-12/31/20)

| Race/Ethnicity | Use of Force Causing Bodily Injury | |
|----------------------------------|------------------------------------|-----|
| | N | % |
| Alaska Native or American Indian | 0 | 0 |
| Asian or Pacific Islander | 0 | 0 |
| Black | 0 | 0 |
| White | 1 | 100 |
| Hispanic or Latino | 0 | 0 |
| TOTAL | 1 | 100 |

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051

Table 8. Reason for Arrests Resulting From a Motor Vehicle Contact. (1/1/20-12/31/20)

| Race/Ethnicity | Violation of Penal Code | | Traffic Law | | City Ordinance | | Outstanding Warrant | |
|----------------------------------|-------------------------|-----|-------------|-----|----------------|---|---------------------|-----|
| | N | % | N | % | N | % | N | % |
| Alaska Native or American Indian | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Asian or Pacific Islander | 0 | 0 | 1 | 6 | 0 | 0 | 0 | 0 |
| Black | 35 | 28 | 6 | 38 | 0 | 0 | 18 | 39 |
| White | 54 | 44 | 8 | 50 | 0 | 0 | 19 | 41 |
| Hispanic or Latino | 33 | 27 | 1 | 6 | 0 | 0 | 9 | 20 |
| TOTAL | 123 | 100 | 16 | 100 | 0 | 0 | 46 | 100 |

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051



Analysis and Interpretation of Data

Analysis and Interpretation of Data

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

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

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

In 2017, the Texas Legislators passed H.B. 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that came in contact with the police. In addition, the Sandra Bland Act (S.B. 1849) was passed and became law. Thus, the most significant legislative mandate (Sandra Bland Act) in Texas history regarding data requirements on law enforcement contacts, became law and took effect on

January 1, 2018. The Sandra Bland Act not only currently requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

1. A comparative analysis of the information compiled (under Article 2.133):

- a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;*
- b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;*
- c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.*

2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

In an effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Rockwall Police Department commissioned the analysis of its 2020 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2020 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the “other” category, as optional categories), that came in contact with the police in the course of a motor vehicle related contact, and were either issued a ticket, citation, warning were issued or an arrest was made. Also, included in this data were instances where a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest and use of physical force resulting in bodily injury. It is important to recognize that the department opted to report its data in a more detailed manner (new template) which allows for a better and more reliable analysis.

It should be noted that the additional data analysis performed was based on a comparison of the 2020 motor vehicle contact data with a specific baseline. When reviewing this particular analysis, one should consider that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Rockwall Police Department opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2010) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households. It is anticipated that next year, when the 2020 Census findings are available, this information will be updated, accordingly.

There is no question that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Rockwall Police Department in 2020 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

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

Tier 2 (2020) Motor Vehicle-Related Contact Analysis

When analyzing the enhanced and more detailed Tier 2 data collected in 2020, it was evident that most motor vehicle-related contacts were made with Whites. This was followed by Hispanics and Blacks. Of those that came in contact with the police, most tickets or citations were issued to Whites; this was followed by Hispanics. However, in terms of written warnings, most of these were issued to Whites; followed by Hispanics.

Regarding searches and arrests, the data showed that most searches took place among Blacks. When considering all searches, most were consented by Whites while most custody arrests were also of Whites. Overall, most searches did not result in contraband; of these, most searches producing contraband took place among Blacks; this was followed by Whites. Of the searches that did not produce contraband, most were of Whites. Most arrests were made on Whites; this was followed by Blacks. Most of the arrests that originated from a violation of the penal code involved Whites. This same was evident among those arrested as a result of a violation of a traffic law or those arrested due to an outstanding warrant. Overall, the police department reports one instance where force was used that resulted in bodily injury.

Comparative Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of “households” in DFW who indicated, in the 2010 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites and Asians that came in contact with the police was lower than the percentage of White and Asian households in DFW that claimed, in the 2010 census, to have access to vehicles. The opposite was true of Blacks,

Hispanics and American Indians. That is, a higher percentage of Blacks, Hispanics and American Indians came in contact with the police than the percentage of Black, Hispanic and American Indian in DFW that claimed, in the 2010 census, to have access to vehicles. It should be noted that the percentage difference among American Indian contacts with households is of less than 3 percent; thus, deemed by some as being statistically insignificant.

The analysis of the searches performed shows that most of the searches did not produce contraband. This is consistent with national law enforcement trends. In addition, of those searches that produced contraband, the majority of them involved Black contacts.

Summary of Findings

The most recent Texas Racial Profiling Law requires that police department perform data audits in order to validate the data being reported. Consistent with this requirement, the Rockwall Police Department has engaged del Carmen Consulting, LLC in order to perform these audits in a manner consistent with normative statistical practices. As shown in table 6, the audits performed have shown that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

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

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

- 1) Perform an independent analysis on contact and search data in future years.
- 2) Commission data audits in 2021 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

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



Checklist

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

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



*Legislative &
Administrative
Addendum*

TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

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

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

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

Standard 1

Each law enforcement agency has a detailed written directive that:

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

Commentary

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

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

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

Standard 2

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

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

Commentary

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

Standard 3

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

Commentary

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

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

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

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

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

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

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

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

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

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

Standard 4

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

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

Commentary

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

Standard 5

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

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

The Texas Law on Racial Profiling

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

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

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

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

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

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

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and
(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

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

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

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

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

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

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

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

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

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

(2) the registration number of the vehicle involved;

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

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

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

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

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

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

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

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

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

SECTION 9. Not later than January 1, 2002:

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

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

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

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

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

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

Secretary of the Senate

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

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law

(H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

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

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

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

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

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

(a) In this article:

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the person's gender; and

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

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

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

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

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

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

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

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

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

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

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

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

(a) In this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) a sentence is imposed on the person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) a commission rule.

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

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

Racial and Ethnic Designations (H.B. 3051)

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

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

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

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

(A) Alaska native or American Indian;

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

(C) black;

(D) white; and

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

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

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

(1) Alaska native or American Indian;

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

(3) black;

(4) white; and

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

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

President of the Senate

Speaker of the House

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

Chief Clerk of the House

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

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

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

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

ARTICLE 1. SHORT TITLE

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

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

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

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

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

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

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

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

(2) The magistrate is not required to order the collection of information under Subdivision

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

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

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

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

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

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

(3) recommended treatment.

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

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

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

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

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

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

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

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

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

(2) it is reasonable to divert the person;

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

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

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

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

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

(1) establishing [a] new collaboratives; or

(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

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

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

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

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

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

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

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

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

otherwise if the:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) The commission shall:
- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
 - (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
 - (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
 - (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
 - (5) revise, amend, or change rules and procedures if necessary;
 - (6) provide to local government officials consultation on and technical assistance for county jails;
 - (7) review and comment on plans for the construction and major modification or renovation of county jails;
 - (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
 - (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
 - (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
 - (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
 - (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
 - (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
 - (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
 - (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;
 - (16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:
 - (A) common issues concerning jail administration;
 - (B) examples of successful strategies for maintaining compliance with state law and the rules,

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

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

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

(A) determine if a prisoner is pregnant; and

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

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

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

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

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

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

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

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

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

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

as follows:

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

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

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

(b) The prisoner safety fund consists of:

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

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

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

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

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

(1) a suicide;

(2) an attempted suicide;

(3) a death;

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

Section 1.07, Penal Code;

(5) an assault;

(6) an escape;

(7) a sexual assault; and

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

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

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

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

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other

than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

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

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

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

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

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

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

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

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

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

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

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

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

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

section.

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

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

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

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

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

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

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

(1) topics selected by the agency; and

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

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

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

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

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

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

(ii) issues concerning sex offender characteristics.

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

as follows:

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

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

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

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

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

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
- (E) the location of the stop; and
- (F) the reason for the stop; and

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

- (A) the Texas Commission on Law Enforcement; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

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

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

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

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

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

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

(2) the initial reason for the stop;

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

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

and a description of the contraband or evidence;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship,

available revenue, and budget surpluses. The criteria must give priority to:

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and
(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

Senate Speaker of the House

President of the

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

Secretary of the Senate

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

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

Date

Governor

Chief Clerk of the House

**ROCKWALL
POLICE DEPARTMENT
RACIAL PROFILING POLICY**

supervisor. All employees shall maintain a telephone either at their residence or a cell phone on their person.

- F. An employee shall not feign illness or injury. If injured or ill when duty has been scheduled, the employee shall remain at his residence except to consult a physician, attend a medical facility, or obtain prescriptions. If convalescence is to be at a location other than their residence, they will notify the department.
- G. Except in emergencies, an employee shall not leave a post, beat or other assignment without having been properly relieved. An employee, who has cause to leave his post, beat or other assignment because of an emergency without being relieved shall notify or cause notification of his supervisor as soon as possible of the absence, the reason for it, and the employee's present whereabouts and activity.
- H. Every employee receiving a subpoena or instructions to appear in court or at any hearing shall do so at the time and place designated. An employee who is unable to comply will notify or cause to be notified his supervisor and the appropriate court as soon as possible.
- I. Employees shall advise their supervisors of any unusual activity, situations, or problem in which the department would logically be concerned.
- J. Except when other duties prevent it, officers shall patrol and take enforcement actions in accordance with the tenets of selective enforcement aimed at accident reduction.
- K. Whenever it is reasonably possible, all required reports or forms relating to daily activities, such as citations, accident investigations, recovered or stored vehicles, arrests, radio transmissions and assignments, shall be completed and submitted at the end of the tour of duty during which such activities were performed by the employee responsible for such reports. When such completion and submission is not possible, reports shall be submitted in preliminary form and shall be completed during the next tour of duty unless a supervisor directs otherwise.

411.00 DEPARTMENTAL RIGHT TO ENTER AND INSPECT

- A. Employees may be assigned department-owned vehicles, lockers, desks, file cabinets, and/or similar equipment. The department does not relinquish its control of rights to such items and reserves the right to enter and inspect the aforementioned property. Employees shall have no expectation of privacy in the above property.
- B. Supervisory staff may conduct inspections as they deem necessary.

412.00 BIAS BASED PROFILING

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

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

412.01 DEFINITIONS

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

412.02 PROHIBITION

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

412.03 COMPLAINT PROCESS

- A. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because they filed such a complaint.
- B. Any person who believes that a peace officer employed by the Rockwall Police Department has engaged in bias based profiling with respect to that person, may file a complaint in accordance with the provisions of General Order 507, Complaint Processing and Investigation.
 - 1. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in General Orders 507, Section 507.01, Action upon Receipt of Complaint.
 - 2. Citizens who appear in person wishing to file a complaint shall be provided with a departmental brochure, "Bias Based Profiling Complaint Procedures". Brochures are maintained in the Rockwall Police Department lobby and at Rockwall City Hall. Citizens may also be directed to the departmental website to file a complaint.
- C. Any supervisor who becomes aware of an alleged or suspected violation of the General Order shall report the alleged violation in accordance with General Order 504, Responsibilities in Internal Complaints, Section 504.01, Supervisors Responsibilities.
- D. Complaints of bias based profiling shall be investigated by the Internal Affairs Division, unless otherwise directed by the Chief of Police. A log of all Bias based profiling Complaints will be maintained by the Internal Affairs Division.

412.04 DISCIPLINARY AND CORRECTIVE ACTIONS

- A. Any officer of this department, who is found, after investigation, to have engaged in bias based profiling in violation of the General Order, may be subject to disciplinary action, up to and

including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

412.05 PUBLIC EDUCATION

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

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

- A. For each motor vehicle contact in which a citation or warning is issued and/or for each arrest resulting from a motor vehicle contact, an officer involved in the stop shall collect the following information:
 - 1. The physical description of any person operating the motor vehicle who is being detained as well as a result of the stop, including:
 - a. Gender
 - b. Race or Ethnicity (as stated by the person or as determined by the officer to the best of the officer's ability)
 - 2. Race or Ethnicity means the following categories:
 - a. White
 - b. Black
 - c. Hispanic or Latino
 - d. Asian or Pacific Islander
 - e. Alaska Native or American Indian
 - 3. Initial reason for the stop:
 - a. Violation of the law
 - b. Pre-existing knowledge (i.e. warrant)
 - c. Moving Traffic Violation
 - d. Vehicle Traffic Violation (Equipment, Inspection, Registration)
 - 4. If a search was conducted as a result of the stop?
 - a. If so, did the person detained consent to the search?
 - 5. Was contraband or other evidence discovered as a result of the search?
 - 6. Description of the contraband or evidence found?
 - a. Illegal drugs/drug paraphernalia
 - b. Currency
 - c. Weapons
 - d. Alcohol
 - e. Stolen Property

- f. Other
7. Reason for search:
 - a. Consent
 - b. Contraband/Evidence in Plain Sight
 - c. Probable Cause or Reasonable Suspicion
 - d. Inventory Search Performed as a Result of Towing
 - e. Incident to Arrest/Warrant
 8. Information on arrests:
 - a. Did officer make an arrest as a result of the stop or search?
 - b. Reasons for Arrest:
 - i. Violation of Penal Code
 - ii. Violation of Traffic Law
 - iii. Violation of City Ordinance
 - iv. Outstanding Warrant
 9. Street address or approximate location of the stop:
 - a. City Street
 - b. US Highway
 - c. County Road
 - d. Private Property or Other
 10. Verbal or Written Warning or a Ticket or Citation as a result of the stop?
 11. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code ("means physical pain, illness, or any impairment of physical condition"), during the stop;
 - a. The location of the stop, and
 - b. The reason for the stop
- B. The information collected shall be entered in to a database by entering Bias Based Profiling data utilizing the in-car Mobile Data Computer (MDC) or the computers available in the department. All contacts requiring Bias Based Profiling data collection must be entered.
1. In the event the data is unable to be collected electronically, the data will be recorded on temporary forms and entered in the database at a later date.
- C. The Assistant Chief of Police shall ensure all Bias Based Profiling Data is collected and reported to the Chief of Police. The data collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Rockwall no later than March 1 of the following year. The report must include:
1. A comparative analysis of the information compiled (under Article 2.133):
 - a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
 - b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
 - c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches (SEARCH ANALYSIS).
 2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
 3. Number of searches that were consensual;

4. Number of citations that resulted in custodial arrest; and
 5. Public education efforts concerning the Bias Based Profiling complaint process.
- D. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.
- E. Bias based profiling Data will also be reported to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year, following the Commission's prescribed format.

412.07 AUDIO AND VIDEO EQUIPMENT

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

412.08 REVIEW OF VIDEO AND AUDIO DOCUMENTATION

- A. The Patrol Lieutenants shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this General Order.
- B. If a complaint is received alleging that an officer has engaged in bias based profiling, the audio/video recording shall be forwarded through the Chain of Command to the Internal Affairs Division. The Internal Affairs Division shall retain the video until final disposition of the complaint has been made.
- C. Supervisors will ensure officers of this department are recording their motor vehicle contacts. A recording of each officer will be reviewed at least once every thirty (30) days.
 1. Written documentation shall include:
 - a. The names of the officers whose contacts were reviewed;
 - b. The date(s) of the videos reviewed;
 - c. The date the actual review was conducted; and
 - d. The name of the person conducting the review.
 2. The Patrol Division Lieutenants shall forward the required documentation to the Internal Affairs Division.
 3. The Internal Affairs Division shall maintain a file of all video review documentation performed, in compliance with this General Order.
- D. In reviewing audio and video recordings, the Patrol Division Lieutenant or his designee, shall seek to determine if the officer(s) reviewed have engaged in a pattern of Bias Based Profiling, which includes multiple acts constituting bias based profiling for which there no reasonable, credible explanation is based on established police and law enforcement procedures.
- E. This agency shall review the data collected to identify any improvements this agency could make in its practices and policies regarding motor vehicle stops.

412.09 TRAINING

- A. Each peace officer employed by the department shall complete the comprehensive education and training program on bias based profiling established by the Texas Commission of Law Enforcement (TCOLE) no later than the second anniversary of the date the officer was licensed, or the date the officer applies for an Intermediate Proficiency Certificate, whichever date is earlier. A person, who on September 1, 2001, held a TCOLE Intermediate Proficiency Certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on bias based profiling not later than September 1, 2003.
- B. The Chief of Police shall, in completing the training required by Section 96.941, Texas Education Code, complete the program on Bias Based Profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), not later than September 1, 2003.

500.00 INTERNAL INVESTIGATIONS AND DISCIPLINARY PROCESS

501.00 PHILOSOPHY OF DISCIPLINE

- A. The Chief of Police is charged with the responsibility and has the authority to maintain discipline within the Department. The policy of the Rockwall Police Department is to provide citizens with a fair and effective avenue of redress with their legitimate grievances against members of this Department. At the same time, members of this Department must be protected from false charges of misconduct or wrongdoing, and must be provided with *due process* safeguards. The Department seeks to maintain its integrity and that of its employees. In doing so, the Department will not hesitate to impose severe disciplinary actions on those found guilty of any violation such as untruthfulness or dishonesty, which is contrary to the ethics of this Department. The Department will remove from employment those individuals who prove to be unfit for their assignment and dismiss unjustified allegations against innocent members of this Department.
- B. All members will comply with City and Department rules, regulations, directives and orders. Employees will be held strictly accountable for properly exercising the authority they have been given to protect the rights, lives, and the property of individuals.
- C. The Rockwall Police Department is committed to providing high quality law enforcement services applied efficiently, fairly, impartially, and with empathy. In doing so, employees are held to the highest standards of official and professional conduct and are expected to respect the rights of all citizens. Employees' voluntary adherence to these standards, motivated by an ethical obligation to perform their job to the best of their ability, is eminently desirable and an ultimate objective to this Department.
- D. If an employee does not adhere to the standards of official conduct, either through deliberate action or negligence, corrective action will be applied in a prompt and certain manner. This corrective action will be applied consistently and fairly to all employees at all times.

502.00 REQUIREMENTS FOR MAKING COMPLAINTS

- A. Personnel complaints will be handled in accordance with the Texas Government Code, Section 614.021 – 614.023.
 - 1. A signed letter of complaint will be sufficient after verifying that it is not a fictitious letter signed with a fictitious name.
 - 2. A signed memo to the Chief from a supervisor, or other employee, who is aware of the facts of an incident will fulfill the requirements for an internally originated complaint.
- B. Complaints will not be accepted more than sixty (60) days after the alleged incident with the following exceptions:
 - 1. The complaint involves a criminal matter in which the statute of limitations will prevail;
 - 2. The complainant can show good cause;
 - 3. The complainant alleges racial profiling from a traffic stop. The Texas Code of Criminal Procedure Art. 2.135 requires law enforcement agencies to retain audio and video recordings for ninety (90) days and longer until the final disposition of any complaint. For that reason, allegations of racial profiling will be accepted up to ninety (90) days following the incident.
- C. Complaint Restrictions
 - 1. Complaints related to differences of opinion over the issuance of a traffic citation will not be investigated;
 - 2. Complaints relative to the difference of opinion over guilt or innocence of a citizen will not be investigated, but will be properly adjudicated within the judicial system;
 - 3. Complaints involving a citizens' misunderstanding of Department Policy, which can be explained and resolved by a supervisor; or
 - 4. Complaints relative to differences of opinion regarding contributing factors listed on an accident report will not be investigated.

1. The Incident Section is intended to capture basic information about the pursuit and conditions.
 2. The Police Personnel Section is intended to capture information about any police officers and/or supervisors actually involved in the pursuit or involved in the management of the pursuit.
 3. The Other Persons Section is intended to capture information about any persons involved in or injured as a result of the pursuit.
 4. The Reporting Officer's Narrative Section is intended to capture narrative details about the decision to initiate the pursuit, continue/discontinue it and how/why it ended or any other narrative information that may be required. It is not necessary to repeat any information that is already in this report or documented in any attached, associated report.
- B. The Supervisor Review:
1. The Supervisor Review is intended to capture additional information about the initiating officer, the officer's assignment, property damage assessment, policy violations, reviewing supervisor's comments and/or conclusions and forward through the chain of command.
 2. The Controlling Supervisor's Narrative (Supervisor on duty) is intended to capture narrative details regarding policy violations, property damage, other agency involvement, Inter-jurisdictional pursuit agreement violation(s), your conclusion, and other pertinent information. The controlling supervisor will forward a copy of the form to the initiating officer's immediate supervisor.
 3. Policy Violations is intended to capture information about alleged policy violations committed by any officer listed on the front of the form.
 4. Chain of Command Review is intended to capture information regarding the chain review of the pursuit and space for reviewing supervisor's comments and/or conclusions. The Intermediate Supervisor is defined as the Division Commander (Patrol Lieutenant), Assistant Chief and the Chief.
- C. Annual Pursuit Report
1. Every calendar year, an annual report will be completed by the Patrol Division Commander documenting the number of incidents requiring a Pursuit Report. This annual report will be completed and forwarded through the chain of command to the Chief of Police no later than the 15th day of February of the following calendar year.
 2. The report will include any identified trends in use of force by agency personnel, as well as identified training or equipment needs, and any recommendations to policy revisions.

308.10 EMERGENCY ESCORTS

- A. An emergency escort is the use of an emergency vehicle to lead other non-emergency vehicles on the roadway. Because of the hazard and liability, this department does not permit emergency escorts. If necessary, an officer may lead a motorist to a destination if that is appropriate and a judicious use of time, but not doing so using emergency equipment. The motorist should be advised that such assistance does not allow violation of any laws.
- B. A supervisor on duty will determine a code response to be utilized for police vehicles while escorting dignitaries or other processions.

309.00 MOBILE VIDEO RECORDING EQUIPMENT

309.01 USE OF EQUIPMENT

- A. Mobile video/audio equipment has proven valuable in the prosecution of traffic violations and related offenses; in evaluation of officer performance; and in training. In order to ensure the most

efficient and effective use of MVR equipment, officers shall follow the procedures set forth in this directive.

309.02 DEFINITIONS:

- A. MVR – Mobile Video/Audio Recording equipment
- B. PVR – Portable Video/Audio Recording equipment

309.03 PROCEDURES

A. Program Objectives

The Rockwall Police Department has adopted the use of in-car video/audio recording systems in order to accomplish several objectives. The objectives include, but are not limited to:

1. The enhancement of officer safety;
2. The enhancement of officer reporting, evidence collection, and court testimony through audio/video documentation of events, actions, conditions, and statements made during arrests and critical incidents;
3. The enhanced ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes;
4. The protection from false claims of impropriety; and
5. For officer evaluation and training.

B. General Statements

1. All patrol vehicles are equipped with MVR systems.
2. The MVR will automatically activate when the vehicle's emergency warning devices are in operation and will remain in operation until the conclusion of the incident. An officer may not deactivate the MVR video during an incident unless approved by a supervisor.
3. The MVR equipment may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic, during parades, escorts, etc.
4. Recordings are to be used for official use only and copies must be obtained only through formal channels specified by this directive.

C. Applications

Shall Use To:

1. Record all traffic stops;
2. Record all enforcement actions;
3. Record the actions of suspects during calls for service, interviews, and sobriety checks; and
4. Record family violence/disturbance calls.

May Use To:

1. Document the circumstances at crime and accident scenes or other events such as confiscation and documentation of evidence or contraband; and
2. During other circumstances in which documentation of the suspect's or officer's actions may prove to be useful in court.

D. Officer Responsibilities

1. MVR equipment installed in vehicles is the responsibility of the officer assigned to the vehicle and will be maintained according to manufacturer's recommendation.
2. At the beginning of each shift, officers shall determine whether the MVR equipment is working satisfactorily by doing the following:
 - a. Officers will log into the MVR system using their **name** and password;

- b. Ensure the **body cam** is synced with the MVR system and working properly in order to capture audio;
 - c. Confirm the camera is properly positioned in order to capture incidents; and
 - d. Report any problem to the attention of their immediate supervisor. If another vehicle with a properly functioning MVR is available, the officer will change vehicles.
3. When an enforcement action has been taken, the officer must mark the recording when prompted to do so upon completion of the incident.
- a. On traffic stops, officers will clear the system with Citation or Warning.
 - b. On pursuits, officers will clear the system with Pursuit.
 - c. On arrests, officers will clear the system with Class C or Class B and above.
 - d. For Class B and above arrests, the case number and the defendant's last name must be entered into the system.
 - e. Officers will also note in their offense report narrative and/or supplements whether or not the incident was captured on the MVR and if the incident was not captured, officers will explain the reason for not recording the incident, i.e.; equipment malfunction, distance from recording unit, etc.
 - f. All MVR systems are set up to auto upload the recordings. Officers are responsible for making sure recordings are uploaded by the end of their shift.
 - g. If recordings do not upload properly, the officer will notify the shift supervisor in order to complete a manual upload.
4. Portable Video/Audio Recorders
- a. Motorcycle officers and other assigned officers are issued PVR units that can be worn on their uniform.
 - b. Officers will activate the PVR during the same circumstances as outlined for the MVR systems.
 - c. Officers will download the PVR at the Police Department prior to the end of their shift.

309.04 MANAGEMENT OF RECORDINGS

A. Evidentiary

- 1. Recordings for Class C citations/arrests are maintained for a period of one year.
- 2. Recordings for Class B and above arrests are maintained for a period of two years.
- 3. Recordings of pursuits are maintained for a period of two years.

B. Non-Evidentiary

- 1. Recordings not scheduled for court proceedings or departmental uses shall be maintained for a minimum of a 90 day period.
- 2. Officers may request a copy of a recording for training and/or demonstration purposes. These requests must be forwarded to a patrol lieutenant for approval.

C. Public Information Act Request

- 1. Recordings will be considered subject to Public Information Act requests as any other police record.
- 2. Requests are to be directed to the Records Department.
- 3. The Records Department Supervisor will be responsible for determining to what extent the contents of the recording are to be released.

Contact Information

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

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

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Mary Smith, Interim City Manager
FROM: Lea Ann Ewing, Purchasing Agent
DATE: February 26, 2021
SUBJECT: Grounds Maintenance Services II (Small) Bid Award

The City currently has two Grounds Maintenance Services contracts, a large and a small in relation to the size/amount of properties and type of maintenance. The large contract is up for its second year renewal and discussed in another council item on this same agenda. The small contract will end April 2021 and the invitation to bid for this service was solicited in January 2021. These services include mostly tractor but also ride and push mowing; weed eating, trimming and debris removal for right-of-ways, thoroughfares and vacant property (both City owned and private through the Neighborhood Improvement Services department for code compliance).

Bid results are as follows:

| | |
|------------------------|--------------|
| SRH Landscapes | \$ 87,661.00 |
| NTSM Perfect Landscape | 110,550.74 |
| Grass Kisser | 115,465.00 |
| Chief Landscape | 120,118.46 |
| Dixie Lawn Care | 130,305.00 |
| Unicare Bldg Maint | 139,853.78 |
| BrightView Landscape | 141,470.00 |
| Edens Touch Div | 155,335.00 |
| American Landscape | 155,597.12 |
| TMG USA | 242,348.12 |

Staff has determined that the apparent low bidder can perform the work as identified in the bid specifications. Funding for grounds maintenance services is budgeted in the General Fund, Parks Operating budget. This new contract amount of \$87,661 is within budget.



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Lea Ann Ewing, Purchasing Agent

DATE: March 1, 2021

SUBJECT: GROUNDS MAINTENANCE SERVICES (LARGE) CONTRACT RENEWAL

Attachments

Summary/Background Information

The current large contract for landscape maintenance services provides for mowing, weed eating, trimming and debris removal at City facilities, parks, street medians and thoroughfares. Maintenance includes but is not limited to all trees, shrubs, ground cover, beds, turf, mulch and application of herbicides and insecticides. This service was competitively bid in February 2020 and a one-year \$552,214.28 contract was awarded to Southlake Landscaping and Maintenance (SLM) by City Council. The contract provides for an annual extension at end of the initial contract period for up to three consecutive years should the scope of work and contracted bid conditions remain the same; and both parties agree to the extension.

Staff has determined that it is in the best interest of the City to renew this contract as the Contractor has performed satisfactorily over the last 12 months. SLM has agreed to the contract renewal and asked for a 3% price increase in relation to their paying more per hour to retain experienced employees. This price increase request is afforded by contract and compared to the City Cost Index (CCI) average percent change for 2019 Dallas/Fort Worth area of +3.24%. Using this index helps staff determine whether a price increase may be warranted. This 3% request equates to an annual contract increase of \$16,895.95 based on the 2020 contract amount and this increase will be absorbed in the current Parks and Harbor grounds maintenance budgets. The 2021 contract renewal total including the 3% increase would be \$569,110.23.

Action Needed

Staff asks City Council to consider authorizing the Interim City Manager to execute this contract extension for a period of one year for the new 2021 projected cost.

To: City of Rockwall Mayor and Council Members

From: Brett Merritt Youth Fair of Rockwall Board Member

Re: City of Rockwall Mobil Restroom Facility and Hydrant Meter

Date: February 15, 2021

The Youth Fair of Rockwall is an annual Livestock and Agricultural Mechanics show that is hosted by the Youth Fair of Rockwall Board. We are a 503C organization. This youth fair has been held annually in Rockwall for over 50 years. The show has been held at the Rockwall ISD facility on Riding Club Road for many years which means we are governed by RISD policies. In 2020 we had to cancel our show due to all school facilities being shut down due to Covid 19.. This was a last-minute decision that had to be made which meant that all of the 4H and FFA students that had worked for months raising animals did not get the opportunity to show their projects. We also have an auction at the end of the show to give the students the opportunity to sell their projects. With great support from businesses and individuals from Rockwall and surrounding areas each of the students are usually able to sell their projects and make enough money to cover that year's expenses and sometimes make extra money to put toward another project. Due to the cancellation of the show in 2020 we were also unable to have a live auction. Fortunately, our long-time supporters stepped up and continued to support our students by purchasing their projects without the live auction.

With the uncertainty that we continue to face with the Covid the members of the board wanted to try to ensure that we did not face a cancellation of our show again in 2021. Judge Sweet and the members of the Rockwall County Commissioners Court have granted us permission to hold our show this year on the grounds of the Courthouse on Yellowjacket Lane. The show will begin with the Ag Mech show on Wednesday March 24 th at the RISD facility and the Livestock show will be Friday March 26 and 27 at the Courthouse. We will be setting up 1 large tent and several smaller tents in the field area on the North Side of the Courthouse. We will be setting up a show ring, holding pens and all of the other things that are required to make our show successful. This will be a big undertaking for our small board but we are confident that we can make it happen. We know that we will have many expenses that we do not normally have with the fixed RISD facility, but we wanted to ensure that we were able to have our show this year and are hoping to get some help with some of these extra expenses from our partners in the community.

I am requesting on behalf of the board, the waiver of the rental fees of \$2000.00 per day, for the use of the City of Rockwall Portable Restroom facility, and waiver of fees for the use of a fire hydrant meter and water used. I have had contact with Assistant City Manager Joey Boyd and he has told me that personnel cost for the set up and take down of the Restroom will be somewhere around \$250.00 which we are more than happy to pay for. I do not have any idea how much water will be required but I would be very surprised if it is over 1000 gallons. The water will be for use by the exhibitors in caring for their animals. They will not be washing animals on site so the amount of water used should be minimal.

The Youth Fair of Rockwall Board of Directors appreciates your consideration of this matter. We believe that the opportunity for the youth of our community to continue to participate in programs such as 4H and FFA is very important. Even though Rockwall is not the rural farm community that it once was we know that the future of our world is dependent on agriculture and we want to continue to give our youth the opportunity to learn about agriculture and make a difference in the world.



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: March 1, 2021

SUBJECT: Z2021-001; SPECIFIC USE PERMIT (SUP) FOR A RESIDENTIAL INFILL FOR 2825 MARCIE LANE

Attachments

Case Memo
Development Application
Location Map
HOA Notification Map
Neighborhood Notification Email
Property Owner Notification Map
Property Owner Notification List
Public Notice
Property Owner Notifications
Residential Plot Plan
Building Elevations
Housing Plans
Housing Analysis
Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Otoniel Jaramillo for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.50-acre parcel of land identified as Lot 17, Block B, Lago Vista Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses, addressed as 2825 Marcie Lane, and take any action necessary.

Action Needed

The City Council is being asked to approve, approve with condition, or deny the Specific Use Permit (SUP) request.



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: March 1, 2021
APPLICANT: Otoniel Jaramillo
CASE NUMBER: Z2021-001; *Specific Use Permit (SUP) for a Residential Infill for 2825 Marcie Lane*

SUMMARY

Hold a public hearing to discuss and consider a request by Otoniel Jaramillo for the approval of a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.50-acre parcel of land identified as Lot 17, Block B, Lago Vista Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses, addressed as 2825 Marcie Lane, and take any action necessary.

BACKGROUND

The subject property was annexed circa 1982. On April 8, 1985, the City Council approved *Ordinance No. 85-23*, which rezoned the subject property from an Agricultural (AG) District to Planned Development District 18 (PD-18) for townhouses. Planned Development District 18 (PD-18) was amended in 1994 [*Ordinance No. 94-18*] to change the land uses permitted on the subject property to single-family detached land uses. On April 14, 1994, the City Council approved a final plat [*Case No. PZ-1994-052*], which established the Lago Vista Subdivision. In October 2005, the City Council approved *Case No. P2005-038*, which replatted Lots 17 & 18, Block B, Lago Vista Addition into Lot 19, Block B, Lago Vista Addition; however, this plat was later vacated by *Case No. P2019-024* on January 28, 2019. Based on the reviewed information, the subject property has remained vacant since its incorporation into the City of Rockwall.

PURPOSE

The applicant is requesting the approval of a Specific Use Permit (SUP) for the purpose of constructing a single-family home on the subject property in accordance with Subsection 02.03(B) (11), *Residential Infill in or Adjacent to an Established Subdivision*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

ADJACENT LAND USES AND ACCESS

The subject property is located at 2825 Marcie Lane. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is a 2.169-acre vacant tract of land identified as a public park and zoned Planned Development District 18 (PD-18) District for Single-Family 10 (SF-10) District land uses. Beyond this is an unimproved right-of-way owned by the City of Rockwall. North of this are several vacant parcels of land zoned Planned Development District 32 (PD-32). Beyond this is Summer Lee Drive, which is classified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property is Marcie Lane, which is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are several lots with single-family homes zoned Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses. Beyond this is Lago Vista Lane, which is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property are four (4) lots with single-family homes zoned Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses. Beyond this is Parkside Circle, which is identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are several lots with single-family homes zoned Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses.

West: Directly west of the subject property are two lots with single-family homes zoned Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses. Beyond this is the intersection of Marcie Lane and Mira Vista Lane, which are both identified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are several lots with single-family homes zoned Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses. Beyond this is Summer Lee Drive, which is classified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

CHARACTERISTICS OF THE REQUEST AND CONFORMANCE TO THE CITY'S CODES

Article 13, *Definitions*, of the Unified Development Code (UDC) defines *Residential Infill in or Adjacent to an Established Subdivision* as "(t)he new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out." An *established subdivision* is further defined in Subsection 02.03(B) (11) of Article 04, *Permissible Uses*, of the UDC as "...a subdivision that consists of five (5) or more lots, that is 90% developed, and that has been in existence for more than ten (10) years." In this case, the subject property is located within the Lago Vista Subdivision. This subdivision has been in existence since 1994, consists of 92 lots, and is 98.91% developed. The *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the UDC, requires a Specific Use Permit (SUP) for *Residential Infill in or Adjacent to an Established Subdivision* in all single-family zoning districts, the Two-Family (2F) District, the Downtown (DT) District, and the Residential-Office (RO) District. This property, being in Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses, requires a Specific Use Permit (SUP).

In addition, Subsection 02.03(B)(11) of Article 04, *Permissible Uses*, of the UDC states that, "...the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing ... [and] (a)ll housing proposed under this section [*i.e. Residential Infill in or Adjacent to an Established Subdivision*] shall be constructed to be architecturally and visually similar or complimentary to the existing housing ..." The following is a summary of observations concerning the housing on Parkside Circle, Marcie Lane, and Mira Vista Lane compared to the house proposed by the applicant:

| Housing Design and Characteristics | Existing Housing on Parkside Circle, Marcie Lane, Mira Vista Lane, and the Subject Property | Proposed Housing |
|------------------------------------|---|---|
| Building Height | One (1) & Two (2) Story | One (1) Story |
| Building Orientation | All of the homes are oriented toward the street they are built along. | The front elevation of the home will face south-west towards Marcie Lane. |
| Year Built | 1997-2018 | N/A |
| Building SF on Property | 2,713SF – 4,268 SF | 5,857 SF (4,747 SF of Air-Conditioned Space) |
| Building Architecture | Single-Family Homes | Comparable Architecture to the Surrounding Single-Family Homes |
| Building Setbacks: | | |
| Front | The front yard setbacks are 25-Feet | 25-Feet |
| Side | The side yard setbacks are greater than six (6) feet. | 10-Feet |
| Rear | The rear yard setbacks are greater than ten (10) feet. | X>10-Feet |
| Building Materials | Siding, Stone, Brick, & Stucco | Stucco |
| Paint and Color | Red, Brown, Blue, Blonde, & White | <i>Not Specified by Applicant</i> |
| Roofs | Composite Shingles & Tile | Composite Shingle |
| Driveways/Garages | Most streets have rear entry garages, but homes along Marcie Lane are all situated in a J-Swing or Traditional Swing orientation. | The garage will be attached (J-Swing). |

The proposed single-family home meets all of the density and dimensional requirements for the Single Family 10 (SF-10) District as stipulated Planned Development District 18 (PD-18) and by the Unified Development Code (UDC). For the purpose

of comparing the proposed home to the existing single-family housing located adjacent to or in the vicinity of the *subject property*, staff has provided photos of the properties along Parkside Circle, Marcie Lane, and Mira Vista Lane. The proposed building elevations have also been provided in the attached packet. The approval of this request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission and a finding that the proposed house will not have a negative impact on the existing subdivision.

NOTIFICATIONS

On January 22, 2021, staff mailed 59 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Lago Vista, Water's Edge Lake Ray Hubbard, Signal Ridge, and Chandler's Landing Homeowner's Associations (HOAs), which are the only HOA's/Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted staff had received the following:

- (1) One (1) property owner notification from a property owner within the notification area (*i.e. within the 500-foot buffer*) in favor of the applicant's request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision*, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
 - (a) Development of the *Subject Property* shall generally conform to the Residential Plot Plan as depicted in *Exhibit 'B'* of the draft ordinance.
 - (b) Construction of a single-family home on the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'C'* of the draft ordinance; and,
 - (c) Once construction of the single-family home has been completed, inspected, and accepted by the City, the Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On February 9, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 5-0, with Commissioners Welch and Moeller absent.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. 22021-001

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

Platting Application Fees:

Master Plat (\$100.00 + \$15.00 Acre) ¹

Preliminary Plat (\$200.00 + \$15.00 Acre) ¹

Final Plat (\$300.00 + \$20.00 Acre) ¹

Replat (\$300.00 + \$20.00 Acre) ¹

Amending or Minor Plat (\$150.00)

Plat Reinstatement Request (\$100.00)

Site Plan Application Fees:

Site Plan (\$250.00 + \$20.00 Acre) ¹

Amended Site Plan/Elevations/Landscaping Plan (\$100.00)

Zoning Application Fees:

Zoning Change (\$200.00 + \$15.00 Acre) ¹

Specific Use Permit (\$200.00 + \$15.00 Acre) ¹

PD Development Plans (\$200.00 + \$15.00 Acre) ¹

Other Application Fees:

Tree Removal (\$75.00)

Variance Request (\$100.00)

Notes:

¹: In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

PROPERTY INFORMATION [PLEASE PRINT]

Address 2825 MARCIE LN

Subdivision LAGO VISTA Lot 17 Block B

General Location

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning VACANT LOT Current Use

Proposed Zoning Proposed Use

Acreage Lots [Current] Lots [Proposed]

SITE PLANS AND PLATS: By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

Owner OTONIEC JARAMILLO Applicant

Contact Person Contact Person

Address 10951 OAKVIEW DR Address

City, State & Zip BALCH SPRINGS TX City, State & Zip

Phone 972-839-6065 Phone

E-Mail TJMCONSTRUCTIONSUPPLY@YAHOO E-Mail

NOTARY VERIFICATION [REQUIRED]

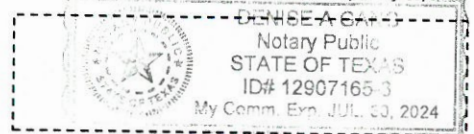
Before me, the undersigned authority, on this day personally appeared Otoniel Jaramillo (Owner) the undersigned, who stated the information on this application to be true and certified the following:

"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ 215.00, to cover the cost of this application, has been paid to the City of Rockwall on this the 15 day of January, 20 21. By signing this application, I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is associated or in response to a request for public information."

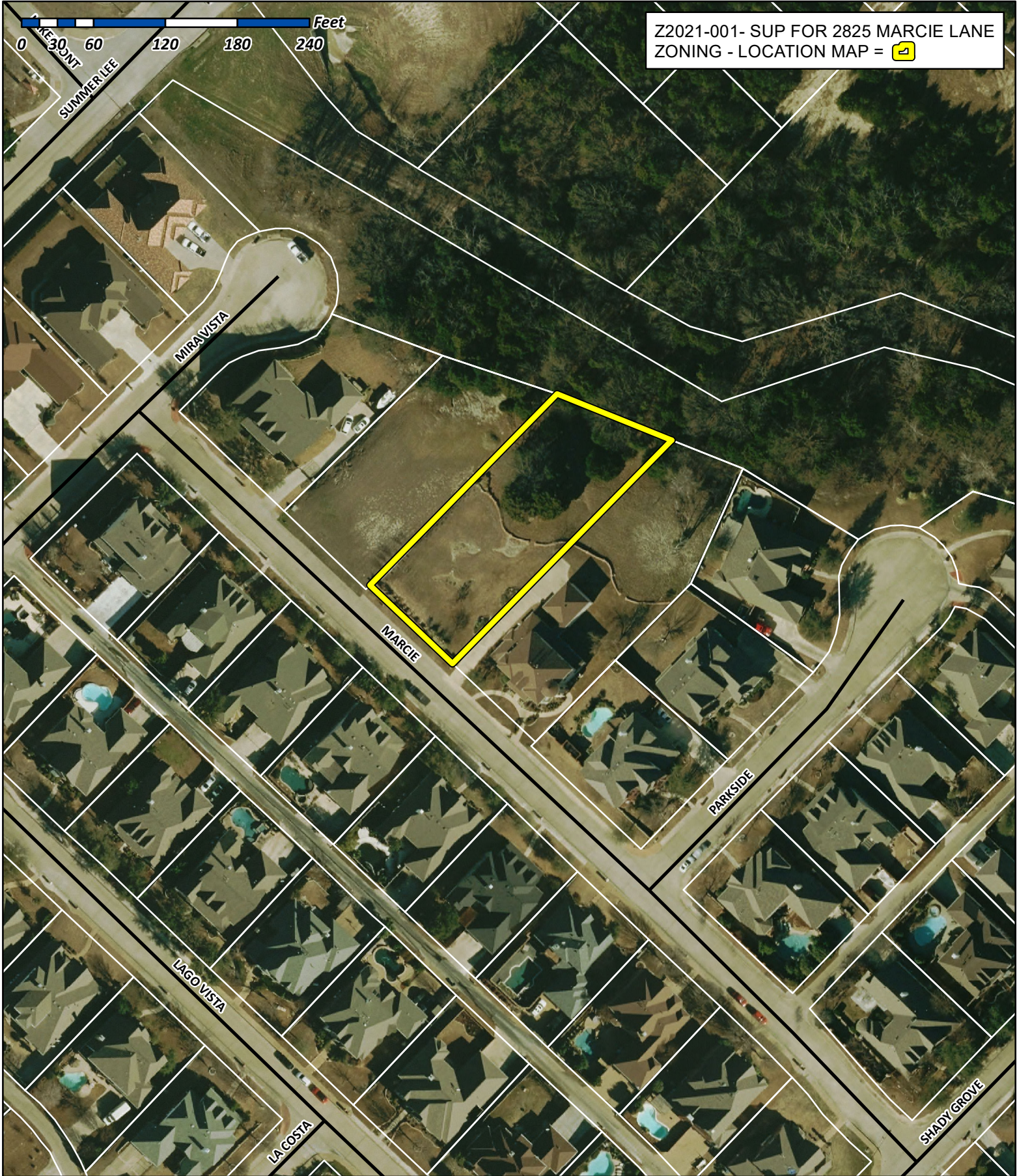
Given under my hand and seal of office on this the 15 day of January, 20 21.

Owner's Signature Otoniel Jaramillo

Notary Public in and for the State of Texas



My Commission Expires July 30, 2024



Z2021-001- SUP FOR 2825 MARCIE LANE
ZONING - 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.

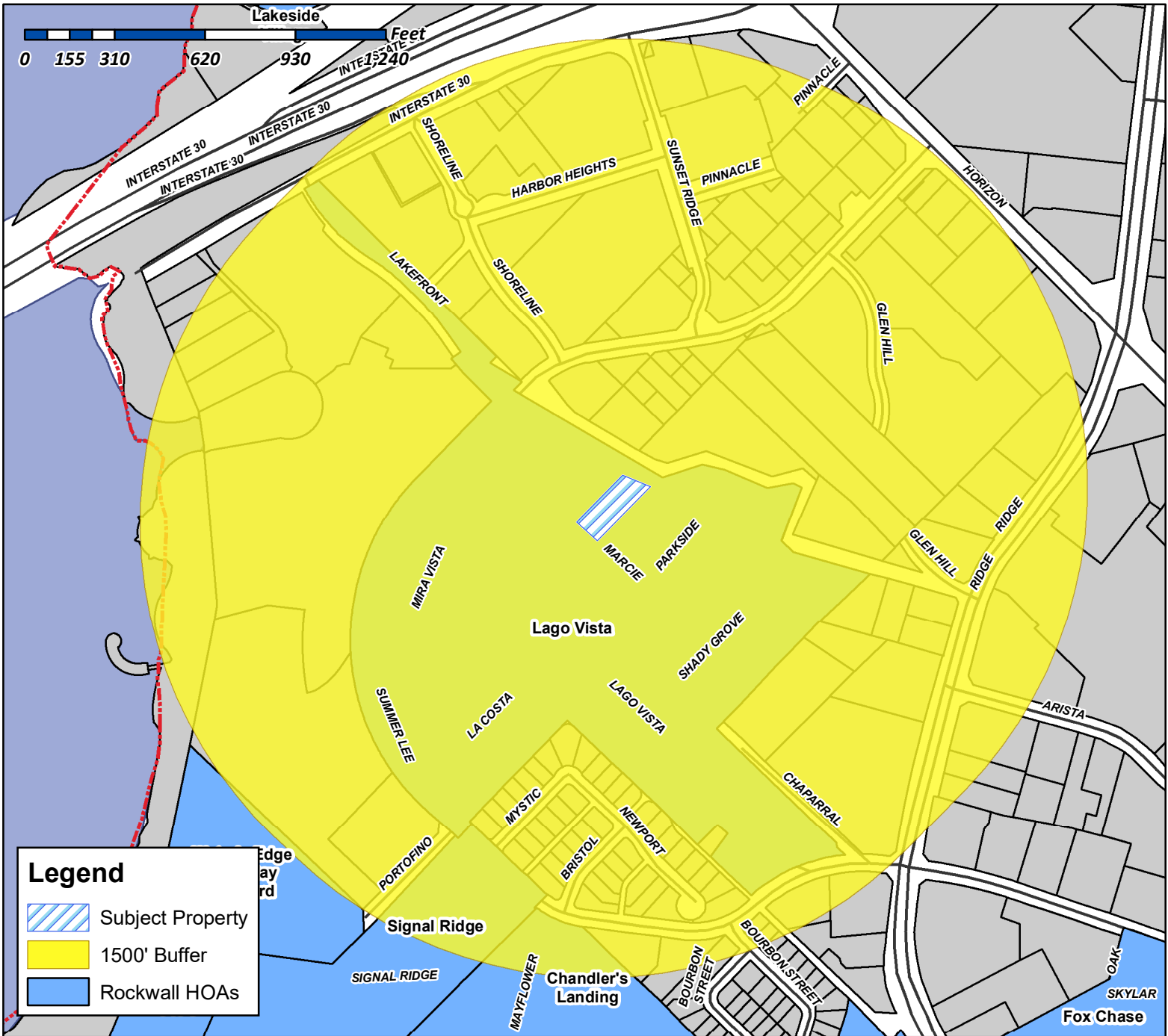




City of Rockwall

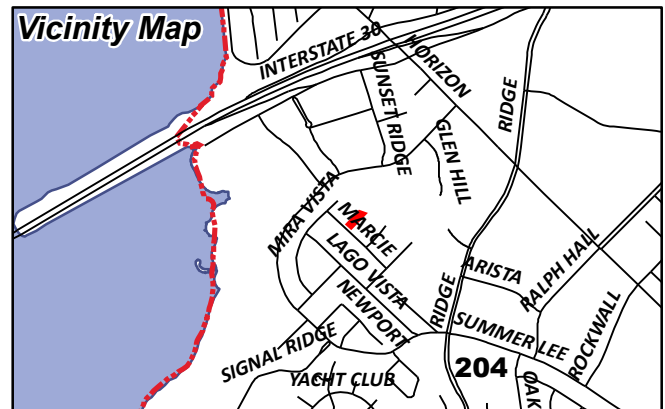
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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Case Number: Z2021-001
Case Name: SUP for Residential Infill
Case Type: Zoning
Zoning: Planned Development District 18 (PD-18)
Case Address: 2825 Marcie Lane

Date Created: 1/19/2021
 For Questions on this Case Call (972) 771-7745



Lee, Henry

From: Gamez, Angelica
Sent: Friday, January 22, 2021 9:00 AM
Cc: Miller, Ryan; Gonzales, David; Lee, Henry
Subject: Neighborhood Notification Program [Z2021-001]
Attachments: Public Notice (01.19.2021).pdf; HOA Map Z2021-001.pdf

HOA/Neighborhood Association Representative:

Per your participation in the *Neighborhood Notification Program*, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on *January 29, 2021*. The Planning and Zoning Commission will hold a public hearing on *Tuesday, February 9, 2021 at 6:00 PM*, and the City Council will hold a public hearing on *Tuesday, February 16, 2021 at 6:00 PM*. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to Planning@rockwall.com at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website:

<https://sites.google.com/site/rockwallplanning/development/development-cases>.

Z2021-001 SUP for Residential Infill in an Established Subdivision

Hold a public hearing to discuss and consider a request by Otoniel Jaramillo for the approval of a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.50-acre parcel of land identified as Lot 17, Block B, Lago Vista Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses, addressed as 2825 Marcie Lane, and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

<http://www.rockwall.com/planning/>

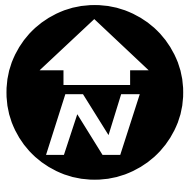
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City of Rockwall

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

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Case Number: Z2021-001
Case Name: SUP for Residential Infill
Case Type: Zoning
Zoning: Planned Development District 18 (PD-18)
Case Address: 2825 Marcie Lane

Date Created: 1/19/2021
For Questions on this Case Call (972) 771-7745



FRIEDEL JOHN M & SANDRA G
1 KEAHOLE PLACE APT 1204
HONOLULU, HI 96825

CAIN DOYLE E
1375 COUNTY ROAD 2290
MINEOLA, TX 75773

THOMPSON CHARLES C & SHARON K
1496 SHADY GROVE CIR
ROCKWALL, TX 75032

HURST LEIF AND TIFFANY
1508 SHADY GROVE CIR
ROCKWALL, TX 75032

KUGLE MITCHELL H AND JANIS D
1516 SHADY GROVE CIR
ROCKWALL, TX 75032

HASSANIZADEH MAHMOUD & VASHTI
1523 PARKSIDE CIR
ROCKWALL, TX 75032

BURGUM JILL
1524 SHADY GROVE CIR
ROCKWALL, TX 75032

FRIEDEL JOHN M & SANDRA G
1531 PARKSIDE CIR
ROCKWALL, TX 75032

PICKENS ROBERT AND
LINDA MURPHY
1534 PARKSIDE CIRCLE
ROCKWALL, TX 75032

CONFIDENTIAL
1534 SHADY GROVE CIR
ROCKWALL, TX 75032

CLIFTON LINDA J
1539 PARKSIDE CIR
ROCKWALL, TX 75032

WEISSERT JOHN
1546 PARKSIDE CIR
ROCKWALL, TX 75032

BRUCE LINDSAY R
1547 PARKSIDE CIRCLE
ROCKWALL, TX 75032

LOVERN RONALD AND NANCY
1555 PARKSIDE CIR
ROCKWALL, TX 75032

RENFRO LAVONDA D & CRAIG R
1556 PARKSIDE CIR
ROCKWALL, TX 75032

RIKE RHONDA D & GARRY
1773 LA COSTA DR
ROCKWALL, TX 75032

CITY OF ROCKWALL
205 W RUSK ST
ROCKWALL, TX 75087

HARBOR LAKE POINTE INVESTORS LLC
2701 SUNSET RIDGE DR SUITE 607
ROCKWALL, TX 75032

101 HUBBARD DR LLC
2701 SUNSET RIDGE DR SUITE 610
ROCKWALL, TX 75032

THOMPSON GARY
2730 MIRA VISTA LN
ROCKWALL, TX 75032

MCKINNEY MARVIN
2738 MIRA VISTA LANE
ROCKWALL, TX 75032

KAPRANTZAS VICTORIA J AND
ROSALIE A CRACCHIOLO
2748 MIRA VISTA LANE
ROCKWALL, TX 75032

COOLIDGE JONATHAN S & CATHEY M
2756 MIRA VISTA LN
ROCKWALL, TX 75032

DOUGLAS JOETTA & ROY
2766 MIRA VISTA LN
ROCKWALL, TX 75032

BAILEY RICHARD A AND GENA B
2774 MIRA VISTA LN
ROCKWALL, TX 75032

TURNER KATHY BAIRD
2782 MIRA VISTA
ROCKWALL, TX 75032

YU JOHNNY & HAE SUK
2804 MARCIE LN
ROCKWALL, TX 75032

MILLER DARYL & CAMILLE STEARNS
2805 LAGO VISTA LN
ROCKWALL, TX 75032

VANHOV ENTERPRISES LLC
2805 MARCIE LANE
ROCKWALL, TX 75032

PRESTENBERG W JAY & PATSY R
2806 LAGO VISTA LN
ROCKWALL, TX 75032

BUTLER ROVON AND ROSALYN
2813 LAGO VISTA LN
ROCKWALL, TX 75032

CASSADY CHARLES P
2814 MARCIE LN
ROCKWALL, TX 75032

BENNETT CLIFF AND STELLA
2815 MARCIE LN
ROCKWALL, TX 75032

BRADFORD PATRICIA L
2816 LAGO VISTA LN
ROCKWALL, TX 75032

HEDGPETH JAMES L & JANIE M
2821 LAGO VISTA LN
ROCKWALL, TX 75032

FRY ROBIN K & JASON R
2822 MARCIE LANE
ROCKWALL, TX 75032

NGUYEN LE MINHCHAU AND
BRYAN NGUYEN LE AND JESSICA NGUYEN LE
2824 LAGO VISTA LN
ROCKWALL, TX 75032

JAMES PATRICK W & TERESA F
2829 LAGO VISTA LN
ROCKWALL, TX 75032

GOEN EVAN AND DIANE RAMSEY
2830 MARCIE LANE
ROCKWALL, TX 75032

TOLBERT MELISSA RENAE
2834 LAGO VISTA LANE
ROCKWALL, TX 75032

SOUSA BRIAN
2835 MARCIE LN
ROCKWALL, TX 75032

DAVIDSON DAVID LEE & LINDA
2837 LAGO VISTA LN
ROCKWALL, TX 75032

MANI KARTHICK
2838 MARCIE LN
ROCKWALL, TX 75032

KURIAN P K & THANKAMA
2842 LAGO VISTA LN
ROCKWALL, TX 75032

GIBSON KAREN R & BRUCE K
2845 LAGO VISTA LANE
ROCKWALL, TX 75032

WILONSKY MICHAEL F & HOLLY L HAMMOND-
WILONSKY
2846 MARCIE LANE
ROCKWALL, TX 75032

MEADE BRENDA S
2853 LAGO VISTA LN
ROCKWALL, TX 75032

SANFORD CLOVIS E & BARBARA
2854 MARCIE LN
ROCKWALL, TX 75032

POTTER MICHELLE
2862 MARCIE LN
ROCKWALL, TX 75032

KIM YONG WOO
2863 LAGO VISTA LN
ROCKWALL, TX 75032

TOWNES KEVIN AND
JAN HICKS
2870 MARCI LN
ROCKWALL, TX 75032

MILLER JIMMIE D II & KELLI R
2871 LAGO VISTA LN
ROCKWALL, TX 75032

SHUPP TERRY & BETTY
2879 LAGO VISTA LN
ROCKWALL, TX 75032

CRUZ WILLIAM
2880 MARCI LN
ROCKWALL, TX 75032

WEISSERT JOHN
579 RS COUNTY ROAD 3388
ALBA, TX 75410

CRUZ WILLIAM
820 FAITH TRL
HEATH, TX 75032

PA HARBOR RETAIL LLC
8222 DOUGLAS AVENUE SUITE 390
DALLAS, TX 75201

BOSSEY JOE AND LESLIE
P.O. BOX 1381
SANGER, TX 76266

CULPEPPER /SPATEX JV
%GARY SHULTZ
PO BOX 190569
DALLAS, TX 75219

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2021-001: Specific Use Permit Residential Infill

Hold a public hearing to discuss and consider a request by Otoniel Jaramillo for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 0.50-acre parcel of land identified as Lot 17, Block B, Lago Vista Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses, addressed as 2825 Marcie Lane, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, February 9, 2021 at 6:00 PM, and the City Council will hold a public hearing on Tuesday, February 16, 2021 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Henry Lee
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Tuesday, February 16, 2021 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

----- PLEASE RETURN THE BELOW FORM -----

Case No. Z2021-001: Specific Use Permit for Residential Infill

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Four horizontal grey bars for providing reasons for support or opposition.

Name: [Grey bar]
Address: [Grey bar]

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

From: John Friedel <[REDACTED]>
Sent: Saturday, January 30, 2021 11:24 AM
To: Planning
Subject: Specific Use Permit (SUP) - Case No. Z2021-001 (Residential Infill)

Gentlemen:

My name is John M. Friedel and our address in the Lago Vista Subdivision is [REDACTED]

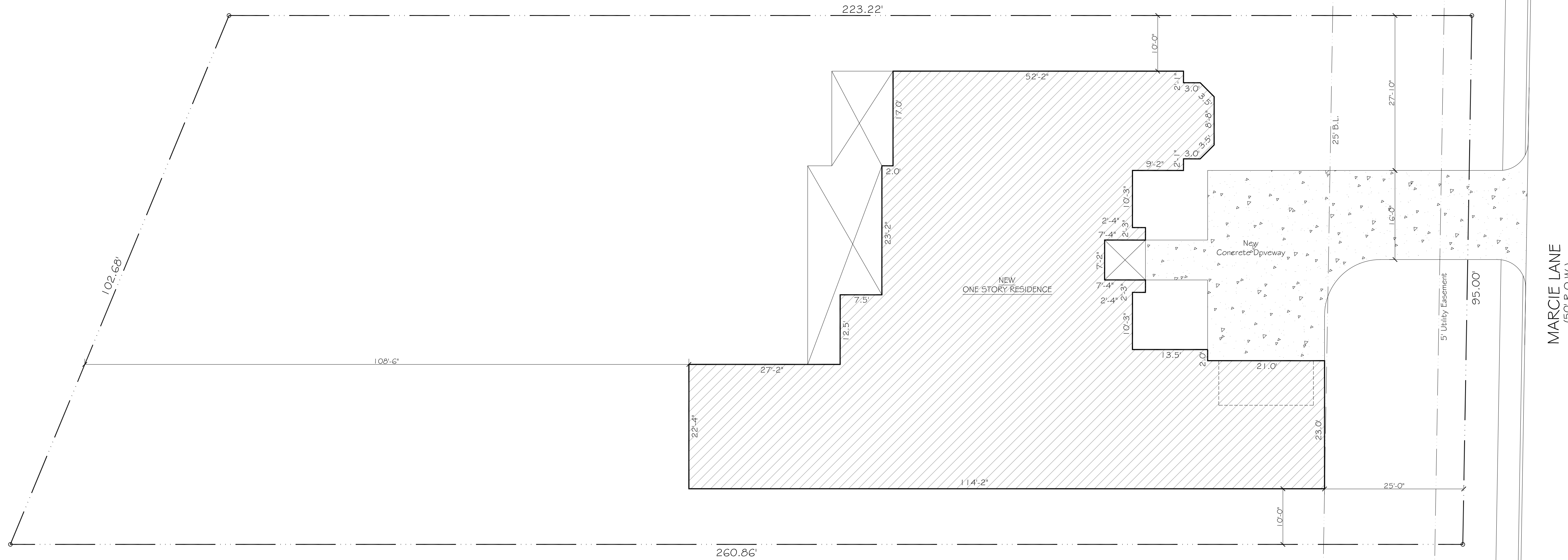
My concurrence with the proposed Lago Vista Addition is contingent on compliance with the City of Rockwall Planning and Zoning development standards, and any supplemental development restrictions levied by the Lago Vista Home Owners Association By-Laws.

For any questions, please email me or call [REDACTED]

Sincerely,
John M. Friedel

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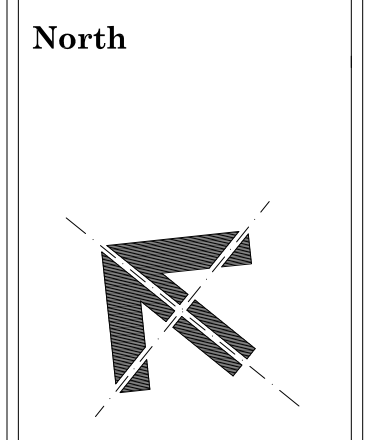


- GENERAL NOTES**
1. ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS & INDUSTRY STANDARDS.
 2. ALL WORK MUST BE DONE ACCORDING TO ALL CONCERNED CODE & REGULATIONS.
 3. A STRUCTURAL ENGINEER MUST BE CONSULTED FOR ALL CONSTRUCTION DETAILS.
 4. CONTRACTOR TO FIELD VERIFY BUILDING ELEVATIONS AND EXISTING UTILITIES.
 5. VERIFY CLEARANCES ARE REQUIRED FOR ALL EQUIPMENT.
 6. BEFORE PROCEEDING WITH ANY WORK OR ORDERING ANY MATERIALS, THE CONTRACTOR AND/OR SUBCONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND LOCATIONS OF BUILDING COMPONENTS AND THEIR INTERRELATIONSHIP AT THE BUILDING SITE, AND SHALL BE RESPONSIBLE FOR THEIR CORRECTNESS.
 7. CONTRACTOR AND/OR SUBCONTRACTOR IS ULTIMATELY RESPONSIBLE FOR VERIFYING AND MAKING ADJUSTMENTS TO ANY DISCREPANCIES BETWEEN THE PLANS AND THE BUILDING SITE.

SITE PLAN INFORMATION

| | |
|---------------------|-------------|
| LOT SIZE | 22,990 S.F. |
| BUILDING AREA | 5,657 S.F. |
| PERCENT LOT COVERED | 25.4% |

A MINIMUM OF 70% OF THE NON-ROOF AREA OF THE LOT COVERED WILL HAVE LANDSCAPE (GRASS, TREES, ETC.)



THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION/DESIGN INFORMATION NECESSARY TO COMPLETE THIS STRUCTURE. THE WORK, INCLUDING PLUMBING, MECHANICAL, AND ELECTRICAL SHALL BE PERFORMED IN FULL COMPLIANCE WITH ALL APPLICABLE CITY, COUNTY, STATE AND NATIONAL CODES. THE CONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND LOCATIONS OF BUILDING COMPONENTS AND THEIR INTERRELATIONSHIP AT THE BUILDING SITE, AND SHALL BE RESPONSIBLE FOR THEIR CORRECTNESS. A DISCREPANCY OCCUR BETWEEN THE PLANS AND LOCAL ORDINANCES, AND RESTRICTIONS WILL APPLY SHOULD A DISCREPANCY OCCUR BETWEEN THE PLANS AND LOCAL METHODS OF CONSTRUCTION AND ELECTION OF MATERIALS AND ASSEMBLIES SHALL BE THE CONTRACTORS RESPONSIBILITY.

2825 MARCIE LANE
 Block B Lot 17
 Rockwall, Texas 75032

Date
 JANUARY, 2021

Sheet Title

SITE PLAN

Scale
 1" = 10'-0"

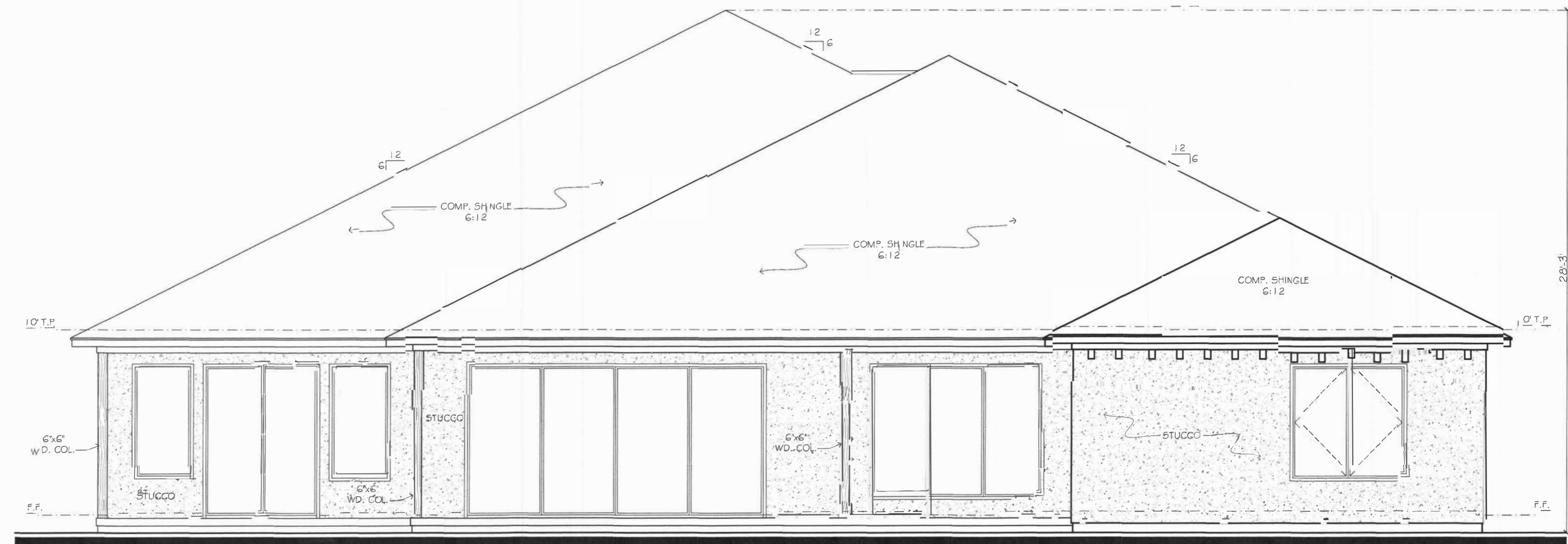
Sheet No.

A0.00



FRONT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

North

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION DATA OR INFORMATION NECESSARY TO COMPLETE THIS PROJECT. ALL WORK SHALL BE PERFORMED IN FULL COMPLIANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES. CONTRACTOR SHALL VERIFY ALL REQUIREMENTS OF LOCAL, STATE AND FEDERAL CODES AND RESTRICTIONS WILL APPLY TO ALL REQUIREMENTS. CONTRACTOR SHALL VERIFY ALL REQUIREMENTS OF LOCAL, STATE AND FEDERAL CODES AND RESTRICTIONS WILL APPLY TO ALL REQUIREMENTS. CONTRACTOR SHALL VERIFY ALL REQUIREMENTS OF LOCAL, STATE AND FEDERAL CODES AND RESTRICTIONS WILL APPLY TO ALL REQUIREMENTS.

2825 MARCIE LANE
Block B Lot 17
Rockwall, Texas 75032

Date
JANUARY, 2021

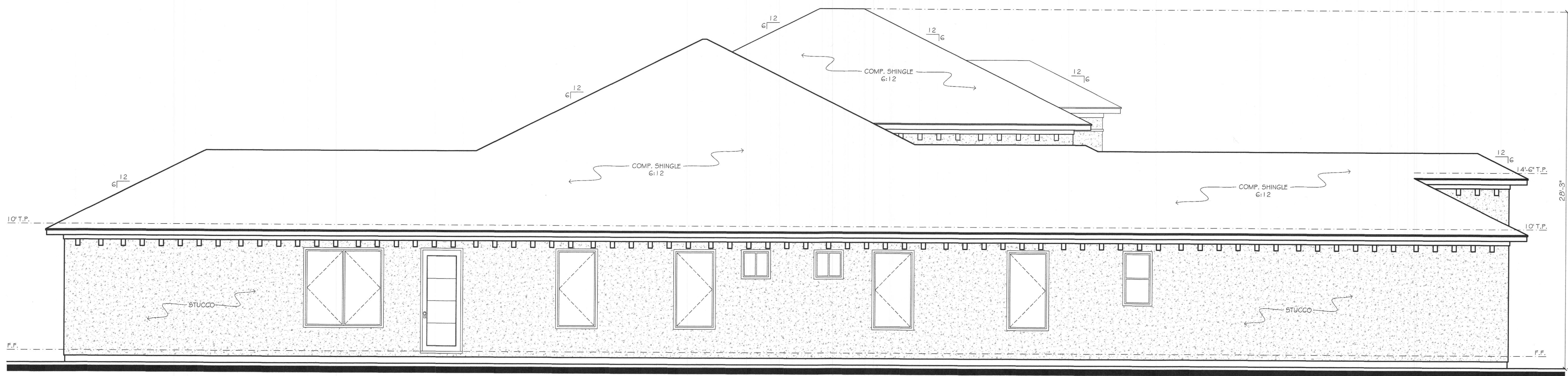
Sheet Title

ELEVATIONS
PLAN

Scale
1/4" = 1'-0"

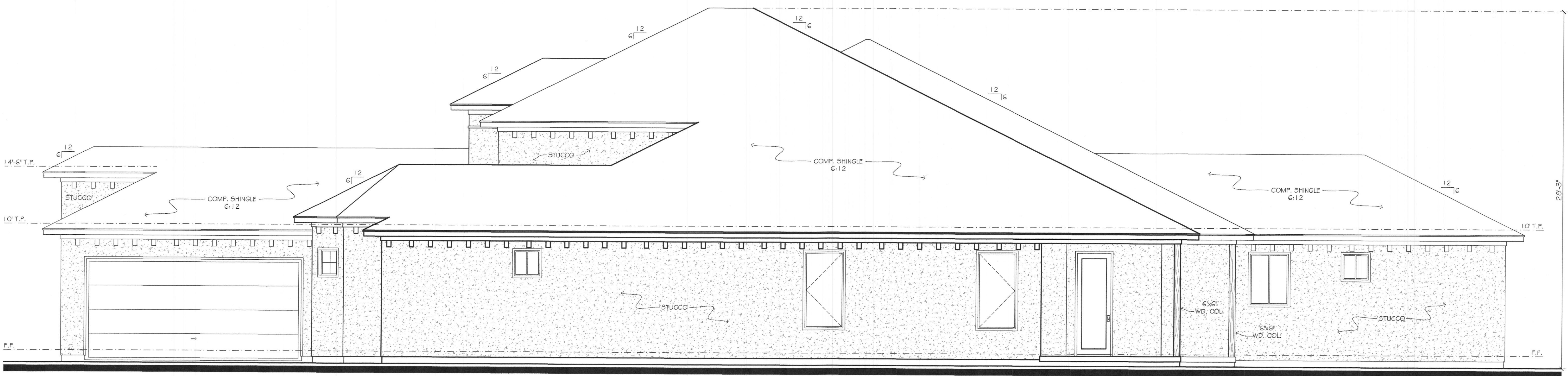
Sheet No.

A2.00



LEFT ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

North

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION/DESIGN INFORMATION NECESSARY TO COMPLETE THIS STRUCTURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND NATIONAL CODES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND NATIONAL CODES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND NATIONAL CODES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND NATIONAL CODES.

2825 MARCIE LANE
Block B Lot 17
Rockwall, Texas 75032

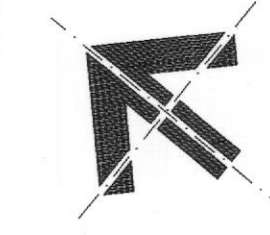
Date
JANUARY, 2021

Sheet Title
ELEVATIONS
PLAN

Scale
1/4" = 1'-0"

Sheet No.

A2.01



THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION/DESIGN INFORMATION NECESSARY TO COMPLETE THIS STRUCTURE OF THE WORK INCLUDING PLUMBING, MECHANICAL, AND ELECTRICAL. ALL WORK SHALL BE PERFORMED IN FULL COMPLIANCE WITH ALL APPLICABLE CITY, COUNTY, STATE AND NATIONAL CODES, ORDINANCES, LOCAL CODES, ORDINANCES AND RESTRICTIONS WILL APPLY. SHOULD A DISCREPANCY OCCUR BETWEEN THE PLANS AND LOCAL METHODS OF CONSTRUCTION AND ELECTION OF MATERIALS AND ASSEMBLIES SHALL BE THE CONTRACTOR'S RESPONSIBILITY.

2825 MARCIE LANE
Block B Lot 17
Rockwall, Texas 75032

Date
JANUARY, 2021

Sheet Title

ELECTRICAL PLAN

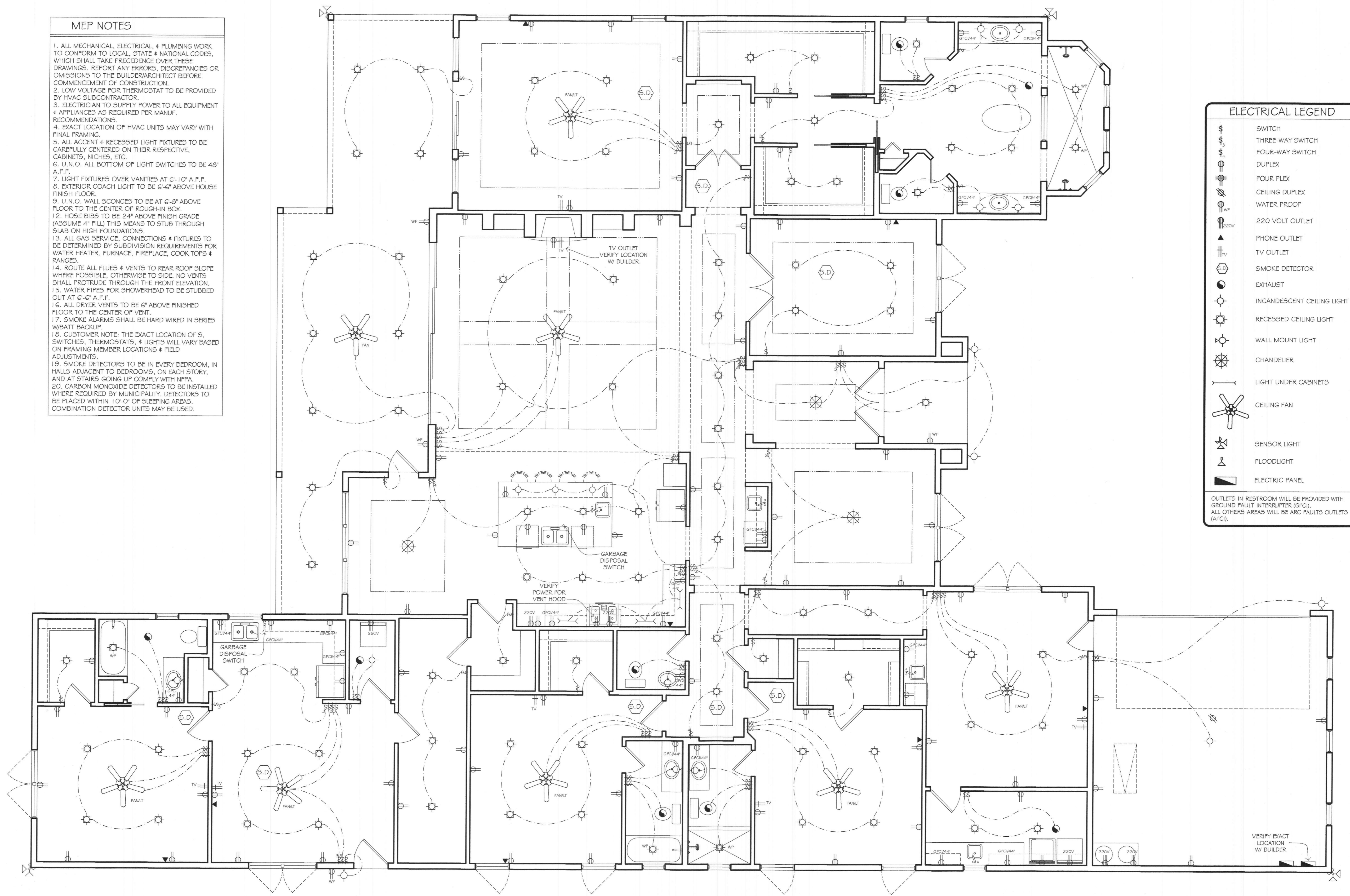
Scale
1/4" = 1'-0"

Sheet No.

E2.01

MEP NOTES

1. ALL MECHANICAL, ELECTRICAL, & PLUMBING WORK TO CONFORM TO LOCAL, STATE & NATIONAL CODES, WHICH SHALL TAKE PRECEDENCE OVER THESE DRAWINGS. REPORT ANY ERRORS, DISCREPANCIES OR OMISSIONS TO THE BUILDER/ARCHITECT BEFORE COMMENCEMENT OF CONSTRUCTION.
2. LOW VOLTAGE FOR THERMOSTAT TO BE PROVIDED BY HVAC SUBCONTRACTOR.
3. ELECTRICIAN TO SUPPLY POWER TO ALL EQUIPMENT & APPLIANCES AS REQUIRED PER MANUF. RECOMMENDATIONS.
4. EXACT LOCATION OF HVAC UNITS MAY VARY WITH FINAL FRAMING.
5. ALL ACCENT & RECESSED LIGHT FIXTURES TO BE CAREFULLY CENTERED ON THEIR RESPECTIVE CABINETS, NICHEs, ETC.
6. U.N.O. ALL BOTTOM OF LIGHT SWITCHES TO BE 48" A.F.F.
7. LIGHT FIXTURES OVER VANITIES AT 6'-10" A.F.F.
8. EXTERIOR COACH LIGHT TO BE 6'-6" ABOVE HOUSE FINISH FLOOR.
9. U.N.O. WALL SCONCES TO BE AT 6'-8" ABOVE FLOOR TO THE CENTER OF ROUGH-IN BOX.
10. HOSE BIBS TO BE 24" ABOVE FINISH GRADE (ASSUME 4" FILL) THIS MEANS TO STUB THROUGH SLAB ON HIGH FOUNDATIONS.
11. ALL GAS SERVICE, CONNECTIONS & FIXTURES TO BE DETERMINED BY SUBDIVISION REQUIREMENTS FOR WATER HEATER, FURNACE, FIREPLACE, COOK TOPS & RANGES.
12. ROUTE ALL FLUES & VENTS TO REAR ROOF SLOPE WHERE POSSIBLE, OTHERWISE TO SIDE. NO VENTS SHALL PROTRUDE THROUGH THE FRONT ELEVATION.
13. WATER PIPES FOR SHOWERHEAD TO BE STUBBED OUT AT 6'-6" A.F.F.
14. ALL DRYER VENTS TO BE 6" ABOVE FINISHED FLOOR TO THE CENTER OF VENT.
15. SMOKE ALARMS SHALL BE HARD WIRED IN SERIES W/ BATT BACKUP.
16. CUSTOMER NOTE: THE EXACT LOCATION OF S, SWITCHES, THERMOSTATS, & LIGHTS WILL VARY BASED ON FRAMING MEMBER LOCATIONS & FIELD ADJUSTMENTS.
17. SMOKE DETECTORS TO BE IN EVERY BEDROOM, IN HALLS ADJACENT TO BEDROOMS, ON EACH STORY, AND AT STAIRS GOING UP COMPLY WITH NFPA.
18. CARBON MONOXIDE DETECTORS TO BE INSTALLED WHERE REQUIRED BY MUNICIPALITY. DETECTORS TO BE PLACED WITHIN 10'-0" OF SLEEPING AREAS. COMBINATION DETECTOR UNITS MAY BE USED.

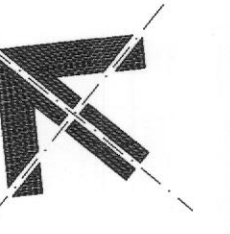


ELECTRICAL LEGEND

| | |
|--|----------------------------|
| | SWITCH |
| | THREE-WAY SWITCH |
| | FOUR-WAY SWITCH |
| | DUPLEX |
| | FOUR PLEX |
| | CEILING DUPLEX |
| | WATER PROOF |
| | 220 VOLT OUTLET |
| | PHONE OUTLET |
| | TV OUTLET |
| | SMOKE DETECTOR |
| | EXHAUST |
| | INCANDESCENT CEILING LIGHT |
| | RECESSED CEILING LIGHT |
| | WALL MOUNT LIGHT |
| | CHANDELIER |
| | LIGHT UNDER CABINETS |
| | CEILING FAN |
| | SENSOR LIGHT |
| | FLOODLIGHT |
| | ELECTRIC PANEL |

OUTLETS IN RESTROOM WILL BE PROVIDED WITH GROUND FAULT INTERRUPTER (GFCI). ALL OTHERS AREAS WILL BE ARC FAULTS OUTLETS (AFCI).

North



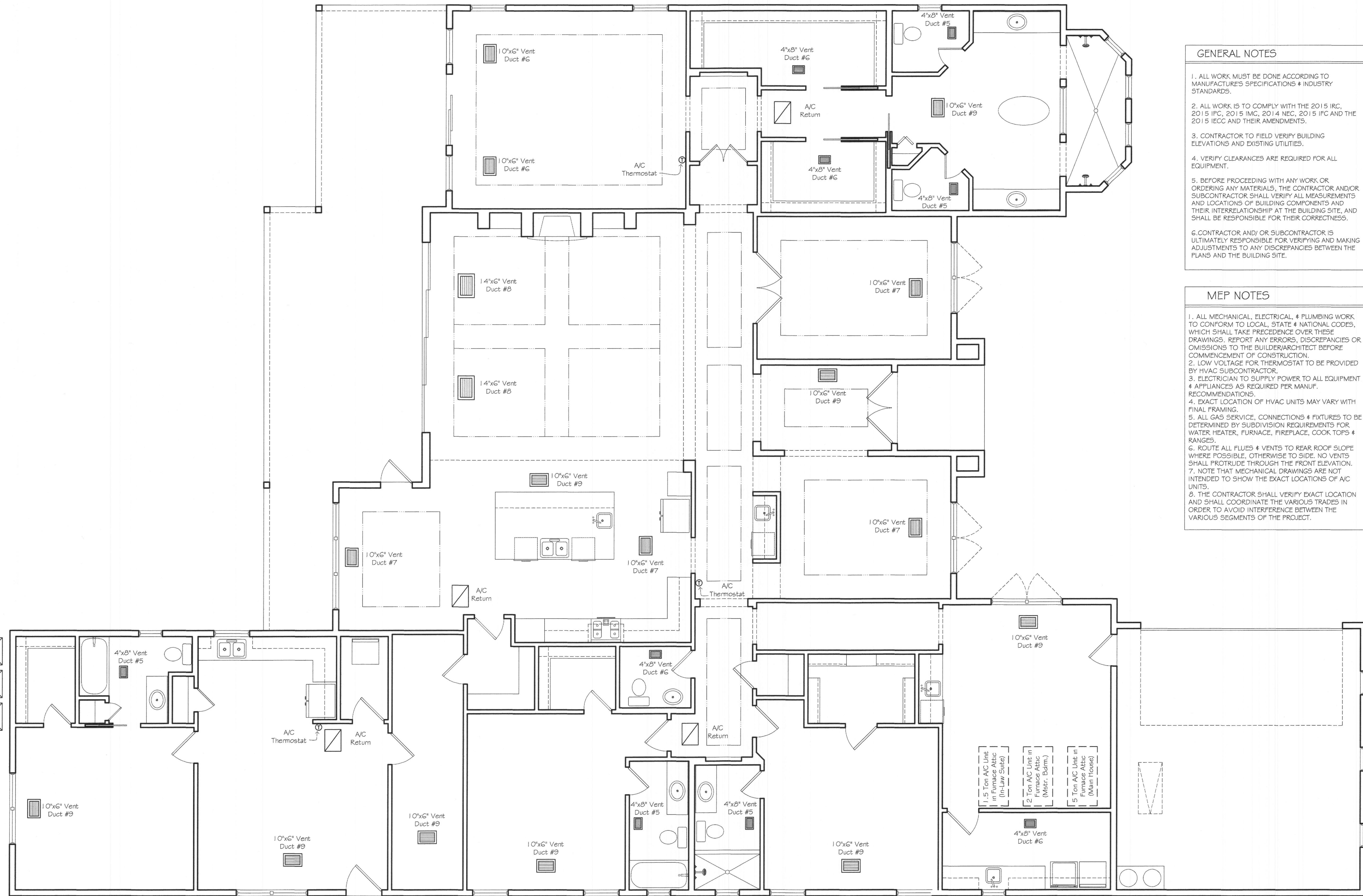
GENERAL NOTES

1. ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS & INDUSTRY STANDARDS.
2. ALL WORK IS TO COMPLY WITH THE 2015 IRC, 2015 IPC, 2015 IMC, 2014 NEC, 2015 IFG AND THE 2015 IECC AND THEIR AMENDMENTS.
3. CONTRACTOR TO FIELD VERIFY BUILDING ELEVATIONS AND EXISTING UTILITIES.
4. VERIFY CLEARANCES ARE REQUIRED FOR ALL EQUIPMENT.
5. BEFORE PROCEEDING WITH ANY WORK OR ORDERING ANY MATERIALS, THE CONTRACTOR AND/OR SUBCONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND LOCATIONS OF BUILDING COMPONENTS AND THEIR INTERRELATIONSHIP AT THE BUILDING SITE, AND SHALL BE RESPONSIBLE FOR THEIR CORRECTNESS.
6. CONTRACTOR AND/OR SUBCONTRACTOR IS ULTIMATELY RESPONSIBLE FOR VERIFYING AND MAKING ADJUSTMENTS TO ANY DISCREPANCIES BETWEEN THE PLANS AND THE BUILDING SITE.

MEP NOTES

1. ALL MECHANICAL, ELECTRICAL, & PLUMBING WORK TO CONFORM TO LOCAL, STATE & NATIONAL CODES, WHICH SHALL TAKE PRECEDENCE OVER THESE DRAWINGS. REPORT ANY ERRORS, DISCREPANCIES OR OMISSIONS TO THE BUILDER/ARCHITECT BEFORE COMMENCEMENT OF CONSTRUCTION.
2. LOW VOLTAGE FOR THERMOSTAT TO BE PROVIDED BY HVAC SUBCONTRACTOR.
3. ELECTRICIAN TO SUPPLY POWER TO ALL EQUIPMENT & APPLIANCES AS REQUIRED PER MANUF. RECOMMENDATIONS.
4. EXACT LOCATION OF HVAC UNITS MAY VARY WITH FINAL FRAMING.
5. ALL GAS SERVICE, CONNECTIONS & FIXTURES TO BE DETERMINED BY SUBDIVISION REQUIREMENTS FOR WATER HEATER, FURNACE, FIREPLACE, COOK TOPS & RANGES.
6. ROUTE ALL FLUES & VENTS TO REAR ROOF SLOPE WHERE POSSIBLE, OTHERWISE TO SIDE. NO VENTS SHALL PROTRUDE THROUGH THE FRONT ELEVATION.
7. NOTE THAT MECHANICAL DRAWINGS ARE NOT INTENDED TO SHOW THE EXACT LOCATIONS OF A/C UNITS.
8. THE CONTRACTOR SHALL VERIFY EXACT LOCATION AND SHALL COORDINATE THE VARIOUS TRADES IN ORDER TO AVOID INTERFERENCE BETWEEN THE VARIOUS SEGMENTS OF THE PROJECT.

- 1.5 Ton A/C
14 SEERS
Compressor
- 2 Ton A/C
14 SEERS
Compressor
- 5 Ton A/C
14 SEERS
Compressor



2825 MARCIE LANE
Block B Lot 17
Rockwall, Texas 75032

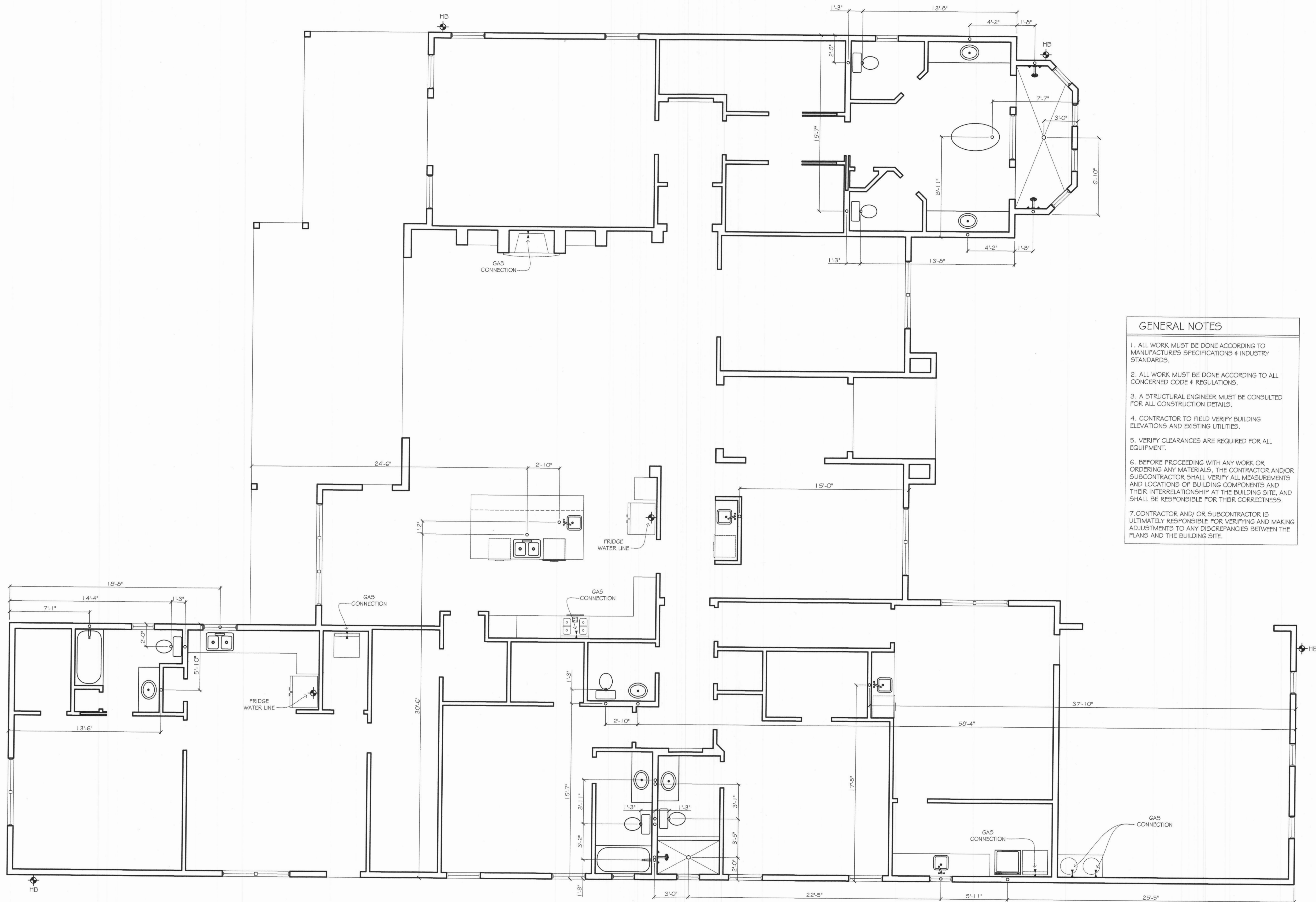
Date
JANUARY, 2021

Sheet Title
MECHANICAL
PLAN

Scale
1/4" = 1'-0"

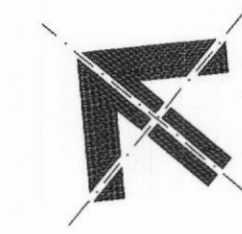
Sheet No.

M2.01



- GENERAL NOTES**
1. ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS & INDUSTRY STANDARDS.
 2. ALL WORK MUST BE DONE ACCORDING TO ALL CONCERNED CODE & REGULATIONS.
 3. A STRUCTURAL ENGINEER MUST BE CONSULTED FOR ALL CONSTRUCTION DETAILS.
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 7. CONTRACTOR AND/OR SUBCONTRACTOR IS ULTIMATELY RESPONSIBLE FOR VERIFYING AND MAKING ADJUSTMENTS TO ANY DISCREPANCIES BETWEEN THE PLANS AND THE BUILDING SITE.

North



THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION/DESIGN INFORMATION NECESSARY TO COMPLETE THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL MEASUREMENTS AND LOCATIONS OF BUILDING COMPONENTS AND THEIR INTERRELATIONSHIP AT THE BUILDING SITE, AND SHALL BE RESPONSIBLE FOR THEIR CORRECTNESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE LOCAL, STATE, AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE LOCAL, STATE, AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE LOCAL, STATE, AND FEDERAL AGENCIES.

2825 MARCIE LANE
 Block B Lot 17
 Rockwall, Texas 75032

Date
 JANUARY, 2021

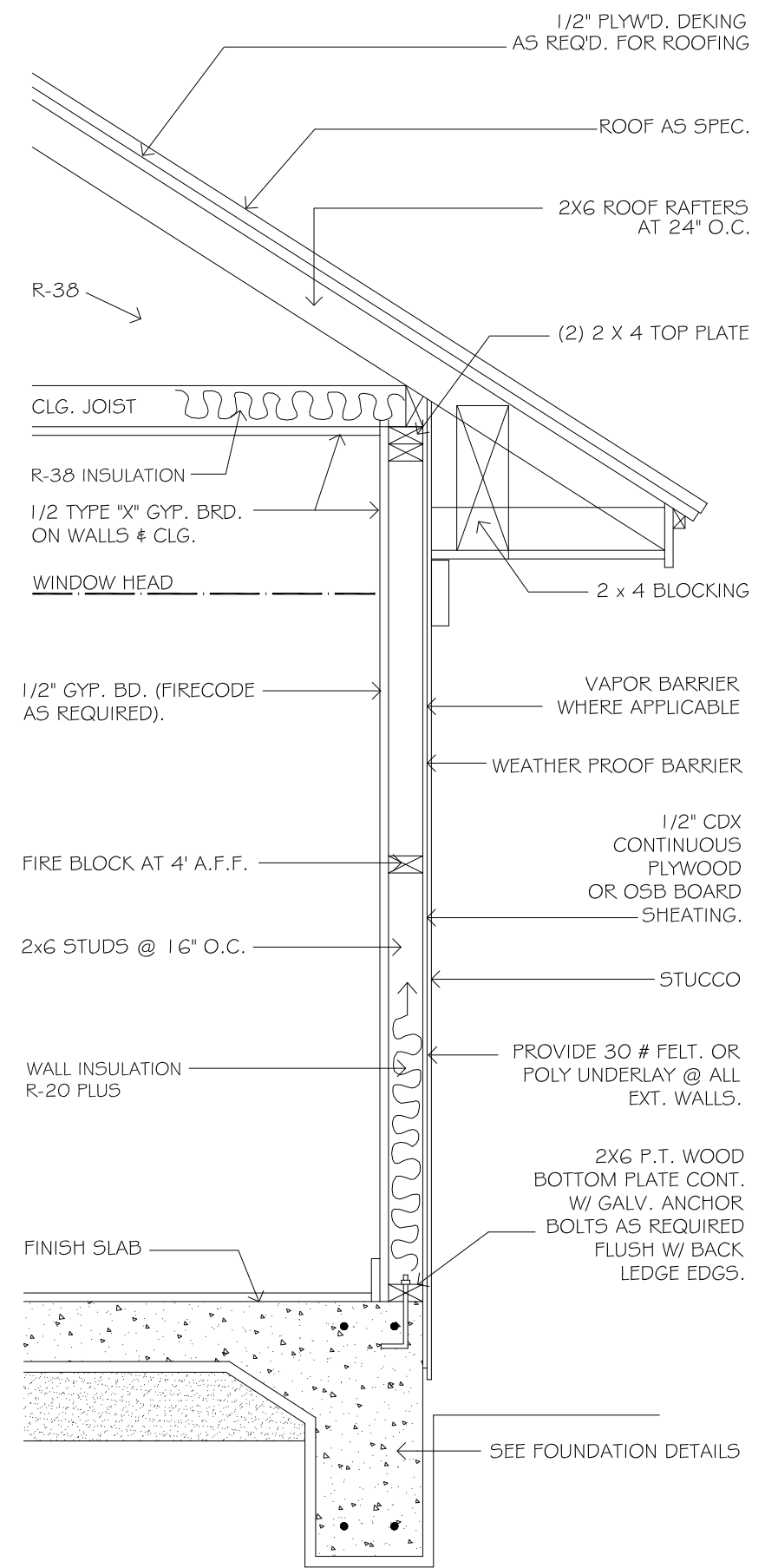
Sheet Title

PLUMBING PLAN

Scale
 1/4" = 1'-0"

Sheet No.

P2.01



North

2825 MARCIE LANE
 Block B Lot 17
 Rockwall, Texas 75032

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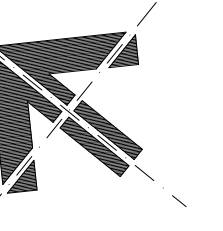
Date
 JANUARY, 2021

Sheet Title
 WALL SECTION

Scale
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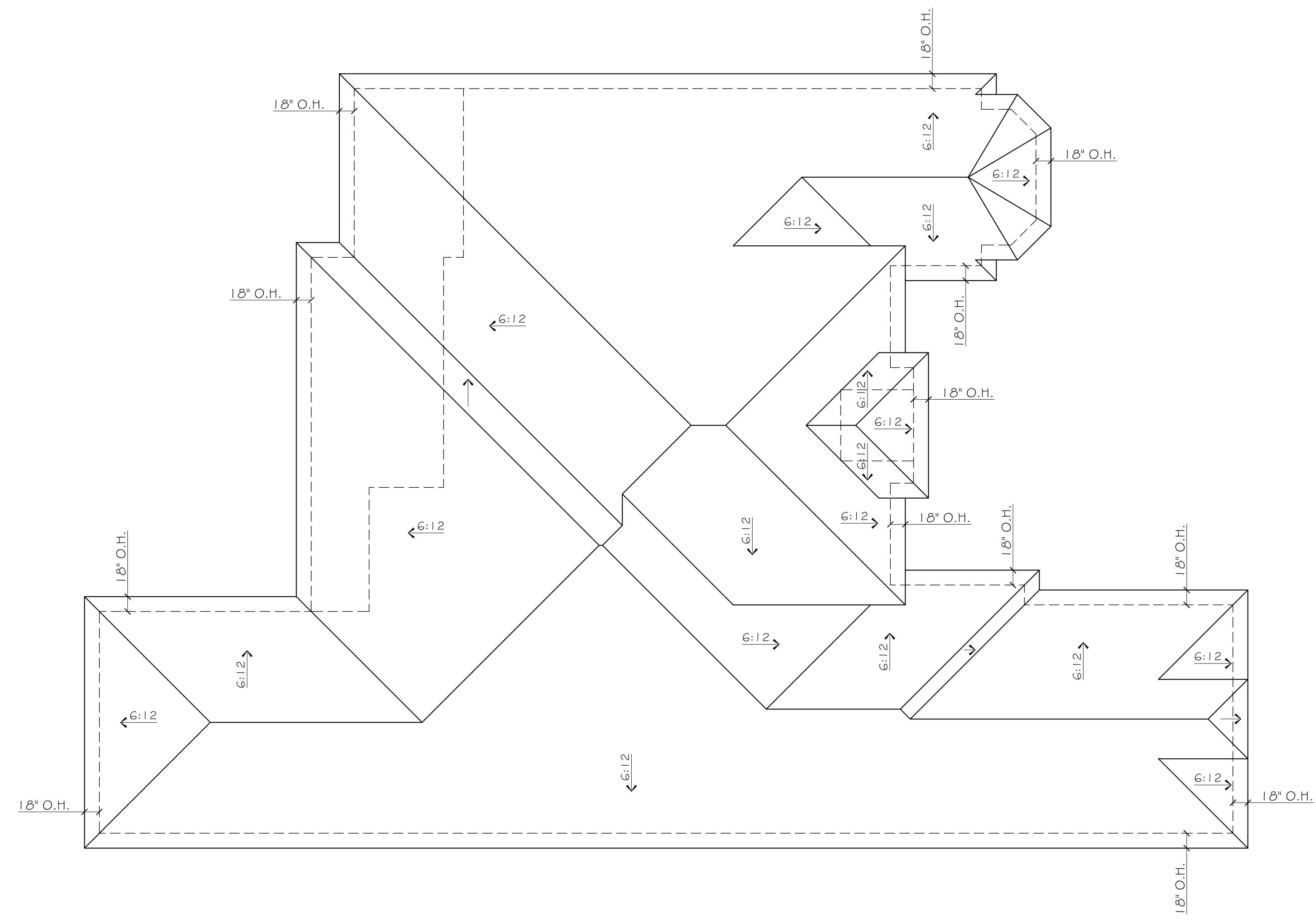
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North



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 6. CONTRACTOR AND/ OR SUBCONTRACTOR IS ULTIMATELY RESPONSIBLE FOR VERIFYING AND MAKING ADJUSTMENTS TO ANY DISCREPANCIES BETWEEN THE PLANS AND THE BUILDING SITE.



ROOF PLAN

SCALE: 1/8" = 1'-0"

Date
JANUARY, 2021

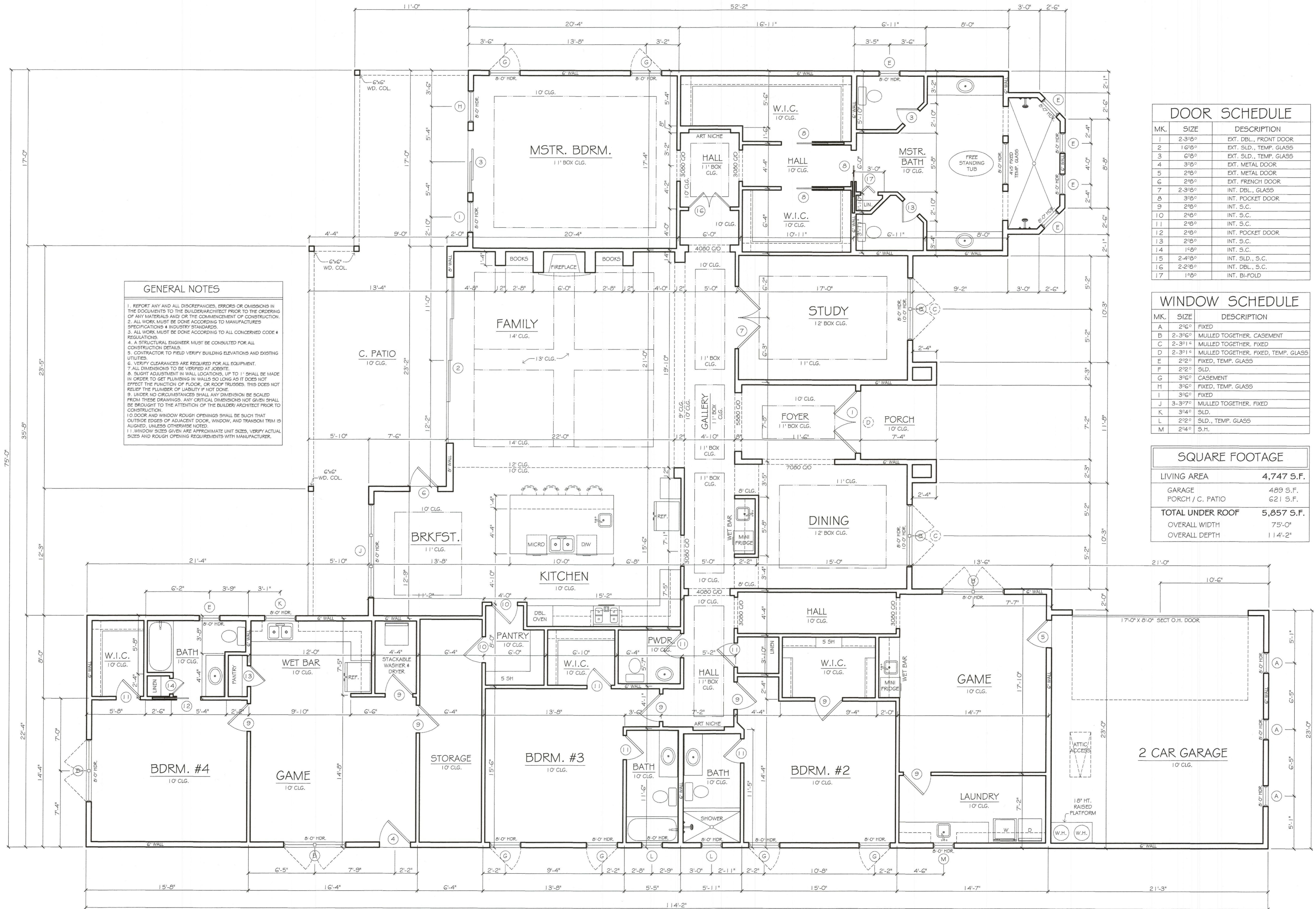
Sheet Title

ROOF PLAN

Scale
1/8" = 1'-0"

Sheet No.

A1.01



GENERAL NOTES

1. REPORT ANY AND ALL DISCREPANCIES, ERRORS OR OMISSIONS IN THE DOCUMENTS TO THE BUILDER/ARCHITECT PRIOR TO THE ORDERING OF ANY MATERIALS AND/OR THE COMMENCEMENT OF CONSTRUCTION.
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3. ALL WORK MUST BE DONE ACCORDING TO ALL CONCERNED CODE & REGULATIONS.
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5. CONTRACTOR TO FIELD VERIFY BUILDING ELEVATIONS AND EXISTING UTILITIES.
6. VERIFY CLEARANCES ARE REQUIRED FOR ALL EQUIPMENT.
7. ALL DIMENSIONS TO BE VERIFIED AT JOBSITE.
8. SLIGHT ADJUSTMENT IN WALL LOCATIONS, UP TO 1" SHALL BE MADE IN ORDER TO GET PLUMBING IN WALLS SO LONG AS IT DOES NOT EFFECT THE FUNCTION OF FLOOR, OR ROOF TRUSSES. THIS DOES NOT RELIEF THE PLUMBER OF LIABILITY IF NOT DONE.
9. UNDER NO CIRCUMSTANCES SHALL ANY DIMENSION BE SCALED FROM THESE DRAWINGS. ANY CRITICAL DIMENSIONS NOT GIVEN SHALL BE BROUGHT TO THE ATTENTION OF THE BUILDER/ARCHITECT PRIOR TO CONSTRUCTION.
10. DOOR AND WINDOW ROUGH OPENINGS SHALL BE SUCH THAT OUTSIDE EDGES OF ADJACENT DOOR, WINDOW, AND TRANSOM TRIM IS ALIGNED, UNLESS OTHERWISE NOTED.
11. WINDOW SIZES GIVEN ARE APPROXIMATE UNIT SIZES, VERIFY ACTUAL SIZES AND ROUGH OPENING REQUIREMENTS WITH MANUFACTURER.

DOOR SCHEDULE

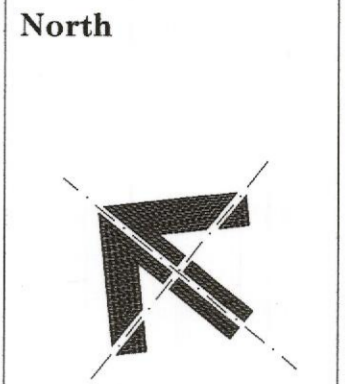
| MK. | SIZE | DESCRIPTION |
|-----|---------------|------------------------|
| 1 | 2'-3" x 8'-0" | EXT. DBL., FRONT DOOR |
| 2 | 1'-6" x 8'-0" | EXT. SLD., TEMP. GLASS |
| 3 | 6'-0" x 8'-0" | EXT. SLD., TEMP. GLASS |
| 4 | 3'-0" x 8'-0" | EXT. METAL DOOR |
| 5 | 2'-0" x 8'-0" | EXT. METAL DOOR |
| 6 | 2'-0" x 8'-0" | EXT. FRENCH DOOR |
| 7 | 2'-3" x 8'-0" | INT. DBL., GLASS |
| 8 | 3'-0" x 8'-0" | INT. POCKET DOOR |
| 9 | 2'-0" x 8'-0" | INT. S.C. |
| 10 | 2'-0" x 8'-0" | INT. S.C. |
| 11 | 2'-0" x 8'-0" | INT. S.C. |
| 12 | 2'-0" x 8'-0" | INT. POCKET DOOR |
| 13 | 2'-0" x 8'-0" | INT. S.C. |
| 14 | 1'-0" x 8'-0" | INT. S.C. |
| 15 | 2'-4" x 8'-0" | INT. SLD., S.C. |
| 16 | 2'-2" x 8'-0" | INT. DBL., S.C. |
| 17 | 1'-0" x 8'-0" | INT. BI-FOLD |

WINDOW SCHEDULE

| MK. | SIZE | DESCRIPTION |
|-----|---------------|-------------------------------------|
| A | 2'-0" x 6'-0" | FIXED |
| B | 2'-3" x 6'-0" | MULLED TOGETHER, CASEMENT |
| C | 2'-3" x 1'-4" | MULLED TOGETHER, FIXED |
| D | 2'-3" x 1'-4" | MULLED TOGETHER, FIXED, TEMP. GLASS |
| E | 2'-2" x 6'-0" | FIXED, TEMP. GLASS |
| F | 2'-2" x 6'-0" | SLD. |
| G | 3'-0" x 6'-0" | CASEMENT |
| H | 3'-0" x 6'-0" | FIXED, TEMP. GLASS |
| I | 3'-0" x 6'-0" | FIXED |
| J | 3'-3" x 7'-0" | MULLED TOGETHER, FIXED |
| K | 3'-4" x 6'-0" | SLD. |
| L | 2'-2" x 6'-0" | SLD., TEMP. GLASS |
| M | 2'-4" x 6'-0" | S.H. |

SQUARE FOOTAGE

| | |
|-------------------------|-------------------|
| LIVING AREA | 4,747 S.F. |
| GARAGE | 489 S.F. |
| PORCH / C. PATIO | 621 S.F. |
| TOTAL UNDER ROOF | 5,857 S.F. |
| OVERALL WIDTH | 75'-0" |
| OVERALL DEPTH | 114'-2" |



THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION/DESIGN INFORMATION NECESSARY TO COMPLETE THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL PORTIONS OF THE WORK, INCLUDING PLUMBING, MECHANICAL, AND ELECTRICAL, SHALL BE PERFORMED IN FULL COMPLIANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE. THE BUILDER RESERVES THE RIGHT TO MODIFY THESE PLANS AS REQUIRED, WITHOUT NOTICE, DUE TO UNFORESEEN CIRCUMSTANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL PORTIONS OF THE WORK, INCLUDING PLUMBING, MECHANICAL, AND ELECTRICAL, SHALL BE PERFORMED IN FULL COMPLIANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE. THE BUILDER RESERVES THE RIGHT TO MODIFY THESE PLANS AS REQUIRED, WITHOUT NOTICE, DUE TO UNFORESEEN CIRCUMSTANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL PORTIONS OF THE WORK, INCLUDING PLUMBING, MECHANICAL, AND ELECTRICAL, SHALL BE PERFORMED IN FULL COMPLIANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.

2825 MARCIE LANE
 Block B Lot 17
 Rockwall, Texas 75032

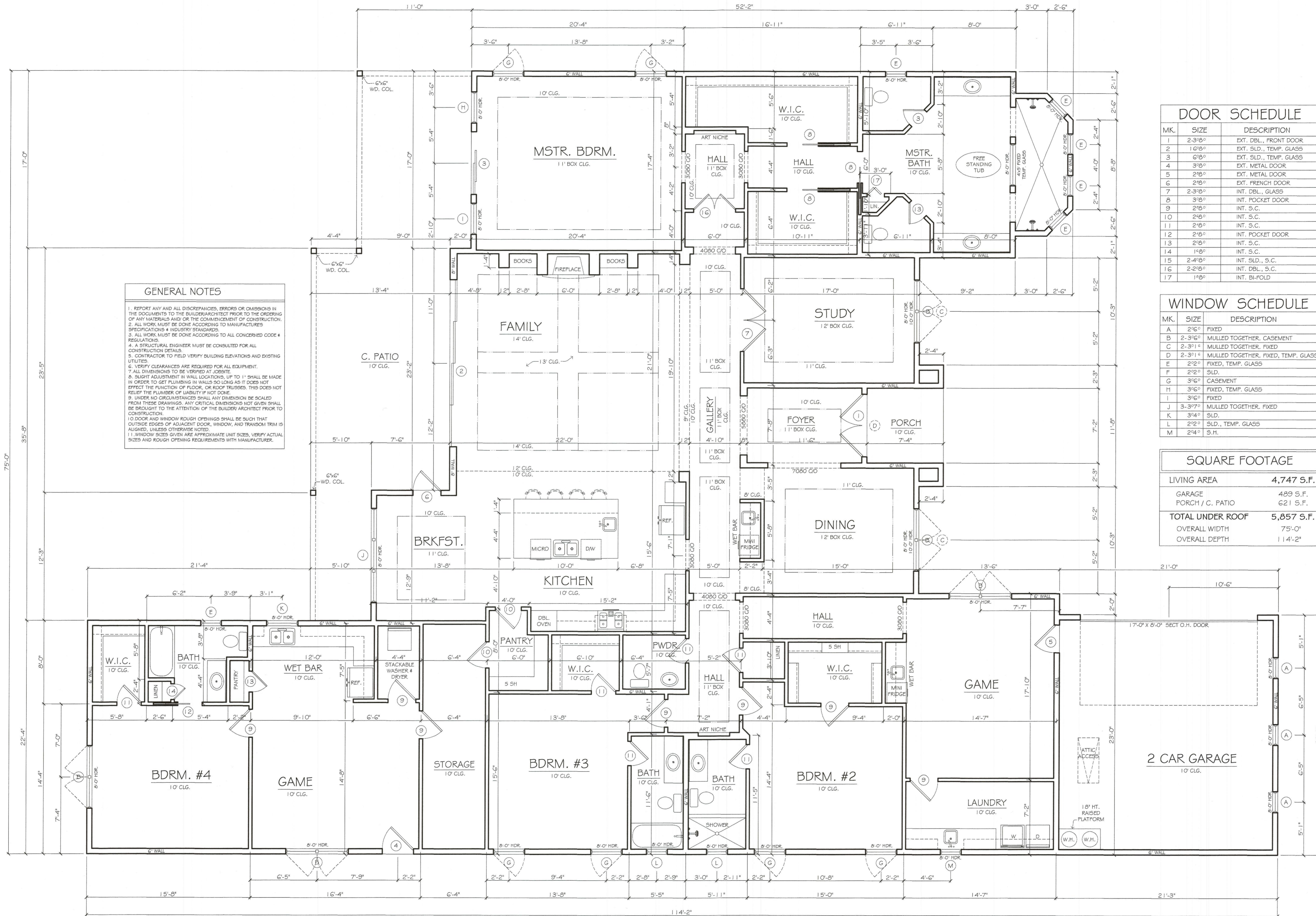
Date
 JANUARY, 2021

Sheet Title
 FLOOR PLAN

Scale
 1/4" = 1'-0"

Sheet No.

A1.00



GENERAL NOTES

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- DOOR AND WINDOW ROUGH OPENINGS SHALL BE SUCH THAT OUTSIDE EDGES OF ADJACENT DOOR, WINDOW, AND TRANSOM TRIM IS ALIGNED, UNLESS OTHERWISE NOTED.
- WINDOW SIZES GIVEN ARE APPROXIMATE UNIT SIZES. VERIFY ACTUAL SIZES AND ROUGH OPENING REQUIREMENTS WITH MANUFACTURER.

DOOR SCHEDULE

| MK. | SIZE | DESCRIPTION |
|-----|--------|------------------------|
| 1 | 2-3'8" | EXT. DBL., FRONT DOOR |
| 2 | 1'6" | EXT. SLD., TEMP. GLASS |
| 3 | 6'8" | EXT. SLD., TEMP. GLASS |
| 4 | 3'8" | EXT. METAL DOOR |
| 5 | 2'8" | EXT. METAL DOOR |
| 6 | 2'8" | EXT. FRENCH DOOR |
| 7 | 2-3'8" | INT. DBL., GLASS |
| 8 | 3'8" | INT. POCKET DOOR |
| 9 | 2'8" | INT. S.C. |
| 10 | 2'8" | INT. S.C. |
| 11 | 2'8" | INT. S.C. |
| 12 | 2'8" | INT. POCKET DOOR |
| 13 | 2'8" | INT. S.C. |
| 14 | 1'8" | INT. S.C. |
| 15 | 2-4'8" | INT. SLD., S.C. |
| 16 | 2-2'8" | INT. DBL., S.C. |
| 17 | 1'8" | INT. BI-FOLD |

WINDOW SCHEDULE

| MK. | SIZE | DESCRIPTION |
|-----|--------|-------------------------------------|
| A | 2'6" | FIXED |
| B | 2-3'6" | MULLED TOGETHER, CASEMENT |
| C | 2-3'1" | MULLED TOGETHER, FIXED |
| D | 2-3'1" | MULLED TOGETHER, FIXED, TEMP. GLASS |
| E | 2'2" | FIXED, TEMP. GLASS |
| F | 2'2" | SLD. |
| G | 3'6" | CASEMENT |
| H | 3'6" | FIXED, TEMP. GLASS |
| I | 3'6" | FIXED |
| J | 3-3'7" | MULLED TOGETHER, FIXED |
| K | 3'4" | SLD. |
| L | 2'2" | SLD., TEMP. GLASS |
| M | 2'4" | S.H. |

SQUARE FOOTAGE

| | |
|-------------------------|-------------------|
| LIVING AREA | 4,747 S.F. |
| GARAGE | 489 S.F. |
| PORCH / C. PATIO | 621 S.F. |
| TOTAL UNDER ROOF | 5,857 S.F. |
| OVERALL WIDTH | 75'-0" |
| OVERALL DEPTH | 114'-2" |

2825 MARCIE LANE
Block B Lot 17
Rockwall, Texas 75032

Date
JANUARY, 2021

Sheet Title
FLOOR PLAN

Scale
1/4" = 1'-0"

Sheet No.
A1.00

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION DESIGN INFORMATION NECESSARY TO COMPLETE THE CONSTRUCTION OF THE WORK, INCLUDING PLUMBING, MECHANICAL, AND ELECTRICAL SHALL BE PERFORMED IN FULL COMPLIANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL CODES AND REGULATIONS. THE BUILDER RESERVES THE RIGHT TO MODIFY THESE PLANS AS REQUIRED BY LOCAL CODES, ORDINANCES, AND RESTRICTIONS. ALL APPLICABLE REQUIREMENTS OCCUR BETWEEN THE PLANS AND LOCAL REGULATIONS. METHODS OF CONSTRUCTION AND ELECTION OF MATERIALS AND ASSEMBLIES SHALL BE THE CONTRACTOR'S RESPONSIBILITY.

Adjacent Housing Attributes

| Address | Housing Type | Year Built | House SF | Accessory Building SF | Exterior Materials |
|----------------------|--|------------|----------|-----------------------|--------------------|
| 1523 Parkside Circle | Single-Family Home | 2002 | 3,377 | N/A | Brick |
| 1531 Parkside Circle | Single-Family Home | 2001 | 3,728 | N/A | Brick |
| 1534 Parkside Circle | Single-Family Home | 2001 | 2,913 | N/A | Brick |
| 1539 Parkside Circle | Single-Family Home | 2002 | 2,760 | N/A | Brick |
| 1546 Parkside Circle | Single-Family Home | 2001 | 3,963 | N/A | Brick |
| 1547 Parkside Circle | Single-Family Home | 2001 | 3,581 | N/A | Brick |
| 1555 Parkside Circle | Single-Family Home | 2000 | 3,983 | N/A | Brick |
| 1556 Parkside Circle | Single-Family Home | 2000 | 3,533 | 314 | Brick |
| 2804 Marcie Lane | Single-Family Home | 2002 | 3,618 | N/A | Brick |
| 2805 Marcie Lane | Single-Family Home | 2005 | 2,922 | N/A | Brick |
| 2814 Marcie Lane | Single-Family Home | 2002 | 3,566 | N/A | Brick |
| 2815 Marcie Lane | Single-Family Home | 2018 | 2,713 | N/A | Brick |
| 2822 Marcie Lane | Single-Family Home | 2002 | 2,983 | N/A | Brick |
| 2825 Marcie Lane | RCAD Indicates Vacant Subject Property | | | | |
| 2830 Marcie Lane | Single-Family Home | 2002 | 3,839 | 356 | Stone |
| 2835 Marcie Lane | Single-Family Home | 2005 | 4,055 | N/A | Stucco |
| 2838 Marcie Lane | Single-Family Home | 2001 | 2,762 | N/A | Brick |
| 2846 Marcie Lane | Single-Family Home | 2001 | 3,758 | 100 | Brick |
| 2854 Marcie Lane | Single-Family Home | 1997 | 2,833 | N/A | Brick |
| 2862 Marcie Lane | Single-Family Home | 2002 | 4,026 | N/A | Brick |
| 2870 Marcie Lane | Single-Family Home | 2000 | 4,268 | 100 | Brick |
| 2880 Marcie Lane | Single-Family Home | 1999 | 3,327 | N/A | Brick |
| 2730 Mira Vista Lane | Single-Family Home | 2004 | 3,498 | N/A | Stucco |
| 2738 Mira Vista Lane | Single-Family Home | 2011 | 3,646 | N/A | Stone |
| 2748 Mira Vista Lane | Single-Family Home | 2003 | 3,902 | N/A | Brick |
| 2756 Mira Vista Lane | Single-Family Home | 2002 | 3,724 | N/A | Brick |

Averages: 2003 3,491 218



1523 Parkside Circle



1531 Parkside Circle



1534 Parkside Circle



1539 Parkside Circle



1546 Parkside Circle



1547 Parkside Circle



1555 Parkside Circle



1556 Parkside Circle



2730 Mira Vista Lane



2738 Mira Vista Lane



2748 Mira Vista Lane



2756 Mira Vista Lane



2804 Marcie Lane



2805 Marcie Lane



2814 Marcie Lane



2815 Marcie Lane



2822 Marcie Lane



2830 Marcie Lane



2835 Marcie Lane



2838 Marcie Lane



2846 Marcie Lane



2854 Marcie Lane



2862 Marcie Lane



2870 Marcie Lane



2880 Marcie Lane

CITY OF ROCKWALL

ORDINANCE NO. 21-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.50-ACRE TRACT OF LAND, IDENTIFIED AS LOT 17, BLOCK B, LAGO VISTA ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Otoniel Jaramillo for the approval of a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow the construction of a single-family home on a 0.50-acre tract of land being described as Lot 17, Block B, Lago Vista Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 18 (PD-18) District for Single-Family 10 (SF-10) District land uses, addressed as 2825 Marcie Lane, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow for the construction of a single-family home in an established subdivision in accordance with Article 04, *Permissible Uses*, the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 10 (SF-10) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] and to the requirements set forth in Planned Development

District 18 (PD-18) -- as heretofore amended and may be amended in the future -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

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

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

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

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

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

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 1TH DAY OF MARCH, 2021.

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

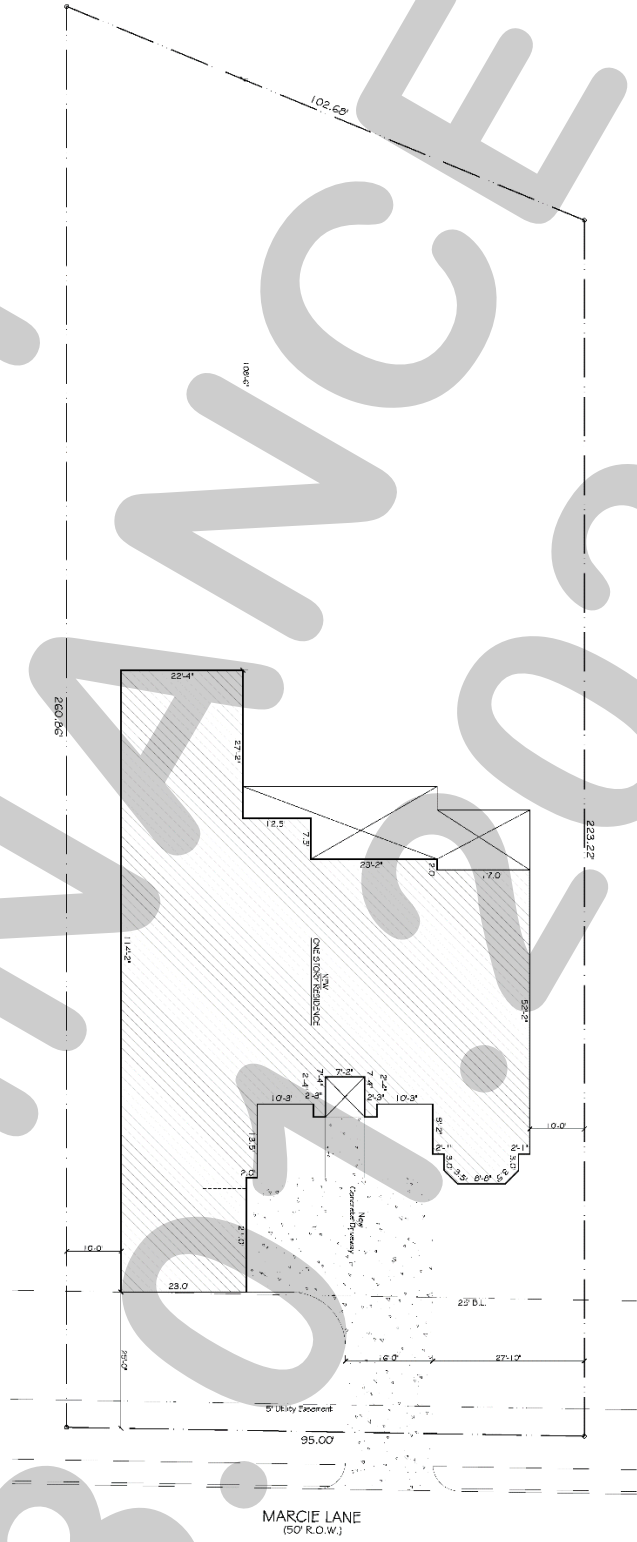
1st Reading: February 16, 2021

2nd Reading: March 1, 2021

Address: 2825 Marcie Lane
Legal Description: Lot 17, Block B, Lago Vista Addition



DRAFT DRAINAGE 030221



| GENERAL NOTES | |
|---------------|---|
| 1. | ALL WORK SHALL BE DONE ACCORDING TO THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, TEXAS DEPARTMENT OF TRANSPORTATION, AND THE STANDARD SPECIFICATIONS FOR ROADWORK, TEXAS DEPARTMENT OF TRANSPORTATION. |
| 2. | ALL MATERIALS SHALL BE TESTED AND APPROVED BY A QUALIFIED TESTING LABORATORY. |
| 3. | ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE PROPOSED FOUNDATION. |
| 4. | CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, TEXAS DEPARTMENT OF TRANSPORTATION, AND THE STANDARD SPECIFICATIONS FOR ROADWORK, TEXAS DEPARTMENT OF TRANSPORTATION. |
| 5. | ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE PROPOSED FOUNDATION. |
| 6. | ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE PROPOSED FOUNDATION. |
| 7. | ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE PROPOSED FOUNDATION. |
| 8. | ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE PROPOSED FOUNDATION. |
| 9. | ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE PROPOSED FOUNDATION. |
| 10. | ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE PROPOSED FOUNDATION. |

| SITE PLAN INFORMATION | |
|--|-------------|
| LOT SIZE | 22,090 S.F. |
| DEVELOPING AREA | 3,207 S.F. |
| PERCENT LOT COVERED | 14.5% |
| A MINIMUM OF 70% OF THE NON-COVERED AREA OF THE LOT SHALL BE MAINTAINED AS OPEN SPACE. | |

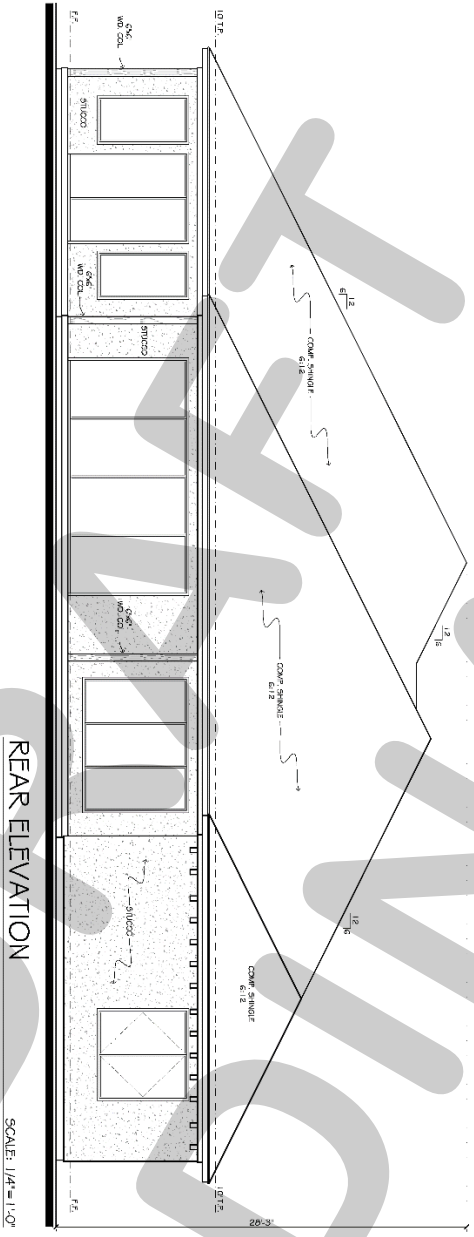
Scale: 1" = 10'-0"
 Sheet No.: A0.00

Date: JANUARY 2021
 Sheet Title: SITE PLAN

2825 MARCIE LANE
 Block B Lot 17
 Rockwall, Texas 75032

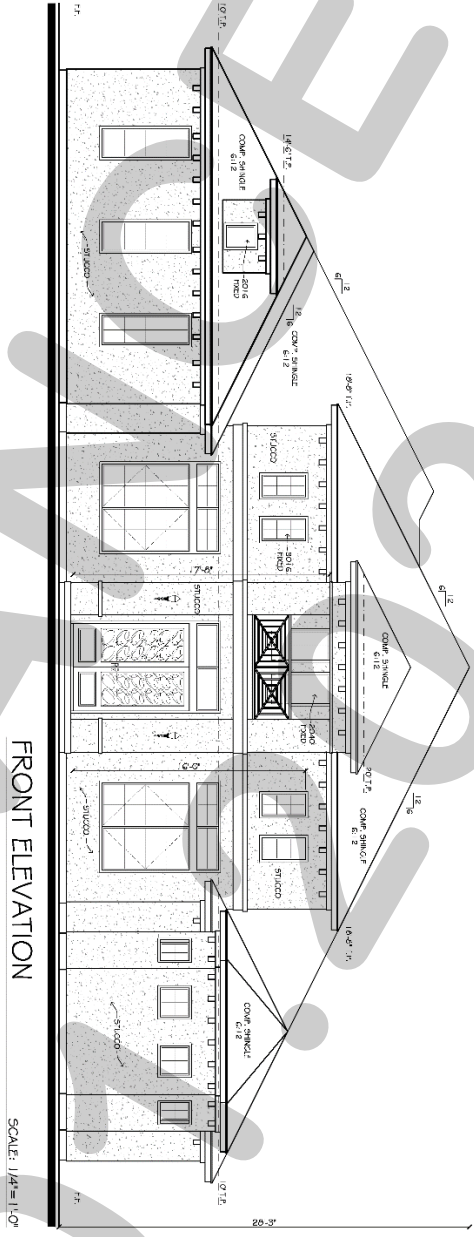
THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THE ENGINEER AND ARCHITECT. THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF THE ENGINEER AND ARCHITECT IS STRICTLY PROHIBITED. THE USER ASSUMES ALL LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THESE PLANS.





REAR ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

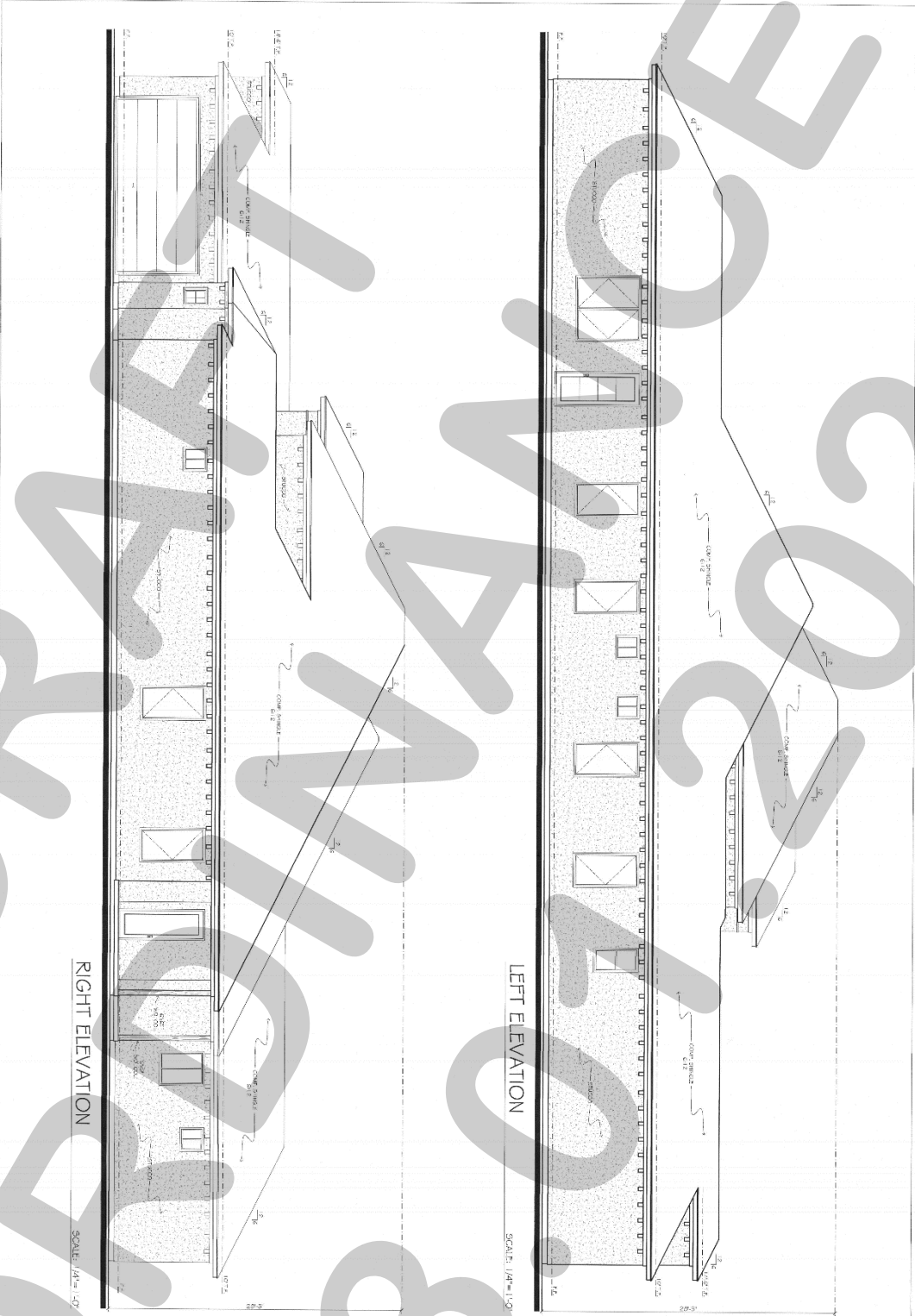
2825 MARCIE LANE
Block B Lot 17
Rockwall, Texas 75032

| | |
|-------------|--------------------|
| Date | JANUARY, 2021 |
| Sheet Title | ELEVATIONS PLAN |
| Scale | 1/4" = 1'-0" |
| Sheet No. | A2.00 |

THESE PLANS ARE PREPARED TO PROVIDE BASIC CONSTRUCTION/DESIGN INFORMATION NECESSARY TO COMPLETE THIS STRUCTURE. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE CITY, COUNTY, STATE AND NATIONAL CODES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED HEREON.

North

DRAFT 03/2021



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

LEFT ELEVATION

SCALE: 1/4" = 1'-0"

| | | | | | | | |
|-------|------------------------------------|--------------------|-----------------------------|----------------------|--|--|-------|
| A2.01 | Sheet No. 1/2" = 1'-0" Scale | ELEVATIONS PLAN | SHEET TITLE JANUARY 2021 | DATE JANUARY 2021 | 2825 MARCIE LANE Block B Lot 17 Rockwall, Texas 75032 | THESE PLANS ARE INTENDED TO PROVIDE THE ARCHITECTURAL DESIGN INFORMATION NECESSARY TO OBTAIN ALL THE PERMITS AND APPROVALS NECESSARY TO CONSTRUCT THE PROJECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. | North |
|-------|------------------------------------|--------------------|-----------------------------|----------------------|--|--|-------|



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: March 1, 2021

SUBJECT: Z2021-002; SPECIFIC USE PERMIT (SUP) FOR SELF-SERVICE CARWASH AT 3611 N. GOLIAD STREET

Attachments

Case Memo
Development Application
Location Map
HOA Notification Map
Neighborhood Notification Email
Property Owner Notification Map
Property Owner Notification List
Public Notice
Property Owner Notifications
Concept Plan
Building Elevations
Line of Sight Study
Sound Study
Draft Ordinance

Summary/Background Information

Hold a public hearing to discuss and consider a request by Lisa White of Boing US HoldCo, Inc. on behalf of Donald L. Silverman of Rockwall 205-552, LLC for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing a *Self Service Car Wash and Auto Detail* on a 0.89-acre tract of land identified as a portion of Lot 2, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3611 N. Goliad Street [SH-205], and take any action necessary.

Action Needed

The City Council is being asked to approve, approve with condition, or deny the Specific Use Permit (SUP).



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: March 1, 2021
APPLICANT: Lisa White; *Boing US HoldCo, Inc.*
CASE NUMBER: Z2021-002; *Specific Use Permit (SUP) for Self-Service Carwash at 3611 N. Goliad Street*

SUMMARY

Hold a public hearing to discuss and consider a request by Lisa White of Boing US HoldCo, Inc. on behalf of Donald L. Silverman of Rockwall 205-552, LLC for the approval of a Specific Use Permit (SUP) for *Self-Service Carwash and Auto Detail* on a 0.89-acre tract of land identified as a portion of Lot 2, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3611 N. Goliad Street [SH-205], and take any action necessary.

BACKGROUND

The subject property was annexed by the City Council on November 7, 1983 by *Ordinance No. 83-57*. Based on the City's historic zoning maps the subject property was rezoned from an Agricultural (AG) District to a General Retail (GR) District at some point between November 7, 1983 and December 7, 1993. On February 15, 2016, the City Council approved a preliminary plat [Case No. P2016-004] for Lots 1-6, Block A, Dalton Goliad Addition. This approval was followed by a final plat [Case No. P2016-034], which was approved by the City Council on August 1, 2016. This final plat created Lots 1-3, Block A, Dalton Goliad Addition. On December 4, 2017, the City Council approved a replat [i.e. Case No. P2017-062] subdividing Lot 2, Block A into Lots 4 & 5, Block A and establishing the subject property (i.e. Lot 4, Block A, Dalton Goliad Addition); however, this replat was never filed. Prior to the replat, a Specific Use Permit (SUP) [SUP #S-171; Ordinance No. 17-39; Case No. Z2017-029] was approved by the City Council on August 7, 2017. This approval allowed a *Restaurant, Greater Than 2,000 SF with a Drive-Through or Drive-In* (i.e. *Freddy's Frozen Custard*) on the subject property. On September 12, 2017, the Planning and Zoning Commission approved a site plan [Case No. SP2017-024] for the proposed restaurant; however, the restaurant was never constructed, and the site plan and Specific Use Permit (SUP) have since expired. On December 7, 2020, the City Council approved a conveyance plat [i.e. Case No. P2020-048] for the purpose of subdividing one (1) lot (i.e. Lot 2, Block A, Dalton Goliad Addition) into four (4) lots (i.e. Lots 4-7, Block A, Dalton Goliad Addition) to convey property. This conveyance plat established the subject property as Lot 5, Block A, Dalton Goliad Addition. The subject property is currently vacant.

PURPOSE

The applicant, is requesting the approval of a Specific Use Permit (SUP) to allow for a *Self-Service Carwash* on the subject property in accordance with the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

ADJACENT LAND USES AND ACCESS

The subject property is located at 3611 N. Goliad Street [SH-205]. The land uses adjacent to the subject property are as follows:

North: Directly north and adjacent to the subject property is a vacant 1.033-acre parcel of land (i.e. Lot 4, Block A, Dalton Goliad Addition). Beyond this is a single-family residential subdivision, consisting of 30 single-family residential lots, and being identified as Harlan Park, Phase 2 Addition. Beyond this is Harlan Park, Phase 1 Addition, which consists of 65 single-family residential lots. Both of these subdivisions are zoned Single-Family 10 (SF-10) District.

South: Directly south of the subject property are Lots 1, 3, & 6, Block A, Dalton Goliad Addition. Lot 3 is currently occupied by a strip retail center with several tenants (i.e. *Marco's Pizza, Hittson Dental, and Venice Nail Salon*). Adjacent to and south of the strip center is Lot 1, which is occupied with an Aldi's Grocery Store. These properties are zoned General Retail (GR) District. South of this is Dalton Road, which is identified as a M4U (i.e. *major collector, four [4] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is the Free Methodist Church, which is zoned Single-Family 16 (SF-16) District.

East: Directly east of the subject property is N. Goliad Street [SH-205], which is identified as a M4D (i.e. *major collector, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is the corporate limits of the City followed by properties in the City's Extraterritorial Jurisdiction (ETJ) that have existing single-family homes situated on them. Adjacent to and south of this area is a Sonic Drive-In and 7-Eleven convenience store, which are situated within the City limits and are zoned General Retail (GR) District.

West: Directly west of the subject property is a vacant 2.402-acre parcel of land (i.e. *Lot 6, Block A, Dalton Goliad Addition*). This property is zoned General Retail (GR) District. Beyond this is the Nebbie Williams Elementary School, which is situated on a 11.599-acre parcel of land (i.e. *Lot 1, Block A, Rockwall School North Addition*). This property is zoned Single-Family 10 (SF-10) District.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application, concept plan, and building elevations depicting the layout of a ~4,164 SF *Self-Service Carwash*. The proposed carwash will consist of a single entrance tunnel, 15 vacuum stalls, and ten (10) parking spaces. Based on the concept plan, the carwash tunnel will be oriented so that the exit of the tunnel will be facing onto N. Goliad Street, with the building being setback ~101-feet from the public right-of-way. Staff should point out that the carwash will be located within 300-feet of both the Harlan Park Subdivision and Nebbie Williams Elementary School. Based on this staff is requesting that the applicant provide additional landscaping for sound attenuation. These have been included in the draft ordinance as operational conditions should the SUP be approved. The landscaping for the subject property will be considered at the time of site plan.

CONFORMANCE TO THE CITY'S CODES

According to the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) a *Self-Service Car Wash* requires a Specific Use Permit (SUP) in the General Retail (GR) District. In addition, Subsection 02.03.(H)(4), *Conditional Land Use Standards*, of Article 04, *Permissible Use Charts*, of the Unified Development Code (UDC) also provides the following requirements relating to regulating the land use:

- (a) Entrances and exits to the car wash shall not directly face any public right-of-way.
- (b) The carwash shall be set back a minimum of 50-feet from any street frontage.

In this case, the submitted concept plan indicates the exit of the carwash tunnel will be directly facing N. Goliad Street, which is not in compliance with the land use conditions required for this land use in the Unified Development Code (UDC). Staff should point out that a similar orientation for a full-service carwash was approved by the Planning and Zoning Commission along N. Goliad Street; however, staff should note that in that case the proposed carwash was [1] situated in a Commercial (C) District with no adjacent residentially zoned or used land, [2] primarily situated behind a standalone structure that served as the point of sale, and [3] that incorporated heavy screening along the SH-205 frontage. In this case, no mitigating measures are being proposed. In addition, staff should point out that due to existing easements along SH-205, increased landscape screening cannot be provided in front of the tunnel in the landscape buffer.

According to Subsection 01.06(A), *Residential Adjacency Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), "(t)he general objectives of residential adjacency standards are to preserve and protect the integrity, enjoyment and property values of residential neighborhoods within the City of Rockwall, through the establishment of standards for certain nonresidential uses that may impact surrounding residential land uses." This section goes on to state that the residential adjacency standards are to be applied to a carwash when it is adjacent to or within 150-feet of a residential district boundary. In this case, the applicant replatted the property (i.e. *Case No. P2020-048*) so that the carwash is more than 150-

feet from the adjacent residential zoning districts (*i.e.* ~152-feet from the Harlan Park Subdivision and ~173-feet from Nebbie Williams Elementary School); however, Subsection 01.06(D)(6)(a) this section of the Unified Development Code (UDC) grants the Planning and Zoning Commission the ability to require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of the proposed land use. Although the subject property is in compliance with the 150-foot distance requirement, staff has requested that the applicant provide additional landscape screening adjacent to the northern and western property lines to provide screening and sound attenuation. Staff should also point out that the applicant has provided staff a noise assessment for the carwash and vacuum bays. With this being said, the determination of if the landscaping is sufficient screening/sound attenuation remains a discretionary decision for the Planning and Zoning Commission and City Council.

With the exception of these items the concept plan appears to meet the design requirements for the General Retail (GR) District. Staff should note that the submitted building elevations do not appear to meet the minimum standards of the N. SH-205 Overlay (N. SH-205 OV) District and will need to be reviewed by the Architectural Review Board (ARB) and Planning and Zoning Commission at the time of site plan.

STAFF ANALYSIS

The intent of the General Retail (GR) District is to provide limited retail and service uses for nearby residential neighborhoods. Development in these areas should not include intensive commercial land uses that carry large volumes of retail traffic. Developments should also be adequately buffered and screened from residential land uses. Since the General Retail (GR) District is located close to residential areas, the development standards are typically more stringent and similar to the Residential-Office (RO) and Neighborhood Services (NS) Districts. All of these districts are intended to create a transition from the adjacent residential neighborhoods to less intense non-residential land uses. According to the *ITE Trip Generation Rates (9th Edition)* a carwash carries around 108 weekday trips, which makes it a medium to low traffic generator; however staff should point out that -- *with the exception of one (1) self-service car wash that was built in 1992 according to the Rockwall Central Appraisal District* -- no other carwashes (*self-service or full-service*) have been constructed in a General Retail (GR) District. The four (4) standalone carwashes (*i.e.* *Horizon Car Wash, Hacienda Car Wash, Speedy Bee Car Wash, and Carmel Car Wash*) are all located within a Commercial (C) District, which allows both a self-service and full-service carwash *by-right*. With all of this being said, any request for a Specific Use Permit (SUP) is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

NOTIFICATIONS

On January 22, 2021, staff mailed 40 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Castle Ridge, Harlan Park, and Rockwall Shores Homeowner's Association (HOA), which are the only Homeowner's Associations (HOA's)/Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received the following:

- (1) Four (4) property owner notifications and one (1) email from property owners within the notification area (*i.e.* *within the 500-foot buffer*) opposed to the applicant's request.
- (2) Two (2) emails from property owners within the Homeowner's Association (HOA) notification area (*i.e.* *within the 1,500-foot buffer*) opposed to the applicant's request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request for a Specific Use Permit (SUP) for a *Self-Service Carwash* on the subject property, then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
 - (a) The *Self-Service Carwash* facility shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance;

- (b) No outside display of merchandise or outside storage (*e.g. ice machine, propane cage, vending machines, and DVD rental kiosk*) shall be allowed on the *subject property*; with the exception of vending machines that are integrated into the façade of the building.
 - (c) Additional landscaping (*i.e. trees and shrubs*) shall be required adjacent to the vacuum bays to provide additional sound attenuation for the residential subdivision north of the *subject property*; and
 - (d) The exit tunnel of the *Self-Service Carwash* facility shall be screened from N. Goliad Street [*i.e. SH-205*] utilizing landscape screening (*e.g. trees, pampas grass, etc.*) and a berm; and,
- (2) Any construction resulting from the approval of this zoning change shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On February 9, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) allowing for a *Self-Service Carwash* subject to the conditions of approval and the following additional recommendations:

- (1) A masonry screening wall a minimum of six (6) feet in height be constructed adjacent to the northern property line of the subject property.
- (2) Three (3) tiered screening (*i.e. small to mid-sized shrubs, large shrubs or accent trees, and canopy trees*) be incorporated in front of the carwash to screen the tunnel and vacuum bays adjacent to the eastern property line of the subject property.

This motion passed by a vote of 5-0, with Commissioners Moeller and Welch absent. Staff has incorporated these recommendations into the draft ordinance for the City Council's consideration.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. _____

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre) ¹
- Preliminary Plat (\$200.00 + \$15.00 Acre) ¹
- Final Plat (\$300.00 + \$20.00 Acre) ¹
- Replat (\$300.00 + \$20.00 Acre) ¹
- Amending or Minor Plat (\$150.00)
- Plat Reinstatement Request (\$100.00)

Site Plan Application Fees:

- Site Plan (\$250.00 + \$20.00 Acre) ¹
- Amended Site Plan/Elevations/Landscaping Plan (\$100.00)

Zoning Application Fees:

- Zoning Change (\$200.00 + \$15.00 Acre) ¹
- Specific Use Permit (\$200.00 + \$15.00 Acre) ¹
- PD Development Plans (\$200.00 + \$15.00 Acre) ¹

Other Application Fees:

- Tree Removal (\$75.00)
- Variance Request (\$100.00)

Notes:

¹ In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

PROPERTY INFORMATION [PLEASE PRINT]

| | | | |
|------------------|--|-------|---|
| Address | To Be Determined | | |
| Subdivision | Dalton Goliad Addition | Lot | 2 |
| | | Block | A |
| General Location | NW Corner of Dalton RD and N Goliad Street (Lot North of Existing Development) | | |

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

| | | | |
|-----------------|--------------------------------|-----------------|----------|
| Current Zoning | General Retail (SH205 Overlay) | Current Use | Vacant |
| Proposed Zoning | General Retail (SH205 Overlay) | Proposed Use | Car Wash |
| Acreage | 0.89 AC | Lots [Current] | 1 |
| | | Lots [Proposed] | 1 |

SITE PLANS AND PLATS: By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

| | | | |
|--------------------------------|----------------------------|------------------------------------|-----------------------------|
| <input type="checkbox"/> Owner | Rockwall 205-552 LLC | <input type="checkbox"/> Applicant | BOING US HOLDCO, INC. |
| Contact Person | Donald L. Silverman | Contact Person | Lisa White |
| Address | 4622 Maple Ave #200 | Address | 6300 S Syracuse Way #205 |
| City, State & Zip | Dallas, TX 75219 | City, State & Zip | Centennial, CO 80111 |
| Phone | 972-980-8807 | Phone | 214-208-0339 |
| E-Mail | DSilverman@MQcompanies.com | E-Mail | Lisawhite@ICWG.com |

NOTARY VERIFICATION [REQUIRED]

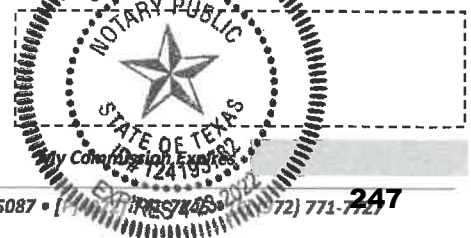
Before me, the undersigned authority, on this day personally appeared Donald L. Silverman [Owner] the undersigned, who stated the information on this application to be true and certified the following:

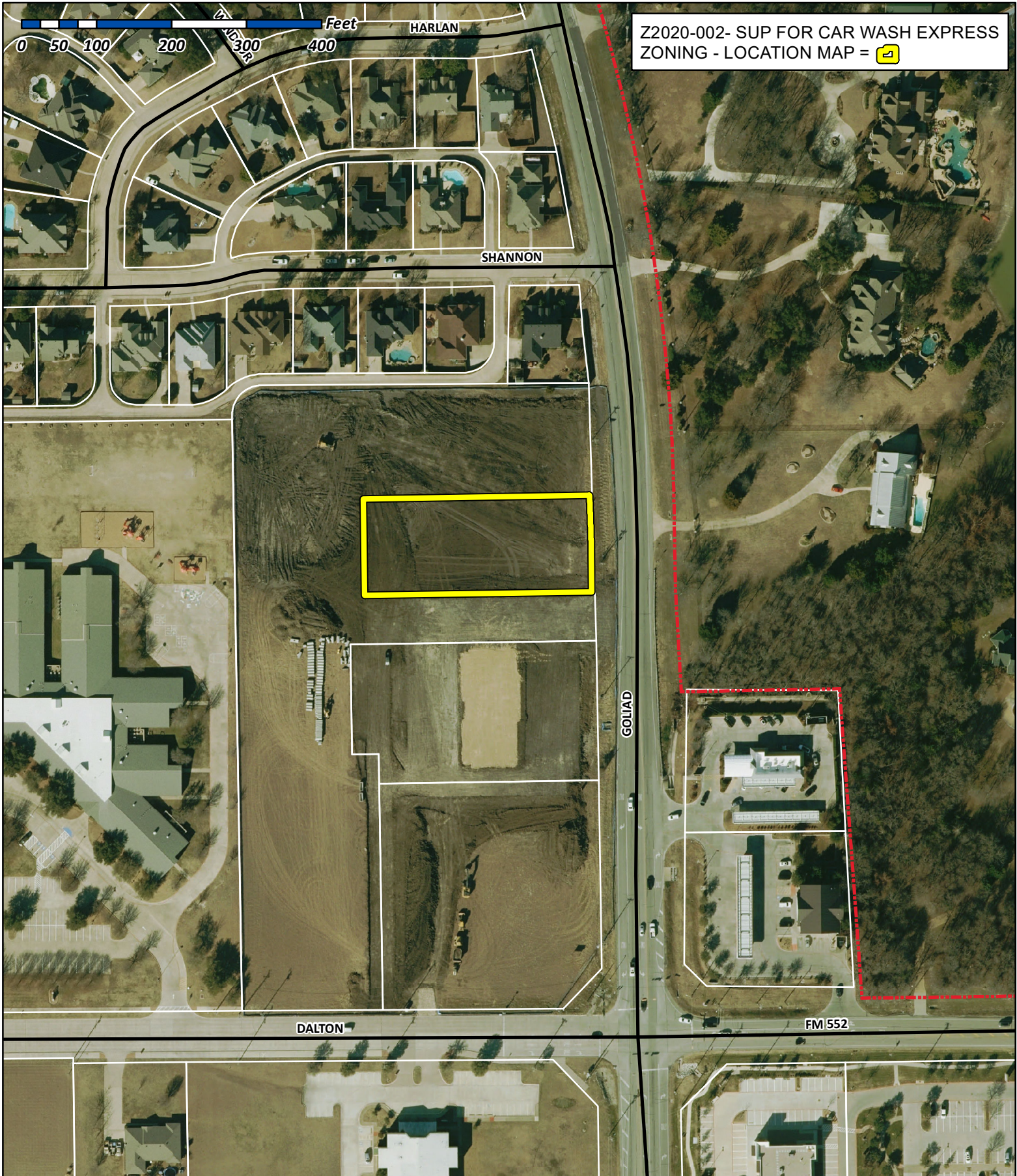
"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ _____, to cover the cost of this application, has been paid to the City of Rockwall on this the 14th day of January, 2021. By signing this application, I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is requested or in response to a request for public information."

Given under my hand and seal of office on this the 14th day of January, 2021.

Owner's Signature _____

Notary Public in and for the State of Texas _____





Z2020-002- SUP FOR CAR WASH EXPRESS
 ZONING - LOCATION MAP = [yellow square 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.

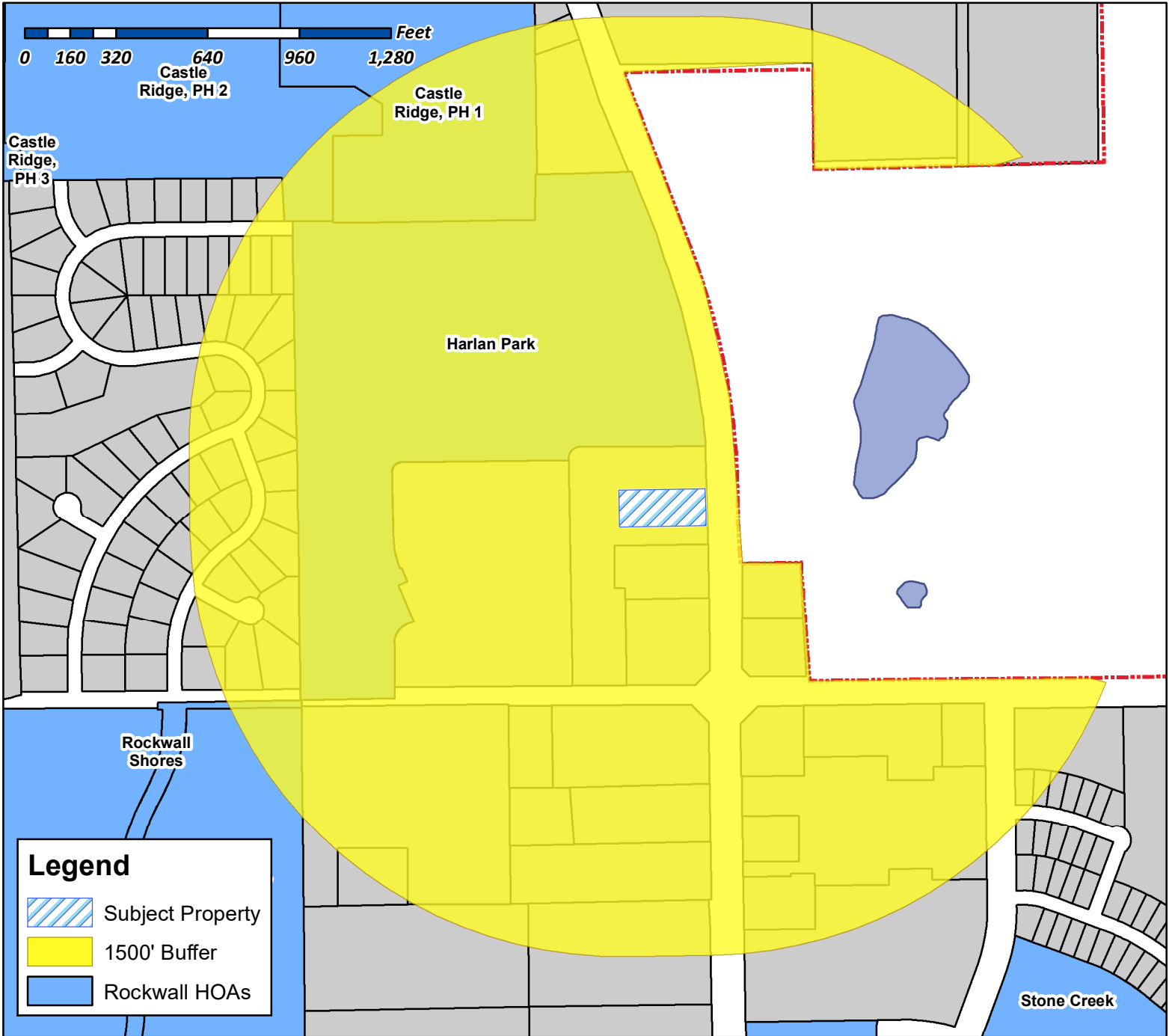
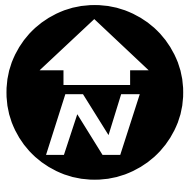




City of Rockwall

Planning & Zoning Department
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Case Number: Z2021-002
Case Name: SUP for Car Wash
Case Type: Zoning
Zoning: General Retail (GR) District
Case Address: 3611 N. Goliad Street

Date Created: 1/19/2021
 For Questions on this Case Call (972) 771-7745



From: [Gamez, Angelica](#)
Cc: [Miller, Ryan](#); [Gonzales, David](#); [Lee, Henry](#)
Subject: Neighborhood Notification Program [Z2021-002]
Date: Friday, January 22, 2021 9:00:06 AM
Attachments: [Public Notice \(01.19.2021\).pdf](#)
[HOA Map Z2021-002.pdf](#)

HOA/Neighborhood Association Representative:

Per your participation in the [Neighborhood Notification Program](#), you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on [January 29, 2021](#). The Planning and Zoning Commission will hold a public hearing on [Tuesday, February 9, 2021 at 6:00 PM](#), and the City Council will hold a public hearing on [Tuesday, February 16, 2021 at 6:00 PM](#). Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to Planning@rockwall.com at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website: <https://sites.google.com/site/rockwallplanning/development/development-cases>.

Z2021-002 SUP for a Full Service Car Wash & Auto Detail

Hold a public hearing to discuss and consider a request by Lisa White of Boing US HoldCo, Inc. on behalf of Donald L. Silverman of Rockwall 205-552, LLC for the approval of a [Specific Use Permit \(SUP\)](#) for Full Service Car Wash and Auto Detail on a 0.89-acre tract of land identified as a portion of Lot 2, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3611 N. Goliad Street [SH-205], and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

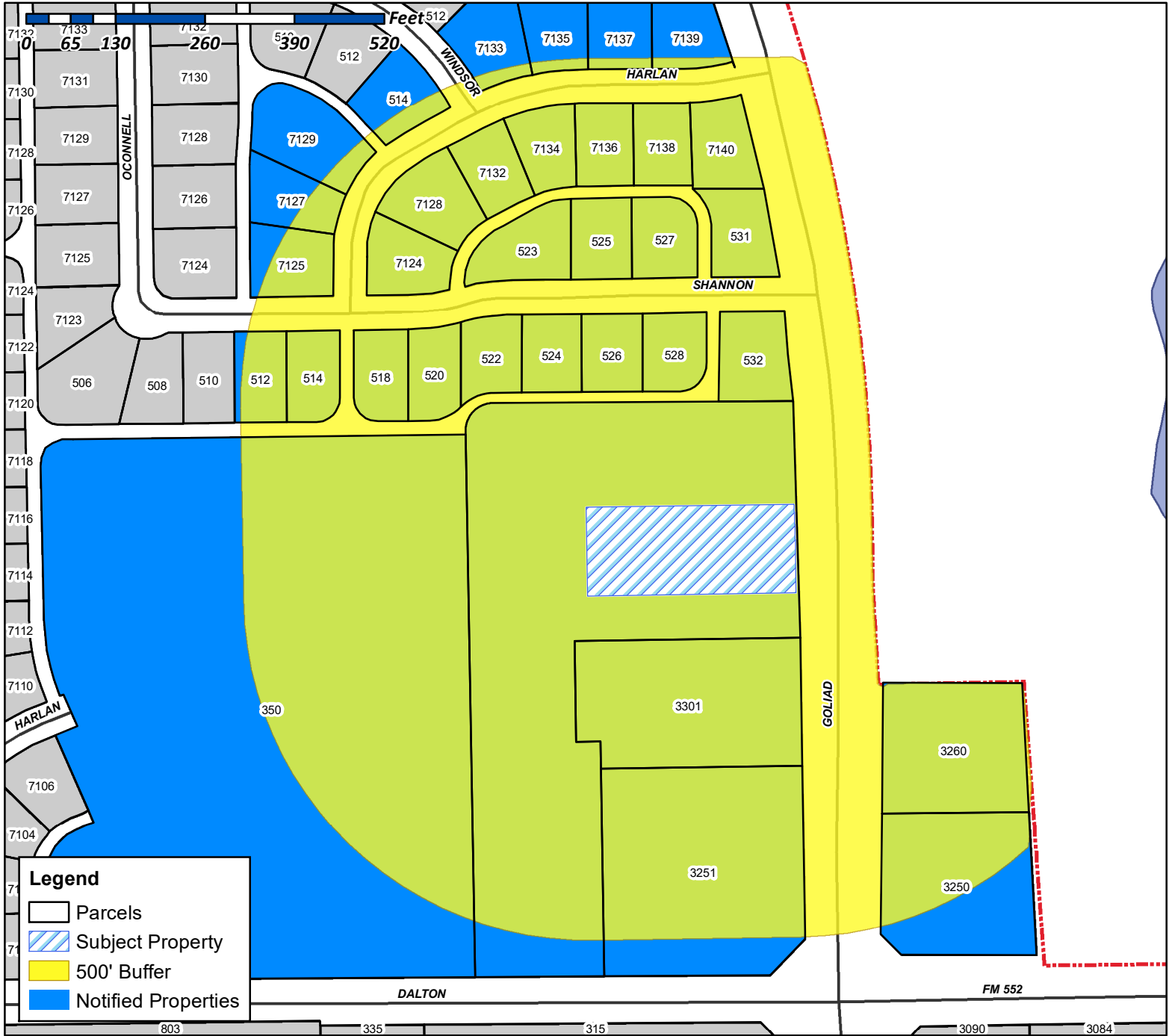
<http://www.rockwall.com/planning/>



City of Rockwall

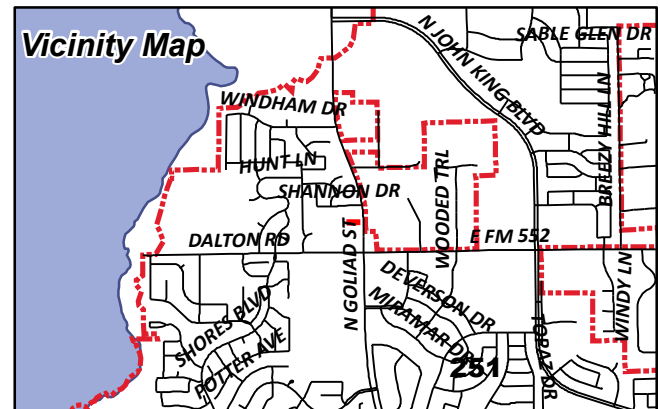
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Rockwall, Texas 75087
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Case Number: Z2021-002
Case Name: SUP for Car Wash
Case Type: Zoning
Zoning: General Retail (GR) District
Case Address: 3611 N. Goliad Street

Date Created: 1/19/2021
For Questions on this Case Call (972) 771-7745



 = RESPONSE RECEIVED

ERVIN RICHARD L
1155 W WALL ST STE 101
GRAPEVINE, TX 76051

ALDI TEXAS LLC
2500 WESTCOURT ROAD
DENTON, TX 76207

DALTON RETAIL LLC
2954 ARBORIDGE COURT
FULLERTON, CA 92835

LIU LIRONG AND FENG XIN
3116 DEEP SPRINGS DR
PLANO, TX 75025

GOLIAD 711 ROCKWALL LLC
SILVER OAK ADVISORS LLC
3250 N GOLIAD
ROCKWALL, TX 75087

ALDI TEXAS LLC
3251 N GOLIAD
ROCKWALL, TX 75087

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3260 N GOLIAD
ROCKWALL, TX 75087

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3301 N GOLIAD
ROCKWALL, TX 75087

ROCKWALL I S D
350 DALTON ROAD
ROCKWALL, TX 75087

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4622 MAPLE AVE SUITE 200
DALLAS, TX 75219

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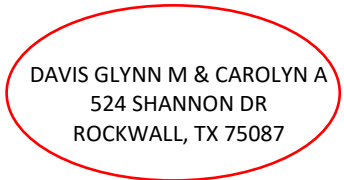
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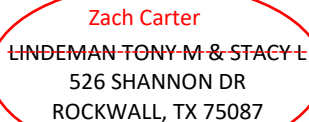
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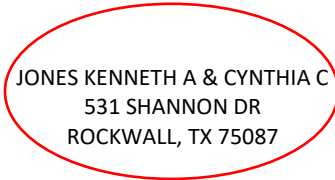
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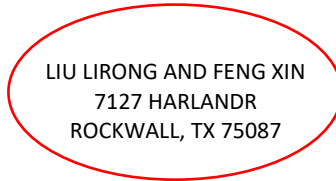
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NEVILLE J & JOHANNA E RUNNELS CO TRUSTEES
7140 HARLAN DRIVE
ROCKWALL, TX 75087

GOLIAD 711 ROCKWALL LLC
SILVER OAK ADVISORS LLC
ATTN GARSON C SOE 1630 RIVIERA AVE
WALNUT CREEK, CA 94596

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2021-002: Specific Use Permit for a Car Wash

Hold a public hearing to discuss and consider a request by Lisa White of Boing US HoldCo, Inc. on behalf of Donald L. Silverman of Rockwall 205-552, LLC for the approval of a Specific Use Permit (SUP) for Full Service Car Wash and Auto Detail on a 0.89-acre tract of land identified as a portion of Lot 2, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3611 N. Goliad Street [SH-205], and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, February 9, 2021 at 6:00 PM, and the City Council will hold a public hearing on Tuesday, February 16, 2021 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

David Gonzales
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Tuesday, February 16, 2021 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

--- PLEASE RETURN THE BELOW FORM ---

Case No. Z2021-002: Specific Use Permit for a Car Wash

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Four horizontal grey bars for providing reasons for support or opposition.

Name: [Grey box]
Address: [Grey box]

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

 = RESPONSE RECEIVED

ERVIN RICHARD L
1155 W WALL ST STE 101
GRAPEVINE, TX 76051

ALDI TEXAS LLC
2500 WESTCOURT ROAD
DENTON, TX 76207

DALTON RETAIL LLC
2954 ARBORIDGE COURT
FULLERTON, CA 92835

LIU LIRONG AND FENG XIN
3116 DEEP SPRINGS DR
PLANO, TX 75025

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3251 N GOLIAD
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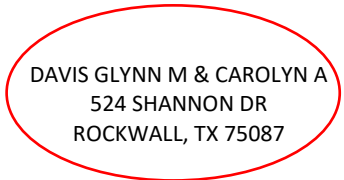
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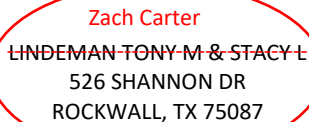
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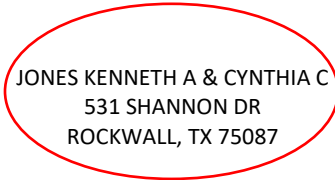
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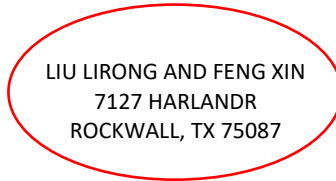
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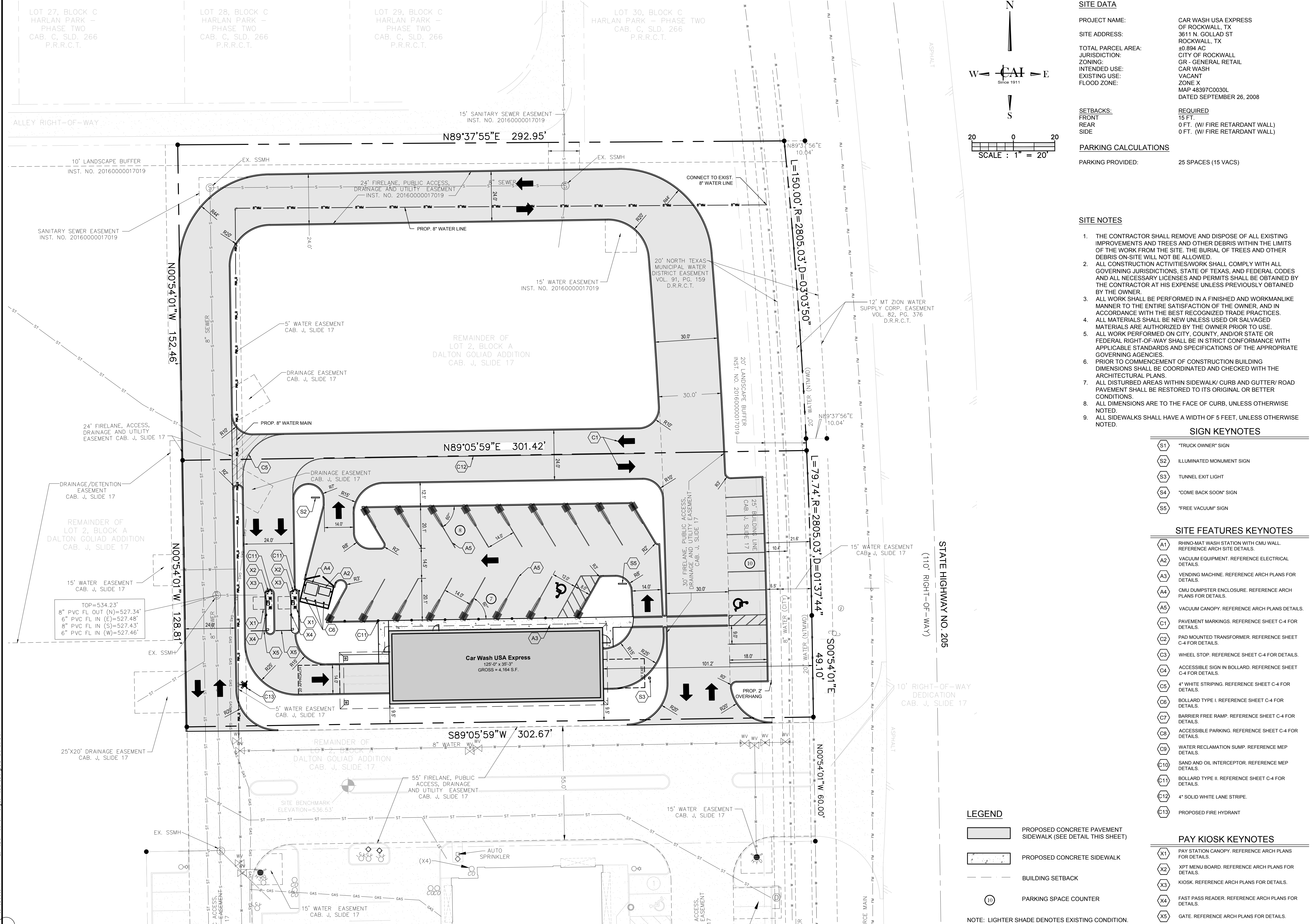
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SILVER OAK ADVISORS LLC
ATTN GARSON C SOE 1630 RIVIERA AVE
WALNUT CREEK, CA 94596



SITE DATA

PROJECT NAME: CAR WASH USA EXPRESS OF ROCKWALL, TX
 SITE ADDRESS: 3611 N. GOLIAD ST ROCKWALL, TX
 TOTAL PARCEL AREA: 40.894 AC
 JURISDICTION: CITY OF ROCKWALL
 ZONING: GR - GENERAL RETAIL
 INTENDED USE: CAR WASH
 EXISTING USE: VACANT
 FLOOD ZONE: ZONE X
 MAP # 48397C0030L
 DATED SEPTEMBER 26, 2008

SETBACKS:
 FRONT: 15 FT.
 REAR: 0 FT. (W/ FIRE RETARDANT WALL)
 SIDE: 0 FT. (W/ FIRE RETARDANT WALL)

PARKING CALCULATIONS
 PARKING PROVIDED: 25 SPACES (15 VACS)

- SITE NOTES**
- THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL EXISTING IMPROVEMENTS AND TREES AND OTHER DEBRIS WITHIN THE LIMITS OF THE WORK FROM THE SITE. THE BURIAL OF TREES AND OTHER DEBRIS ON-SITE WILL NOT BE ALLOWED.
 - ALL CONSTRUCTION ACTIVITIES/WORK SHALL COMPLY WITH ALL GOVERNING JURISDICTIONS, STATE OF TEXAS, AND FEDERAL CODES AND ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE UNLESS PREVIOUSLY OBTAINED BY THE OWNER.
 - ALL WORK SHALL BE PERFORMED IN A FINISHED AND WORKMANLIKE MANNER TO THE ENTIRE SATISFACTION OF THE OWNER, AND IN ACCORDANCE WITH THE BEST RECOGNIZED TRADE PRACTICES. ALL MATERIALS SHALL BE NEW UNLESS USED OR SALVAGED MATERIALS ARE AUTHORIZED BY THE OWNER PRIOR TO USE.
 - ALL WORK PERFORMED ON CITY, COUNTY, AND/OR STATE OR FEDERAL RIGHT-OF-WAY SHALL BE IN STRICT CONFORMANCE WITH APPLICABLE STANDARDS AND SPECIFICATIONS OF THE APPROPRIATE GOVERNING AGENCIES.
 - PRIOR TO COMMENCEMENT OF CONSTRUCTION BUILDING DIMENSIONS SHALL BE COORDINATED AND CHECKED WITH THE ARCHITECTURAL PLANS.
 - ALL DISTURBED AREAS WITHIN SIDEWALK/ CURB AND GUTTER/ ROAD PAVEMENT SHALL BE RESTORED TO ITS ORIGINAL OR BETTER CONDITIONS.
 - ALL DIMENSIONS ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED.
 - ALL SIDEWALKS SHALL HAVE A WIDTH OF 5 FEET, UNLESS OTHERWISE NOTED.

- SIGN KEYNOTES**
- (S1) TRUCK OWNER'S SIGN
 - (S2) ILLUMINATED MONUMENT SIGN
 - (S3) TUNNEL EXIT LIGHT
 - (S4) "COME BACK SOON" SIGN
 - (S5) "FREE VACUUM" SIGN

- SITE FEATURES KEYNOTES**
- (A1) RHINO-MAT WASH STATION WITH CMU WALL. REFERENCE ARCH SITE DETAILS.
 - (A2) VACUUM EQUIPMENT. REFERENCE ELECTRICAL DETAILS.
 - (A3) VENDING MACHINE. REFERENCE ARCH PLANS FOR DETAILS.
 - (A4) CMU DUMPSTER ENCLOSURE. REFERENCE ARCH PLANS FOR DETAILS.
 - (A5) VACUUM CANOPY. REFERENCE ARCH PLANS DETAILS.
 - (C1) PAVEMENT MARKINGS. REFERENCE SHEET C-4 FOR DETAILS.
 - (C2) PAD MOUNTED TRANSFORMER. REFERENCE SHEET C-4 FOR DETAILS.
 - (C3) WHEEL STOP. REFERENCE SHEET C-4 FOR DETAILS.
 - (C4) ACCESSIBLE SIGN IN BOLLARD. REFERENCE SHEET C-4 FOR DETAILS.
 - (C5) 4" WHITE STRIPING. REFERENCE SHEET C-4 FOR DETAILS.
 - (C6) BOLLARD TYPE I. REFERENCE SHEET C-4 FOR DETAILS.
 - (C7) BARRIER FREE RAMP. REFERENCE SHEET C-4 FOR DETAILS.
 - (C8) ACCESSIBLE PARKING. REFERENCE SHEET C-4 FOR DETAILS.
 - (C9) WATER RECLAMATION SUMP. REFERENCE MEP DETAILS.
 - (C10) SAND AND OIL INTERCEPTOR. REFERENCE MEP DETAILS.
 - (C11) BOLLARD TYPE II. REFERENCE SHEET C-4 FOR DETAILS.
 - (C12) 4" SOLID WHITE LANE STRIPE.
 - (C13) PROPOSED FIRE HYDRANT

- PAY KIOSK KEYNOTES**
- (X1) PAY STATION CANOPY. REFERENCE ARCH PLANS FOR DETAILS.
 - (X2) XPT MENU BOARD. REFERENCE ARCH PLANS FOR DETAILS.
 - (X3) KIOSK. REFERENCE ARCH PLANS FOR DETAILS.
 - (X4) FAST PASS READER. REFERENCE ARCH PLANS FOR DETAILS.
 - (X5) GATE. REFERENCE ARCH PLANS FOR DETAILS.

LEGEND

- PROPOSED CONCRETE PAVEMENT SIDEWALK (SEE DETAIL THIS SHEET)
- PROPOSED CONCRETE SIDEWALK
- BUILDING SETBACK
- PARKING SPACE COUNTER

NOTE: LIGHTER SHADE DENOTES EXISTING CONDITION.

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 EMAIL: LISAWHITE@BOING.COM
 TEL: (314) 208-0339

| NO. | REVISION | DATE |
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CAR WASH USA EXPRESS
 3611 N. GOLIAD STREET
 ROCKWALL, TX 75087

STATE OF TEXAS
 TREVOR STUBBS
 138964
 LICENSED PROFESSIONAL ENGINEER

TREVOR STUBBS, P.E.
 TX LIC. NO. 138964
 CARTER ASSOCIATES, INC.
 COA 205 / LB 205

DATE: 2/1/21
 PROJ. #: 20-419 E
 DRAWN BY: TGS
 DATUM: SEE SURVEY
 REF. #: SEE SURVEY
 F.B. & PG.: SEE SURVEY

SHEET TITLE:
SITE PLAN

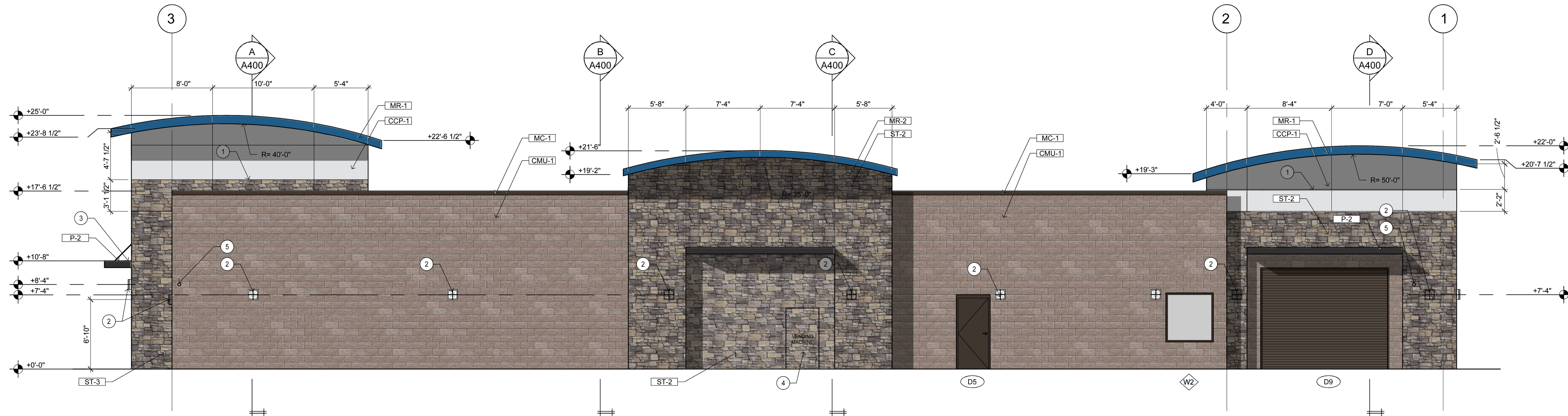
SHEET
C-3

DWG. NO:

Feb. 1, 21, 1:33 PM P:\20-419 E\DWG\20-419 E\20-419 E.dwg Site Plan, Keith Brown



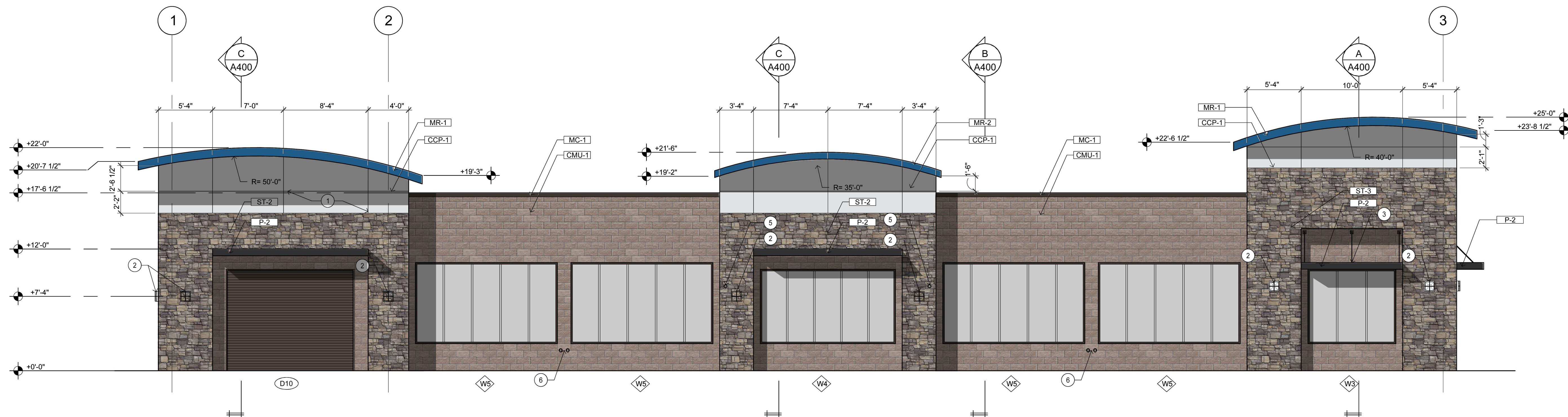
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| XX-XX-XX | | 6 X |



NORTH ELEVATION

1

3/16" = 1'-0"



SOUTH ELEVATION

2

3/16" = 1'-0"

TAKE 5 CAR WASH

NORTH GOLIAD STREET
ROCKWALL, TX

ARCHITECT:

NEPTUNE
DESIGN STUDIO

ENGINEER:

STAMPS

EXTERIOR MATERIAL AND FINISH SCHEDULE

| MARK | DESCRIPTION | MANUFACTURER | MODEL/STYLE | SIZE | COLOR | FINISH | REMARKS |
|-------|------------------------------------|------------------------------|-----------------|-----------|-------------------------------------|-------------|--|
| CMU-1 | CONCRETE MASONRY UNIT | ESHELON | SPLIT FACE | 8X8X16 | APACHE BROWN | - | REFER TO STRUCTURAL FOR MATERIAL SPECIFICATIONS |
| CCP-1 | COMMERCIAL CEMENT PLASTER (STUCCO) | LAHABRA PAREX USA | - | - | - | P-1 SAND | |
| MR-1 | METAL ROOFING | FIRESTONE | UNA-CLAD | - | ELECTRIC BLUE | - | |
| MR-2 | METAL ROOFING (ARCHED COPING) | FIRESTONE | UNA-CLAD | - | ELECTRIC BLUE | - | |
| MP-1 | METAL PANEL(SOFFIT) | FIRESTONE | UNA-CLAD UC-501 | - | ELECTRIC BLUE | - | |
| MC-1 | METAL COPING | METAL-ERA | PERMA-TITE | - | DARK BRONZE | - | TAPERED |
| P-1 | EXTERIOR PAINT | SHERWIN WILLIAMS | PER SUBSTRATE | - | SW6539 SOOTHING WHITE | SEE REMARKS | WALLS: PAINT SPECIFICATIONS #1 |
| P-2 | EXTERIOR PAINT | SHERWIN WILLIAMS | PER SUBSTRATE | - | SW6991 BLACK MAGIC | SEE REMARKS | CANPOIES: PAINT SPECIFICATION #5 DOORS AND FRAMES: PAINT SPECIFICATION #5 |
| F-1 | SHADE FABRIC - VACUUM ARCHES | POLYFAB | COMTEX | - | 865227 RED | - | RESPONSIBILITY |
| PC-1 | POWDER COAT - VACUUM ARCHES | CARDINAL PAINTS VIA VACUTECH | - | - | SILVER METAL LIC 30 GLOSS T353-GR06 | - | FACTORY POWDER COATED |
| PC-2 | POWDER COAT - TSS CANOPY | TSS | - | - | BLUE | - | FACTORY POWDER COATED |
| H-1 | VACUUM HOSE | VACUTECH | - | - | RED | - | |
| ST-1 | STONE WALL CAP | MODERN PRE-CAST | FLAT COPING | 8" | CHARCOAL | - | |
| ST-2 | CULTURED STONE | ELDO RADO | LUCERA | VARIABLES | TAN/STONE | - | |
| ST-3 | NATURAL STONE | TBD | TBD | 12" | NATURAL | - | |

REFER TO SHEET A803 FOR FINISH SPECIFICATIONS

EXTERIOR FINISHES

N.T.S.

KEYNOTES

- 1 COMMERCIAL CEMENT PLASTER CONTROL JOINT, TYPICAL.
- 2 EXTERIOR LIGHT FIXTURE "W". REFER TO E500 FOR LIGHT FIXTURE SCHEDULE.
- 3 PAINTED STEEL CANOPY.
- 4 VENDING MACHINE. FURNISHED AND INSTALLED BY OWNER'S CONTRACTOR. REFER TO ELECTRICAL FOR POWER AND DATA REQUIREMENTS.
- 5 SECURITY CAMERA. FURNISHED AND INSTALLED BY OWNER'S CONTRACTOR. REFER TO E301 FOR CONDUIT REQUIREMENTS
- 6 ROOF DRAIN LEADER AND OVERFLOW OUTLETS

GENERAL NOTES

- A. CONTRACTOR TO COORDINATE WITH FIRE MARSHALL FOR REQUIREMENTS OF ADDRESS NUMBER.
- B. BUILDING SIGNAGE UNDER SEPARATE PERMIT. CONTRACTOR TO OBTAIN FINAL SIGNAGE DRAWINGS FOR CONFIRMATION OF ELECTRICAL ROUGH-IN PRIOR TO THE COMMENCEMENT OF WORK. SEE ELECTRICAL.
- C. REFER TO E301 FOR SECURITY PLAN. COORDINATE FINAL LOCATIONS OF CAMERAS WITH THE OWNER PRIOR TO THE COMMENCEMENT OF WORK.
- G. UNLESS NOTED OTHERWISE, MASONRY CONTROL JOINTS SHALL BE LOCATED SUCH THAT NO STRAIGHT RUN OF MASONRY WALL EXCEEDS 24'-0". REFER TO GENERAL STRUCTURAL NOTES ON S100.
- F. REFER TO DOOR AND WINDOW SCHEDULE ON A802 FOR DOOR AND FRAME FINISHES AND WINDOW GLASS TYPE AND FRAME FINISHES.

SHEET TITLE

EXTERIOR ELEVATIONS

PROJECT NUMBER
20-018

DATE 01.14.2021
SCALE AS NOTED
DRAWN TMS
CHECKED JDE
SHEET NO

A300



| DATE | DESCRIPTION | DELTA |
|----------|-------------|-------|
| XX-XX-XX | 1 X | |
| XX-XX-XX | 2 X | |
| XX-XX-XX | 3 X | |
| XX-XX-XX | 4 X | |
| XX-XX-XX | 5 X | |
| XX-XX-XX | 6 X | |

TAKE 5 CAR WASH

NORTH GOLIAD STREET
ROCKWALL, TX

ARCHITECT:

NEPTUNE
DESIGN STUDIO

ENGINEER:

STAMPS

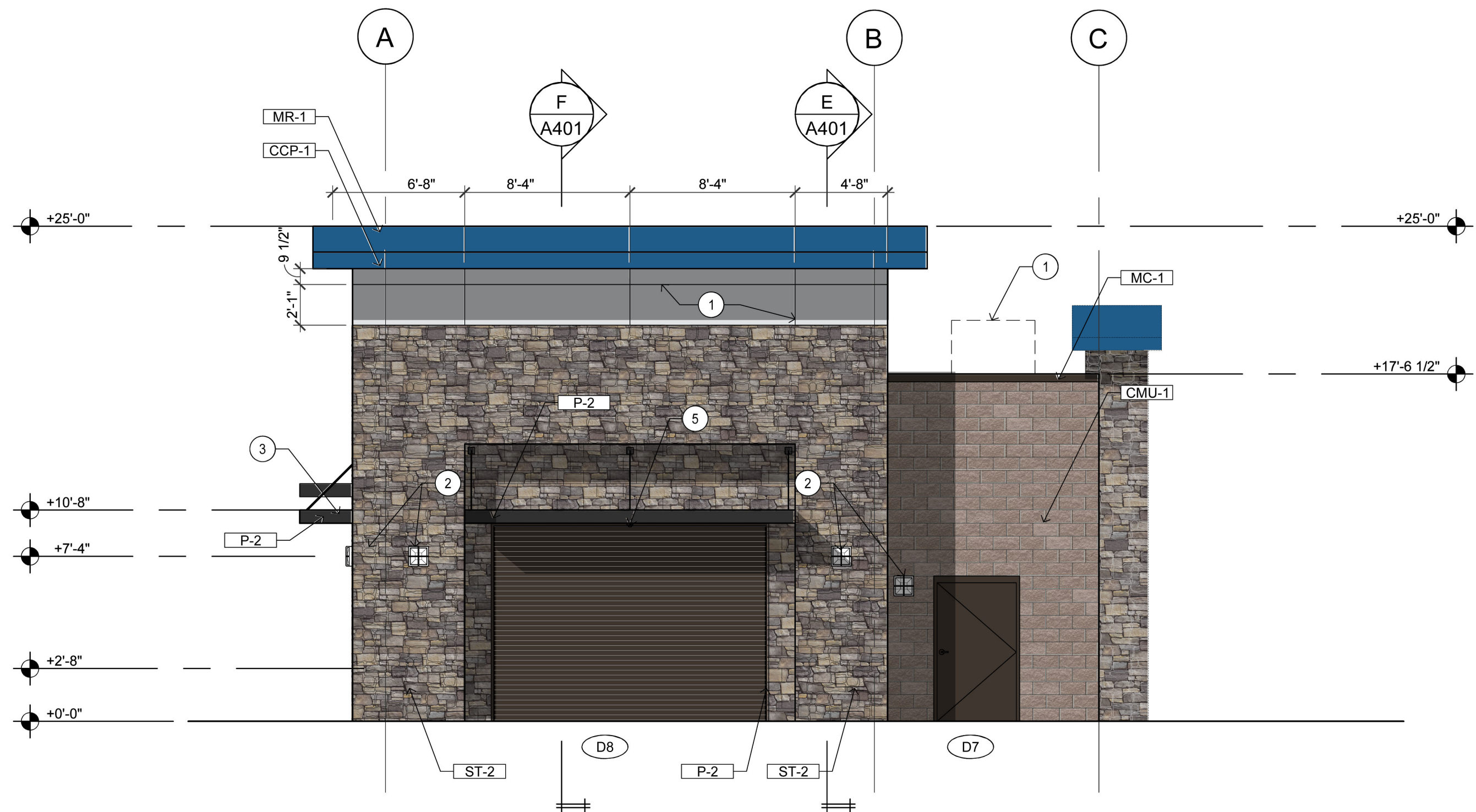
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EXTERIOR ELEVATIONS

PROJECT NUMBER
20-018

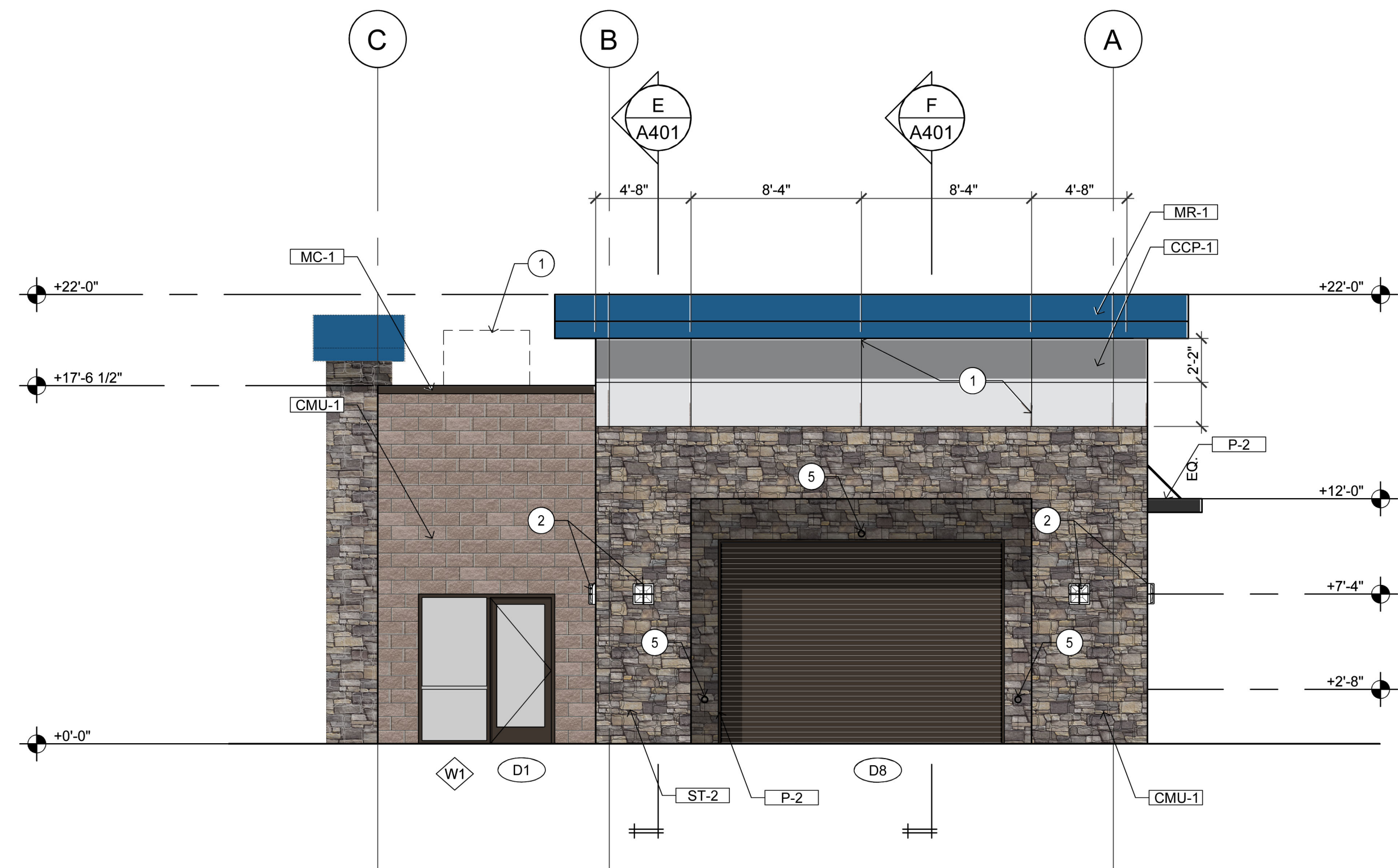
DATE: 01.14.2021
SCALE: AS NOTED
DRAWN: TMS
CHECKED: JDE
SHEET NO:

A301



WEST ELEVATION
3/16" = 1'-0"

4



EAST ELEVATION
3/16" = 1'-0"

3

EXTERIOR MATERIAL AND FINISH SCHEDULE

| MARK | DESCRIPTION | MANUFACTURER | MODEL/STYLE | SIZE | COLOR | FINISH | REMARKS |
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| MR-2 | METAL ROOFING (ARCHED COPING) | FIRESTONE | UNA-CLAD | - | ELECTRIC BLUE | - | |
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| H-1 | VACUUM HOSE | VACUTECH | - | - | RED | - | |
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REFER TO SHEET A803 FOR FINISH SPECIFICATIONS

EXTERIOR FINISHES

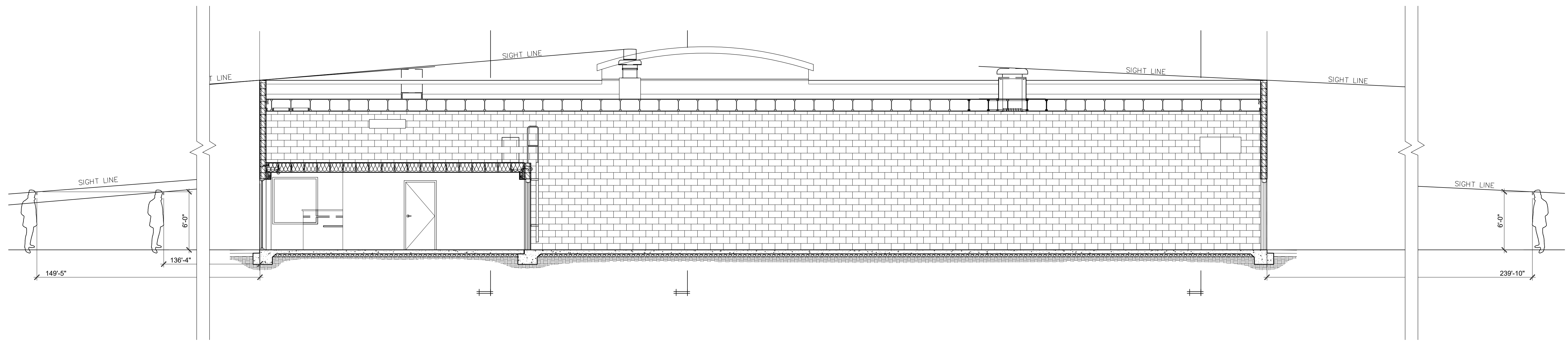
N.T.S

KEYNOTES

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- 4 VENDING MACHINE. FURNISHED AND INSTALLED BY OWNER'S CONTRACTOR. REFER TO ELECTRICAL FOR POWER AND DATA REQUIREMENTS.
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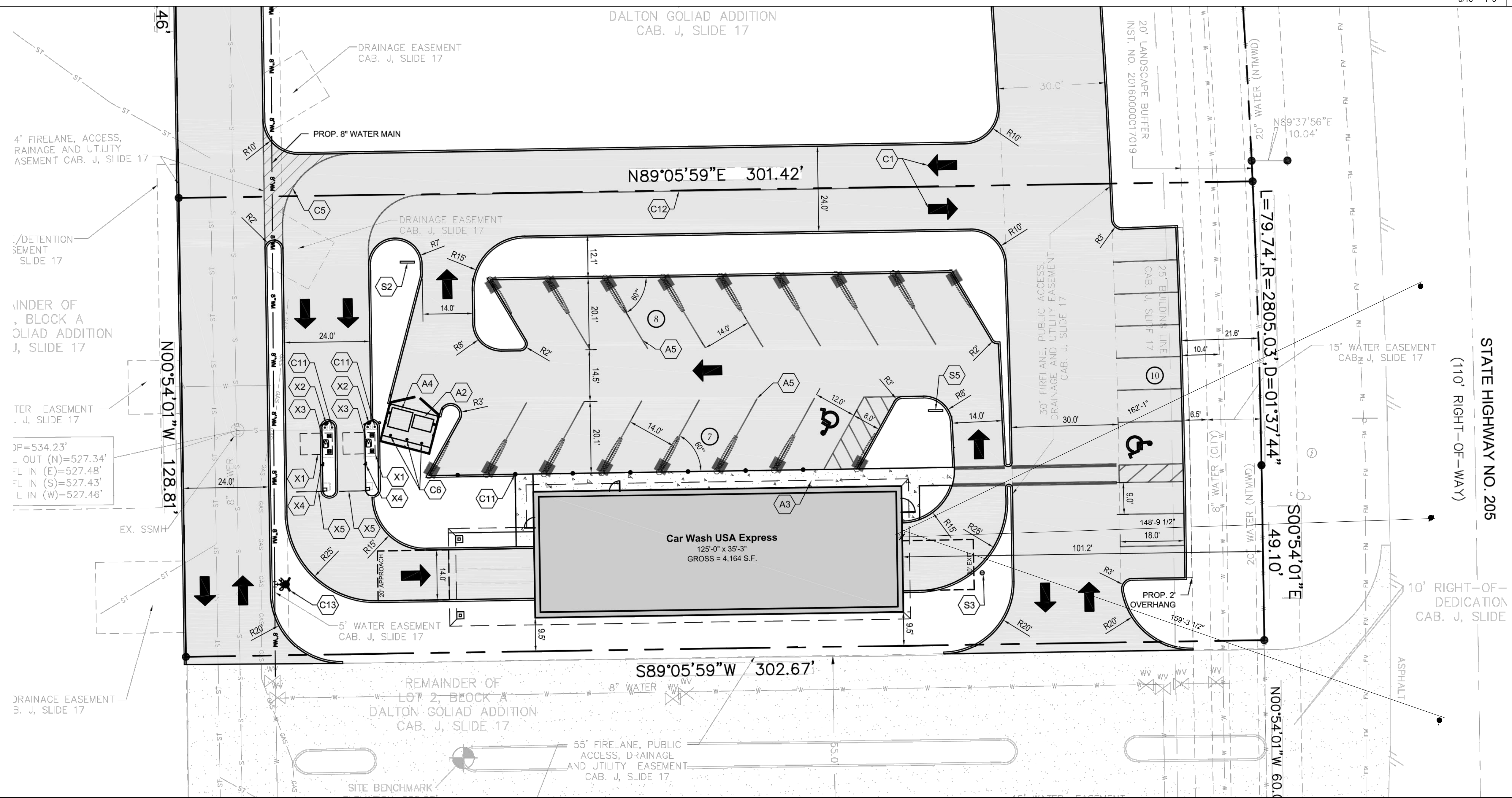
GENERAL NOTES

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SIGHT LINE STUDY
3/16" = 1'-0"

1



SIGHT LINE STUDY
3/16" = 1'-0"

2



| DATE | DESCRIPTION | DELTA |
|----------|-------------|-------|
| XX-XX-XX | | 1 X |
| XX-XX-XX | | 2 X |
| XX-XX-XX | | 3 X |
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| XX-XX-XX | | 5 X |
| XX-XX-XX | | 6 X |

TAKE 5 CAR WASH

NORTH GOLIAD STREET
ROCKWALL, TX

ARCHITECT:
NEPTUNE
DESIGN STUDIO

ENGINEER:

STAMPS

SHEET TITLE
EXTERIOR ELEVATIONS

PROJECT NUMBER
20-018

DATE: 01.14.2021
SCALE: AS NOTED
DRAWN: TMS
CHECKED: JDE
SHEET NO:

A300A



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March 11, 2008

Reference: BAEN00286072B

Mr. Bob MacNeil
MacNeil Wash Systems
423 Welham Road,
Barrie, Ontario L4N 8Y4

**Noise Assessment – Car Wash System
623 Yonge Street / Big Bay Point Road
Barrie, Ontario**

Dear Mr. MacNeil:

1. Introduction

At the request of PetroCanada and MacNeil Wash Systems (MacNeil), Trow Associates Inc. (Trow) performed a noise assessment of the car wash system located at 623 Yonge Street junction with Big Bay Point Road in Barrie, Ontario. The assessment was performed on August 27, 2007.

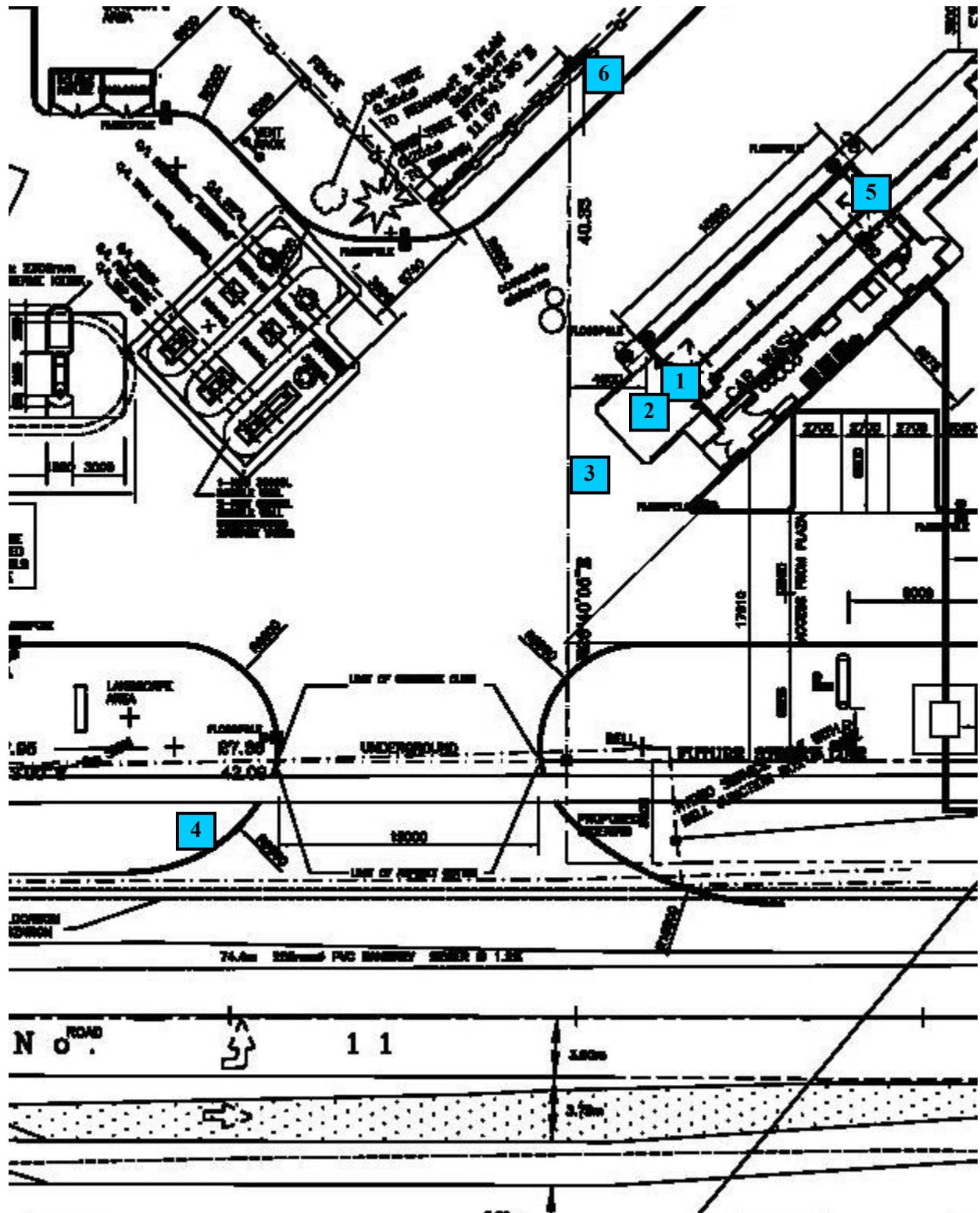
Trow understands that the assessment is required to compare a car wash system using standard dryer fans with a system equipped with MacNeil dryer fans. The assessment protocol evaluated the total noise (dBA weighting) at the site with the car wash system dryer and conveyor components running and heat saver doors open. Measurements were also collected with the car wash system shut down to assess the level of background noise at the site.

2. Equipment and Assessment Protocol

Sound pressure level was measured by a Quest 2900 Integrating Sound Level Meter (S/N CDF04002). Measurement of total noise was made using dBA weighting.

The microphone was positioned in an upright position, 1 m above ground level for all measurements. Measurements were collected from locations in front of the exit to the car wash at distance of 0 m (Location 1), 4.6 m (Location 2), 9.1 m (Location 3), and 36.6 m (Location 4). Additional measurements were made at the entrance to the car wash (Location 5) and at 90° to the car wash system at the fence line of the property (Location 6). Monitoring locations are shown in Figure 1.

Figure 1: Monitoring Locations



1 Noise Measurement Location

The car wash was closed to commercial traffic throughout the monitoring period. The adjacent PetroCanada gas bar was in operation during the measurement period, resulting in commercial traffic using the roadway directly in front of the exit to the car wash (see Appendix 1: Site Plan).

Extraneous noise sources at neighbouring facilities were outside the control of PetroCanada, MacNeil and Trow. Trow considers that the primary source of extraneous noise was due to road traffic on Yonge Street. The impact of noise arising from traffic on Yonge Street was assessed by conducting a limited traffic survey immediately following completion of noise measurements. Data from the traffic survey has been interpreted using the Ontario Road Noise Analysis Method for Environment and Transportation (ORNAMENT) developed by the Ontario MOE.

3. Background Noise Assessment

Trow’s traffic survey indicated the following traffic volumes on Yonge Street to the south-east of the junction between Yonge Street and Big Bay Point Road in Barrie:

Table 1: Traffic Survey Data

| Vehicle Type | Vehicle Count (14:20 – 14:40) | Vehicle Volume (vehicles / hour) | Vehicle Percentage by Type | Truck Type Percentage |
|--------------|----------------------------------|-------------------------------------|-------------------------------|--------------------------|
| Cars | 350 | 1050 | 94 | - |
| Light Trucks | 4 | 12 | 1 | 17 |
| Heavy Trucks | 19 | 57 | 5 | 83 |

The anticipated background noise level arising from Yonge Street at each noise monitoring location was assessed using ORNAMENT. Basing calculations on the posted speed limit of 50 km/hr; an hourly traffic volume of 1000 vehicles / hour (closest ORNAMENT category to actual vehicle volume); 6% truck volume; 12.5% medium trucks (closest ORNAMENT category to actual truck percentage); and, noise attenuation due only to distance from source for a reflective surface:

Table 2: Calculated Background Noise at Monitoring Locations due to Yonge Street Traffic

| Location ID | Distance from Source (m) | Calculated Background Noise (dBA) |
|-------------|--------------------------|-----------------------------------|
| 1 | 40.5 | 64.2 |
| 2 | 38.5 | 64.2 |
| 3 | 36.0 | 64.2 |
| 4 | 15.0 | 68.5 |
| 5 | 52.0 | 63.3 |
| 6 | 58.0 | 62.5 |

4. Monitoring Results

Equivalent noise levels (L_{eq}) and peak noise levels at each monitoring location under specified conditions are provided in tabular form below.

Table 3: Noise Monitoring Results

| Time | Location | Conditions | Leq (dBA) | Peak (dBC) |
|---------------|----------|--|-----------|------------|
| 11:24 – 11:44 | 2 | Background, Dryer off | 63.0 | 98.4 |
| 11:45 – 12:05 | 3 | Background, Dryer off | 62.2 | 101.2 |
| 12:06 – 12:26 | 4 | Background, Dryer off | 68.1 | 104.6 |
| 12:32 – 12:52 | 2 | Dryer and conveyor on, heat saver doors open | 80.8 | 102.0 |
| 12:55 – 13:15 | 3 | Dryer and conveyor on, heat saver doors open | 73.2 | 101.7 |
| 13:17 – 13:37 | 4 | Dryer and conveyor on, heat saver doors open | 68.4 | 101.8 |
| 13:38 – 13:43 | 1 | Dryer and conveyor on, heat saver doors open | 92.1 | 109.8 |
| 13:44 – 13:49 | 5 | Dryer and conveyor on, heat saver doors open | 87.8 | 106.5 |
| 13:50 – 13:55 | 6 | Dryer and conveyor on, heat saver doors open | 58.5 | 91.7 |
| 13:58 – 14:04 | 6 | Dryer on, heat saver & overhead doors closed | 55.7 | 91.5 |
| 14:05 – 14:09 | 6 | Background, Dryer off | 56.9 | 91.7 |

5. Predicted Impact of Noise Arising from Car Wash

The theoretical impact of sound at a receptor arising from a distant source can be calculated following procedures detailed in CSA Z107.55 Recommended Practice for the Prediction of Sound Levels Received at a Distance from an Industrial Plant. The standard recommends that sound levels be predicted using the following equation:

$$L_p = L_w + DI - DIS - A - \Delta$$

Where: L_p = Sound pressure level at receiving location

L_w = Source sound power level

DI = Directivity Index

DIS = Effect of geometric spreading

A = Atmospheric absorption

Δ = Barrier effect

There are presently no barriers between the exit of the car wash and Yonge Street and the distance is small (<100 m); the impact of atmospheric absorption and the barrier effect are therefore considered negligible. Taking the sound pressure level reading of 92.1 dBA at the entrance to the car wash as equivalent to the source sound power level (L_w) and the sound to have a quarter sphere radiation pattern due to the surface configuration of car wash exit intersecting with the ground gives the following calculation of predicted sound level at Monitoring Locations 2 – 4:

Table 4: Predicted Sound Levels

| Receptor Location | L_w | DI | DIS | L_p | Leq |
|-------------------|-------|----|------|-------|------|
| 2 | 92.1 | 6 | 21.2 | 76.9 | 80.8 |
| 3 | 92.1 | 6 | 27.2 | 70.9 | 73.2 |
| 4 | 92.1 | 6 | 39.3 | 58.8 | 68.4 |

6. Discussion

The measured background noise level at Monitoring Location 4 (68.1 dBA), the closest location to Yonge Street is in good agreement with the value predicted by ORNAMENT (68.5 dBA) using the traffic survey data obtained immediately following noise measurements. The measured background levels of 63.0 and 62.2 dBA at Monitoring Locations 2 and 3 respectively (between the car wash exit and Yonge Street) are also in good agreement with the predicted value of 64.2 dBA for both locations. In contrast, the measured background noise level of 56.9 dBA at Monitoring Location 6 (adjacent to the property line to the north west of the car wash) is significantly lower than the predicted value of 62.5 dBA. The lower measured value suggests that the car wash shields the property line from noise arising from a segment of Yonge Street.

The measured sound levels of 80.8 and 73.2 dBA at Monitoring Locations 2 and 3 respectively are in reasonable agreement with the predicted values of 76.9 and 70.9 dBA respectively. The observed differences may be due to impact of background noise, underestimation of the source power level, and / or underestimation of the directivity index. The car wash design may be expected to give rise to a greater directivity index than predicted.

The measured sound level of 68.4 dBA at Monitoring Location 4 is significantly greater than the predicted value of 58.8 dBA, but consistent with the predicted and measured sound level due to road traffic on Yonge Street indicating that road traffic is the dominant noise source at this location.

The measured sound level at the car wash entrance of 87.8 dBA is below that at the exit (92.1 dBA) as anticipated given that the dryers, considered to be a primary noise source, are located towards the exit of the car wash. The sound level is however significant indicating a strong directivity index at the entrance as well as at the exit of the car wash.

The measured sound level (58.5 dBA) at Monitoring Location 6, at the property line to the north west of the car wash, is greater than the measured background sound level (56.9 dBA) but below the predicted background sound level (62.5 dBA) due to road traffic on Yonge Street. The results suggest that the reduction of noise level due to the screening of road traffic more than off-sets the noise arising from operation of the car wash.

7. Conclusions

The noise emissions from the car wash located on the PetroCanada facility at the junction of Yonge Street and Big Bay Point Road in Barrie have a strong directivity index away from both the entrance and exit of the car wash. Noise levels are highest at the car wash exit however the impact on receptors in the direction of the exit is limited due to high background sound levels arising from road traffic on Yonge Street.

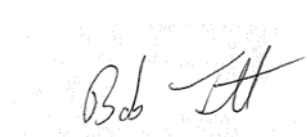
Potential impact on receptors located towards the car wash entrance were not within the scope of this assessment but may be greater than on receptors towards the car wash exit due to the relative impact of Yonge Street road traffic noise.

The car wash provides a net reduction in noise impact at the monitoring location situated at the property line to the north west of the car wash with shielding of road traffic noise more than off-setting the noise arising from operation of the car wash.

We trust the aforementioned meets your immediate requirements.

Yours truly,

Trow Associates Inc.



Bob Jowett, B.Sc., C.E.P.I.T.
Environmental Scientist
Environmental Division



Ron Taylor, M.Sc., C. Chem.
Senior Project Manager
Environmental Division

Since 1957

1595 Clark Boulevard
Brampton, ON
L6T 4V1

Tel: (905) 793-9800
Fax: (905) 793-0641

July 25, 2007

Reference: BAEN00286072A

Mr. Bob MacNeil
MacNeil Wash Systems
423 Welham Road,
Barrie, Ontario L4N 8Y4

**Noise Assessment – 10 & 15 HP Fans
423 Welham Road
Barrie, Ontario**

Buildings

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Dear Mr. MacNeil:

1. Introduction

At the request of MacNeil Wash Systems (MacNeil), Trow Associates Inc. (Trow) performed a noise assessment of 10 HP and 15 HP car wash dryer fans at 423 Welham Road located in Barrie, Ontario. The assessment was performed on July 6, 10, and 13, 2007.

Trow understands that MacNeil develops and manufactures car wash systems and required a noise assessment of dryer fans to assess impact of baffle and foam insulation on noise produced by the fans. The assessment protocol evaluated the frequency distribution of noise and total noise (A weighting) produced by the fans under client defined operating conditions.

2. Equipment and Assessment Protocol

Noise produced by the fans was measured by a Quest 2900 Integrating Sound Level Meter (S/N CDC030016) equipped with a Quest OB300 filter for measurement of frequency distribution. Measurement of total noise was made using dBA weighting and frequency measurements were made using dB Linear weighting.

The microphone was positioned in an upright position, 1 m above ground level for all measurements. Measurements were made within the MacNeil Wash Systems research and development facility located at 423 Welham Road. Fan location was in the centre of the facility, as far as practicable from all noise reflective surfaces. Extraneous noise within the facility was kept to a minimum during measurement activities. Extraneous noise sources at neighbouring facilities were outside the control of MacNeil and Trow, however Trow considers that such sources generally made minimal contribution to recorded noise values. In instances where

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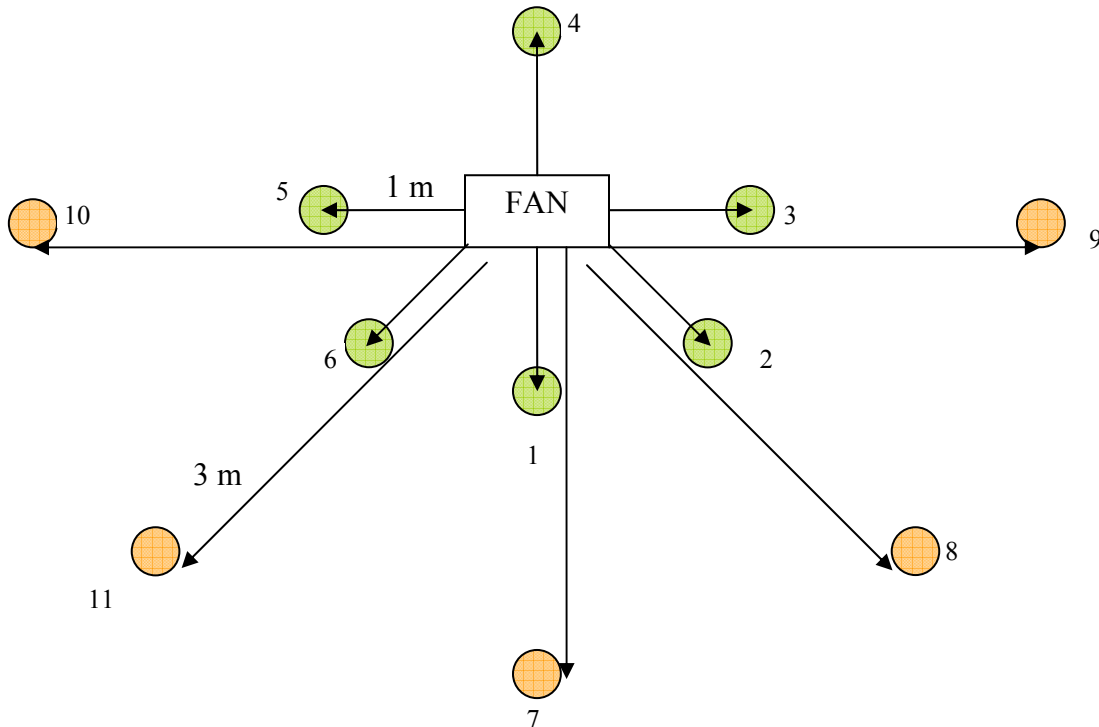
*One Company.
One Contact.
One Stop.*



measurements may have been impacted by extraneous noise sources data has been highlighted. Trow recommends caution when evaluating highlighted data.

Measurements were made in a semi-circle to the front of each fan at distances of 1 m and 3m, with an additional measurement point located 1 m directly behind the fans. See Figure 1 below for measurement locations:

Figure 1. Noise Measuring Point Locations



Measurements of noise produced by 10 HP and 15 HP fans were made under the following operating conditions:

- No attenuation device fitted
- Baffle fitted (no foam), maximum air flow
- Baffle fitted (no foam), minimum air flow
- Baffle with foam insulation fitted, maximum air flow
- Baffle with foam insulation fitted, minimum air flow

Results

Equivalent noise levels (L_{eq}) for each measurement period are provided in tabular form below. Bar charts of significant data are also provided to facilitate evaluation of the impact of noise attenuation due to installation of the baffle, operation of fans at reduced air flow, and installation of foam insulation within the baffle.

Table 1. – Noise Produced by 10 HP Fan with No Attenuation

| Measurement Station | Leq (dBA) | Leq 16k Hz (dBL) | Leq 8k Hz (dBL) | Leq 4k Hz (dBL) | Leq 2k Hz (dBL) | Leq 1k Hz (dBL) | Leq 500 Hz (dBL) | Leq 250 Hz (dBL) | Leq 125 Hz (dBL) | Leq 63 Hz (dBL) | Leq 31.5 Hz (dBL) | Leq 16 Hz (dBL) |
|---------------------|-----------|------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|-----------------|-------------------|-----------------|
| 1 | 92.2 | 65.8 | 76.1 | 82.3 | 84.4 | 86.1 | 91.3 | 89.7 | 83.7 | 86.4 | 74.4 | 73.4 |
| 2 | 89.6 | 62.9 | 73.3 | 78.6 | 82.2 | 84.7 | 87.8 | 87.2 | 83.1 | 84.6 | 72.2 | 72.5 |
| 3 | 86.7 | 57.4 | 67.8 | 74 | 78.8 | 82.7 | 85 | 84.4 | 82.1 | 79.5 | 74.2 | 71.6 |
| 4 | 87.8 | 58.7 | 68.1 | 75.3 | 80.3 | 81.4 | 85.7 | 81.9 | 78.8 | 84 | 77.4 | 74.5 |
| 5 | 90 | 58 | 68 | 75.2 | 80.6 | 83.6 | 85.9 | 84.6 | 81.1 | 78.4 | 74.5 | 74.3 |
| 6 | 87.3 | 62.7 | 73 | 78.9 | 83.1 | 85.4 | 87.8 | 86.5 | 82.4 | 83.8 | 72.4 | 73.4 |
| 7 | 86.6 | 58.7 | 69.2 | 75 | 79 | 81.3 | 85.6 | 80.8 | 80.7 | 80.8 | 68.2 | 66.6 |
| 8 | 85 | 56.7 | 67.7 | 73.7 | 78 | 80 | 82.9 | 80.8 | 80.8 | 79.4 | 68.8 | 80.3 |
| 9 | 83.3 | 52.7 | 64 | 70.7 | 75.8 | 78.9 | 81.1 | 77.9 | 78.6 | 79.8 | 69.2 | 87.1 |
| 10 | 83.8 | 53.1 | 64.3 | 71.6 | 77.1 | 79.2 | 81.9 | 77.7 | 78 | 76 | 71.4 | 71.4 |
| 11 | 86.2 | 58.5 | 68.5 | 75.2 | 79.6 | 81.8 | 83.6 | 80.2 | 80.2 | 78.2 | 69.2 | 69.2 |

Table 2. – Noise Produced by 10 HP Fan with Baffle at Maximum Air Flow (No Foam Insulation)

| Measurement Station | Leq (dBA) | Leq 16k Hz (dBL) | Leq 8k Hz (dBL) | Leq 4k Hz (dBL) | Leq 2k Hz (dBL) | Leq 1k Hz (dBL) | Leq 500 Hz (dBL) | Leq 250 Hz (dBL) | Leq 125 Hz (dBL) | Leq 63 Hz (dBL) | Leq 31.5 Hz (dBL) | Leq 16 Hz (dBL) |
|---------------------|-----------|------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|-----------------|-------------------|-----------------|
| 1 | 89.2 | 58 | 68.4 | 74.9 | 81.8 | 83.6 | 87.4 | 87.4 | 82.8 | 85.3 | 72.7 | 72.2 |
| 2 | 89.2 | 60.6 | 71.3 | 77.3 | 82.3 | 84 | 85.7 | 87.1 | 83.2 | 84.9 | 74.2 | 85.4 |
| 3 | 88 | 58.6 | 69.4 | 75.6 | 80.9 | 83.2 | 85.4 | 84.9 | 82.4 | 79.8 | 77.4 | 82.7 |
| 4 | 88.5 | 58.3 | 68.1 | 75.2 | 81.2 | 83.3 | 87.3 | 83.9 | 79.1 | 84.4 | 78.5 | 74.4 |
| 5 | 89.1 | 59.4 | 70 | 76.7 | 82.5 | 84.5 | 86.4 | 85.6 | 81.5 | 79.3 | 76.7 | 74.4 |
| 6 | 89.2 | 60.2 | 70.9 | 77.4 | 82.9 | 84 | 85.8 | 87.1 | 82.7 | 84.2 | 74.2 | 73.5 |
| 7 | 84.9 | 53.8 | 64.4 | 71.2 | 77.5 | 80.6 | 82.1 | 82 | 80.8 | 80.6 | 70.3 | 73.5 |
| 8 | 84.3 | 54.3 | 65.2 | 72.2 | 78.5 | 79.5 | 80.8 | 80.6 | 80.6 | 78.9 | 69.3 | 67.6 |
| 9 | 84.1 | 54.1 | 65.5 | 72 | 77.1 | 81.2 | 81.2 | 78.4 | 76.3 | 77.8 | 69.8 | 68.1 |
| 10 | 84.8 | 54.4 | 65.6 | 72.7 | 78.6 | 79.9 | 81.8 | 79.4 | 76.9 | 77 | 74.2 | 73.4 |
| 11 | 85 | 55.2 | 66.3 | 73.3 | 79.4 | 81.3 | 81.2 | 81.6 | 80.9 | 80 | 71.5 | 80.9 |

Table 3. – Noise Produced by 10 HP Fan with Baffle at Minimum Air Flow (No Foam Insulation)

| Measurement Station | Leq (dBA) | Leq 16k Hz (dBL) | Leq 8k Hz (dBL) | Leq 4k Hz (dBL) | Leq 2k Hz (dBL) | Leq 1k Hz (dBL) | Leq 500 Hz (dBL) | Leq 250 Hz (dBL) | Leq 125 Hz (dBL) | Leq 63 Hz (dBL) | Leq 31.5 Hz (dBL) | Leq 16 Hz (dBL) |
|---------------------|-----------|------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|-----------------|-------------------|-----------------|
| 1 | 84.9 | 63.6 | 74.1 | 78 | 77.5 | 78.7 | 79.8 | 82.4 | 79.6 | 82.9 | 79.7 | 79 |
| 2 | 86.4 | 68.3 | 77.9 | 80.6 | 77.9 | 78.5 | 80 | 83.7 | 82.5 | 85.5 | 81.6 | 80.4 |
| 3 | 83.7 | 59.7 | 71.5 | 74 | 75.4 | 78.5 | 80 | 83.1 | 78.7 | 83.9 | 87.1 | 87.3 |
| 4 | 84.2 | 56.6 | 67.2 | 72.7 | 75.7 | 79.4 | 83.9 | 82.2 | 78.3 | 86.7 | 88.2 | 70.3 |
| 5 | 84.8 | 61.2 | 71 | 75.2 | 76.5 | 78.7 | 81.5 | 84.1 | 77 | 81.7 | 84.3 | 71.1 |
| 6 | 86.8 | 67.8 | 77.7 | 81.5 | 78.6 | 78 | 80.4 | 82.3 | 78.7 | 82.5 | 80.7 | 75.6 |
| 7 | 81.2 | 59.7 | 69.5 | 73.7 | 73.6 | 75.1 | 76.8 | 77.7 | 79.3 | 83.2 | 78.2 | 71.6 |
| 8 | 81.6 | 61 | 71.3 | 75 | 73.9 | 74.7 | 75.7 | 76.5 | 77.4 | 80.1 | 76.9 | 69.4 |
| 9 | 80.4 | 57.7 | 67.2 | 71.4 | 72.5 | 74.7 | 77 | 74.7 | 75.4 | 81.9 | 80.4 | 71.9 |
| 10 | 81.1 | 58.3 | 67.7 | 72.4 | 73.3 | 75.3 | 78.2 | 74.9 | 73.4 | 81.3 | 82.4 | 70.5 |
| 11 | 82.4 | 61.7 | 71.8 | 76.2 | 74.5 | 75.1 | 75.9 | 77.4 | 78.8 | 81.7 | 78.9 | 67.7 |

Table 4. – Noise Produced by 10 HP Fan with Baffle and Foam Insulation at Maximum Air Flow

| Measurement Station | Leq (dBA) | Leq 16k Hz (dBL) | Leq 8k Hz (dBL) | Leq 4k Hz (dBL) | Leq 2k Hz (dBL) | Leq 1k Hz (dBL) | Leq 500 Hz (dBL) | Leq 250 Hz (dBL) | Leq 125 Hz (dBL) | Leq 63 Hz (dBL) | Leq 31.5 Hz (dBL) | Leq 16 Hz (dBL) |
|---------------------|-----------|------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|-----------------|-------------------|-----------------|
| 1 | 87.9 | 55.2 | 65.7 | 73.3 | 79 | 82.4 | 87.1 | 87.8 | 82.9 | 85.2 | 75 | 73.1 |
| 2 | 88.4 | 57 | 68 | 75.4 | 80.3 | 83.7 | 85.6 | 88 | 83.5 | 84.8 | 74.1 | 71 |
| 3 | 87.2 | 56.8 | 67.4 | 73.9 | 79.5 | 82.8 | 84.6 | 85.2 | 81.6 | 79.4 | 77.9 | 86.3 |
| 4 | 88 | 57.2 | 66.9 | 74.2 | 79.6 | 82 | 87.4 | 83.2 | 78.5 | 84.1 | 79.1 | 75.8 |
| 5 | 88.2 | 59.3 | 67.8 | 74.9 | 80.9 | 83.7 | 85.6 | 85.3 | 81.5 | 78.3 | 76 | 73.1 |
| 6 | 88.1 | 56.6 | 67.8 | 75.7 | 80.7 | 83 | 85.5 | 87.1 | 82.6 | 84.2 | 74.7 | 72.3 |
| 7 | 83.6 | 51.4 | 67.6 | 70.1 | 75.6 | 79 | 81.7 | 82.1 | 80.5 | 80.6 | 71.2 | 67.3 |
| 8 | 83.4 | 56.2 | 62.6 | 70.9 | 76.7 | 79.1 | 80.5 | 81 | 80.3 | 79 | 68.8 | 63.9 |
| 9 | 83 | 51.6 | 63.8 | 70.1 | 75.6 | 78.3 | 80.1 | 78.4 | 76.7 | 78.7 | 71.3 | 66.3 |
| 10 | 84.2 | 51.8 | 63.9 | 71.2 | 76.9 | 79.2 | 81.6 | 79.3 | 77.2 | 76.9 | 72.7 | 68.2 |
| 11 | 84.3 | 52.2 | 63.9 | 71.6 | 77.6 | 79.6 | 80.9 | 80.7 | 80.7 | 80 | 70.7 | 66.8 |

Table 5. – Noise Produced by 10 HP Fan with Baffle and Foam Insulation at Minimum Air Flow

| Measurement Station | Leq (dBA) | Leq 16k Hz (dBL) | Leq 8k Hz (dBL) | Leq 4k Hz (dBL) | Leq 2k Hz (dBL) | Leq 1k Hz (dBL) | Leq 500 Hz (dBL) | Leq 250 Hz (dBL) | Leq 125 Hz (dBL) | Leq 63 Hz (dBL) | Leq 31.5 Hz (dBL) | Leq 16 Hz (dBL) |
|---------------------|-----------|------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|-----------------|-------------------|-----------------|
| 1 | 84.9 | 62.5 | 72.7 | 77 | 76.4 | 77.4 | 79.5 | 82.3 | 78.7 | 82.8 | 80 | 70.1 |
| 2 | 86.6 | 67.9 | 77.4 | 80.5 | 77.6 | 78.1 | 80 | 83.5 | 82.3 | 86.2 | 81.8 | 77.7 |
| 3 | 83.3 | 59.6 | 69 | 73.1 | 74.7 | 78 | 79.4 | 82.9 | 79.4 | 84.2 | 84.4 | 78.9 |
| 4 | 84.2 | 55.3 | 65.9 | 71.7 | 74.7 | 78.6 | 84.5 | 82.9 | 77.9 | 86.6 | 86.7 | 69.7 |
| 5 | 84.4 | 62.2 | 69.8 | 74.5 | 75.9 | 78.6 | 81.8 | 84.5 | 77.7 | 82.2 | 84.7 | 69 |
| 6 | 86.3 | 67.1 | 77.2 | 80.8 | 77.9 | 77.3 | 80.1 | 82 | 79.1 | 83.2 | 80.5 | 64.3 |
| 7 | 80.8 | 58.8 | 68.2 | 72.8 | 72.6 | 74 | 76.4 | 75.5 | 79.9 | 83.6 | 77.8 | 62.1 |
| 8 | 81.2 | 60.2 | 70.3 | 75 | 73.7 | 74.3 | 75.9 | 77.9 | 77.3 | 79.7 | 78.2 | 70.8 |
| 9 | 79.5 | 56.6 | 66.4 | 71.1 | 71.6 | 74 | 75.8 | 75.6 | 72.6 | 79.6 | 79.5 | 66.2 |
| 10 | 80.8 | 58.2 | 67.2 | 72.3 | 73 | 75.5 | 78.4 | 74.4 | 73.4 | 80.6 | 83.3 | 70.4 |
| 11 | 82 | 61.3 | 71.5 | 76.6 | 74.3 | 74.7 | 75.9 | 78 | 76.7 | 79.6 | 79.9 | 66.6 |

Table 6. – Noise Produced by 15 HP Fan with No Attenuation

| Measurement Station | Leq (dBA) | Leq 16k Hz (dBL) | Leq 8k Hz (dBL) | Leq 4k Hz (dBL) | Leq 2k Hz (dBL) | Leq 1k Hz (dBL) | Leq 500 Hz (dBL) | Leq 250 Hz (dBL) | Leq 125 Hz (dBL) | Leq 63 Hz (dBL) | Leq 31.5 Hz (dBL) | Leq 16 Hz (dBL) |
|---------------------|-----------|------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|-----------------|-------------------|-----------------|
| 1 | 95.8 | 66.2 | 76.6 | 82.4 | 85.7 | 89.6 | 96.2 | 92.5 | 83.6 | 86.1 | 74.1 | 68 |
| 2 | 94.5 | 64.2 | 75.2 | 80.8 | 84.6 | 87.5 | 93.1 | 89.7 | 83.9 | 85.1 | 73.1 | 67 |
| 3 | 92.6 | 61.7 | 71.6 | 78.5 | 83.9 | 87.2 | 90.8 | 87.9 | 85.4 | 81.3 | 77.2 | 72.2 |
| 4 | 92.6 | 62.8 | 72.8 | 79.2 | 84.4 | 87.1 | 92 | 84.2 | 84.4 | 86.1 | 79.4 | 72.8 |
| 5 | 92.9 | 61.4 | 72.2 | 79.7 | 85.4 | 87.6 | 91.6 | 88.2 | 84.6 | 82.7 | 74.5 | 69.4 |
| 6 | 95.5 | 66.1 | 76 | 82.1 | 86.5 | 90.6 | 94.1 | 90.9 | 84.2 | 85.7 | 74.1 | 68.9 |
| 7 | 89.9 | 60 | 70.9 | 77.6 | 81.4 | 84.6 | 89.4 | 83.5 | 81.3 | 81.6 | 70.6 | 63.6 |
| 8 | 89.4 | 59 | 70.8 | 77 | 81.1 | 84.3 | 87.7 | 82.8 | 81.8 | 81.1 | 72.2 | 68.9 |
| 9 | 89.2 | 55.3 | 67.4 | 74.8 | 79.9 | 84.1 | 87.4 | 81.3 | 80.4 | 78.6 | 71 | 63.1 |
| 10 | 89 | 56.2 | 68 | 75.7 | 80.7 | 84.5 | 87.5 | 81.3 | 80.5 | 77.8 | 73.1 | 69.2 |
| 11 | 90.3 | 60.1 | 71 | 77.7 | 82.3 | 86.1 | 87.9 | 82.4 | 82.5 | 81.4 | 71.8 | 64.2 |

Table 7. – Noise Produced by 15 HP Fan with Baffle at Maximum Air Flow (No Foam Insulation)

| Measurement Station | Leq (dBA) | Leq 16k Hz (dBL) | Leq 8k Hz (dBL) | Leq 4k Hz (dBL) | Leq 2k Hz (dBL) | Leq 1k Hz (dBL) | Leq 500 Hz (dBL) | Leq 250 Hz (dBL) | Leq 125 Hz (dBL) | Leq 63 Hz (dBL) | Leq 31.5 Hz (dBL) | Leq 16 Hz (dBL) |
|---------------------|-----------|------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|-----------------|-------------------|-----------------|
| 1 | 93.4 | 60.6 | 71.8 | 79.5 | 84.4 | 88.3 | 93.6 | 90.8 | 83.9 | 85.8 | 74.3 | 68.2 |
| 2 | 92.7 | 63 | 74.8 | 81.1 | 85.4 | 87.3 | 91.3 | 89.4 | 84.5 | 85.4 | 75 | 69.7 |
| 3 | 92.9 | 63.3 | 73.4 | 80.3 | 85.6 | 87.2 | 89.9 | 88.4 | 85.1 | 82.1 | 77.9 | 72.6 |
| 4 | 92.6 | 62.7 | 72.5 | 79.2 | 84.9 | 87.6 | 92.3 | 85.1 | 83.8 | 85.9 | 79.7 | 74.7 |
| 5 | 93.3 | 63.1 | 73.9 | 80.9 | 86 | 87.6 | 91.5 | 88.6 | 84.6 | 82.8 | 77.3 | 74.2 |
| 6 | 93.8 | 62.3 | 73.9 | 81 | 86.1 | 88.2 | 92.2 | 89.1 | 84.2 | 85.9 | 74.4 | 69.6 |
| 7 | 89.4 | 56.1 | 67.7 | 75.6 | 81 | 84.8 | 87.9 | 83.6 | 81.6 | 83 | 76 | 63.1 |
| 8 | 89 | 57.4 | 68.9 | 76.3 | 81.2 | 83.6 | 86 | 82.5 | 81.6 | 82 | 70.7 | 66.9 |
| 9 | 89.2 | 56.8 | 68.4 | 75.8 | 80.9 | 84 | 87.7 | 81.8 | 80.1 | 78.5 | 72.7 | 68.1 |
| 10 | 90 | 58 | 69 | 76.5 | 81.5 | 84.4 | 87.9 | 81.2 | 80.4 | 78.9 | 73.7 | 67.8 |
| 11 | 89.1 | 57.5 | 69.1 | 76.7 | 81.6 | 84 | 87.1 | 82.4 | 82.6 | 81.4 | 71.4 | 67.9 |

Table 8. – Noise Produced by 10 HP Fan with Baffle at Minimum Air Flow (No Foam Insulation)

| Measurement Station | Leq (dBA) | Leq 16k Hz (dBL) | Leq 8k Hz (dBL) | Leq 4k Hz (dBL) | Leq 2k Hz (dBL) | Leq 1k Hz (dBL) | Leq 500 Hz (dBL) | Leq 250 Hz (dBL) | Leq 125 Hz (dBL) | Leq 63 Hz (dBL) | Leq 31.5 Hz (dBL) | Leq 16 Hz (dBL) |
|---------------------|-----------|------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|-----------------|-------------------|-----------------|
| 1 | 89.2 | 67.1 | 78.4 | 81.4 | 80.4 | 80.9 | 81.9 | 84.6 | 83 | 81.2 | 75.8 | 71.1 |
| 2 | 91.1 | 70.9 | 81.8 | 84.7 | 81.4 | 81.9 | 82.6 | 86.3 | 82.1 | 80.6 | 76.9 | 66.3 |
| 3 | 88.3 | 65.2 | 75.6 | 79.1 | 79.3 | 82.7 | 82.8 | 86.8 | 79.8 | 81 | 80.6 | 69.3 |
| 4 | 88 | 60.6 | 71.9 | 76.6 | 78.9 | 83.3 | 83.7 | 85.5 | 80.5 | 87.5 | 84.3 | 71.5 |
| 5 | 88.3 | 67.9 | 76.9 | 79.8 | 79.2 | 80.8 | 83.6 | 85.6 | 80.8 | 80.5 | 79.3 | 70.1 |
| 6 | 91.3 | 71.5 | 82.4 | 85.4 | 81 | 80.7 | 83.5 | 86 | 83 | 81.4 | 76.8 | 64.3 |
| 7 | 85.8 | 62.4 | 74 | 77.8 | 76.7 | 77.9 | 79.7 | 78.7 | 81.5 | 79.2 | 74 | 62.7 |
| 8 | 86.4 | 64.7 | 75.8 | 79.6 | 77.2 | 78.3 | 79.1 | 79.5 | 78.2 | 78.5 | 74 | 62.9 |
| 9 | 85.1 | 61 | 71.9 | 76 | 76.5 | 79.1 | 79.9 | 78.5 | 76.7 | 82 | 78.4 | 68.9 |
| 10 | 84.8 | 61.9 | 72.4 | 76.2 | 75.9 | 78.6 | 80.4 | 78.8 | 77.8 | 80.8 | 78.5 | 66.1 |
| 11 | 86.1 | 64.6 | 76 | 79.4 | 77.3 | 78 | 78.5 | 78.9 | 81.6 | 79.8 | 75.3 | 66.1 |

Table 9. – Noise Produced by 15 HP Fan with Baffle and Foam Insulation at Maximum Air Flow

| Measurement Station | Leq (dBA) | Leq 16k Hz (dBL) | Leq 8k Hz (dBL) | Leq 4k Hz (dBL) | Leq 2k Hz (dBL) | Leq 1k Hz (dBL) | Leq 500 Hz (dBL) | Leq 250 Hz (dBL) | Leq 125 Hz (dBL) | Leq 63 Hz (dBL) | Leq 31.5 Hz (dBL) | Leq 16 Hz (dBL) |
|---------------------|-----------|------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|-----------------|-------------------|-----------------|
| 1 | 92.2 | 58.7 | 69.7 | 77.8 | 82.3 | 86.5 | 93.1 | 90.7 | 84.3 | 86.5 | 74.5 | 71.7 |
| 2 | 91.5 | 60.6 | 73.4 | 79.5 | 83.5 | 86.7 | 90.5 | 89.1 | 84.4 | 85.4 | 75 | 70.6 |
| 3 | 91.6 | 61.8 | 71.8 | 78.6 | 84.6 | 86.9 | 89.5 | 88.5 | 84.7 | 81.8 | 76 | 71.9 |
| 4 | 92.1 | 62.2 | 71.9 | 78.2 | 83.3 | 86.8 | 92.3 | 84.4 | 84 | 86.2 | 79.1 | 75.1 |
| 5 | 92.3 | 61.5 | 72.2 | 79.6 | 84.8 | 87.1 | 90.9 | 88.2 | 84.3 | 82.6 | 75 | 73 |
| 6 | 92.3 | 59.7 | 71.6 | 79.3 | 83.6 | 86.6 | 91.4 | 89.3 | 84 | 85.6 | 74 | 68.7 |
| 7 | 88.1 | 54.4 | 65.9 | 74.3 | 79.3 | 83.3 | 88.2 | 83.6 | 81.7 | 82.1 | 70 | 64.6 |
| 8 | 87.2 | 55.5 | 67.6 | 74.8 | 79.8 | 83.1 | 86.3 | 82.7 | 81.9 | 81.9 | 71.7 | 70.8 |
| 9 | 88.2 | 55.6 | 66.9 | 74.4 | 80 | 83.6 | 87.5 | 81.6 | 79.6 | 79 | 72.4 | 72.5 |
| 10 | 88.5 | 56 | 67.6 | 75 | 80.2 | 84 | 88.3 | 81.1 | 80 | 78.6 | 73.2 | 73.5 |
| 11 | 87.6 | 55.3 | 67.4 | 75.1 | 80 | 82.7 | 86.1 | 82 | 82.3 | 81.6 | 70.5 | 63.5 |

Table 10. – Noise Produced by 15 HP Fan with Baffle and Foam Insulation at Minimum Air Flow

| Measurement Station | Leq (dBA) | Leq 16k Hz (dBL) | Leq 8k Hz (dBL) | Leq 4k Hz (dBL) | Leq 2k Hz (dBL) | Leq 1k Hz (dBL) | Leq 500 Hz (dBL) | Leq 250 Hz (dBL) | Leq 125 Hz (dBL) | Leq 63 Hz (dBL) | Leq 31.5 Hz (dBL) | Leq 16 Hz (dBL) |
|---------------------|-----------|------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|-----------------|-------------------|-----------------|
| 1 | 87.1 | 65.9 | 77.3 | 80.5 | 79.5 | 80.1 | 81.2 | 84.5 | 82.9 | 81 | 75.7 | 69.4 |
| 2 | 89.3 | 69.9 | 80.7 | 83.8 | 80.5 | 81.7 | 82.2 | 85.9 | 81.8 | 80.3 | 77.1 | 72.5 |
| 3 | 87.3 | 63.7 | 74.2 | 77.9 | 78.5 | 83 | 82.7 | 86.1 | 79.6 | 80.7 | 80.4 | 72.2 |
| 4 | 86.8 | 58.8 | 70.4 | 75.5 | 78.6 | 82.5 | 84.2 | 84.2 | 80.5 | 86.7 | 84.5 | 69.2 |
| 5 | 86.8 | 66.3 | 75.2 | 78.4 | 78.6 | 80.4 | 83.2 | 85.3 | 80.3 | 79.8 | 79.3 | 69.7 |
| 6 | 89.1 | 70.2 | 80.8 | 83.9 | 79.8 | 80.4 | 83 | 85.7 | 82.3 | 81.1 | 77 | 68.7 |
| 7 | 84.4 | 61.2 | 72.7 | 76.8 | 75.9 | 77.5 | 80 | 78.6 | 81 | 78.8 | 74 | 65.7 |
| 8 | 83.7 | 63 | 74.7 | 78.5 | 76.4 | 78.1 | 78.5 | 79.4 | 78.4 | 78.1 | 74 | 73.5 |
| 9 | 83.7 | 59.3 | 70.7 | 74.9 | 80.5 | 79.1 | 80.2 | 77.9 | 77.3 | 82.1 | 77.8 | 72.2 |
| 10 | 83.3 | 60.7 | 71.5 | 75.2 | 75.4 | 78.3 | 80.2 | 78 | 78.1 | 80.9 | 78.1 | 72.2 |
| 11 | 84.6 | 63.3 | 74.9 | 78.8 | 76.4 | 77.8 | 79.1 | 78.1 | 81.3 | 79.5 | 75.6 | 66.2 |

Figure 2. Sound Pressure Levels Produced by 10HP Fan

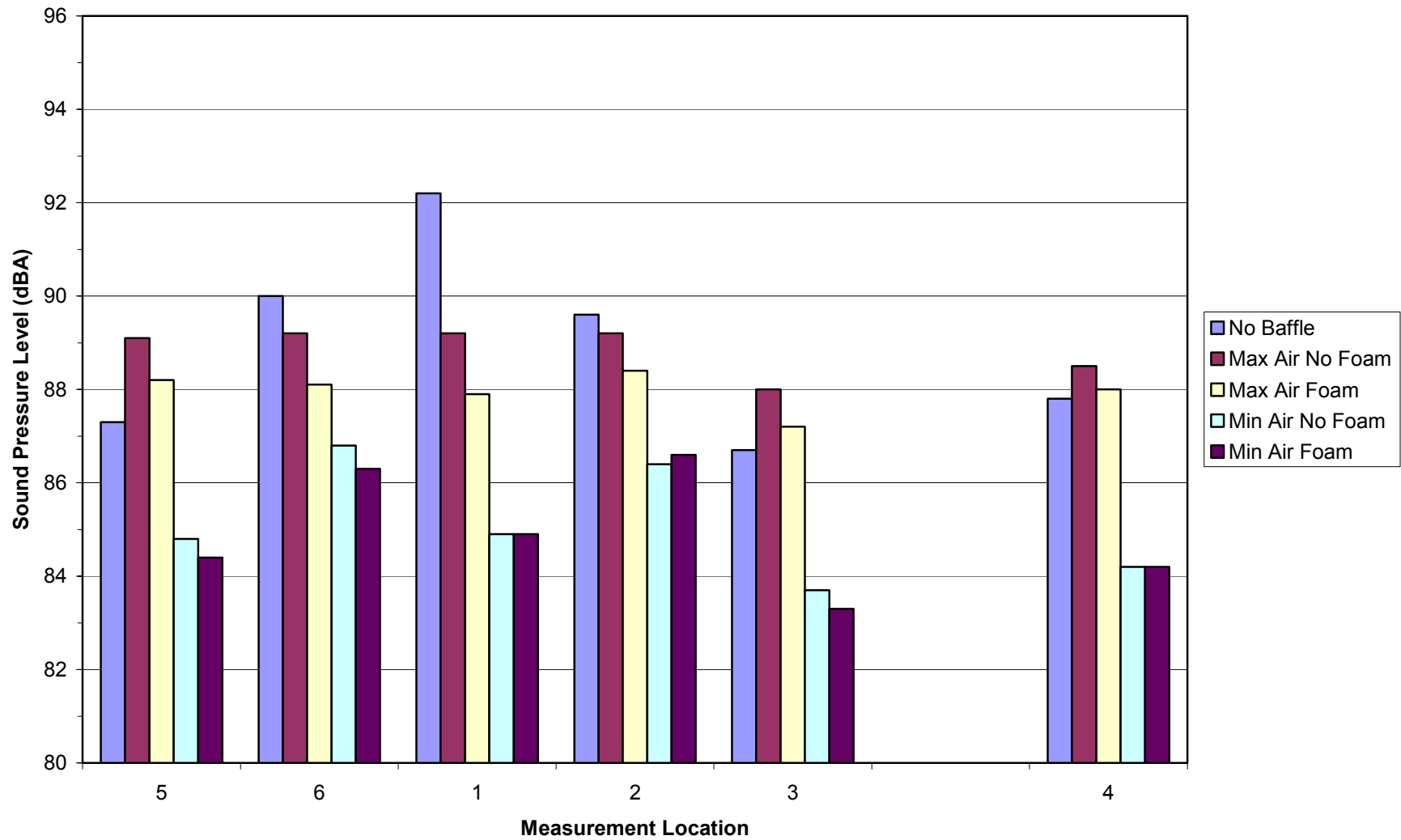


Figure 3. Sound Pressure Levels Produced by 15HP Fan

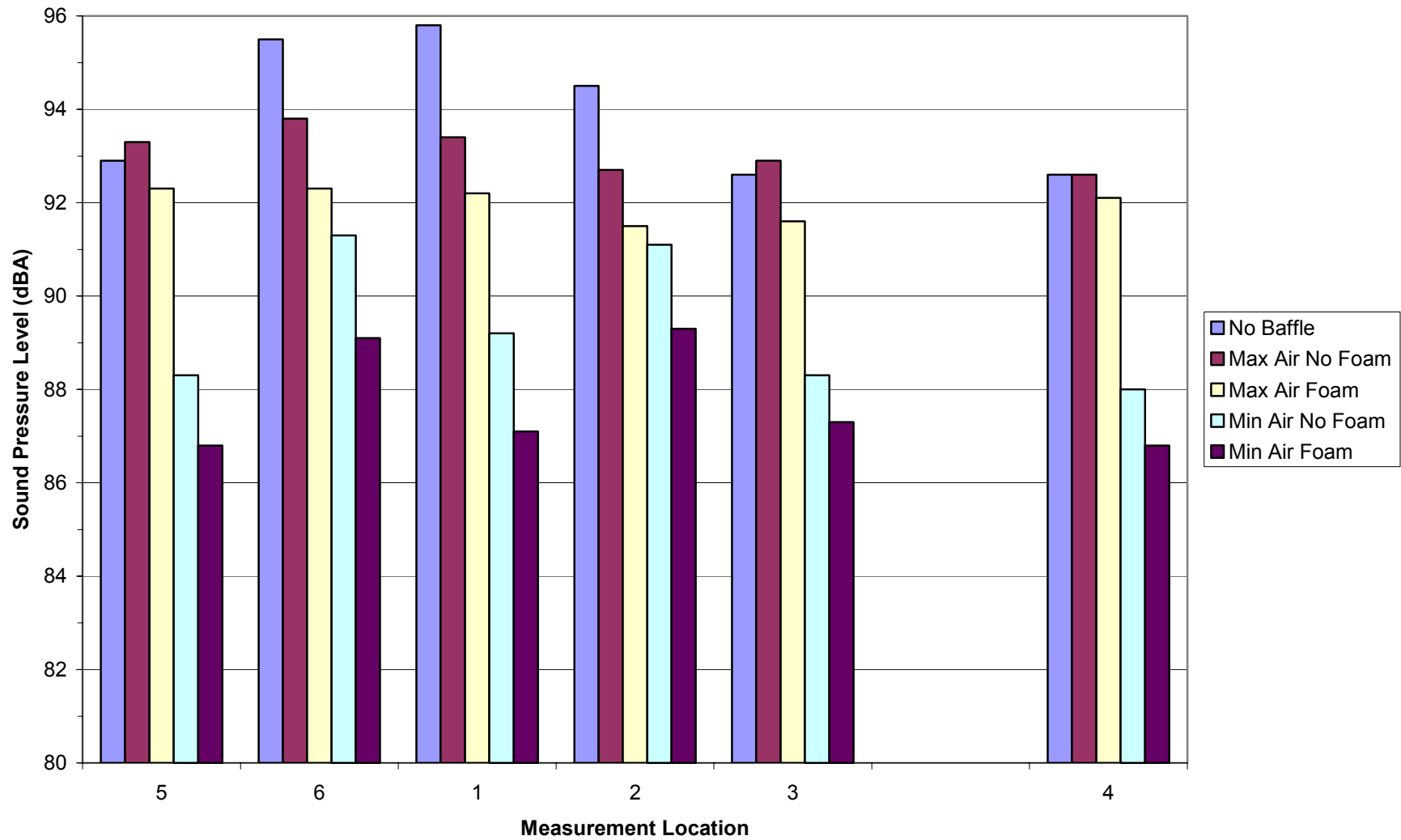


Figure 4. 10HP Fan Maximum Air Flow with Baffle. Frequency Distribution at 1m

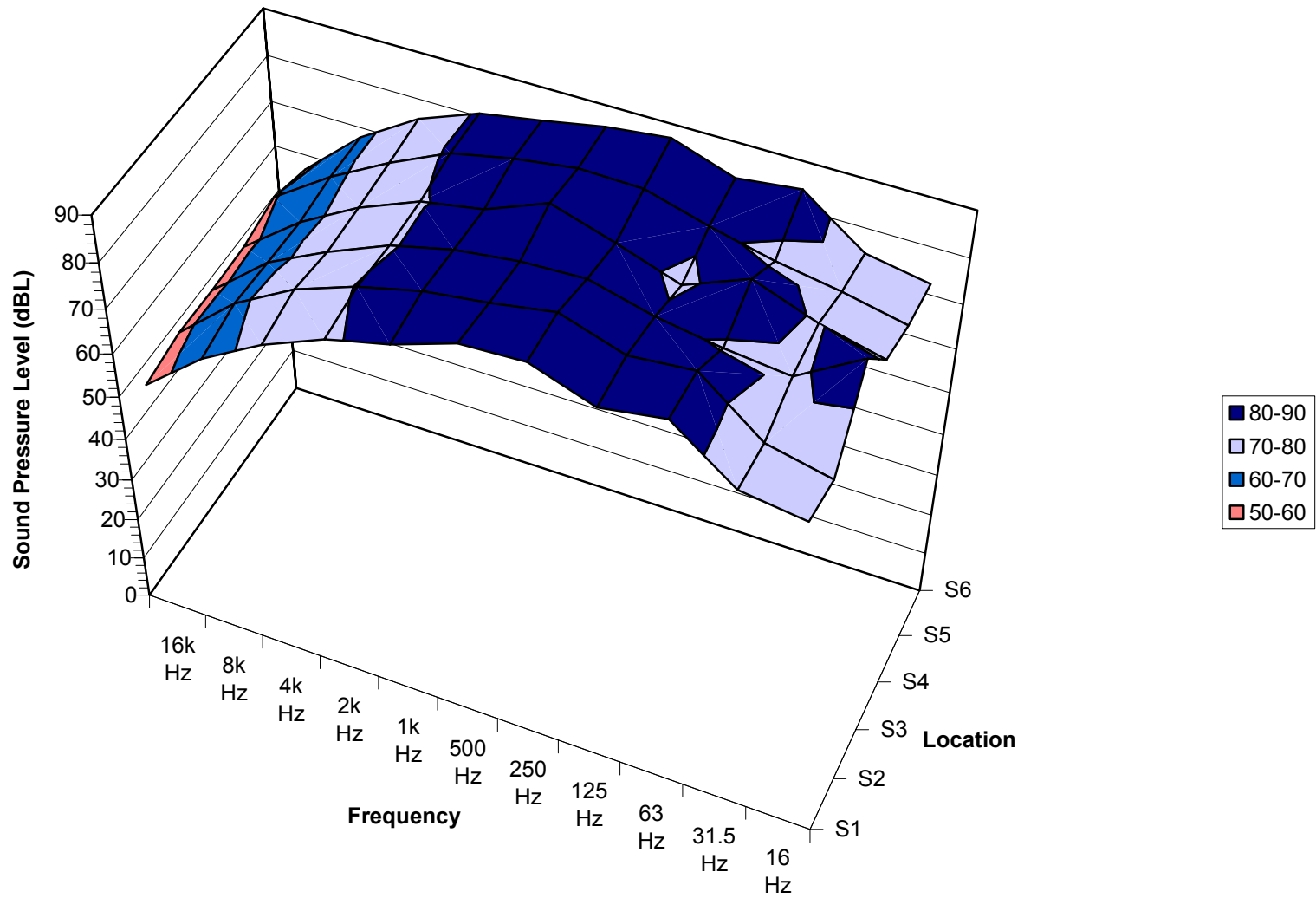


Figure 5. Change in Sound Pressure Level with Frequency on Installation of Baffle to 10HP Fan

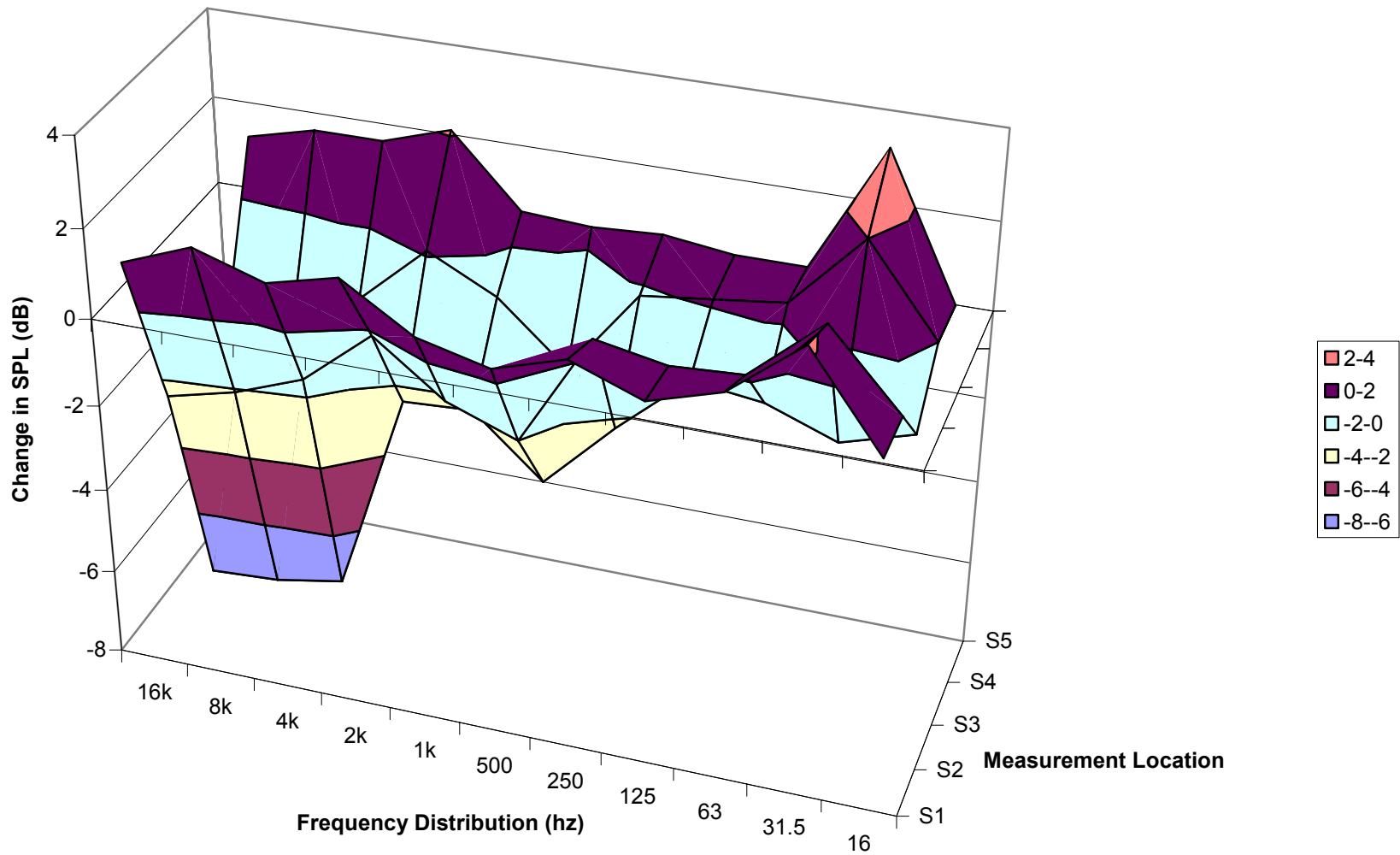


Figure 6. Change in Sound Pressure Level with Frequency on Installation of Baffle to 15HP Fan

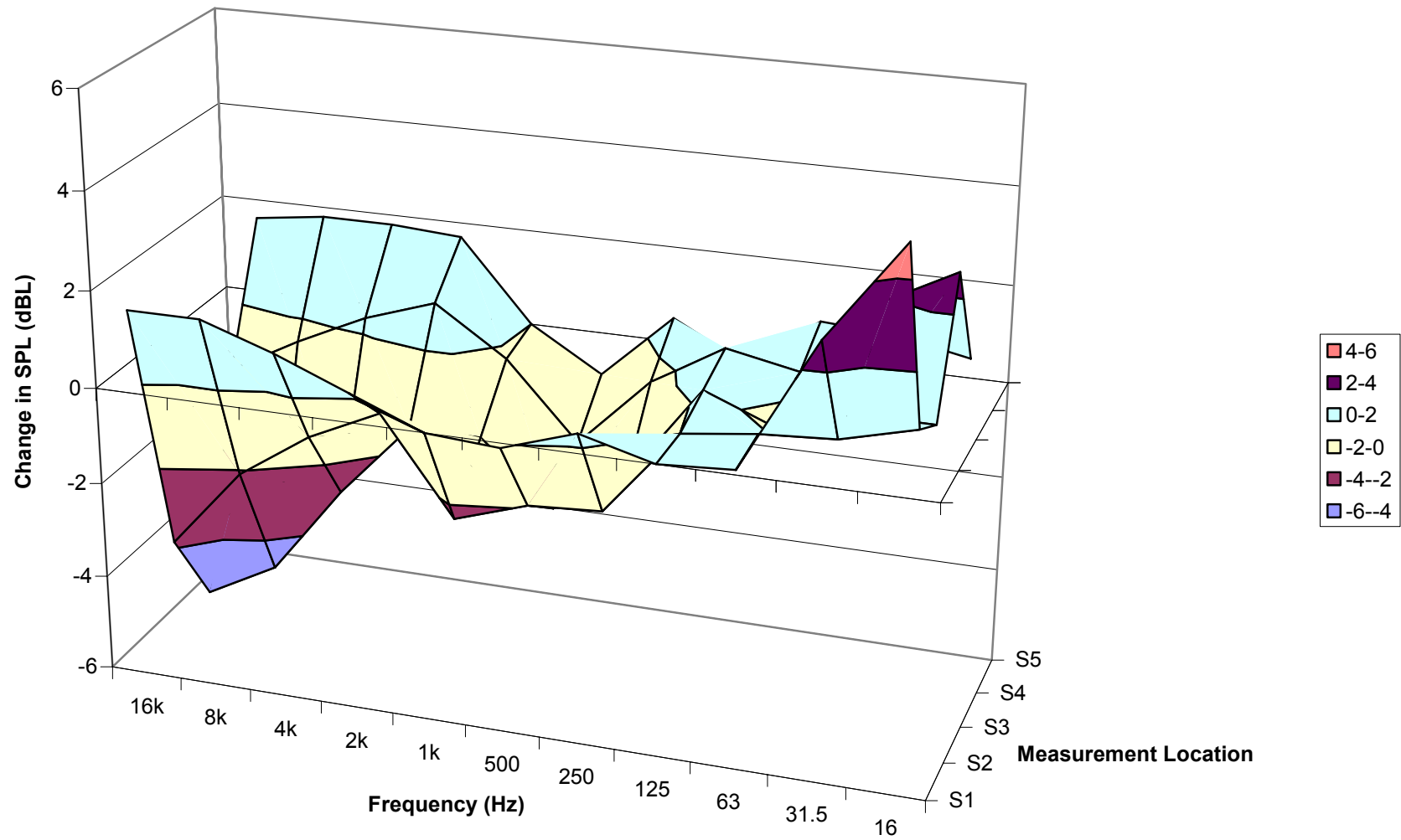


Figure 7. Change in SPL with Frequency on Installation of Baffle and Foam to 15HP Fan (Max Air Flow)

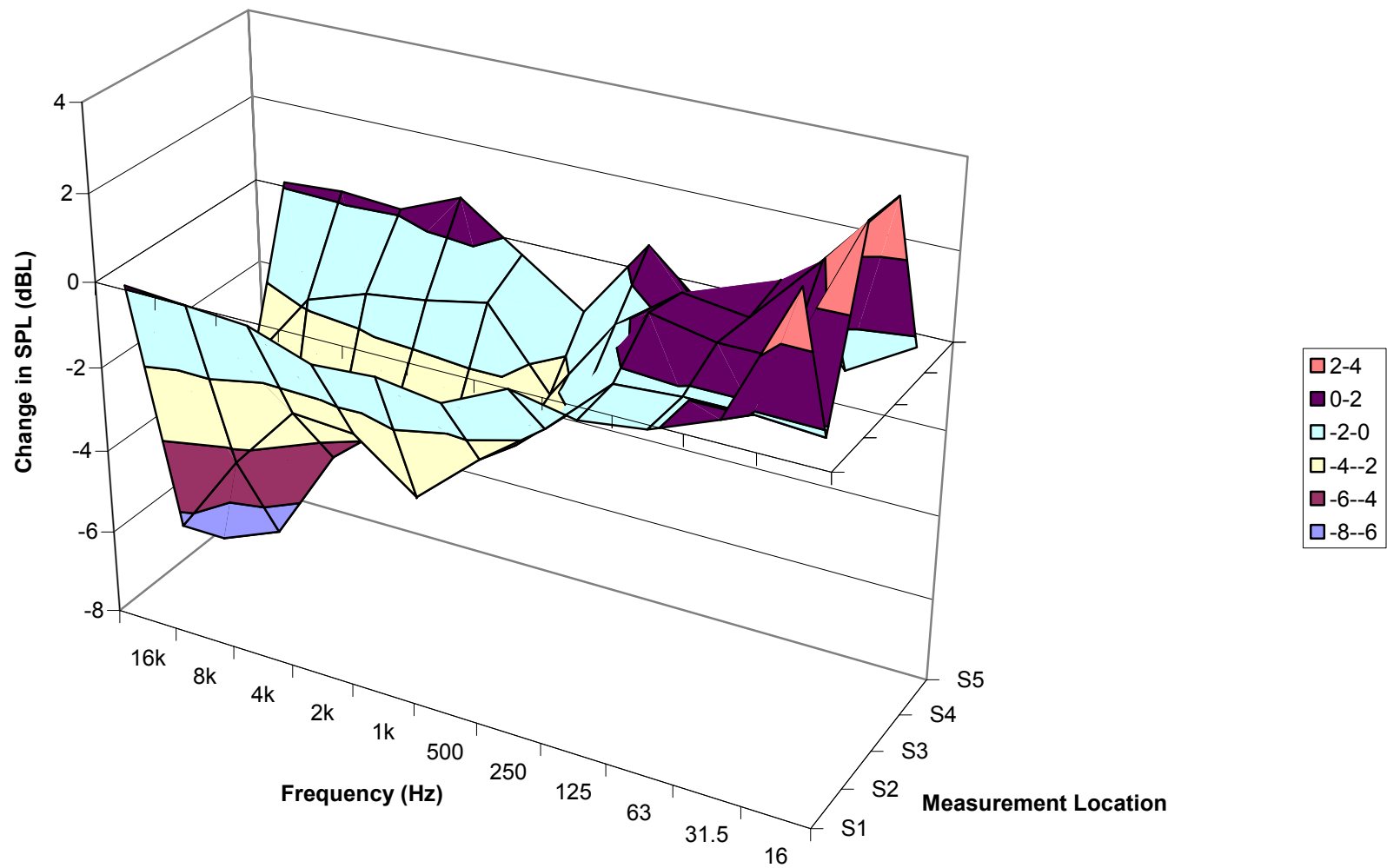
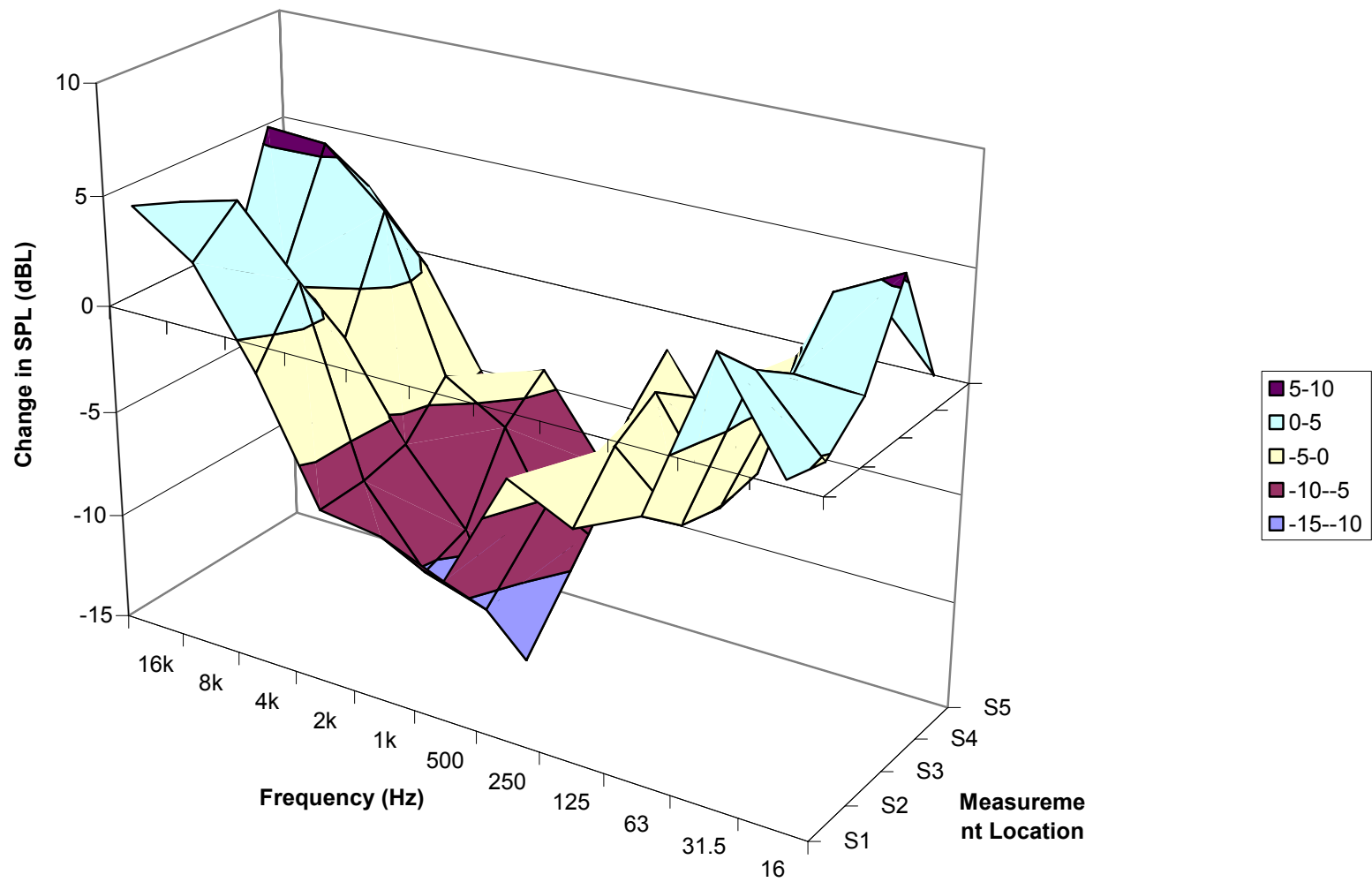


Figure 8. Change in SPL with Frequency on Installation of Baffle with Foam to 15HP Fan and Operation at Minimum Flow



5. Comments

Sound pressure levels are anticipated to decrease by 3 dB with a doubling of distance from the source. Measurements were taken 1 m and 3 m from each fan under each chosen operating condition, the anticipated decrease in sound pressure level at 3 m from source in comparison to 1 m from source is 4.8 dB. Recorded decreases in sound pressure level were, on average, in the range of 4.5 to 5.2 dB showing good agreement with theoretical sound attenuation with distance. Trow concludes that interference due to sound reflection, extraneous noise sources, etc. were maintained at acceptable level during the measurement periods.

Attenuation of Sound by Baffle at Maximum Air Flow

Installation of the baffle whilst operating the 10 HP and 15 HP fans at maximum air flow rate resulted in a change in the directional distribution of the sound emitted from the fans. Sound pressure levels directly in front of the fans were reduced by 2 – 3 dB. Conversely, sound pressure levels at 180° to the fans increased by 0 – 2 dB. (See Figures 2 and 3).

Attenuation of Sound by Baffle at Minimum Air Flow

Operation of the baffle at minimum flow resulted in a further change in the directional distribution of sound emitted from the fans, with maxima values being recorded at 45° to the face of the fans. Sound pressure levels at all measurement locations were reduced by 2 – 5 dB by operating at minimum air flow in comparison to operating without the baffle or with the baffle at maximum air flow. (See Figures 2 and 3).

Attenuation of Sound by Foam Insulation

Introduction of foam insulation into the baffle resulted in a decrease in measured sound pressure level by <2dB under the majority of operating conditions for both the 10HP and 15HP fans. (See Figures 2 and 3).

Sound Pressure Level Frequency Distribution

The frequency distribution for the 10HP fan operating at maximum air flow with baffle is shown in Figure 4. Under all operating conditions the sound pressure level frequency distribution showed maxima at central frequency ranges (e.g. 250 – 1000 hertz), however operating parameters were shown to impact on frequency distribution. Installation of baffles to the 10HP and 15HP fans (see Figures 5 and 6) resulted in:

- a 4 – 8 dB reduction in high and mid frequency (250 – 16,000 Hz) sound pressure levels in front of the fans;
- a 0 – 2 dB increase in high frequency sound pressure levels at 180° to the fans;
- minimal impact on low frequency (16 – 125 Hz) sound pressure levels in front of the fans; and,
- a 0 – 4 dB increase in low frequency sound pressure levels at 180° to the fans.

Reduction of air flow (see Figures 7 and 8) resulted in:

- a decrease in mid frequency (250 – 2,000 Hz) sound pressure levels at all measurement locations;
- minimal impact on low and high frequency sound pressure levels in front of the fans;
- a 0 – 6 dB increase in low and high frequency sound pressure levels at an angle of 45° to the fan orientation; and,
- a 0 – 5 dB increase in low and high frequency sound pressure levels at 180° to the fans.

The redistribution of sound pressure level frequencies has the potential to impact on perception of noise nuisance through fan operation. Increased reduction of high frequencies as observed on installation of baffle (with or without foam insulation) is likely to reduce perceived nuisance as high frequency noise is considered more obtrusive. Any increases in low frequency sound pressure levels (e.g. during operation of baffles at minimum air flow) may increase the area of impact of any noise nuisance as low frequency sound travels further and is more difficult to attenuate than high frequency sound.

Conclusions

The above measurements provide a fundamental understanding of noise generated by 10HP and 15HP car dryer fans operating under controlled conditions.

Trow understands that car dryer fans are operated in banks of 6 – 18 within car wash units. Theory predicts that sound pressure levels will increase by 3 dB on doubling of noise source, e.g. two 15HP fans each generating a sound pressure level of 90 dB would provide a combined sound pressure level of 93 dB, four fans would provide 96 dB etc. Other factors can impact on predicted noise generation, resonance can increase noise impact whilst sound adsorbing materials may provide attenuation. Vibration is also a consideration.

Trow strongly recommends that in situ sound measurements be made to assess noise impact of car dryer fans installed within a car wash system. In situ measurements should consider appropriate receptors including, but not necessarily limited to, occupational noise and environmental receptors as well as car wash operation and design.

We trust the aforementioned meets your immediate requirements. If you have any questions, concerns or if we can be of any further assistance, please do not hesitate to contact the undersigned at your earliest convenience.

Yours truly,

Trow Associates Inc.



Bob Jowett, B.Sc., C.E.P.I.T.
Environmental Scientist
Environmental Division



Ron Taylor, M.Sc., C. Chem.
Senior Project Manager
Environmental Division



SOUND LEVEL METER READINGS

MODEL: FT-DD-T450HP4 (50hp T4 VACSTAR TURBINE VACUUM PRODUCER)

READING ONE: 73 DB-A, 3 FEET FROM TURBINE @ 45° ANGLE
AND NO BACKGROUND NOISE OR OUTSIDE INTERFERENCE.

READING TWO: 69 DB-A, 10 FEET FROM TURBINE @ 45° ANGLE
AND NO BACKGROUND NOISE OR OUTSIDE INTERFERENCE.

READING THREE: 54 DB-A, 20 FEET FROM TURBINE @ 45° ANGLE
AND NO BACKGROUND NOISE OR OUTSIDE INTERFERENCE.

READING FOUR: 38 DB-A, 30 FEET FROM TURBINE @ 45° ANGLE
AND NO BACKGROUND NOISE OR OUTSIDE INTERFERENCE.

NOTE: THESE READINGS WERE TAKEN OUTSIDE IN THE OPEN ON A CONCRETE SLAB.

SOUND LEVEL METER USED:

SIMPSON MODEL #40003 – MSHA APPROVED.
MEETS OSHA & WALSH-HEALY REQUIREMENTS FOR NOISE CONTROL.
CONFORMS TO ANSI S1.4-1983, IEC 651 SPECS FOR METER TYPE.

Vacutech
1350 Hi-Tech Drive, Sheridan WY, 82801
PHONE: (800) 917-9444 FAX: (303) 675-1988
EMAIL: info@vacutechllc
WEB SITE: vacutechllc.com

CITY OF ROCKWALL

ORDINANCE NO. 21-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A SELF SERVICE CAR WASH ON A 0.89-ACRE TRACT OF LAND, IDENTIFIED AS A PORTION OF LOT 2, BLOCK A, DALTON GOLIAD ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made by Lisa White of Boing US HoldCo, Inc. on behalf of Donald L. Silverman of Rockwall 205-552, LLC for the approval of a Specific Use Permit (SUP) for a *Self Service Car Wash* on a 0.89-acre tract of land, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N SH-205 OV) District, being identified as a portion of Lot 2, Block A of the Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, addressed as 3611 N. Goliad Street, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall should be amended as follows:

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

SECTION 1. That the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the establishment of a *Self Service Car Wash* in accordance with Article 04, *Permissible Uses*, of the Unified Development Code [Ordinance No. 20-02] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be subject to the requirements set forth in Subsection 02.03(H)(4), *Car Wash (Full-Service or Self-Service)*, of Article 04, *Permissible Uses*; Subsection 04.04, *General Retail (GR) District*, of Article 05, *District Development*

Standards; and Subsection 06.11, *North SH-205 Overlay (N SH-205 OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall -- as heretofore amended and as my be amended in the future -- and the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of the *Self Service Car Wash* land use on the *Subject Property* and conformance to these conditions is necessary for continued operations:

- (1) The *Self Service Car Wash* facility shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance;
- (2) No outside display of merchandise or outside storage (e.g. *ice machine, propane cage, vending machines, and DVD rental kiosk*) shall be allowed on the *subject property*; with the exception of vending machines that are integrated into the façade of the building;
- (3) Additional landscaping (i.e. *trees and shrubs*) shall be required adjacent to the vacuum bays to provide additional sound attenuation for the residential subdivision north of the *subject property*;
- (4) A masonry screening wall a minimum of six (6) feet in height shall be constructed adjacent to the northern property line of the subject property; and,
- (5) Three (3) tiered screening (i.e. *small to mid-sized shrubs, large shrubs or accent trees, and canopy trees*) shall be incorporated in front of the carwash to screen the tunnel and vacuum bays adjacent to the eastern property line of the subject property.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

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

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

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

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

offense.

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

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 1ST DAY OF MARCH, 2021.**

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

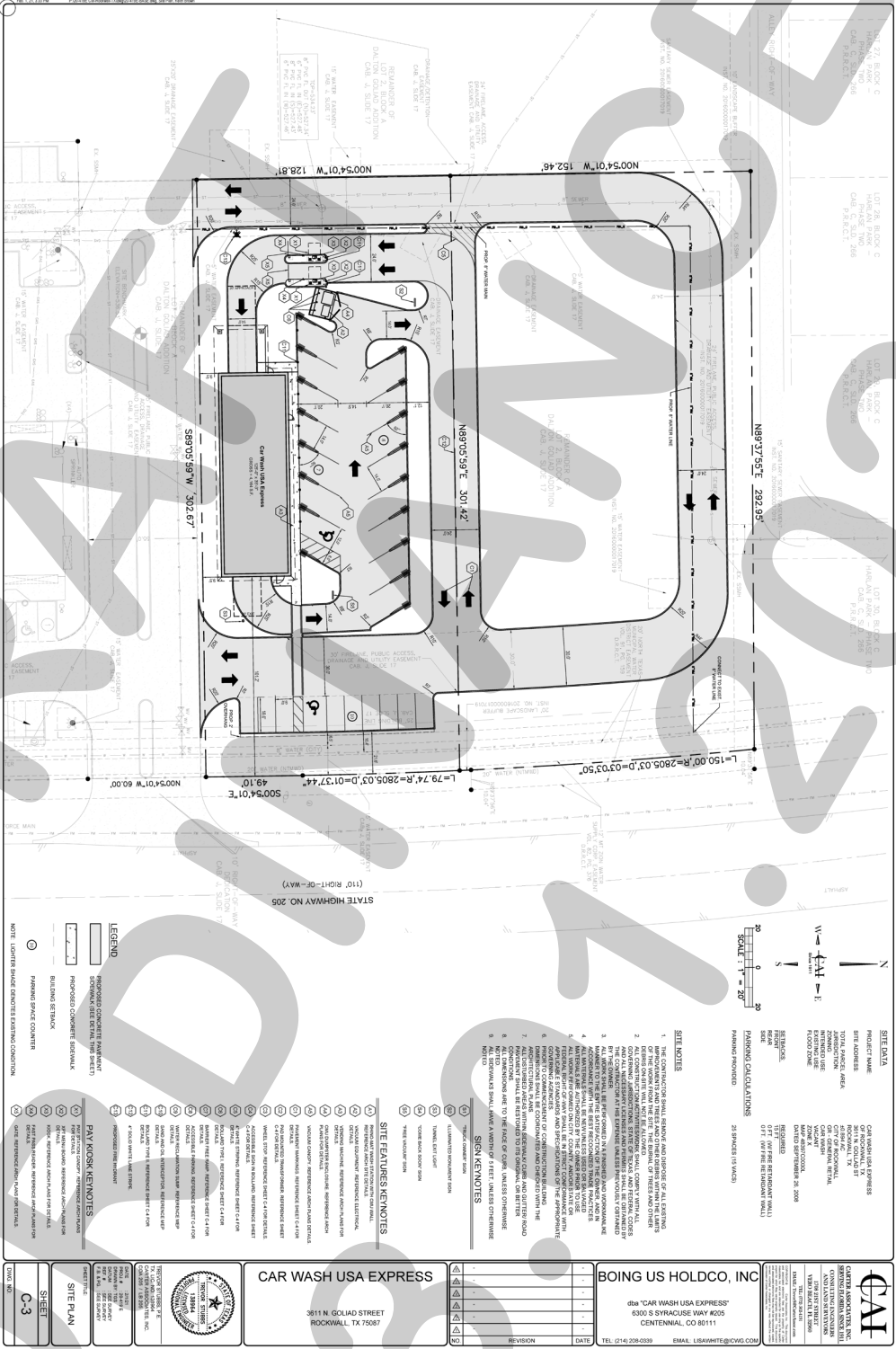
Frank J. Garza, *City Attorney*

1st Reading: February 16, 2021

2nd Reading: March 1, 2021

Legal Description: Lot 2, Block A, Dalton Goliad Addition
Address: 3611 N. Goliad Street





SITE DATA

PROJECT NAME: CAR WASH USA EXPRESS
 SITE ADDRESS: 6305 S SYRACUSE ST, ROCKWALL, TX 75087
 TOTAL PAVED AREA: 292,950 SQ. FT.
 ZONING: COMMERCIAL INTERMEDIATE (C-3)
 EXISTING USE: VACANT
 DATE: 08/20/2009
 PREPARED BY: BOING US HOLDCO, INC.
 REVIEWED BY: [Signature]
 SCALE: 1" = 20'

LEGEND

- Proposed Concrete Pavement
- Proposed Concrete Sidewalk
- Building Footprint
- Parking Space Center

NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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SITE FEATURES KEYNOTES

1. EXISTING CONCRETE DRIVEWAY TO BE REPAIRED.
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PAVING CALCULATIONS

29 PAVEMENT (10 WAYS)

| | |
|----------------------------------|--|
| | BOING US HOLDCO, INC dba "CAR WASH USA EXPRESS" 6305 S SYRACUSE ST, ROCKWALL, TX 75087 CENTENNIAL, CO 80111 TEL: 972.208.0330 EMAIL: LISAWHITE@BUWG.COM |
| | CAR WASH USA EXPRESS 3011 N GOLLAD STREET ROCKWALL, TX 75087 |
| SITE PLAN SHEET C-3 | REVISION DATE |



MEMORANDUM

TO: Mary Smith, Interim City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: March 1, 2021

SUBJECT: MIS2021-002; EXCEPTION FOR OSSF AT 825 ZION HILLS CIRCLE

Attachments

Case Memo
Development Application
Location Map
Property Owner Notification Map
Property Owner Notification List
Public Notice
Applicant's Exhibit

Summary/Background Information

Hold a public hearing to discuss and consider a request by Reubin Harle for the approval of a *Special Exception* for On-Site Sewage Facilities (OSSFs) on two (2) residential tracts of land both identified as being a portion of a 4.632-acre parcel of land identified as Lot 5R, Block A, Zion Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 1 (SF-1) District, addressed as 825 Zion Hill Circle, and take any action necessary.

Action Needed

The City Council is being asked to approve, approve with condition, or deny the special exception for OSSF on two (2) residential lots in the Zion Hill Subdivision.



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: City Council
CC: Mary Smith, *Interim City Manager*
Joey Boyd, *Assistant City Manager*
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: March 1, 2021
SUBJECT: MIS2021-002; *Exception for OSSF at 825 Zion Hills Circle*

On January 15, 2021, the property owner -- *Reubin Harle, Sr.* -- submitted an application requesting to establish *On-Site Sanitary Sewage Facilities (OSSFs)* on two (2), one (1) acre tracts of land within the Zion Hills Subdivision. Currently, the subject property at 825 Zion Hill Circle is a 4.632-acre parcel of land (*i.e. Lot 5R, Block A, Zion Addition*) that has a ~3,258 SF single-family home situated on it that was constructed in 1992. This property, being established prior to its annexation on January 4, 2010 [*Ordinance No. 10-01; Case No. A2010-001*], was constructed utilizing an *OSSF*. Based on the applicant's exhibit, the subject property would be divided into three (3) lots (*i.e. Lots 15: 1.00-acre, Lot 16: 2.63-acres, and Lot 17: 1.00-acre*) each being greater than one (1) acre in conformance with the zoning designation of the subject property (*i.e. Single-Family 1 [SF-1] District*). According to Section 44-243(c) of Chapter 44, *Utilities*, of the Municipal Code of Ordinances, "(n)o permit for the installation of an On-Site Sewage Facility (OSSF) will be issued for property of less than 1½-acres, unless an exception is granted by the City Council on the grounds that undue hardship will be created if said lot is not connected to an OSSF." Currently, all of the Zion Hills Subdivision is on OSSFs with the closest wastewater facilities being approximately 4,334.30-linear feet from the subject property. With this being said, any request for an exception to establish OSSF on a lot less than 1½-acres is a discretionary decision for the City Council. If approved the applicant would be required to replat the property prior to pulling permits on the two (2) newly created lots. Staff should also note, that since this would be a residential replat, a public hearing would be required prior to approving the proposed subdivision of land.

In all exception cases dealing with requests for OSSFs, the Municipal Code of Ordinances requires the City Council to hold a public hearing prior to acting on the request. Section 44-243(c) also requires a notice of public hearing be sent out to all property owners within 200-feet of the applicant's property ten (10) days prior to the public hearing date. On January 25, 2021, staff mailed the notice of public hearing to 12 property owners and residents within 200-feet of the subject property. Currently, staff has not received any returned notices. Should the City Council have any questions concerning the applicant's request staff will be available at the *February 16, 2021* City Council meeting.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. M152021-002

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre) ¹
- Preliminary Plat (\$200.00 + \$15.00 Acre) ¹
- Final Plat (\$300.00 + \$20.00 Acre) ¹
- Replat (\$300.00 + \$20.00 Acre) ¹ \$392.60
- Amending or Minor Plat (\$150.00)
- Plat Reinstatement Request (\$100.00)

Site Plan Application Fees:

- Site Plan (\$250.00 + \$20.00 Acre) ¹
- Amended Site Plan/Elevations/Landscaping Plan (\$100.00)

Zoning Application Fees:

- Zoning Change (\$200.00 + \$15.00 Acre) ¹
- Specific Use Permit (\$200.00 + \$15.00 Acre) ¹
- PD Development Plans (\$200.00 + \$15.00 Acre) ¹

Other Application Fees:

- Tree Removal (\$75.00)
- Variance Request (\$100.00)

Notes:

¹ In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

PROPERTY INFORMATION [PLEASE PRINT]

Address 825 ZION HILL

Subdivision ZION HILLS ESTATES

Lot 5-R Block A

General Location FM 3549 + SH 66

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning

Current Use RESIDENTIAL

Proposed Zoning

Proposed Use RESIDENTIAL

Acreage 4.63

Lots [Current] 1

Lots [Proposed] 3

SITE PLANS AND PLATS: By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

Owner REUBIN HARVE, SR

Applicant

Contact Person

Contact Person

Address 825 ZION HILL

Address

City, State & Zip ROCKWALL TX 75081

City, State & Zip

Phone 214-808-5769

Phone

E-Mail reharve@yahoo.com

E-Mail tracy.ehd@etty.com

NOTARY VERIFICATION [REQUIRED]

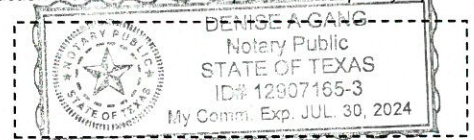
Before me, the undersigned authority, on this day personally appeared Reubin E. Harve, Sr [Owner] the undersigned, who stated the information on this application to be true and certified the following:

"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ 392.60, to cover the cost of this application, has been paid to the City of Rockwall on this the 15 day of Jan, 20 21. By signing this application, I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is associated or in response to a request for public information."

Given under my hand and seal of office on this the 15 day of January, 20 21.


Owner's Signature

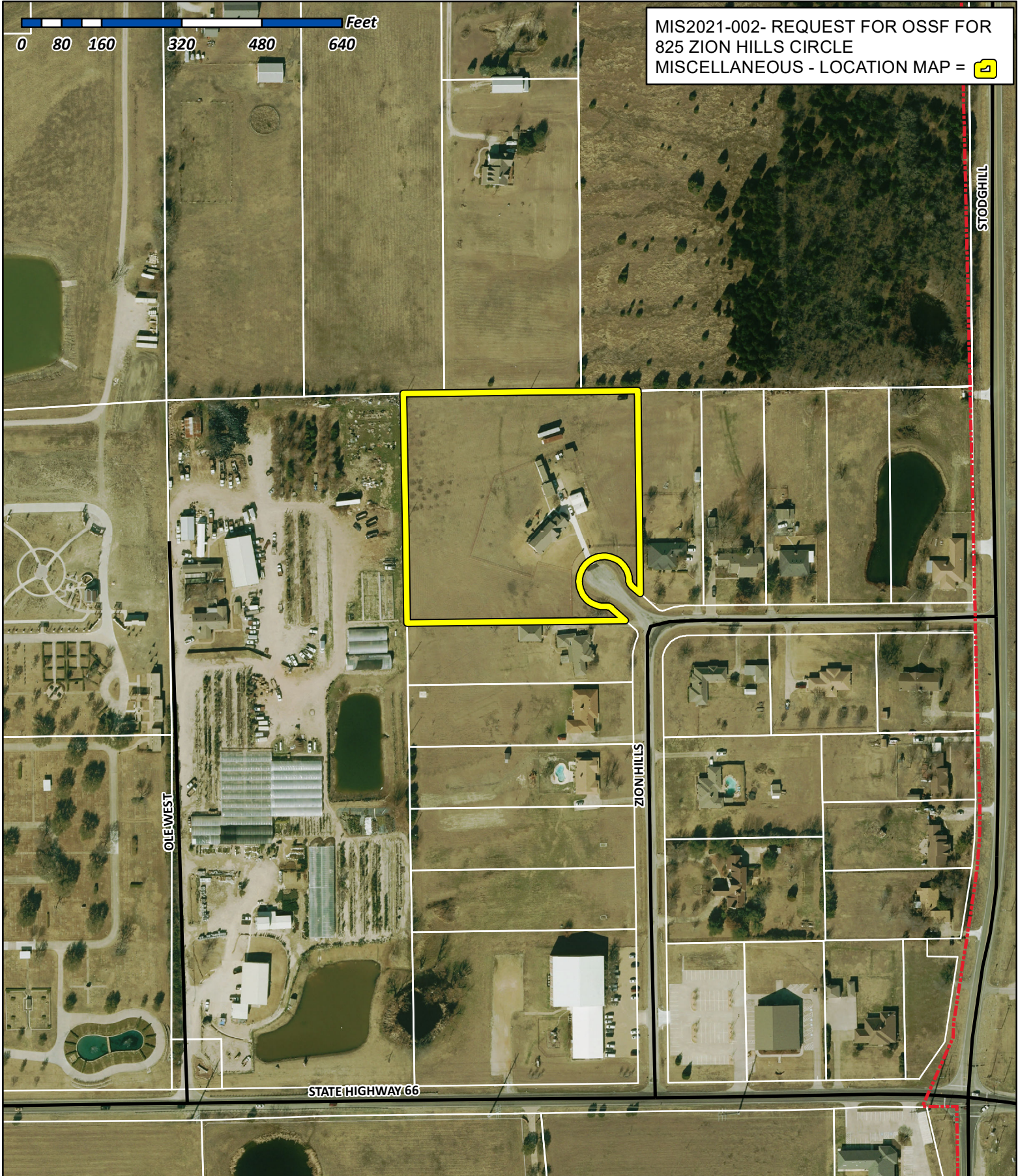
Notary Public in and for the State of Texas



My Commission Expires July 30, 2024

0 80 160 320 480 640 Feet

MIS2021-002- REQUEST FOR OSSF FOR
825 ZION HILLS CIRCLE
MISCELLANEOUS - LOCATION MAP = 



City of Rockwall

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

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

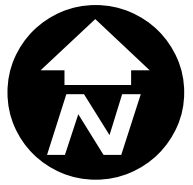




City of Rockwall

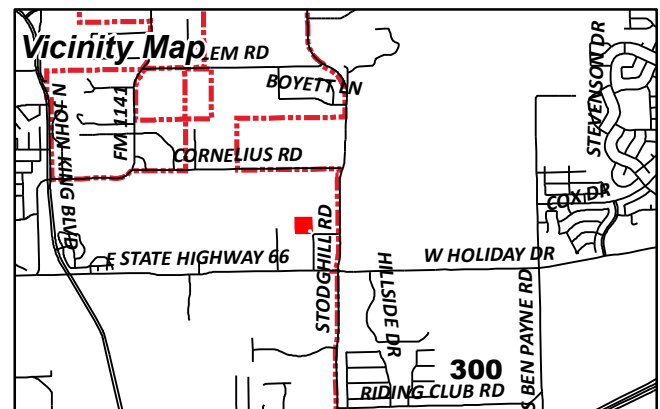
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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Case Number: MIS2021-002
Case Name: Request for OSSF
Case Type: Miscellaneous Request
Zoning: Single-Family 1 (SF-1) District
Case Address: 825 Zion Hills Circle

Date Created: 1/22/2021
For Questions on this Case Call (972) 771-7745



BRIMELOW TIM
2055 WILLIAMS ST
ROCKWALL, TX 75087

KEMP MARY CAYCE ERSKINE WILLIAMS
4501 EDMONDSON AVE
DALLAS, TX 75205

CODY OLIVIA L & STEPHEN H
817 ZION HILL CIR
ROCKWALL, TX 75087

FITZPATRICK ORAL L & BARBARA
820 ZION HILL CIR
ROCKWALL, TX 75087

MILLER CHARLES E & BETTY M
821 ZION HILL CIR
ROCKWALL, TX 75087

HARLE REUBIN E
825 ZION HILL CIR
ROCKWALL, TX 75087

MURPHY ROCKY SR & DEBRA J
837 ZION HILL CIR
ROCKWALL, TX 75087

HOLCOMB FRED G & CAROL
841 ZION HILL CIR
ROCKWALL, TX 75087

HAMMOND SCOTT H SR & DEBORAH
883 CORNELIUS RD
ROCKWALL, TX 75087

OLLOM GREGORY D
941 CORNELIUS RD
ROCKWALL, TX 75087

BRIZENDINE MICHAEL LEE
965 CORNELIUS ROAD
ROCKWALL, TX 75087

HARLE REUBIN E
PO BOX 912
ROCKWALL, TX 75087

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. MIS2021-002: Request for OSSF

Hold a public hearing to discuss and consider a request by Reubin Harle for the approval of On-Site Sewage Facilities (OSSFs) on two (2) tracts of land both identified as being a portion of a 4.632-acre parcel of land identified as Lot 5R, Block A, Zion Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 1 (SF-1) District, addressed as 825 Zion Hill Circle, and take any action necessary.

For the purpose of considering the effects of such a request, the City Council will hold a public hearing on Tuesday, February 16, 2021 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Ryan Miller
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Tuesday February 16, 2021 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

----- PLEASE RETURN THE BELOW FORM -----

Case No. MIS2021-002: Request for OSSF

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Four horizontal grey bars for providing reasons for support or opposition.

Name: [Grey box]
Address: [Grey box]

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

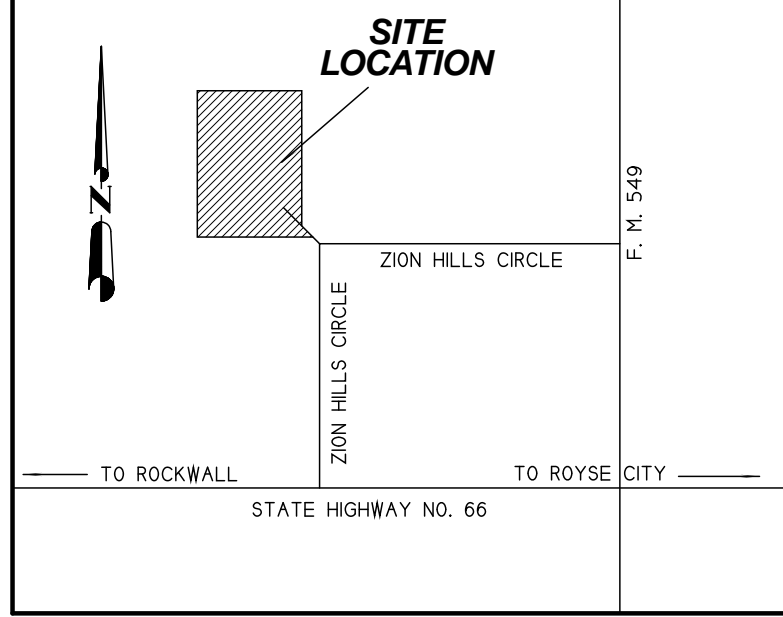
DENNIS & SARAH LUCKEY
VOLUME 813, PAGE 296
D.R.R.C.T.

MICHAEL & LORI BEZENDINE
VOLUME 1230, PAGE 1
D.R.R.C.T.

ERKSTINE WILLIAMS, JR.
VOLUME 1122, PAGE 15
D.R.R.C.T.

SPC
N 7031329.12
E 2606061.61
3/8" IRF

SPC
N 7031331.80
E 2606530.00
3/8" IRF



VICINITY MAP
N.T.S.

GARY A. JAMIE HARTIS
VOLUME 107, PAGE 82
D.R.R.C.T.

BASIS OF BEARINGS
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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Honorable Mayor and City Council

CC: Mary Smith, Interim City Manager
Joey Boyd, Assistant City Manager

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

DATE: March 1 , 2021

SUBJECT: Parks & Recreation Special Events

Parks and Recreation will be proceeding with the majority of Private Events, Special Events, RBSL Spring Season and 2021 Pool Season that we would consider routine with moderate attendance based on previous recommendations from City Council during the 2020 special event season request and approvals.

There are three events that we are seeking City Council approval based on the events and our programming guidelines below due to their high attendance.

1. Spring Extravaganza (March 27, 2021)

This year to make an adjustment to the typical "Easter Egg Hunt". The problem with the hunt is that people from ALL over the place come to ours because they think Rockwall will have a better hunt than others around us (which is true).

This means 2,000+ people (many non-residents) descend on upon our cherished Harry Myers Park for a brief and insane egg hunt. We spread something like 40,000 eggs and candy across the grass at Harry Myers and try our best to split people into age groups and then basically say GO and people race down to snatch as many eggs as they can. It's a nightmare. It always ends with a few angry parents claiming their kid didn't get anything or someone pushed or a parent was guarding eggs for their 2 yr old. These types of issues can be expected on such a large event.

Our solution is to use this year to present the Spring Eggstravaganza! Basically a miniature 4-hour festival that has lots of activities (list below). This way the event is more self-guided and not a mad rush. We want to invite local businesses to sponsor a game tent and people can walk around play games and earn eggs with candy in them. We'd have food vendors and maybe 4 sessions of Creature Teacher (an animal education company, they bring animals and talk about them).

In addition, we'd like to move to The Harbor. We feel that the Harbor would be better suited for an event like this in regard to access (parking) and for the fact that we'd like to do the event 1-

5pm, so parents can grab lunch and come down or come down and then grab dinner, catching that post-nap crowd.

Examples of activities:

- Activities
 - Petting Zoo
 - Creature Teacher session
 - DJ
 - Mini Golf area
 - Laser Tag zone
 - Photos with the Easter Bunny
- Game Booths
 - Duck Pond (Small plastic pool with water with rubber ducks with #'s on the bottom of them they coincide with prizes)
 - Fishing Pipe and drape(Throw a fishing line over a drape, people behind it tug on it and attach a prize)
 - Craft Station
 - Basketball Game
 - Hot Wheels Drag Race Track
 - Corn hole/Washers Game
 - Balloon popping game with Darts
 - Digging for "Fossils"(Pool filled with sand with items buried you find)
 -

These are just examples, I'm sure we'll have more ideas but we think this style event will be more Covid friendly, more customer friendly, and a great solution to issues with Easter egg hunt.

Parks and Recreation staff will have sanitation stations on site and will sanitize between participants on events with shared touch points.

Park and Recreation staff is asking the City Council to consider this request and provide feedback as needed.

2. Concerts by the Lake (May 13, 2021 – July 29, 2021)

Concerts by the Lake was a great success in 2020 with all the precautions we took with social distancing and sanitation stations on site. Parks and Recreation would like to operate the series similar to the 2020 series.

Park and Recreation staff is asking the City Council to consider this request and provide feedback as needed.

3. Founders Day (May 15, 2021)

Park and Recreation Staff currently have Wade Bowen and Jack Ingram under contract due to the cancellation of their performances from the 2020 event. Parks and Recreation staff feels we can have this event similar to the 2020- July 4th event with social distancing, sanitation stations in place.

Park and Recreation staff is asking the City Council to consider this request and provide feedback as needed.

Parks and Recreation staff does understand that the Pandemic is a constantly changing situation and we are prepared to make changes or cancel at the last minute depending on the evolving situation.

4. The Center (Saturday hours of 9:00am to 4:00pm)

Over the last several year's staff has noticed that attendance at the Center on Saturday is very seldom more than 3 to 4 people the entire day. Attached is a survey over a 1-year period which does include the Covid Pandemic. As you can see, other than a couple of Saturdays during the year we generally have one to two people that may come and workout for 30-minutes, other than that a person or two that might ask to use the restroom. This survey consistently reflects what staff has seen the last several years.

Staff is requesting that we are open Monday thru Friday 8:00am – 5:00pm which is the current schedule. Closed on Saturday and Sundays and focus on our Saturday and Sunday reservations only.

This lack of attendance is not a negative on the Parks and Recreation Department, it is just The Center is just not a facility that you have come and go customers all day long. Foot traffic really declined in 2016 when we started on-line registrations and you do not have to come the The Center to register any longer.

Currently we start Saturday reservations at 1:00pm because of being open to the public. This change would allow us to open up reservation times from 8:00am to 12:00am which would increase usage at The Center which is better for our patrons and staff. This would match our Sunday reservations since we are already closed on Sunday.

If approved we will monitor the situation and if warranted we can also discuss altering hours back if it proved to cause issues with our patrons.

Saturday Walk Ins

| Date | # of people |
|-----------------|-------------|
| 1/11/2020 | 0 |
| 1/18/2020 | 1 |
| 1/25/2020 | 0 |
| 2/1/2020 | 2 |
| 2/8/2020 | 1 |
| 2/15/2020 | 1 |
| 2/22/2020 | 0 |
| 2/29/2020 | 0 |
| 3/7/2020 | 2 |
| 3/14/2020 | 1 |
| Covid-19 | |
| 6/6/2020 | 1 |
| 6/13/2020 | 2 |
| 6/20/2020 | 2 |
| 6/27/2020 | 2 |
| 7/11/2020 | 3 |
| 7/18/2020 | 3 |
| 7/25/2020 | 4 |
| 8/1/2020 | 2 |
| 8/8/2020 | 12 |
| 8/17/2020 | 4 |
| 8/22/2020 | 5 |
| 8/29/2020 | 6 |
| 9/5/2020 | 7 |
| 9/12/2020 | 6 |
| 9/19/2020 | 10 |
| 9/26/2020 | 5 |
| 10/3/2020 | 3 |
| 10/10/2020 | 1 |
| 10/17/2020 | 2 |
| 10/24/2020 | 3 |
| 10/31/2020 | 3 |
| 11/7/2020 | 2 |
| 11/14/2020 | 2 |
| 11/21/2020 | 1 |



MEMORANDUM

TO: Honorable Mayor & City Council Members

FROM: Mary Smith, Interim City Manager

DATE: February 26, 2021

SUBJECT: Winter Storm Issues

PUBLIC WORKS (WATER / WASTEWATER / STREETS)

- There were originally approximately 750 requests for water shut offs
- There were not any City roadways observed or reported to have damage
- Multiple repairs were done to water main and service line breaks as a result of freezing temperatures.
- We answered hundreds of calls from residents and businesses requiring water service to be turned off due to burst pipes.
- Heath Street Pump Station was down temporarily but capacity in other elevated and ground storage tanks met the needs of our citizens
- The Sewer Production Department assisted our neighbors in the City of Heath getting their 911 communications operational and connected their generator for future power outages

PARKS & RECREATION

- Pipes froze in the restrooms of a few parks (Tuttle Athletic Complex, Harry Myers, Yellowjacket Park, Cain's Corner Park, Gloria Williams Pool Pumps, and the SH 66 Memorial Cemetery fountain.
- Some have been repaired and other are awaiting parts to arrive in the next 2-3 weeks.

CITY FACILITIES

- Fire Station 4 experienced a minor water leak in the former EMS side. It has been repaired.

WATER USAGE

In the six-day period from February 15th – 20th the City pumped **75,073,613** gallons of water to our customers. By looking at other 6 day periods earlier in the month our average would be closer to **43,460,348**. This is the direct result of customers leaving faucets dripping to attempt to keep pipes

from freezing as well as the water that was used when pipes froze and burst. It would be impossible to determine how much was attributable to dripping faucets compared to the amount for burst pipes. We only had a couple of main breaks which would be pretty standard in any given week so we think those would not be a factor in this increase over our average.

We sampled a number of customer accounts which are both radio read meters and for which we could verify that the customer left faucets dripping. We found an average of about 800 gallons used over the storm period at several homes with a high of about 2,000 gallons used in a couple of homes over the same period. None of these homeowners reported any burst pipes.

A number of cities will be offering a credit of either a set dollar amount or a number of gallons of usage for which there will not be a charge. Plano is 2,000 gallons at no charge while Richardson is giving a \$15 credit on the bill.

Some cities in the region have adopted policies which allow for 100% adjustment of the increased water usage resulting from a burst pipe. We have long offered a courtesy adjustment for leaks in the home or the customer's sprinkler system which would cover only about 25% of the increased usage.

SEWER AVERAGING

Our rate structure anticipates that resident's sewer bills for the year are based on the winter average consumption of December, January, and February usage. While it would seem to be a very computer generated process it actually isn't. In order to address changes in our resident's usage year to year we take a number of extra steps which allows us to look at every account for which the sewer average is increasing.

We generate the new averages and then run a report to compare them to the prior year. We then manually look at each account where the average is increasing in any significant way and determine if the resident has submitted for a leak adjustment or let us know they filled a pool and adjust those averages accordingly so the resident is not charged the higher sewer rate for the next year. We also look at their March usage and determine if averaging January through March would have resulted in a more favorable average for the resident.

Our absolute goal is to try to approximate actual domestic usage to be charged for sewer. Since the same meter serves both domestic and irrigation water this is a real challenge to begin with. The much increased usage in mid-February will only further complicate that effort. Very likely we will need to average December and January and see how that will compare to their prior averages and use that as our starting point.

ACTION NEEDED

If Council desires to make any universal residential adjustment for dripping water or burst pipes which differs from our current courtesy leak adjustment policy, we will need Council action to direct staff in that regard.



City of Rockwall
The New Horizon

Building Inspections Department Monthly Report

January 2021

Permits

| | |
|--|-----------------------|
| Total Permits Issued: | 187 |
| Building Permits: | 34 |
| Contractor Permits: | 153 |
| | |
| Total Commercial Permit Values: | \$1,650,369.30 |
| Building Permits: | \$1,543,069.30 |
| Contractor Permits: | \$107,300.00 |
| | |
| Total Fees Collected: | \$214,263.11 |
| Building Permits: | \$179,410.14 |
| Contractor Permits: | \$34,852.97 |

Board of Adjustment

Board of Adjustment Cases: 0

2/1/2021
9:12:12AM

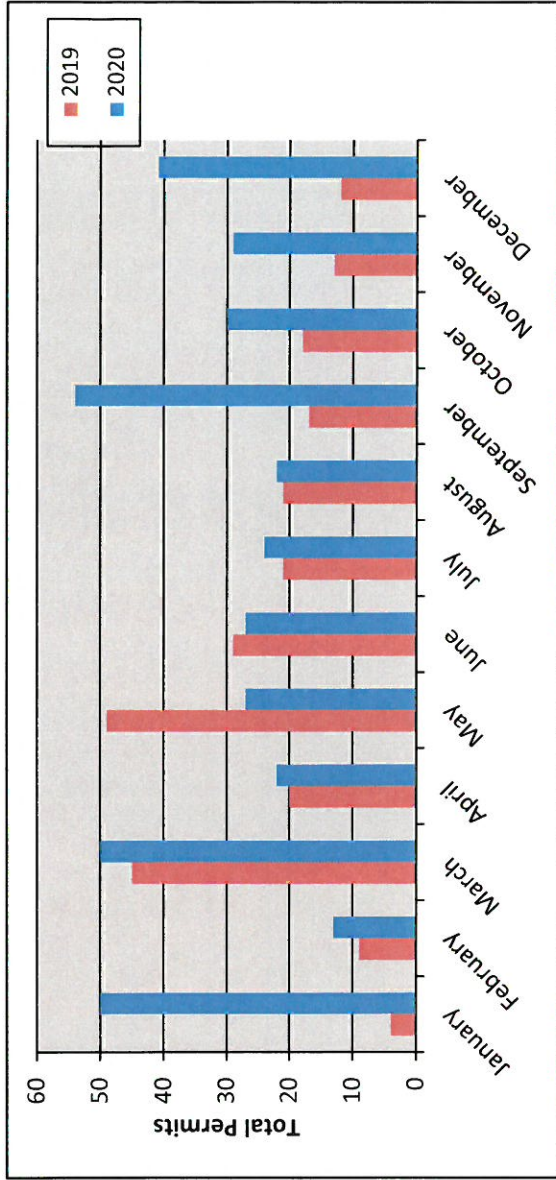
City of Rockwall
PERMITS ISSUED - Summary by Type and Subtype
For the Period 1/1/2021 to 1/31/2021

| Type/Subtype | # of Permits Issued | Valuation of Work | Fees Charged |
|--------------------------------|---------------------|-------------------|---------------------|
| Commercial Building Permit | 35 | \$1,650,369.30 | \$48,133.89 |
| Accessory Building Permit | 1 | 24,202.00 | \$402.75 |
| Addition | 1 | 633,867.30 | \$3,881.75 |
| Certificate of Occupancy | 3 | | \$225.00 |
| Electrical Permit | 7 | 19,000.00 | \$707.75 |
| Fence Permit | 1 | 10,000.00 | \$192.75 |
| Irrigation Permit | 6 | | \$17,583.48 |
| Mechanical Permit | 1 | 10,000.00 | \$192.75 |
| New Construction | 1 | 885,000.00 | \$23,522.16 |
| Plumbing Permit | 2 | 22,300.00 | \$262.75 |
| Remodel | 1 | 15,000.00 | \$262.75 |
| Roofing Permit | 1 | | \$75.00 |
| Sign Permit | 10 | 31,000.00 | \$825.00 |
| Residential Building Permit | 152 | | \$166,129.22 |
| Accessory Building Permit | 1 | | \$64.40 |
| Addition | 1 | | \$125.00 |
| Concrete Permit | 5 | | \$280.00 |
| Demolition | 1 | | \$50.00 |
| Electrical Permit | 4 | | \$400.00 |
| Fence Permit | 26 | | \$1,300.00 |
| Irrigation Permit | 11 | | \$825.00 |
| Mechanical Permit | 11 | | \$1,325.00 |
| New Construction | 28 | | \$151,270.08 |
| Patio Cover/Pergola | 7 | | \$831.00 |
| Plumbing Permit | 36 | | \$2,800.00 |
| Pool | 8 | | \$1,150.00 |
| Remodel | 2 | | \$418.84 |
| Retaining Wall Permit | 1 | | \$50.00 |
| Roofing Permit | 4 | | \$300.00 |
| Solar Panel Permit | 1 | | \$535.60 |
| Takeline - Boat House | 1 | | \$144.00 |
| Temporary Construction Trailer | 2 | | \$4,160.30 |
| Window & Door Permit | 2 | | \$100.00 |
| Totals: | 187 | | \$214,263.11 |

New Residential Permits

Calendar Year

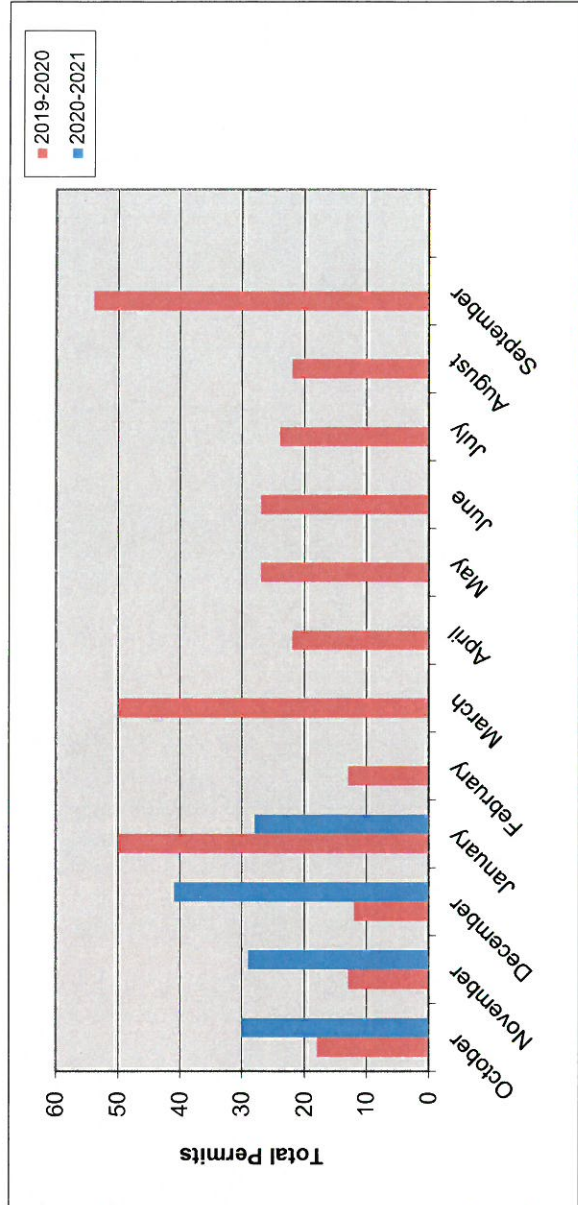
| | Year | |
|---------------|------------|------------|
| | 2019 | 2020 |
| January | 4 | 50 |
| February | 9 | 13 |
| March | 45 | 50 |
| April | 20 | 22 |
| May | 49 | 27 |
| June | 29 | 27 |
| July | 21 | 24 |
| August | 21 | 22 |
| September | 17 | 54 |
| October | 18 | 30 |
| November | 13 | 29 |
| December | 12 | 41 |
| Totals | 258 | 389 |



New Residential Permits

Fiscal Year

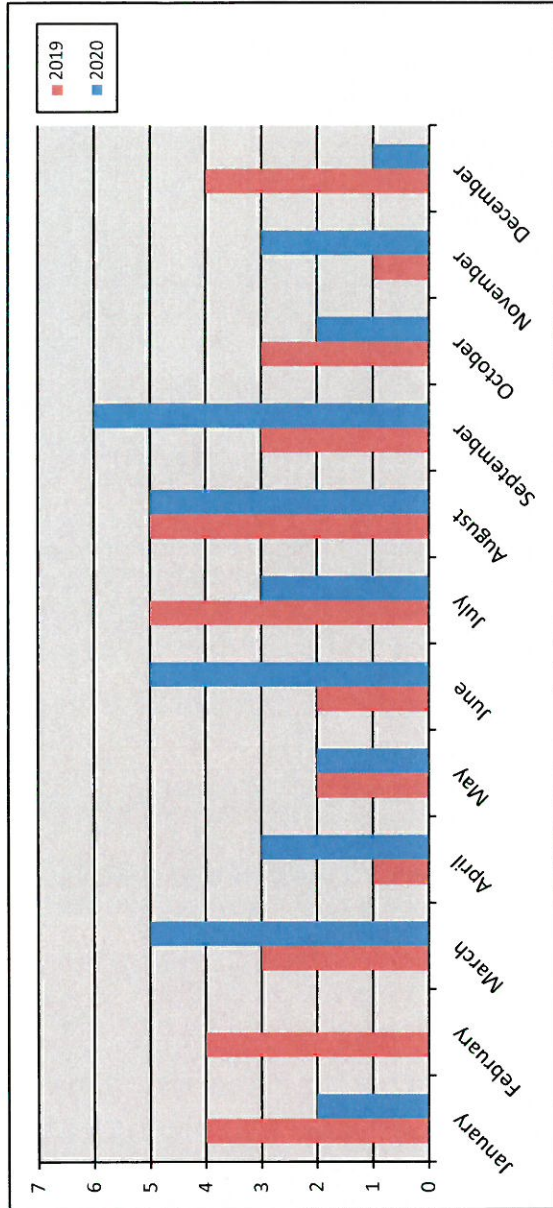
| | Year | |
|---------------|------------|-----------|
| | 2019-2020 | 2020-2021 |
| October | 18 | 30 |
| November | 13 | 29 |
| December | 12 | 41 |
| January | 50 | 28 |
| February | 13 | |
| March | 50 | |
| April | 22 | |
| May | 27 | |
| June | 27 | |
| July | 24 | |
| August | 22 | |
| September | 54 | |
| Totals | 332 | |



Residential Remodel Permits

Calendar Year

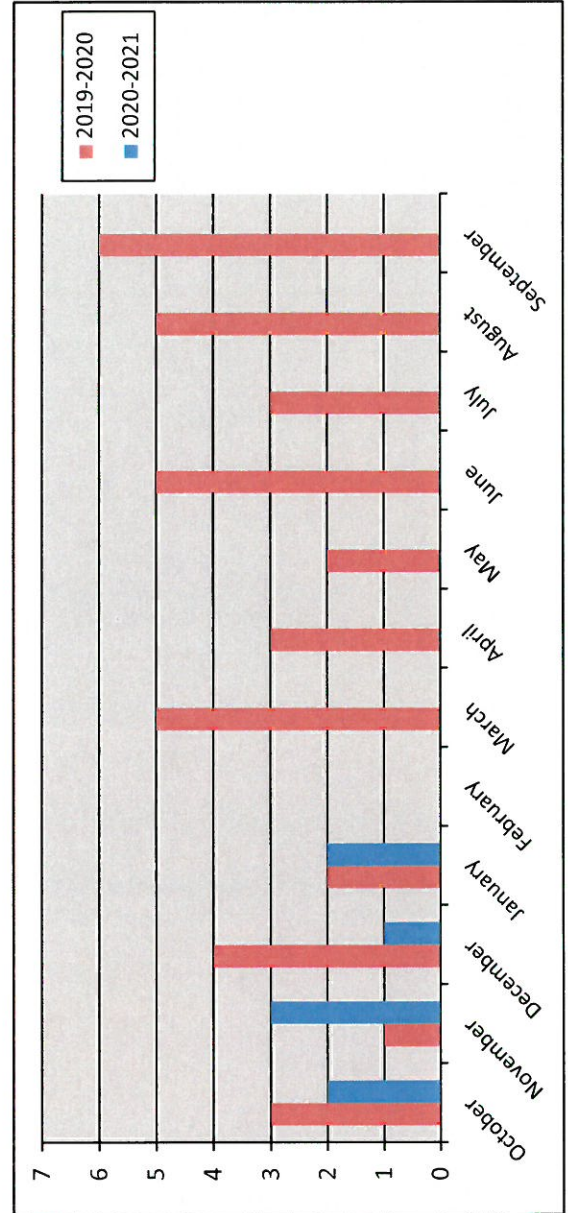
| | Year | |
|---------------|-----------|-----------|
| | 2019 | 2020 |
| January | 4 | 2 |
| February | 4 | 0 |
| March | 3 | 5 |
| April | 1 | 3 |
| May | 2 | 2 |
| June | 2 | 5 |
| July | 5 | 3 |
| August | 5 | 5 |
| September | 3 | 6 |
| October | 3 | 2 |
| November | 1 | 3 |
| December | 4 | 1 |
| Totals | 37 | 37 |



Residential Remodel Permits

Fiscal Year

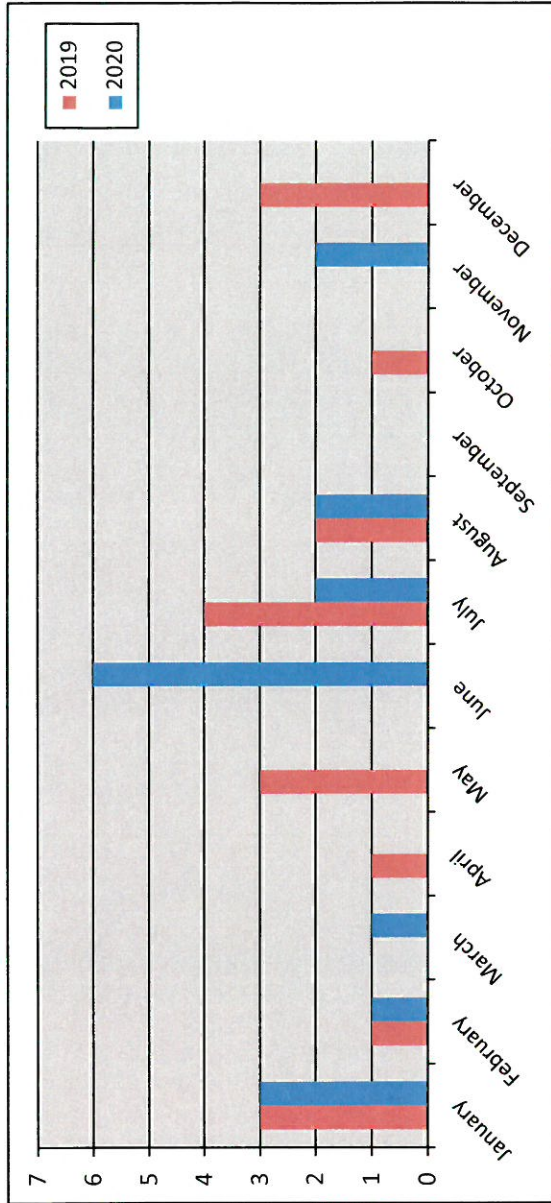
| | Year | |
|---------------|-----------|-----------|
| | 2019-2020 | 2020-2021 |
| October | 3 | 2 |
| November | 1 | 3 |
| December | 4 | 1 |
| January | 2 | 2 |
| February | 0 | |
| March | 5 | |
| April | 3 | |
| May | 2 | |
| June | 5 | |
| July | 3 | |
| August | 5 | |
| September | 6 | |
| Totals | 39 | 8 |



New Commercial Permits

Calendar Year

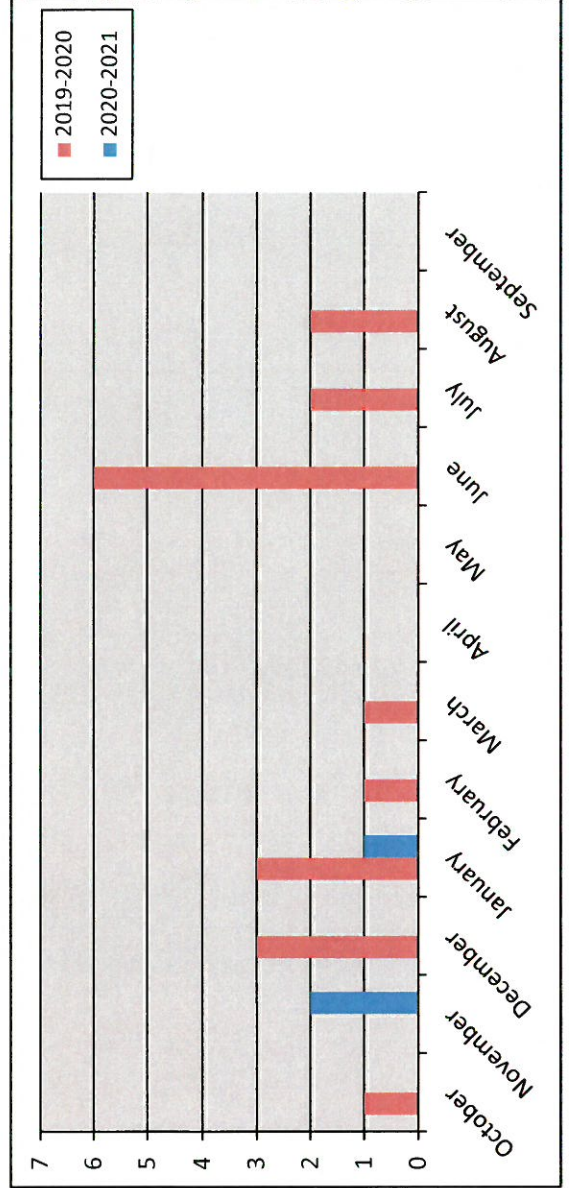
| | Year | |
|---------------|-----------|-----------|
| | 2019 | 2020 |
| January | 3 | 3 |
| February | 1 | 1 |
| March | 0 | 1 |
| April | 1 | 0 |
| May | 3 | 0 |
| June | 0 | 6 |
| July | 4 | 2 |
| August | 2 | 2 |
| September | 0 | 0 |
| October | 1 | 0 |
| November | 0 | 2 |
| December | 3 | 0 |
| Totals | 18 | 17 |



New Commercial Permits

Fiscal Year

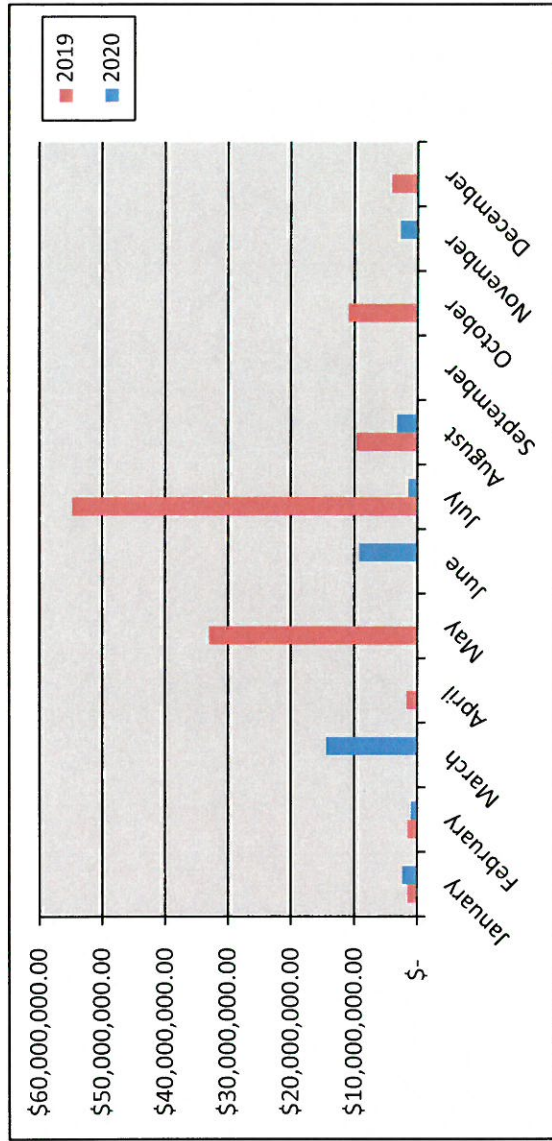
| | Year | |
|---------------|-----------|-----------|
| | 2019-2020 | 2020-2021 |
| October | 1 | 0 |
| November | 0 | 2 |
| December | 3 | 0 |
| January | 3 | 1 |
| February | 1 | 1 |
| March | 1 | 0 |
| April | 0 | 0 |
| May | 0 | 0 |
| June | 6 | 0 |
| July | 2 | 0 |
| August | 2 | 0 |
| September | 0 | 0 |
| Totals | 19 | 3 |



New Commercial Value

Calendar Year

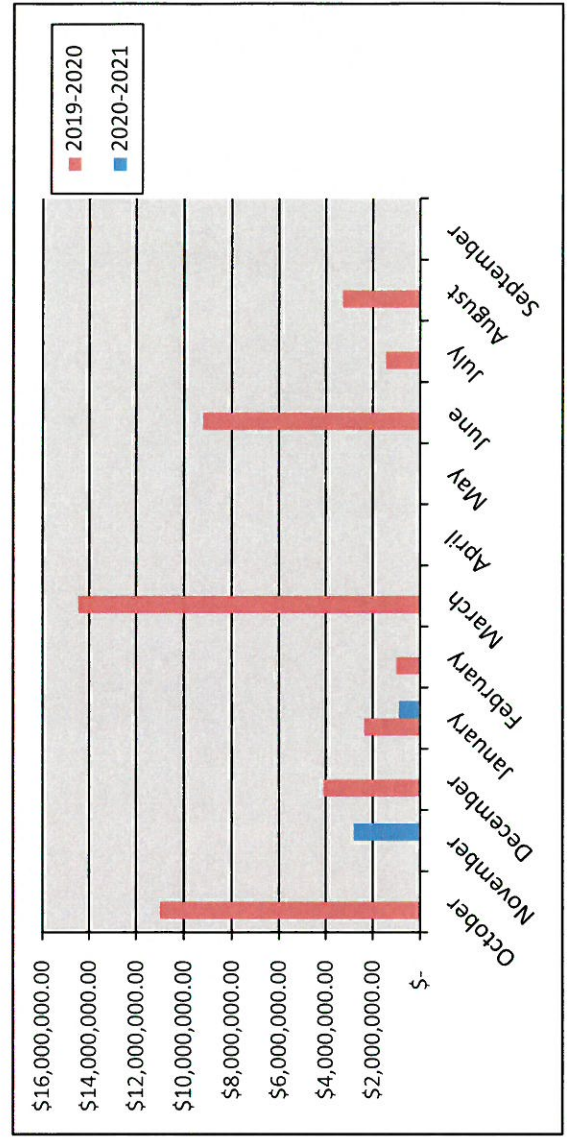
| | Year | |
|---------------|--------------------------|-------------------------|
| | 2019 | 2020 |
| January | \$ 1,530,000.00 | \$ 2,375,000.00 |
| February | \$ 1,500,000.00 | \$ 995,000.00 |
| March | \$ - | \$ 14,500,000.00 |
| April | \$ 1,700,000.00 | \$ - |
| May | \$ 32,969,700.00 | \$ - |
| June | \$ - | \$ 9,244,001.00 |
| July | \$ 54,900,000.00 | \$ 1,445,000.00 |
| August | \$ 9,736,987.00 | \$ 3,284,065.00 |
| September | \$ - | \$ - |
| October | \$ 11,000,000.00 | \$ - |
| November | \$ - | \$ 2,800,000.00 |
| December | \$ 4,100,000.00 | \$ - |
| Totals | \$ 117,436,687.00 | \$ 34,643,066.00 |



New Commercial Value

Fiscal Year

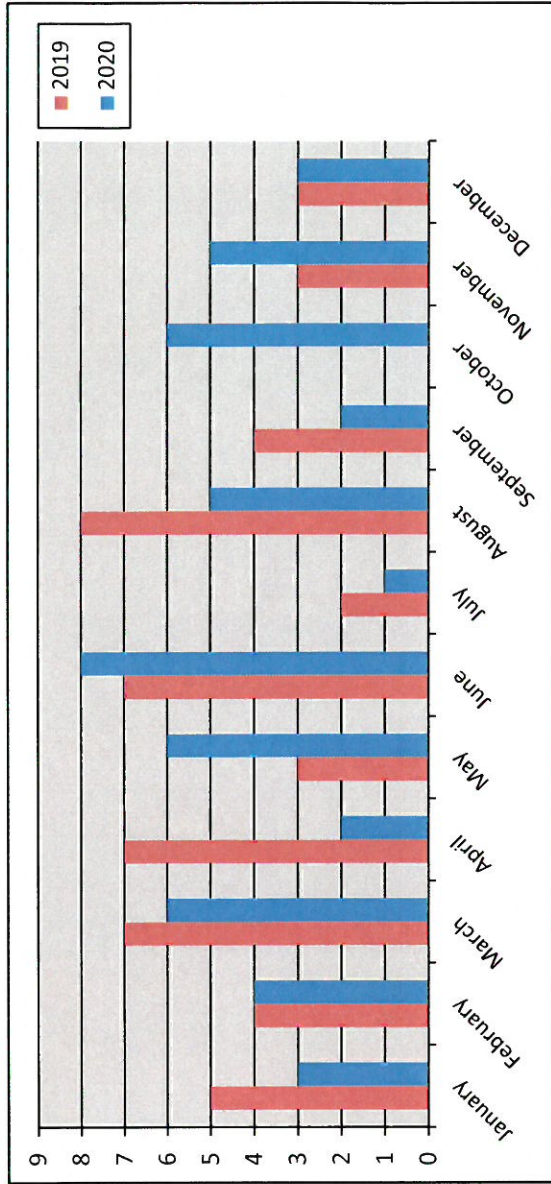
| | Year | |
|---------------|-------------------------|------------------------|
| | 2019-2020 | 2020-2021 |
| October | \$ 11,000,000.00 | \$ - |
| November | \$ - | \$ 2,800,000.00 |
| December | \$ 4,100,000.00 | \$ - |
| January | \$ 2,375,000.00 | \$ 885,000.00 |
| February | \$ 995,000.00 | \$ - |
| March | \$ 14,500,000.00 | \$ - |
| April | \$ - | \$ - |
| May | \$ - | \$ - |
| June | \$ 9,244,001.00 | \$ - |
| July | \$ 1,445,000.00 | \$ - |
| August | \$ 3,284,065.00 | \$ - |
| September | \$ - | \$ - |
| Totals | \$ 46,943,066.00 | \$ 3,685,000.00 |



Commercial Remodel Permits

Calendar Year

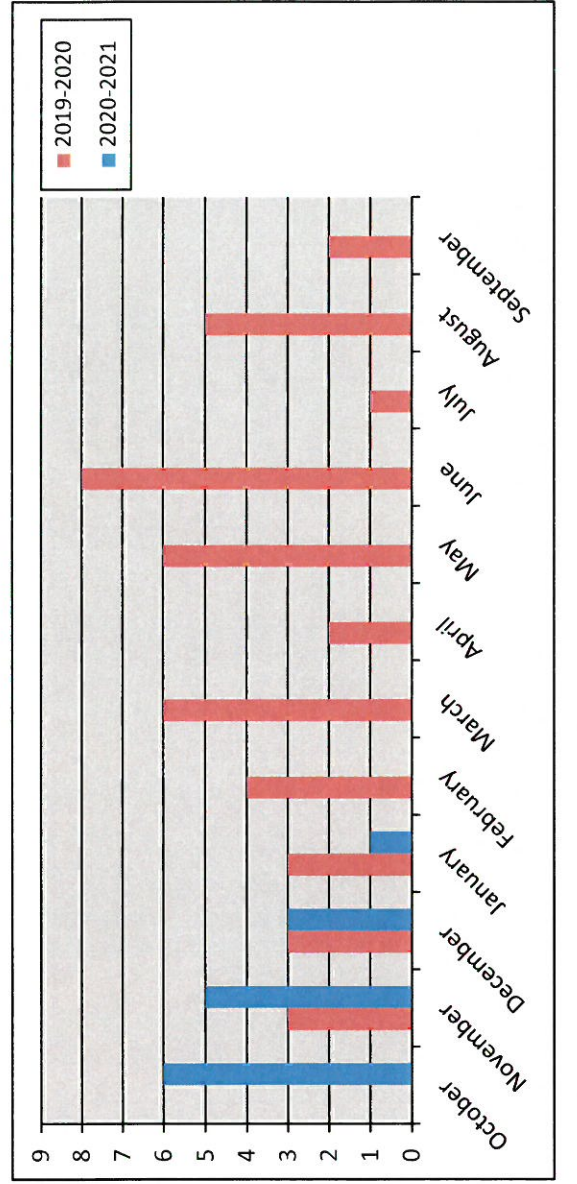
| | Year | | |
|---------------|-----------|-----------|--|
| | 2019 | 2020 | |
| January | 5 | 3 | |
| February | 4 | 4 | |
| March | 7 | 6 | |
| April | 7 | 2 | |
| May | 3 | 6 | |
| June | 7 | 8 | |
| July | 2 | 1 | |
| August | 8 | 5 | |
| September | 4 | 2 | |
| October | 0 | 6 | |
| November | 3 | 5 | |
| December | 3 | 3 | |
| Totals | 53 | 51 | |



Commercial Remodel Permits

Fiscal Year

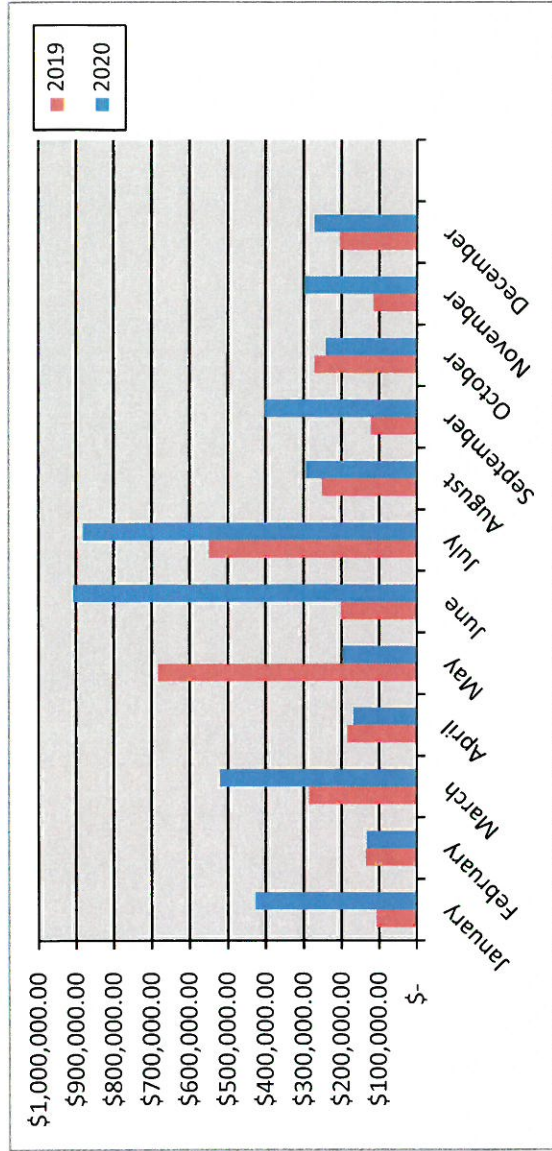
| | Year | | |
|---------------|-----------|-----------|--|
| | 2019-2020 | 2020-2021 | |
| October | 0 | 6 | |
| November | 3 | 5 | |
| December | 3 | 3 | |
| January | 3 | 1 | |
| February | 4 | | |
| March | 6 | | |
| April | 2 | | |
| May | 6 | | |
| June | 8 | | |
| July | 1 | | |
| August | 5 | | |
| September | 2 | | |
| Totals | 43 | 15 | |



Total Fees Collected

Calendar Year

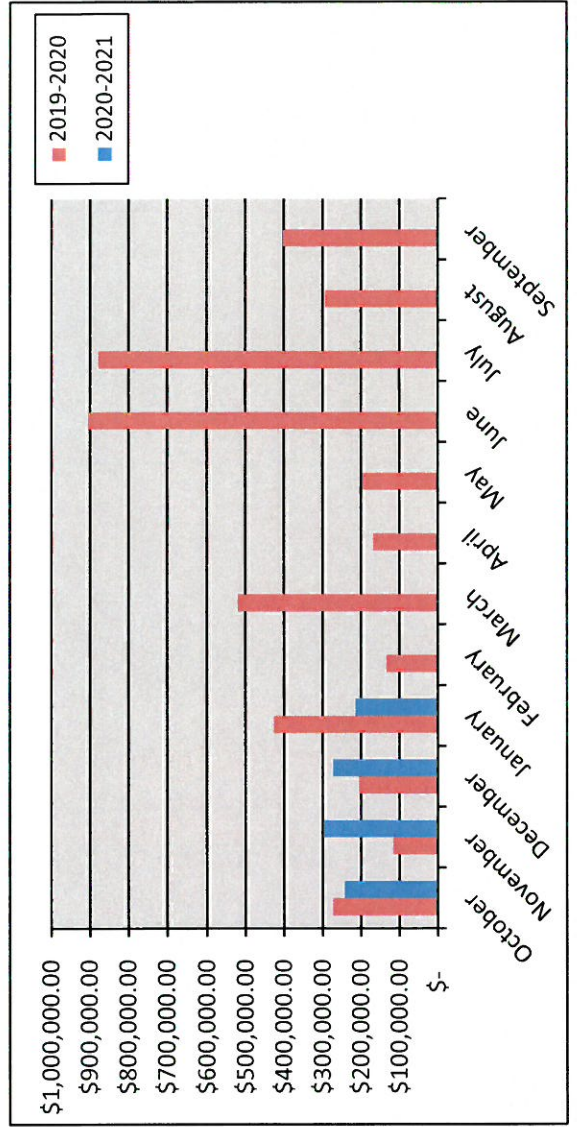
| | Year | |
|---------------|------------------------|------------------------|
| | 2019 | 2020 |
| January | \$ 108,325.23 | \$ 427,697.11 |
| February | \$ 137,260.79 | \$ 134,061.03 |
| March | \$ 288,576.03 | \$ 521,238.63 |
| April | \$ 186,555.47 | \$ 169,632.18 |
| May | \$ 685,938.85 | \$ 196,119.77 |
| June | \$ 203,335.14 | \$ 906,969.19 |
| July | \$ 551,248.76 | \$ 880,396.43 |
| August | \$ 254,601.49 | \$ 294,303.58 |
| September | \$ 123,811.68 | \$ 401,730.63 |
| October | \$ 274,121.49 | \$ 242,859.42 |
| November | \$ 116,656.13 | \$ 296,217.55 |
| December | \$ 205,859.61 | \$ 272,486.48 |
| Totals | \$ 3,136,290.67 | \$ 4,743,712.00 |



Total Fees Collected

Fiscal Year

| | Year | |
|---------------|------------------------|------------------------|
| | 2019-2020 | 2020-2021 |
| October | \$ 274,121.49 | \$ 242,859.42 |
| November | \$ 116,656.13 | \$ 296,217.55 |
| December | \$ 205,859.61 | \$ 272,486.48 |
| January | \$ 427,697.11 | \$ 214,263.11 |
| February | \$ 134,061.03 | |
| March | \$ 521,238.63 | |
| April | \$ 169,632.18 | |
| May | \$ 196,119.77 | |
| June | \$ 906,969.19 | |
| July | \$ 880,396.43 | |
| August | \$ 294,303.58 | |
| September | \$ 401,730.63 | |
| Totals | \$ 4,528,785.78 | \$ 1,025,826.56 |



9:07:27AM

PERMITS ISSUED

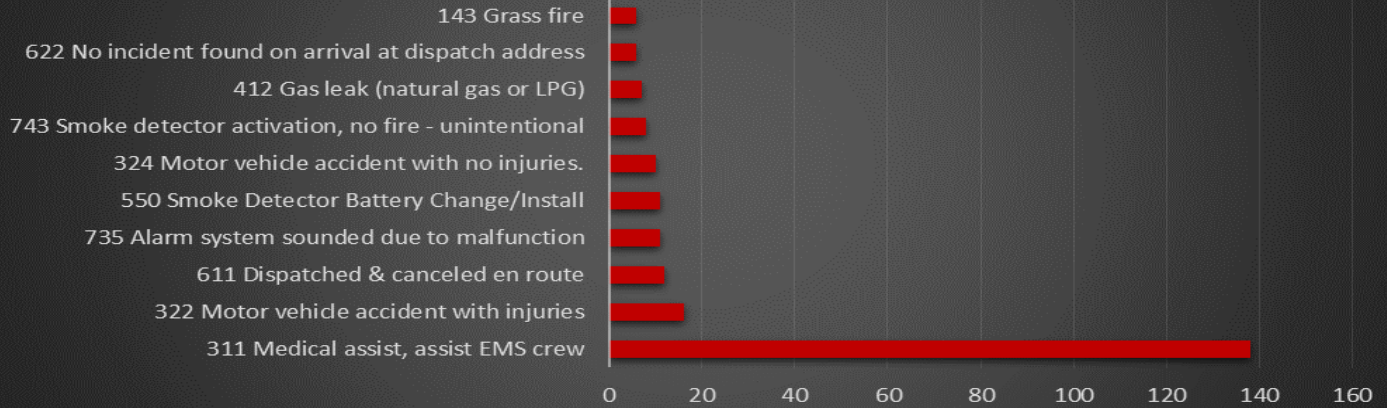
For the Period 1/1/2021 to 1/31/2021

| Permit Number | Permit Type | Site Address | Valuation | Total Fees | Fees Paid |
|---------------------|----------------------------|------------------------------------|-------------------------|----------------------------------|-----------|
| Application Date | Subtype | Parcel Number | | Total SQFT | |
| Issue Date | Status of Permit | Subdivision Name | | | |
| | | Plan Number | | | |
| COM2020-4962 | Commercial Building Permit | | | | |
| 12/01/2020 | Certificate of Occupancy | 2555 Ridge Rd., Suite | | \$75.00 | \$75.00 |
| 01/15/2021 | ISSUED | 150, Rockwall, TX 75032 | | 1,400.00 | |
| Contact Type | | | | | |
| Business Owner | CBAXPM, LLC. | 465 W. President George Push Suite | Rowlett | TX | 75089 |
| Property Owner | CBAXPM, LLC. | 465 W. President George Push Suite | Rowlett | TX | 75089 |
| Contact | KEITH HENDRICKS | 103 | | | |
| Contractors | | | | | |
| COM2020-5436 | Commercial Building Permit | | | | |
| 12/31/2020 | Certificate of Occupancy | 1960 E INTERSTATE 30, | | \$75.00 | \$75.00 |
| 01/05/2021 | ISSUED | ROCKWALL, 75087 | | 12,000.00 | |
| Contact Type | | | | | |
| Business Owner | Metro Heating & Cooling | 1960 E Interstate 30 | Rockwall | TX | 75087 |
| Property Owner | MHC I30 LP | 12001 N CENTRAL EXPRESSWAY, | Dallas | TX | 75243 |
| | | #875 | | | |
| Contractors | | | | | |
| COM2021-196 | Commercial Building Permit | | | | |
| 01/14/2021 | Certificate of Occupancy | 107 N Goliad St, | | \$75.00 | \$75.00 |
| 01/29/2021 | ISSUED | Rockwall, TX 75087 | | 4,500.00 | |
| Contact Type | | | | | |
| Business Owner | Erin Neill | 107 N. Goliad St. | Rockwall | TX | 75087 |
| Property Owner | Erin Neill | 107 N. Goliad St. | Rockwall | TX | 75087 |
| Contractors | | | | | |
| | | | Total Valuation: | | |
| | | | | Total Fees: \$225.00 | |
| | | | | Total Fees Paid: \$225.00 | |



January 2021 Monthly
Report

Top 10 Call Types



Incident Types



Incident Count

| | |
|--|-----|
| 311 Medical assist, assist EMS crew | 138 |
| 322 Motor vehicle accident with injuries | 16 |
| 611 Dispatched & canceled en route | 12 |
| 550 Smoke Detector Battery Change/Install | 11 |
| 735 Alarm system sounded due to malfunction | 11 |
| 324 Motor vehicle accident with no injuries. | 10 |
| 743 Smoke detector activation, no fire - unintentional | 8 |
| 412 Gas leak (natural gas or LPG) | 7 |
| 622 No incident found on arrival at dispatch address | 6 |
| 143 Grass fire | 6 |
| 745 Alarm system activation, no fire - unintentional | 6 |
| 733 Smoke detector activation due to malfunction | 4 |
| 651 Smoke scare, odor of smoke | 3 |
| 445 Arcing, shorted electrical equipment | 2 |
| 736 CO detector activation due to malfunction | 2 |
| 650 Steam, other gas mistaken for smoke, other | 2 |
| 746 Carbon monoxide detector activation, no CO | 2 |
| 744 Detector activation, no fire - unintentional | 1 |
| 463 Vehicle accident, general cleanup | 1 |
| 730 System malfunction, other | 1 |
| 151 Outside rubbish, trash or waste fire | 1 |
| 740 Unintentional transmission of alarm, other | 1 |
| 553 Public service | 1 |
| 710 Malicious, mischievous false call, other | 1 |
| 353 Removal of victim(s) from stalled elevator | 1 |
| 131 Passenger vehicle fire (cars, pickups, SUV's) | 1 |
| 154 Dumpster or other outside trash receptacle fire | 1 |
| 510 Person in distress, other | 1 |
| 442 Overheated motor | 1 |
| 116 Fuel burner/boiler malfunction, fire confined | 1 |
| 444 Power line down | 1 |
| 111 Building fire | 1 |
| 700 False alarm or false call, other | 1 |
| 522 Water or steam leak | 1 |
| 550 Public service assistance, other | 1 |

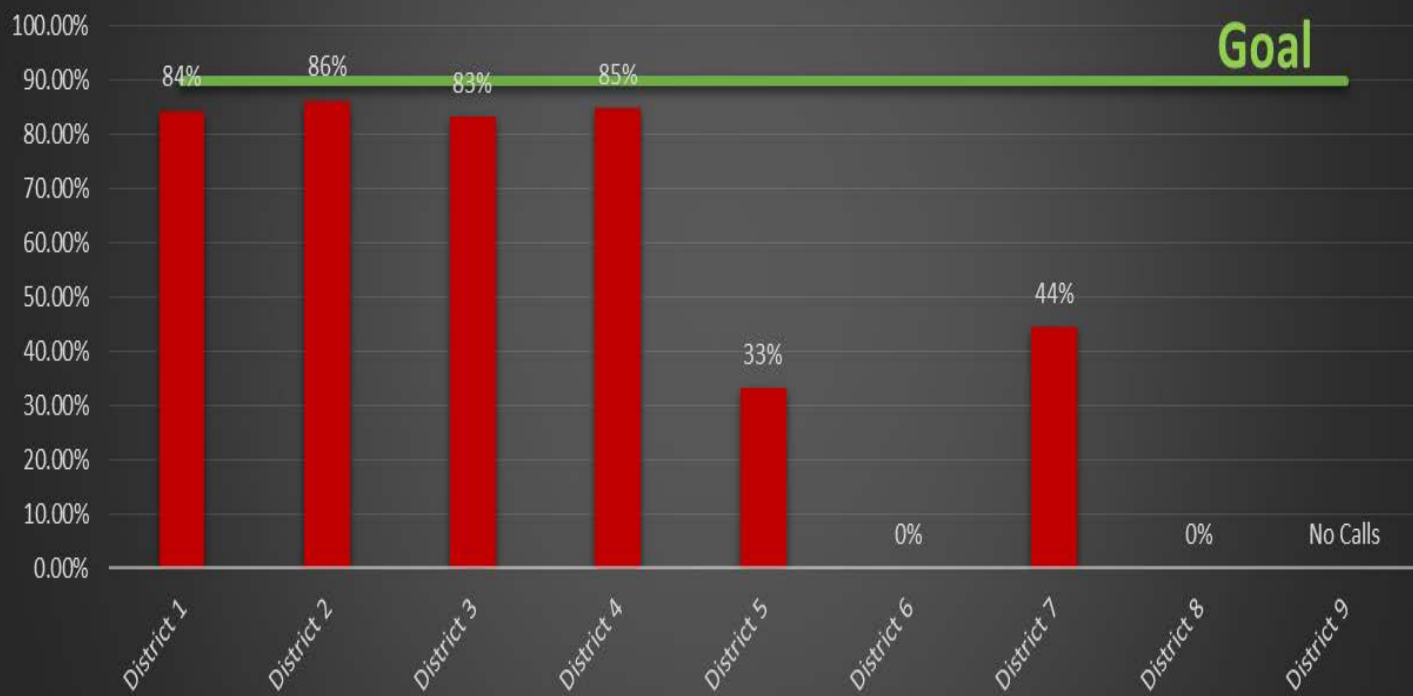
Grand Total

264

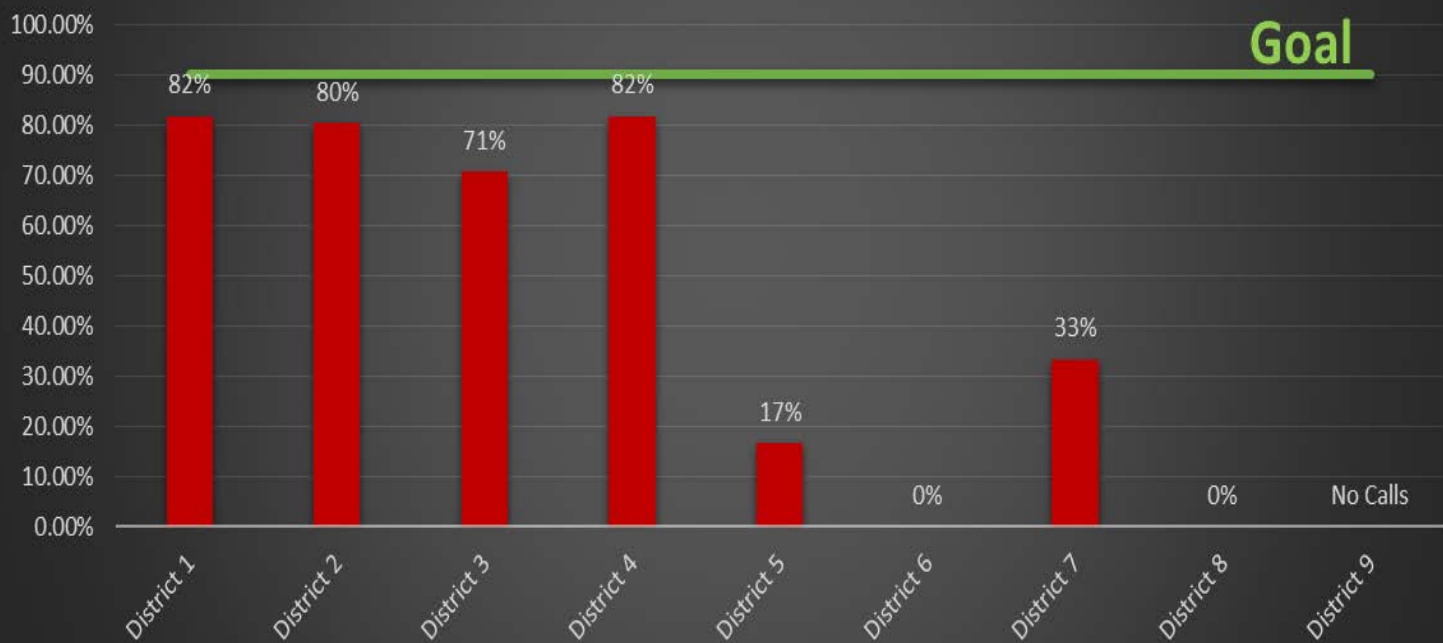
January 2021 Dispatch to Arrival Analysis

| District | Total Number of Calls | Percent of Runs per District | Number of Calls in 5.5 mins or Less | Average FD Response Time Minutes | % in 5.5 min or less | Goal of 90% |
|-------------------|-----------------------|------------------------------|-------------------------------------|----------------------------------|----------------------|-------------|
| District 1 | 77 | 37% | 65 | 0:04:06 | 84% | 90% |
| District 2 | 51 | 25% | 44 | 0:04:04 | 86% | 90% |
| District 3 | 24 | 12% | 20 | 0:04:13 | 83% | 90% |
| District 4 | 33 | 16% | 28 | 0:04:13 | 85% | 90% |
| District 5 | 6 | 3% | 2 | 0:06:32 | 33% | 90% |
| District 6 | 3 | 1% | 0 | 0:07:17 | 0% | 90% |
| District 7 | 9 | 4% | 4 | 0:06:13 | 44% | 90% |
| District 8 | 4 | 2% | 0 | 0:07:13 | 0% | 90% |
| District 9 | 0 | 0% | 0 | 0:00:00 | No Calls | 90% |
| Department | 207 | 100% | 163 | 0:04:24 | 79% | 90% |

January 2021 - % of Code 3 Calls with Fire Dept Response Time of 5.5 mins or less by District



January 2021 - % of Code 3 Calls with Travel Time of 4 mins or less by District



| District | Total Number of Calls | Percent of Runs per District | Number of Calls in 4 or Less | Average Travel Time Minutes | % in 4 min or less | Goal of 90% |
|-------------------|-----------------------|------------------------------|------------------------------|-----------------------------|--------------------|-------------|
| District 1 | 77 | 37% | 63 | 0:02:56 | 82% | 90% |
| District 2 | 51 | 25% | 41 | 0:03:01 | 80% | 90% |
| District 3 | 24 | 12% | 17 | 0:03:18 | 71% | 90% |
| District 4 | 33 | 16% | 27 | 0:03:11 | 82% | 90% |
| District 5 | 6 | 3% | 1 | 0:05:25 | 17% | 90% |
| District 6 | 3 | 1% | 0 | 0:06:31 | 0% | 90% |
| District 7 | 9 | 4% | 3 | 0:05:18 | 33% | 90% |
| District 8 | 4 | 2% | 0 | 0:06:14 | 0% | 90% |
| District 9 | 0 | 0% | 0 | 0:00:00 | No Calls | 90% |
| Department | 207 | 100% | 152 | 0:03:20 | 73% | 90% |



Total Dollar Losses

January 2021



City of Rockwall
The New Horizon

Rockwall Fire Department

Print Date/Time: 02/22/2021 10:53
Login ID: rck\ihatcher
Layer: All
Areas: All

ORI Number: TX504
Incident Type: All
Station: All

| | Current Month | Last Month | Same Month Last Year | Year To Date | Last Year To Date |
|------------------------------------|-----------------|------------|----------------------|-----------------|-------------------|
| Total Property Loss: | \$1,000.00 | \$0.00 | \$10,000.00 | \$1,000.00 | \$10,000.00 |
| Total Content Loss: | \$4,000.00 | \$0.00 | \$20,000.00 | \$4,000.00 | \$20,000.00 |
| Total Property Pre-Incident Value: | \$24,330,930.00 | \$0.00 | \$9,000,000.00 | \$24,330,930.00 | \$9,000,000.00 |
| Total Contents Pre-Incident Value | \$10,000,000.00 | \$0.00 | \$1,000,000.00 | \$10,000,000.00 | \$1,000,000.00 |
| Total Losses: | \$5,000.00 | \$0.00 | \$30,000.00 | \$5,000.00 | \$5,000.00 |
| Total Value: | \$34,330,930.00 | \$0.00 | \$10,000,000.00 | \$34,330,930.00 | \$10,000,000.00 |



Fire Marshal Division

January 2021 Report



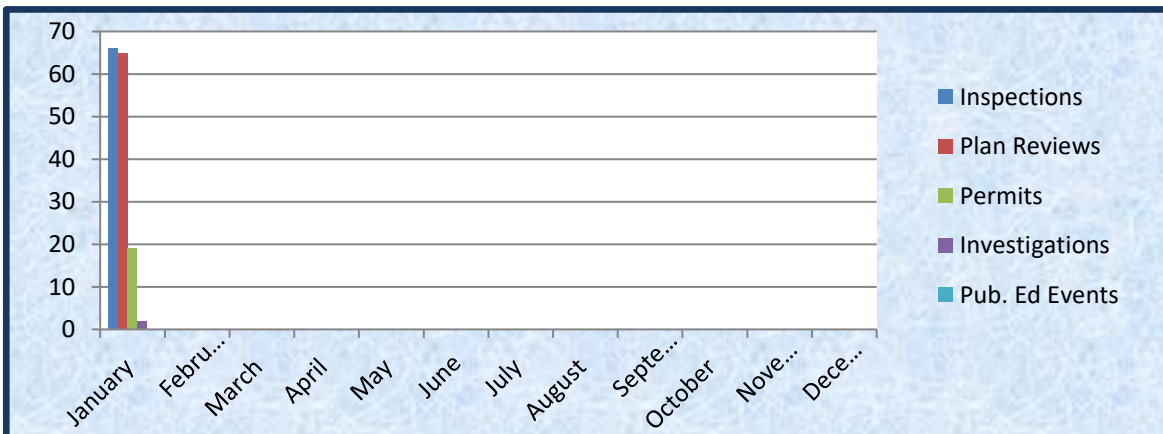
| Inspections Conducted | |
|-----------------------|----|
| Total for the Month | 66 |

| Plan Reviews Completed | |
|------------------------|----|
| Total for the Month | 65 |

| Permits Issued | |
|---------------------|----|
| Total for the Month | 19 |

| Fire Investigations | |
|----------------------------|----------|
| Active Investigations | 0 |
| Closed Investigations | 2 |
| Total for the Month | 2 |

| Public Education Events | |
|-------------------------|---|
| Total for the Month | 0 |



JANUARY 2021 MONTHLY REPORT



**ROCKWALL PARKS
& RECREATION**

PARTICIPATION



**DADDY DAUGHTER DANCE: THE HILTON
ROCKWALL, 308 ATTENDEES**



GO OUTSIDE AND PLAY



GO OUTSIDE AND PLAY

MONTHLY OVERVIEW

JAN '21

| | |
|---------------------------|------------|
| Part Time Labor Hours | 42 |
| Program Offerings | 6 |
| Program Participants | 986 |
| Resident Participants | 637 |
| Non-Resident Participants | 349 |
| Programs that Made | 6 |
| Cancelled Programs | 0 |
| % of Programs Cancelled | 0% |

FEE BASED RESIDENT VS NON-RESIDENT

6 programs

47%

53%

RENTALS



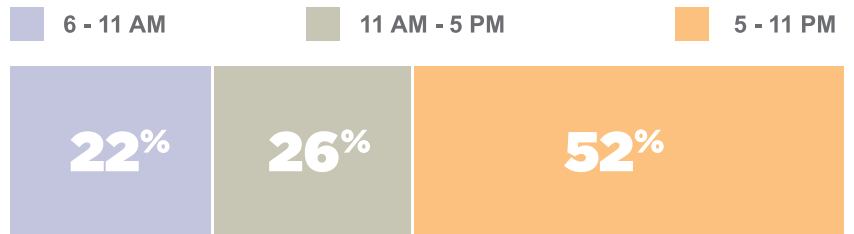
HMCC

JAN '21

| | |
|---------------------------|---------------|
| <i>Time Blocks Rented</i> | 46 |
| <i>Monthly Revenue</i> | \$1840 |

HMCC RENTAL ACTIVITY BY TIME BLOCK

46 Rentals



PAVILIONS

JAN '21

| | |
|---------------------------|-------------|
| <i>Time Blocks Rented</i> | 2 |
| <i>Monthly Revenue</i> | \$80 |

PAVILION RENTAL ACTIVITY BY TIME BLOCK

5 Rentals



PARKS



FACILITY UPGRADES:

The Harbor landscape to granite conversion



FACILITY REPAIRS:

Pettinger Granite repairs



FACILITY RENOVATIONS:

Tuttle Athletic field renovations



MARKETING

FACEBOOK PAGE LIKES



DEC

GAIN OR LOSS

+1

JAN

+23

TOTAL LIKES THRU 1/31/2021



15,057

ONLINE REGISTRATION ACCOUNTS THROUGH ACTIVE

DEC

ACCOUNTS

9764

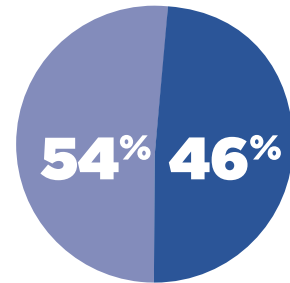
GAIN OR LOSS

+68

JAN

9825

+61



RESIDENT VS NON-RESIDENT ACCOUNTS

PLAYROCKWALL.COM PERFORMANCE METRICS

PLAYROCKWALL.COM

PAGEVIEWS

Pageviews represent the total individual pages viewed by visitors to playrockwall.com within the month of January 2021.

36,761

SESSIONS

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

7,520

USERS

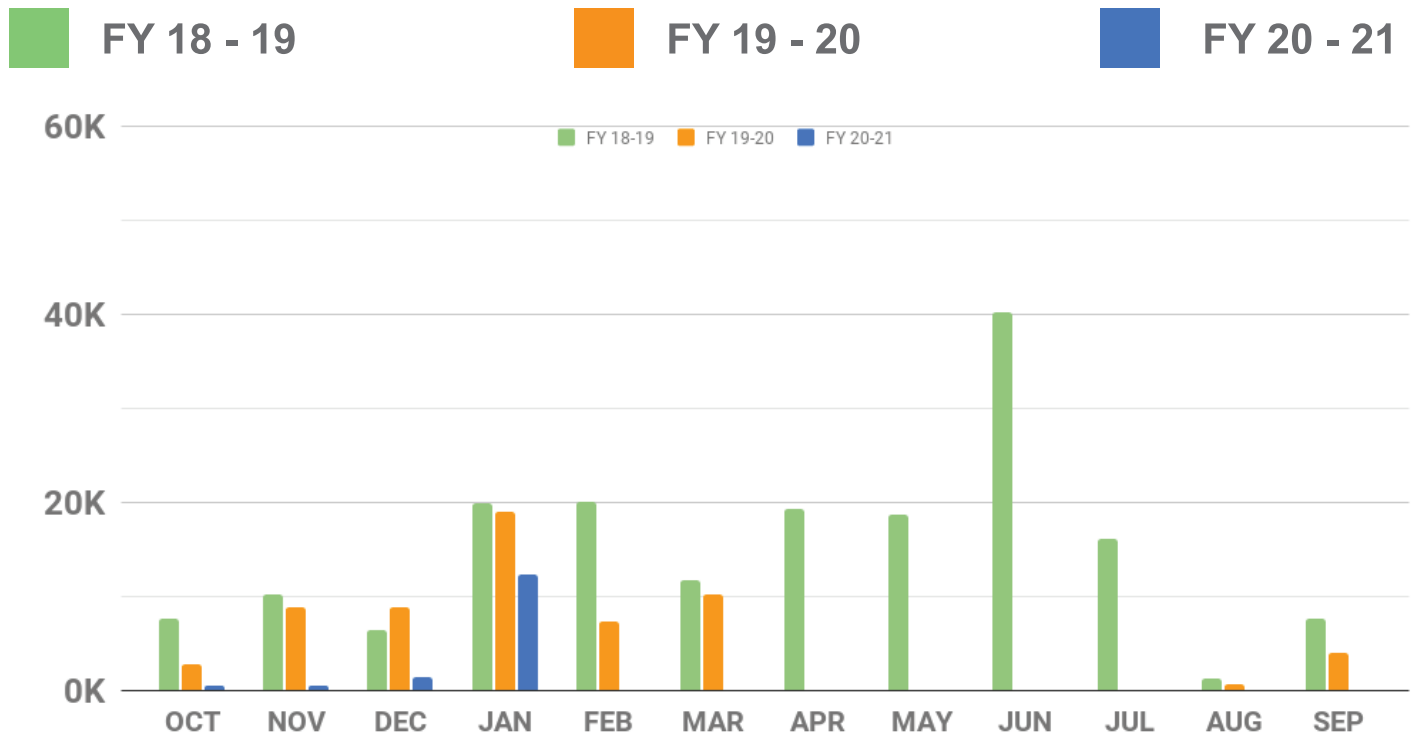
Visitors to playrockwall.com

5,614

REVENUE

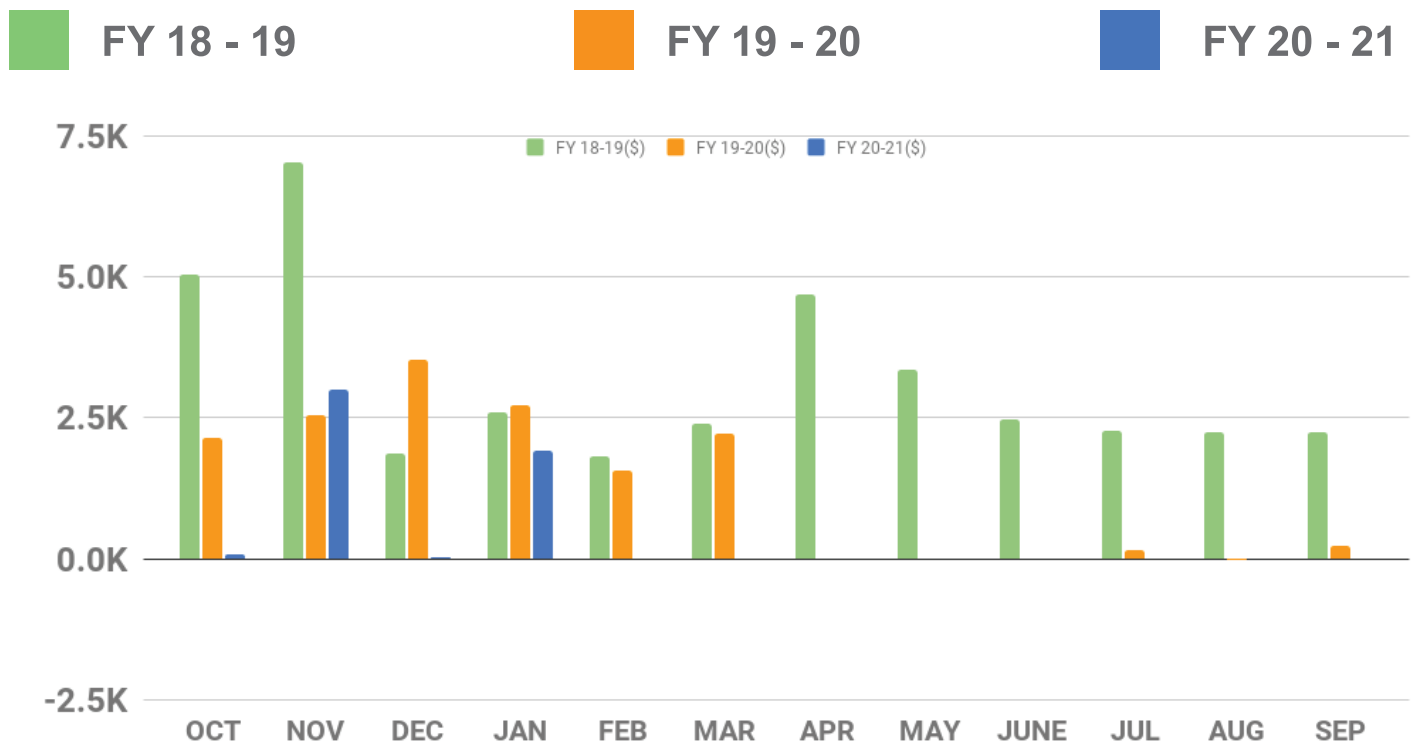
FEE BASED PROGRAM REVENUE BY MONTH

3 fiscal years



FACILITY REVENUE BY MONTH

3 fiscal years



Rockwall Police Department

Monthly Activity Report

January-2021

| ACTIVITY | CURRENT MONTH JANUARY | PREVIOUS MONTH DECEMBER | YTD 2021 | YTD 2020 | YTD % CHANGE |
|-------------------------|--------------------------|----------------------------|-------------|-------------|-----------------|
| Homicide / Manslaughter | 0 | 0 | 0 | 0 | 0.00% |
| Sexual Assault | 5 | 2 | 5 | 0 | 500.00% |
| Robbery | 0 | 3 | 0 | 4 | -400.00% |
| Aggravated Assault | 3 | 1 | 3 | 2 | 50.00% |
| Burglary | 3 | 6 | 3 | 8 | -62.50% |
| Larceny | 60 | 65 | 60 | 56 | 7.14% |
| Motor Vehicle Theft | 7 | 7 | 7 | 8 | -12.50% |
| TOTAL PART I | 78 | 84 | 78 | 78 | 0.00% |
| TOTAL PART II | 133 | 126 | 133 | 130 | 2.31% |
| TOTAL OFFENSES | 211 | 210 | 211 | 208 | 1.44% |

ADDITIONAL STATISTICS

| | | | | | |
|-----------------|----|----|----|----|--------|
| FAMILY VIOLENCE | 14 | 11 | 14 | 11 | 27.27% |
| D.W.I. | 20 | 16 | 20 | 13 | 53.85% |

| | | | | | |
|----------------------|-----------|------------|-----------|------------|----------------|
| FELONY | 15 | 33 | 15 | 36 | -58.33% |
| MISDEMEANOR | 58 | 59 | 58 | 52 | 11.54% |
| WARRANT ARREST | 6 | 12 | 6 | 12 | -50.00% |
| JUVENILE | 3 | 0 | 3 | 18 | -83.33% |
| TOTAL ARRESTS | 82 | 104 | 82 | 118 | -30.51% |

DISPATCH

| | | | | | |
|-------------------|------|------|------|------|--------|
| CALLS FOR SERVICE | 1805 | 1486 | 1805 | 1431 | 26.14% |
|-------------------|------|------|------|------|--------|

ACCIDENTS

| | | | | | |
|--------------|-----------|-----------|-----------|-----------|----------------|
| INJURY | 8 | 9 | 8 | 7 | 14.29% |
| NON-INJURY | 48 | 75 | 48 | 69 | -30.43% |
| FATALITY | 0 | 0 | 0 | 0 | 0.00% |
| TOTAL | 56 | 84 | 56 | 76 | -26.32% |

FALSE ALARMS

| | | | | | |
|---------------------------|------------|------------|------------|------------|---------------|
| RESIDENT ALARMS | 31 | 38 | 31 | 42 | -26.19% |
| BUSINESS ALARMS | 134 | 142 | 134 | 100 | 34.00% |
| TOTAL FALSE ALARMS | 165 | 180 | 165 | 142 | 16.20% |
| Estimated Lost Hours | 108.9 | 118.8 | 108.9 | 93.72 | 16.20% |
| Estimated Cost | \$2,590.50 | \$2,826.00 | \$2,590.50 | \$2,229.40 | 16.20% |

ROCKWALL NARCOTICS UNIT

| | | |
|--|-----------------|---|
| | Number of Cases | 2 |
| | Arrests | |
| | Arrest Warrants | |
| | Search Warrants | |
| | Seized | |
| | | |

| Total Offenses | | | |
|----------------|---------------------|----------------------|--------------|
| Month | Total Part I Crimes | Total Part II Crimes | Total Crimes |
| January-20 | 78 | 130 | 208 |
| February-20 | 70 | 112 | 182 |
| March-20 | 62 | 134 | 196 |
| April-20 | 52 | 78 | 130 |
| May-20 | 56 | 138 | 194 |
| June-20 | 62 | 119 | 181 |
| July-20 | 91 | 141 | 232 |
| August-20 | 116 | 139 | 255 |
| September-20 | 90 | 126 | 216 |
| October-20 | 98 | 139 | 237 |
| November-20 | 67 | 112 | 179 |
| December-20 | 84 | 126 | 210 |
| Totals | 926 | 1494 | 2420 |
| January-21 | 78 | 133 | 211 |
| February-21 | | | 0 |
| March-21 | | | 0 |
| April-21 | | | 0 |
| May-21 | | | 0 |
| June-21 | | | 0 |
| July-21 | | | 0 |
| August-21 | | | 0 |
| September-21 | | | 0 |
| October-21 | | | 0 |
| November-21 | | | 0 |
| December-21 | | | 0 |
| Totals | 78 | 133 | 211 |

| Crime Index per 1,000 population | | | |
|----------------------------------|---------------------|---------------------|-------------|
| Month | Total Part I Crimes | Population Estimate | Crime Index |
| January-20 | 65 | 45,026 | 1.4 |
| February-20 | 55 | 45,088 | 1.2 |
| March-20 | 52 | 45,168 | 1.2 |
| April-20 | 51 | 45,230 | 1.1 |
| May-20 | 83 | 45,261 | 1.8 |
| June-20 | 58 | 45,318 | 1.3 |
| July-20 | 96 | 45,367 | 2.1 |
| August-20 | 80 | 45,413 | 1.8 |
| September-20 | 61 | 45,462 | 1.3 |
| October-20 | 63 | 45,511 | 1.4 |
| November-20 | 80 | 45,773 | 1.7 |
| December-20 | 71 | 45,992 | 1.5 |
| Average | 67.9 | Average | 1.5 |
| January-21 | 78 | 46,008 | 1.7 |
| February-21 | | | 0 |
| March-21 | | | 0 |
| April-21 | | | 0 |
| May-21 | | | 0 |
| June-21 | | | 0 |
| July-21 | | | 0 |
| August-21 | | | 0 |
| September-21 | | | 0 |
| October-21 | | | 0 |
| November-21 | | | 0 |
| December-21 | | | 0 |
| Average | 78.0 | Average | 1.7 |

The City of Rockwall Crime Index is calculated by taking the UCR Part I crimes and comparing them with the City of Rockwall's estimated population.

| Violent Crimes | | | |
|----------------|----------------------|----------------|-------------------------------|
| Month | Total Violent Crimes | Population | Crime Index / 1000 population |
| January-20 | 6 | 44,126 | 0.14 |
| February-20 | 1 | 45,044 | 0.02 |
| March-20 | 3 | 45,124 | 0.07 |
| April-20 | 4 | 45,186 | 0.09 |
| May-20 | 5 | 45,261 | 0.11 |
| June-20 | 4 | 45,318 | 0.09 |
| July-20 | 4 | 45,367 | 0.09 |
| August-20 | 5 | 45,413 | 0.11 |
| September-20 | 7 | 45,462 | 0.15 |
| October-20 | 6 | 45,511 | 0.13 |
| November-20 | 1 | 45,773 | 0.02 |
| December-20 | 6 | 45,992 | 0.13 |
| Total | 52 | Average | 0.10 |
| January-21 | 8 | 46,008 | 0.17 |
| February-21 | | | 0 |
| March-21 | | | 0 |
| April-21 | | | 0 |
| May-21 | | | 0 |
| June-21 | | | 0 |
| July-21 | | | 0 |
| August-21 | | | 0 |
| September-21 | | | 0 |
| October-21 | | | 0 |
| November-21 | | | 0 |
| December-21 | | | 0 |
| Total | 8 | Average | 0.17 |

| Property Crimes | | | |
|-----------------|-----------------------|----------------|-------------------------------|
| Month | Total Property Crimes | Population | Crime Index / 1000 population |
| January-20 | 87 | 44,982 | 1.93 |
| February-20 | 81 | 45,044 | 1.80 |
| March-20 | 68 | 45,124 | 1.51 |
| April-20 | 57 | 45,186 | 1.26 |
| May-20 | 68 | 45,261 | 1.50 |
| June-20 | 70 | 45,318 | 1.54 |
| July-20 | 107 | 45,367 | 2.36 |
| August-20 | 126 | 45,413 | 2.77 |
| September-20 | 96 | 45,462 | 2.11 |
| October-20 | 105 | 45,511 | 2.31 |
| November-20 | 74 | 45,773 | 1.62 |
| December-20 | 93 | 45,992 | 2.02 |
| Total | 1032 | Average | 1.89 |
| January-21 | 88 | 46,008 | 1.91 |
| February-21 | | | 0 |
| March-21 | | | 0 |
| April-21 | | | 0 |
| May-21 | | | 0 |
| June-21 | | | 0 |
| July-21 | | | 0 |
| August-21 | | | 0 |
| September-21 | | | 0 |
| October-21 | | | 0 |
| November-21 | | | 0 |
| December-21 | | | 0 |
| Total | 88 | Average | 0 |

Rockwall Police Department

Dispatch and Response Times

January 2021

Police Department

| Average Response Time | | |
|-----------------------|---------|----------------------------|
| Priority 1 | | Number of Calls 113 |
| Call to Dispatch | 0:00:45 | |
| Call to Arrival | 0:05:27 | |
| % over 7 minutes | 24% | |
| Average Response Time | | |
| Priority 2 | | Number of Calls 634 |
| Call to Dispatch | 0:02:18 | |
| Call to Arrival | 0:08:49 | |
| % over 7 minutes | 17% | |
| Average Response Time | | |
| Priority 3 | | Number of Calls 56 |
| Call to Dispatch | 0:01:52 | |
| Call to Arrival | 0:07:50 | |
| % over 7 minutes | 38% | |

Average dispatch response time goals are as follows:

Priority 1: 1 Minute

Priority 2: 1 Minute, 30 Seconds

Priority 3: 3 Minutes

Rockwall Police Detective Case Status Statistics

| January-21 | Detective Name | Total Cases Assigned | Open Cases | Unfounded | Suspended | Except Clear | Clear Arrest | Filed DA | Total Cases Solved | % of Cases Solved | Days Worked on Cases | Daily Case Load |
|-------------|----------------|----------------------|------------|-----------|-----------|--------------|--------------|----------|--------------------|-------------------|----------------------|-----------------|
| | Laurie Burks | 17 | 11 | 4 | | 1 | 1 | 4 | 6 | 35.29% | 14 | 1.21 |
| | Jalena Page | 26 | 20 | 2 | 7 | 1 | 1 | 10 | 12 | 46.15% | 14 | 1.86 |
| | Steve Tigert | 11 | 8 | 11 | 9 | 1 | | 1 | 2 | 18.18% | 12 | 0.92 |
| | Kevin Tilley | 23 | 17 | | 2 | | 1 | 5 | 6 | 26.09% | 16 | 1.44 |
| | John Tinsley | 23 | 25 | | 4 | 1 | | 3 | 4 | 17.39% | 16 | 1.44 |
| | Phillip Young | 9 | 7 | 2 | | 2 | 1 | | 3 | 33.33% | 15 | 0.60 |
| | Monthly Totals | 109 | 88 | 19 | 22 | 6 | 4 | 23 | 33 | 30.28% | 87 | 1.24 |
| February-21 | Detective Name | Total Cases Assigned | Open Cases | Unfounded | Suspended | Except Clear | Clear Arrest | Filed DA | Total Cases Solved | % of Cases Solved | Days Worked on Cases | Daily Case Load |
| | Laurie Burks | | | | | | | | 0 | -- | | -- |
| | Jalena Page | | | | | | | | 0 | -- | | -- |
| | Steve Tigert | | | | | | | | 0 | -- | | -- |
| | Kevin Tilley | | | | | | | | 0 | -- | | -- |
| | John Tinsley | | | | | | | | 0 | -- | | -- |
| | Phillip Young | | | | | | | | 0 | -- | | -- |
| | Monthly Totals | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -- | 0 | 0.00 |
| March-21 | Detective Name | Total Cases Assigned | Open Cases | Unfounded | Suspended | Except Clear | Clear Arrest | Filed DA | Total Cases Solved | % of Cases Solved | Days Worked on Cases | Daily Case Load |
| | Laurie Burks | | | | | | | | 0 | -- | | -- |
| | Jalena Page | | | | | | | | 0 | -- | | -- |
| | Steve Tigert | | | | | | | | 0 | -- | | -- |
| | Kevin Tilley | | | | | | | | 0 | -- | | -- |
| | John Tinsley | | | | | | | | 0 | -- | | -- |
| | Phillip Young | | | | | | | | 0 | -- | | -- |
| | Monthly Totals | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -- | 0 | 0.00 |
| April-21 | Detective Name | Total Cases Assigned | Open Cases | Unfounded | Suspended | Except Clear | Clear Arrest | Filed DA | Total Cases Solved | % of Cases Solved | Days Worked on Cases | Daily Case Load |
| | Laurie Burks | | | | | | | | 0 | -- | | -- |
| | Jalena Page | | | | | | | | 0 | -- | | -- |
| | Steve Tigert | | | | | | | | 0 | -- | | -- |
| | Kevin Tilley | | | | | | | | 0 | -- | | -- |
| | John Tinsley | | | | | | | | 0 | -- | | -- |
| | Phillip Young | | | | | | | | 0 | -- | | -- |
| | Monthly Totals | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -- | 0 | 0.00 |

| | | | | | | | | | | | | |
|----------------|----------------|----------------------|------------|-----------|-----------|--------------|--------------|----------|--------------------|-------------------|----------------------|-----------------|
| May-21 | Detective Name | Total Cases Assigned | Open Cases | Unfounded | Suspended | Except Clear | Clear Arrest | Filed DA | Total Cases Solved | % of Cases Solved | Days Worked on Cases | Daily Case Load |
| | Laurie Burks | | | | | | | | 0 | -- | | -- |
| | Jalena Page | | | | | | | | 0 | -- | | -- |
| | Steve Tigert | | | | | | | | 0 | -- | | -- |
| | Kevin Tilley | | | | | | | | 0 | -- | | -- |
| | John Tinsley | | | | | | | | 0 | -- | | -- |
| | Phillip Young | | | | | | | | 0 | -- | | -- |
| | Monthly Totals | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -- | 0 | 0.00 |
| June-21 | Detective Name | Total Cases Assigned | Open Cases | Unfounded | Suspended | Except Clear | Clear Arrest | Filed DA | Total Cases Solved | % of Cases Solved | Days Worked on Cases | Daily Case Load |
| | Laurie Burks | | | | | | | | 0 | -- | | -- |
| | Jalena Page | | | | | | | | 0 | -- | | -- |
| | Steve Tigert | | | | | | | | 0 | -- | | -- |
| | Kevin Tilley | | | | | | | | 0 | -- | | -- |
| | John Tinsley | | | | | | | | 0 | -- | | -- |
| | Phillip Young | | | | | | | | 0 | -- | | -- |
| | Monthly Totals | 0 | | | | | | | 0 | -- | 0 | 0.00 |
| 6 Month Totals | | | | | | | | | | | | |
| | 109 | 88 | 19 | 22 | 6 | 4 | 23 | 33 | 30.28% | 87 | 0.21 | |
| July-21 | Detective Name | Total Cases Assigned | Open Cases | Unfounded | Suspended | Except Clear | Clear Arrest | Filed DA | Total Cases Solved | % of Cases Solved | Days Worked on Cases | Daily Case Load |
| | Laurie Burks | | | | | | | | 0 | -- | | -- |
| | Jalena Page | | | | | | | | 0 | -- | | -- |
| | Steve Tigert | | | | | | | | 0 | -- | | -- |
| | Kevin Tilley | | | | | | | | 0 | -- | | -- |
| | John Tinsley | | | | | | | | 0 | -- | | -- |
| | Phillip Young | | | | | | | | 0 | -- | | -- |
| | Monthly Totals | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -- | 0 | 0.00 |
| August-21 | Detective Name | Total Cases Assigned | Open Cases | Unfounded | Suspended | Except Clear | Clear Arrest | Filed DA | Total Cases Solved | % of Cases Solved | Days Worked on Cases | Daily Case Load |
| | Laurie Burks | | | | | | | | 0 | -- | | -- |
| | Jalena Page | | | | | | | | 0 | -- | | -- |
| | Steve Tigert | | | | | | | | 0 | -- | | -- |
| | Kevin Tilley | | | | | | | | 0 | -- | | -- |
| | John Tinsley | | | | | | | | 0 | -- | | -- |
| | Phillip Young | | | | | | | | 0 | -- | | -- |
| | Monthly Totals | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -- | 0 | 0.00 |
| | | | | | | | | | | | 336 | |

| September-21 | Detective Name | Total Cases Assigned | Open Cases | Unfounded | Suspended | Except Clear | Clear Arrest | Filed DA | Total Cases Solved | % of Cases Solved | Days Worked on Cases | Daily Case Load |
|--------------|----------------|----------------------|------------|-----------|-----------|--------------|--------------|----------|--------------------|-------------------|----------------------|-----------------|
| | Laurie Burks | | | | | | | | 0 | -- | | -- |
| | Jalena Page | | | | | | | | 0 | -- | | -- |
| | Steve Tigert | | | | | | | | 0 | -- | | -- |
| | Kevin Tilley | | | | | | | | 0 | -- | | -- |
| | John Tinsley | | | | | | | | 0 | -- | | -- |
| | Phillip Young | | | | | | | | 0 | -- | | -- |
| | Monthly Totals | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -- | 0 | 0.00 |

| October-21 | Detective Name | Total Cases Assigned | Open Cases | Unfounded | Suspended | Except Clear | Clear Arrest | Filed DA | Total Cases Solved | % of Cases Solved | Days Worked on Cases | Daily Case Load |
|------------|----------------|----------------------|------------|-----------|-----------|--------------|--------------|----------|--------------------|-------------------|----------------------|-----------------|
| | Laurie Burks | | | | | | | | 0 | -- | | -- |
| | Jalena Page | | | | | | | | 0 | -- | | -- |
| | Steve Tigert | | | | | | | | 0 | -- | | -- |
| | Kevin Tilley | | | | | | | | 0 | -- | | -- |
| | John Tinsley | | | | | | | | 0 | -- | | -- |
| | Phillip Young | | | | | | | | 0 | -- | | -- |
| | Monthly Totals | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -- | 0 | 0.00 |

| November-21 | Detective Name | Total Cases Assigned | Open Cases | Unfounded | Suspended | Except Clear | Clear Arrest | Filed DA | Total Cases Solved | % of Cases Solved | Days Worked on Cases | Daily Case Load |
|-------------|----------------|----------------------|------------|-----------|-----------|--------------|--------------|----------|--------------------|-------------------|----------------------|-----------------|
| | Laurie Burks | | | | | | | | 0 | -- | | -- |
| | Jalena Page | | | | | | | | 0 | -- | | -- |
| | Steve Tigert | | | | | | | | 0 | -- | | -- |
| | Kevin Tilley | | | | | | | | 0 | -- | | -- |
| | John Tinsley | | | | | | | | 0 | -- | | -- |
| | Phillip Young | | | | | | | | 0 | -- | | -- |
| | Monthly Totals | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -- | 0 | 0.00 |

| December-21 | Detective Name | Total Cases Assigned | Open Cases | Unfounded | Suspended | Except Clear | Clear Arrest | Filed DA | Total Cases Solved | % of Cases Solved | Days Worked on Cases | Daily Case Load |
|-------------|----------------|----------------------|------------|-----------|-----------|--------------|--------------|----------|--------------------|-------------------|----------------------|-----------------|
| | Laurie Burks | | | | | | | | 0 | -- | | -- |
| | Jalena Page | | | | | | | | 0 | -- | | -- |
| | Steve Tigert | | | | | | | | 0 | -- | | -- |
| | Kevin Tilley | | | | | | | | 0 | -- | | -- |
| | John Tinsley | | | | | | | | 0 | -- | | -- |
| | Phillip Young | | | | | | | | 0 | -- | | -- |
| | Monthly Totals | 0 | | | | | | | 0 | -- | | 0.00 |

| | | | | | | | | | | | |
|---------------|------------|----|----|----|---|---|----|----|--------|----|------|
| 337 | | | | | | | | | | | |
| Yearly Totals | 109 | 88 | 19 | 22 | 6 | 4 | 23 | 33 | 30.28% | 87 | 0.21 |

| Detective Yearly Totals 2019 | Detective Name | Total Cases Assigned | Open Cases | Unfounded | Suspended | Except Clear | Clear Arrest | Filed DA | Total Cases Solved | % of Cases Solved | Days Worked on Cases | Daily Case Load |
|------------------------------|----------------|----------------------|------------|-----------|-----------|--------------|--------------|----------|--------------------|-------------------|----------------------|-----------------|
| | Laurie Burks | 17 | 11 | 4 | 0 | 1 | 1 | 4 | 6 | 35.29% | 14 | 1.21 |
| | Jalena Page | 26 | 20 | 2 | 7 | 1 | 1 | 10 | 12 | 46.15% | 14 | 1.86 |
| | Steve Tigert | 11 | 8 | 11 | 9 | 1 | 0 | 1 | 2 | 18.18% | 12 | 0.92 |
| | Kevin Tilley | 23 | 17 | 0 | 2 | 0 | 1 | 5 | 6 | 26.09% | 16 | 1.44 |
| | John Tinsley | 23 | 25 | 0 | 4 | 1 | 0 | 3 | 4 | 17.39% | 16 | 1.44 |
| | Phillip Young | 9 | 7 | 2 | 0 | 2 | 1 | 0 | 3 | 33.33% | 15 | 0.60 |
| | Totals | 109 | 88 | 19 | 22 | 6 | 4 | 23 | 33 | 30.28% | 87 | 0.21 |

January-21

| Crimes Against Persons | | | | | | |
|-------------------------------|---------------------------------|----------------------------------|-----------------------------------|----------------------|------------------------|-------------------------------|
| Crime | Total Number January | Total Cleared January | Clearance Rate January | Total YTD | Cleared YTD | Clearance Rate YTD |
| Murder | 0 | 0 | 0% | 0 | 0 | 0% |
| Aggravated Assault | 3 | 2 | 67% | 3 | 2 | 67% |
| Simple Assault | 4 | 1 | 25% | 4 | 1 | 25% |
| Robbery | 0 | 0 | 0% | 0 | 0 | 0% |
| Sex Offenses | 5 | 2 | 40% | 5 | 2 | 40% |

| Property Crimes | | | | | | |
|------------------------|---------------------------------|----------------------------------|-----------------------------------|----------------------|------------------------|-------------------------------|
| Crime | Total Number January | Total Cleared January | Clearance Rate January | Total YTD | Cleared YTD | Clearance Rate YTD |
| Motor Vehicle Theft | 5 | 2 | 40% | 5 | 2 | 40% |
| BMW | 20 | 0 | 0% | 20 | 0 | 0% |
| Burglary | 3 | 0 | 0% | 3 | 0 | 0% |
| Larceny | 23 | 5 | 22% | 23 | 5 | 22% |
| Criminal Mischief | 6 | 0 | 0% | 6 | 0 | 0% |

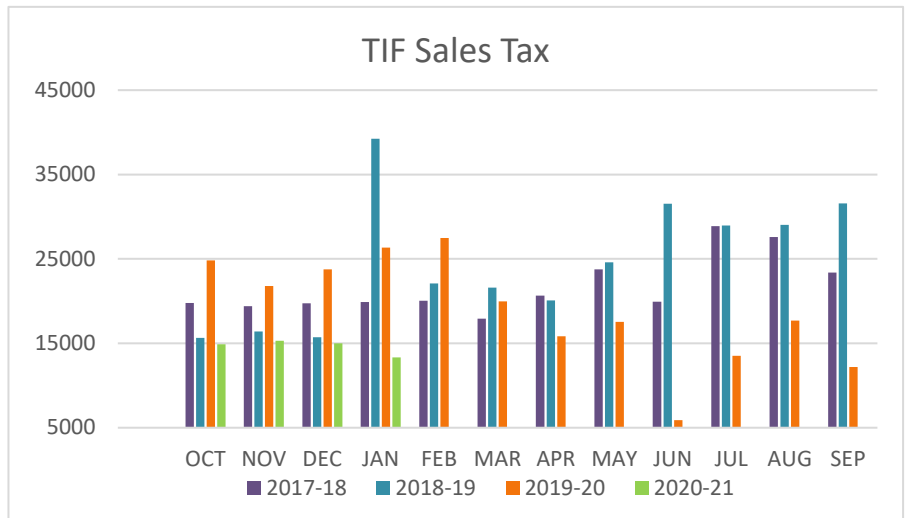
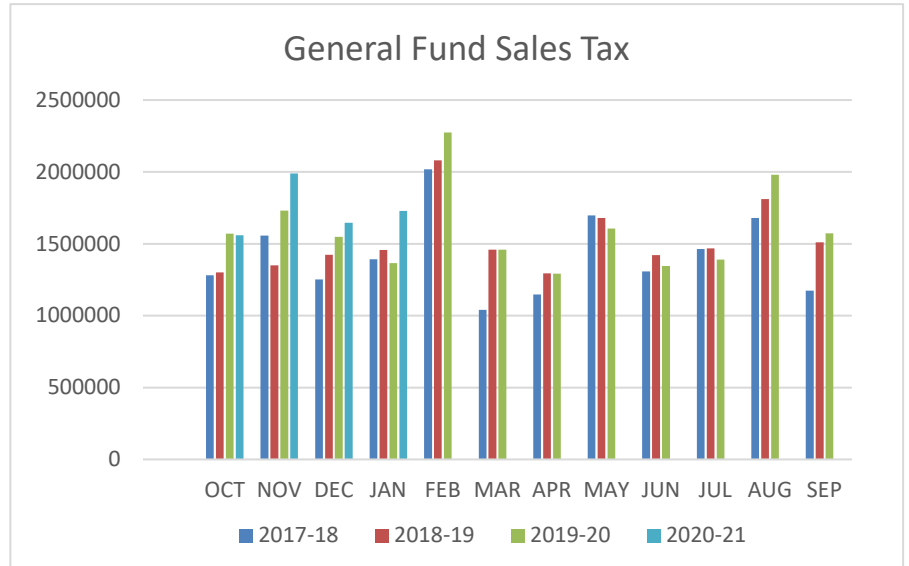
| Financial Crimes | | | | | | |
|-------------------------|---------------------------------|----------------------------------|-----------------------------------|----------------------|------------------------|-------------------------------|
| Crime | Total Number January | Total Cleared January | Clearance Rate January | Total YTD | Cleared YTD | Clearance Rate YTD |
| Forgery | 1 | 0 | 0% | 1 | 0 | 0% |
| ID Thefts | 6 | 1 | 17% | 6 | 1 | 17% |
| Credit/Debit Card Abuse | 0 | 0 | 0% | 0 | 0 | 0% |

**Rockwall Police Narcotics Unit
2021 - Statistics**

| Activity | January | February | March | April | May | June | July | August | September | October | November | December | Totals | |
|------------------------------|---------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|--------|-----------------|
| Cases | 2 | | | | | | | | | | | | 2 | |
| Arrests | | | | | | | | | | | | | 0 | |
| Assist other Agencies | | | | | | | | | | | | | 0 | |
| Search Warrants | | | | | | | | | | | | | 0 | |
| Arrest Warrants | | | | | | | | | | | | | 0 | |
| Drugs Seized | | | | | | | | | | | | | | |
| PCP (ounces) | | | | | | | | | | | | | 0 | Pounds |
| Marijuana (ounces) | | | | | | | | | | | | | 0.00 | Pounds |
| Cocaine (grams) | | | | | | | | | | | | | 0 | grams |
| Methamphetamine (grams) | | | | | | | | | | | | | 0.00 | Kilograms |
| Heroin (grams) | | | | | | | | | | | | | 0 | grams |
| Ecstasy (grams) | | | | | | | | | | | | | 0 | grams |
| Adderall (grams) | | | | | | | | | | | | | 0 | grams |
| Xanax (pills) | | | | | | | | | | | | | 0 | pills |
| Hydrocodone (pills) | | | | | | | | | | | | | 0 | pills |
| Dangerous Drugs (pills) | | | | | | | | | | | | | 0 | pills |
| Clenbuterol | | | | | | | | | | | | | 0 | grams |
| Steroids (grams) | | | | | | | | | | | | | 0 | grams |
| Hash Oil | | | | | | | | | | | | | 0 | grams |
| Hashish (ounces) | | | | | | | | | | | | | 0.00 | Pounds |
| Synthetic Marijuana (ounces) | | | | | | | | | | | | | 0.00 | Pounds |
| MDMA (grams) | | | | | | | | | | | | | 0 | Grams |
| THC Oil (grams) | | | | | | | | | | | | | 0 | Grams |
| Recovered Stolen Vehicle | | | | | | | | | | | | | 0 | Vehicles |
| Weapons Seized | | | | | | | | | | | | | 0 | Weapons |
| Equipment Seized | | | | | | | | | | | | | 0 | Total Equipment |
| Money Seized | | | | | | | | | | | | | \$0 | |
| Vehicles Seized | | | | | | | | | | | | | 0 | |

Sales Tax Collections - Rolling 36 Months

| | <u>General Fund</u> Sales Tax | <u>TIF</u> Sales Tax |
|--------|----------------------------------|-------------------------|
| Dec-17 | 1,252,959 | 19,732 |
| Jan-18 | 1,391,833 | 19,914 |
| Feb-18 | 2,017,684 | 20,041 |
| Mar-18 | 1,039,380 | 17,922 |
| Apr-18 | 1,146,873 | 20,655 |
| May-18 | 1,697,970 | 23,752 |
| Jun-18 | 1,308,372 | 19,941 |
| Jul-18 | 1,463,243 | 28,867 |
| Aug-18 | 1,679,728 | 27,594 |
| Sep-18 | 1,174,074 | 23,370 |
| Oct-18 | 1,301,342 | 15,641 |
| Nov-18 | 1,349,253 | 16,403 |
| Dec-18 | 1,423,386 | 15,708 |
| Jan-19 | 1,457,584 | 39,247 |
| Feb-19 | 2,080,043 | 22,109 |
| Mar-19 | 1,459,018 | 21,606 |
| Apr-19 | 1,293,524 | 20,077 |
| May-19 | 1,679,076 | 24,582 |
| Jun-19 | 1,420,483 | 31,523 |
| Jul-19 | 1,467,376 | 28,951 |
| Aug-19 | 1,810,970 | 29,022 |
| Sep-19 | 1,478,622 | 31,577 |
| Oct-19 | 1,565,868 | 24,818 |
| Nov-19 | 1,730,541 | 21,787 |
| Dec-19 | 1,547,746 | 23,781 |
| Jan-20 | 1,365,040 | 26,330 |
| Feb-20 | 2,273,520 | 27,472 |
| Mar-20 | 1,458,193 | 19,955 |
| Apr-20 | 1,292,639 | 15,829 |
| May-20 | 1,605,986 | 17,538 |
| Jun-20 | 1,345,598 | 5,881 |
| Jul-20 | 1,376,026 | 13,529 |
| Aug-20 | 1,979,539 | 17,706 |
| Sep-20 | 1,573,352 | 12,179 |
| Oct-20 | 1,558,570 | 14,888 |
| Nov-20 | 1,989,955 | 15,299 |
| Dec-20 | 1,645,298 | 14,994 |
| Jan-21 | 1,727,725 | 13,341 |



Notes:
 75% of total sales tax collected is deposited to the General Fund each month
 Comptroller tracks sales tax generated in the TIF and reports it monthly
 75% of TIF sales tax (city share) is pledged to the TIF



Monthly Water Consumption - Rolling 27 Months

| | <u>Total Gallons</u> | <u>Daily Average</u> | <u>Maximum Day</u> |
|--------|----------------------|----------------------|--------------------|
| Oct-18 | 240,262,264 | 7,750,396 | 10,191,580 |
| Nov-18 | 194,498,356 | 6,483,279 | 7,438,044 |
| Dec-18 | 186,450,313 | 6,014,526 | 7,818,894 |
| Jan-19 | 222,027,420 | 7,162,175 | 13,160,330 |
| Feb-19 | 166,796,311 | 5,957,011 | 7,181,853 |
| Mar-19 | 216,172,991 | 6,973,323 | 8,899,546 |
| Apr-19 | 230,304,224 | 7,676,809 | 9,546,692 |
| May-19 | 246,447,588 | 7,949,923 | 10,806,480 |
| Jun-19 | 273,477,588 | 9,115,919 | 12,818,660 |
| Jul-19 | 479,403,830 | 15,464,640 | 19,686,560 |
| Aug-19 | 557,577,730 | 17,986,380 | 20,877,020 |
| Sep-19 | 480,076,300 | 16,002,544 | 19,898,562 |
| Oct-19 | 377,192,895 | 12,167,513 | 17,708,812 |
| Nov-19 | 237,328,307 | 7,910,944 | 9,218,867 |
| Dec-19 | 229,083,044 | 7,389,776 | 8,396,266 |
| Jan-20 | 215,978,847 | 6,967,060 | 8,691,306 |
| Feb-20 | 196,611,134 | 6,779,695 | 7,579,604 |
| Mar-20 | 197,281,791 | 6,363,929 | 8,569,168 |
| Apr-20 | 226,508,245 | 7,550,275 | 10,263,848 |
| May-20 | 317,650,425 | 10,246,788 | 13,193,218 |
| Jun-20 | 455,022,410 | 15,167,411 | 20,100,668 |
| Jul-20 | 511,667,880 | 16,505,415 | 20,073,454 |
| Aug-20 | 590,693,550 | 19,054,630 | 22,031,522 |
| Sep-20 | 363,112,688 | 12,103,756 | 14,870,959 |
| Oct-20 | 397,801,934 | 12,832,320 | 15,751,199 |
| Nov-20 | 295,091,494 | 9,836,383 | 11,452,738 |
| Dec-20 | 179,571,968 | 7,371,629 | 8,653,526 |
| Jan-21 | 157,800,928 | 6,718,182 | 7,179,987 |

Source: SCADA Monthly Reports generated at the Water Pump Stations

