

ROCKWALL CITY COUNCIL MEETING

Monday, March 4, 2024 - 5:00 PM

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

I. Call Public Meeting to Order

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 possible land lease agreement for a cellular communication tower on real property owned by the City in the vicinity of Springer Road, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding possible sale/purchase/lease of real property in the vicinity of the downtown area, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
4. Discussion regarding terms contained in a mutual aid interlocal agreement for specialized police services between the City of Rockwall and the City of Rowlett, pursuant to Section §551.071 (Consultation with Attorney)

III. Adjourn Executive Session

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

V. Invocation and Pledge of Allegiance - Mayor Johannesen

VI. 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. To speak during this time, 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. Per Council policy, public comments should be limited to three (3) minutes out of respect for others' time. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting since the topic has not been specifically listed on the agenda (the Texas Open Meetings Act requires that topics of discussion/deliberation be 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.

VII. Take Any Action as a Result of Executive Session

VIII. Consent Agenda

These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or they do not warrant Council deliberation. If you would like to discuss one of these items, please do so during "Open Forum."

1. Consider approval of the minutes from the February 20, 2024 city council meeting, and take any action necessary.
2. **Z2024-001** - Consider a request by the City of Rockwall for the approval of an **ordinance** for a Zoning Change amending Planned Development District 2 (PD-2) [Ordinance No.'s 72-02, 73-33, 80-19, 84-53, 85-16, 86-28, 92-08, 92-23, 96-06, 96-24 & 99-46] for the purpose of consolidating the regulating ordinances for a 171.135-acre tract of land situated within the M. J. Barksdale Survey, Abstract No. 11; W. Blevins Survey, Abstract No. 9; and, E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 2 (PD-2), generally located north of IH-30 and west of Ridge Road [FM-740], and take any action necessary **(2nd Reading)**.
3. **Z2024-002** - Consider a request by Javier Silva of JMS Custom Homes, LLC on behalf of Ruben Fragoso of RSR Capital, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for a *Guest Quarters/Secondary Living Unit* on a 0.22-acre parcel of land identified as Lot C, Block 112, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 52 (PD-52) and Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 715 Sherman Street, and take any action necessary **(2nd Reading)**.
4. Consider an **ordinance** amending Section 26-505, *Prohibited in Specific Places*, of Article VII, *Stopping, Standing, or Parking*, of Chapter 26, *Motor Vehicles & Traffic*, of the Municipal Code of Ordinances to include the prohibition of semi-trucks and trailers parking on either side of Fit Sport Life Boulevard, and take any action necessary. **(2nd reading)**
5. **P2024-005** - Consider a request by Juan J. Vasquez of Vasquez Engineering, LLC on behalf of Shane Shoulders of Kennor Rockwall Retail, LLC for the approval of a Replat for Lot 10, Block A, Dalton Goliad Addition being a 1.93-acre tract of land identified as Lots 8 & 9, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the N. SH-205 Overlay (N. SH-205 OV) District, generally located on the west side of SH-205 north of the intersection of SH-205 and FM-552, and take any action necessary.
6. Consider approval of a resolution cancelling the City of Rockwall's May 4, 2024 General Election, declaring unopposed candidates to be duly elected in city council member Places 2, 4, and 6, and take any action necessary.
7. Consider approval of the Rockwall Police Department's 2023 Racial Profiling Report, and take any action necessary.
8. Consider approval of a recommendation from the Hotel Occupancy Tax (HOT) Subcommittee awarding funding for the Oasis Pickleball tournaments in the amount of \$35,000, authorizing the City Manager to execute associated contracts, and take any action

necessary.

IX. Action Items

If your comments are regarding an agenda item below, you are asked to speak during Open Forum.

1. **Z2024-004** - Discuss and consider a request by Zach Butler for the approval of an **ordinance** for a Specific Use Permit (SUP) for an Accessory Building and Carport on a one (1) acre parcel of land identified as Lot 9 of the Northcrest Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 9 Crestview Circle, and take any action necessary **(2nd Reading)**.
2. **MIS2024-002** - Discuss and consider a request by Revi Menasche for the approval of a Miscellaneous Case for a *Variance* to the proximity requirements for the sale and on-site consumption of alcoholic beverages on a 1.254-acre parcel of land identified as Lot 1RA of the Cain Properties #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 316 S. Goliad Street, and take any action necessary.
3. Discuss and consider approval of a resolution authorizing an update to the impact fee program for roadway, water, and wastewater facilities and appointing a Capital Improvements Advisory Committee (CIAC), and take any action necessary.

X. City Manager's Report, Departmental Reports and Related Discussions Pertaining To Current City Activities, Upcoming Meetings, Future Legislative Activities, and Other Related Matters.

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

XI. 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 Teague, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 1st day of March 2023, at 5 PM and

remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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

Date Removed

ROCKWALL CITY COUNCIL REGULAR MEETING

Tuesday, February 20, 2024 - 6:00 PM

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

I. Call Public Meeting to Order

Mayor Pro Tem Campbell called the meeting to order at 6:00 p.m. Present were Mayor Pro Tem Anna Campbell and Councilmembers Mark Moeller, Clarence Jorif, Dennis Lewis and Tim McCallum. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney, Frank Garza was present remotely / virtually. Mayor Trace Johannesen and Councilmember Sedric Thomas were absent from the meeting.

II. Invocation and Pledge of Allegiance - Councilmember Jorif

Councilmember Jorif delivered the invocation and led the Pledge of Allegiance

III. Appointment Items

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

Chairman of the P&Z Commission, Derek Deckard, came forth and briefed Council on recommendations of the Commission concerning planning-related items on tonight’s meeting agenda. Council took no action following Mr. Deckard’s brief comments.

IV. Open Forum

Mayor Pro Tem Anna Campbell explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and provided comments pertaining to the current “Primary Election” that is occurring, specifically showing a map on the screen entitled “House District 33.” He pointed out that he’s not sure that any Rockwall city council member has formally ‘endorsed’ any candidate(s), and he is not sure why. He indicated he believes some voters do look to local city council members for perspectives concerning who to possibly vote for. He went on to share that he was at a local polling location for a couple of hours or more this morning, and he believes that the candidates present outnumbered voters who were showing up to vote.

There being no one else wishing to come forth and speak, Mayor Pro Tem Campbell closed Open Forum.

V. Consent Agenda

1. Consider approval of the minutes from the February 5, 2024 city council meeting, and take any action necessary.
2. Consider an **ordinance** amending Section 26-505, *Prohibited in Specific Places*, of Article VII, *Stopping, Standing, or Parking*, of Chapter 26, *Motor Vehicles & Traffic*, of the Municipal Code of Ordinances to include the prohibition of semi-trucks and trailers parking on either side of Fit Sport Life Boulevard, and take any action necessary. **(1st reading)**
3. Consider authorizing the City Manager to execute a contract extension agreement with SRH Landscapes LLC for grounds maintenance in the amount of \$100,945.16 to be funded by the Parks Operations budget, and take any action necessary.
4. Consider authorizing the City Manager to execute a contract with Phasetec Electric, Inc. to provide VT SCADA (Supervisory Control and Data Acquisition) software and server upgrades in the amount of \$83,116.09, and take any action necessary
5. Consider amending the Water Operations Budget to appropriate funds and authorizing the City Manager to execute payment to Axis Construction in the amount of \$255,610 for emergency repairs to the Heath St. Pump Station, and take any action necessary.
6. **P2024-001** - Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of John Vick of Qualico Development, Inc. for the approval of a Final Plat for Phase 1 of the Peachtree Meadows Subdivision consisting of 148 single-family residential lots on a 45.95-acre tract of land identified as Tract 5 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 101 (PD-101) [*Ordinance No. 23-11*] for Single-Family 10 (SF-10) District land uses, generally located on the south side of Mims Road west of the intersection of Mims Road and National Drive, and take any action necessary.
7. **P2024-002** - Consider a request by Robert Cruse for the approval of a Final Plat for Lots 1 & 2, Block A, Cruse Addition being a 0.2410-acre tract of land identified as Lot 5, Block F, Sanger Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 12 (PD-12) [*Ordinance No. 06-46*], located at the northeast corner of S. Alamo Street and W. Ross Street, and take any action necessary.
8. **P2024-003** - Consider a request by Chuck Lamping of Engineering Concepts & Design, LP on behalf of Clint Vincent of Bloomfield Homes, LP for the approval of a Preliminary Plat for Phase 2 of the Terracina Estates Subdivision consisting of 94 single-family residential lots on a 31.331-acre tract of land identified as Tract 16 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 82 (PD-82) [*Ordinance No. 18-08*] for Single-Family 10 (SF-10) District land uses, generally located at the terminus of Guadalupe Drive, Mesa Verde Drive and Oakcrest Drive, and take any action necessary.

Councilmember McCallum moved to approve #s 1, 2, 3, 4, 5 and 7. He pulled items #6 and #8 for further discussion. Councilmember Jorif seconded the motion. The ordinance caption for #2 was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 24-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
AMENDING THE MUNICIPAL CODE ORDINANCES OF THE CITY OF ROCKWALL,**

BY AMENDING SECTION 26-505, PROHIBITED IN SPECIFIC PLACES, OF ARTICLE VII, STOPPING, STANDING OR PARKING, OF CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, TO INCORPORATE ADDITIONAL STREETS SUBJECT TO PROHIBITED PARKING REQUIREMENTS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) 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 5 ayes with 2 absences (Johannesen and Thomas).

Regarding both Consent Agenda item #6 and #8, Councilmember McCallum shared that he is not in favor of either of these items, and he will be voting against both this evening. He has never supported the project associated with Consent Agenda item #6, and he believes agenda item on #8 is a “high density” project.

Councilmember Jorif then moved to approve Consent Agenda items #6 and #8. Councilmember Lewis seconded the motion, which passed by a vote of 4 ayes, 1 nay (McCallum), and 2 absences (Johannesen and Thomas).

VI. Public Hearing Items

- 1. Z2024-001** - Hold a public hearing to discuss and consider a request by the City of Rockwall for the approval of an **ordinance** for a Zoning Change amending Planned Development District 2 (PD-2) [*Ordinance No.’s 72-02, 73-33, 80-19, 84-53, 85-16, 86-28, 92-08, 92-23, 96-06, 96-24 & 99-46*] for the purpose of consolidating the regulating ordinances for a 171.135-acre tract of land situated within the M. J. Barksdale Survey, Abstract No. 11; W. Blevins Survey, Abstract No. 9; and, E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 2 (PD-2), generally located north of IH-30 and west of Ridge Road [*FM-740*], and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information concerning this agenda item. Mr. Miller explained that in June of last year, staff was directed by Council to amend the city’s old PD districts in order to consolidate them. The reason that PDs accumulate so many ordinances over time is that amendments over time were needed. However, under our new process, the goal is to make the zoning easier to understand for the public and to enable staff to more quickly and easily understand PD ordinance regulations (in a consolidated, easily understood way). He explained that the purpose of this zoning case is to again consolidate ordinances associated with PD-2. Notices were sent out to adjacent land and property owners and nearby HOAs. Six notices were received back by staff ‘in favor,’ and two notices were received back in opposition (however, one of those opposed was not related to / germane to this item).

Mayor Pro Tem Campbell opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, Mayor Pro Tem Campbell then closed the public hearing.

Councilmember Lewis made a motion to approve Z2024-001. Councilmember Moeller seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 24-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 2 (PD-2) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CONSOLIDATE THE REGULATING

ORDINANCES OF THE PLANNED DEVELOPMENT DISTRICT, BEING A 171.135-ACRE TRACT OF LAND SITUATED WITHIN THE M. J. BARKSDALE SURVEY, ABSTRACT NO. 11; W. BLEVINS SURVEY, ABSTRACT NO. 9; AND THE E. P. G. CHISUM SURVEY, ABSTRACT NO. 64, 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.

The motion passed by a vote of 5 ayes with 2 absences (Johannesen and Thomas).

2. **Z2024-002** - Hold a public hearing to discuss and consider a request by Javier Silva of JMS Custom Homes, LLC on behalf of Ruben Fragoso of RSR Capital, LLC for the approval of an ordinance for a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit* on a 0.22-acre parcel of land identified as Lot C, Block 112, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 52 (PD-52) and Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 715 Sherman Street, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information concerning this agenda item. Mr. Miller explained that this property is located in the Southside Overlay District at 715 Sherman Street. Previously, a case came forth and was approved for the construction of a single-family home at this location. At this time, the applicant is asking for approval in order to construct a secondary living quarters/guest quarters, which will require approval and issuance of a Specific Use Permit (SUP). Mr. Miller went on to explain that the applicant would like to construct this secondary structure. What is being proposed does meet all of the city's requirements / regulations. In addition, nearby property owners/land owners within 500' of the property were notified, and staff received one notice back in favor. Also, the city's P&Z Commission has recommended its approval.

Mayor Pro Tem Campbell opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, Mayor Pro Tem Campbell then closed the public hearing.

Councilmember Jorif asked if any similar, nearby structures exist in this area. Mr. Miller indicated that, yes, there are some like this sporadically located throughout this older area of town.

Councilmember Jorif then made a motion to approve Z2024-002. Councilmember Lewis seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 24-XX
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) [ORDINANCE NO. 02-14] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *GUEST QUARTERS/SECONDARY LIVING UNIT* ON A 0.22-ACRE PARCEL OF LAND, IDENTIFIED AS LOT C, BLOCK 112, B.F. BOYDSTUN 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.

The motion passed by a vote of 5 ayes with 2 absences (Johannesen and Thomas).

3. **Z2024-003** - Hold a public hearing to discuss and consider a request by Michael Twichell of Michael F. Twichell, LP on behalf of Jim Duggan of NEC John King & 552, LP for the approval of an **ordinance** for a Zoning Change and PD Development Plan amending Planned Development District 74 (PD-74) [*Ordinance No. 17-60*] being a 17.3750-acre portion of a larger 405.184-acre Planned Development District situated within the J. Strickland Survey, Abstract No. 187; T. R. Bailey Survey, Abstract No. 30; and, J. Simmons Survey, Abstract No. 190, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for limited General Retail (GR) District land uses, situated within the SH-205 By-Pass Overlay (BY-OV) District, generally located at the northeast corner of the intersection of John King Boulevard and FM-552, and take any action necessary (**1st Reading**).

Indication was given that this case had been postponed to the March 18, 2024 city council meeting. (It will be heard on March 12, 2024 at the Planning & Zoning Commission meeting). No action was taken on this agenda item at this time.

4. **Z2024-004** - Hold a public hearing to discuss and consider a request by Zach Butler for the approval of an **ordinance** for a Specific Use Permit (SUP) for an Accessory Building and Carport on a one (1) acre parcel of land identified as Lot 9 of the Northcrest Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 9 Crestview Circle, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information concerning this agenda item. The property in question is a single-family home located at 9 Crestview Circle, and it used to be located within the city's extraterritorial jurisdiction. It was annexed into the city in 2004, and according to the Rockwall Central Appraisal District, the applicant purchased the property in Aug. of 2014. The applicant had requested a permit to do some electrical work, and – in the process of doing so – staff discovered that a lot of work had been done without first having obtained permits to do so. A “stop work” order had been issued by the City; however, it appeared as though work ensued on the property, despite the ‘stop work’ order having been given. Mr. Miller went on to provide more details pertaining to the various work that ensued, even following the ‘stop work’ issuance (i.e. electrical work, expansion of a detached garage, a concrete pad, etc. – all work that was done without permits). Staff discovered that an SUP would need to be requested and obtained by the City in order for the applicant to seek approval for construction of a detached garage / carport (2,378 sq. feet, standing just over 16’ high, and it’s clad in the same sort of material as the primary structure (the home)). He went on to relay the various ways in which the detached garage / carport structure does not currently meet the city’s existing codes / regulations (i.e. pertaining to size, height, roof pitch, etc.). Mr. Miller shared that approval of an SUP is discretionary on the part of Council. The City’s P&Z Commission did vote 4 to 1 (Commissioner Womble dissented) to recommend approval of this request. In addition, nearby property owners / residents were also notified, and three notices were received back ‘in favor’ of this request. Should Council approve this, staff will work with the homeowner / applicant on needed building inspections on the various work that’s previously been performed without permits.

Mayor Pro Tem Campbell opened the public hearing, asking if the applicant and/or anyone would like to come forth and speak at this time.

Zach Butler
9 Crestview Circle
Rockwall, TX

The applicant, Mr. Butler came forth, thanking council members for their time, apologizing for not having pulled permits. He shared that his road is older and is located in an area with private sewer, private water, etc. and – although it is no excuse – he did not realize he needed to pull permits to do all of this work.

Mr. Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and pointed out a past case in which a lady had built a greenhouse without having first pulled a permit. He does not recall what happened in that case, but he encouraged Council to be fair and apply decisions equally / similarly.

There being no one else wishing to come forth and speak at this time, Mayor Pro Tem Campbell closed the public hearing.

Councilmember McCallum explained that the purpose of pulling permits and having city inspections performed is for safety reasons. The goal is to keep the homeowners safe and ensure work has been done ‘to code’ and in a safe way. He wonders how, with walls having already been erected and substantial work having already been completed, the city inspectors would evaluate the work that’s already been done. Mr. Miller went on to share the various ways in which city staff will work to try and ensure that work that’s already been completed is safe and ‘to code.’ As one example, some dry wall may need to be removed in order to access electrical work that’s already been completed.

Councilmember Lewis shared that the applicant used to play baseball with his son, and he can personally vouch for Zach’s character. He does believe that contractors who did the work should have known, and likely did know, that they needed to have pulled permits. He expressed concern that ‘stop work’ order(s) issued by the city were ignored. He believes that additional fines should be imposed on property owners and/or contractors for not pulling permits and violating and/or ignoring ‘stop work’ orders the city issued. He does know this location well and knows there is agricultural areas all around this location.

Councilmember Lewis made a motion to approve Z2024-004. There being no ‘second’ provided in response to the motion, the motion to approve died / failed.

Councilmember Moeller then spoke, sharing there was a lot of work performed without permits being pulled. He does not understand how all this work was done, over the course of about 10 years, and never once was a permit applied for or obtained. He also has great concern about the ‘stop work order’ having been issued and then ignored.

The applicant explained that the only way pulling a permit ever even came up was when Oncor needed to relocate a line, and – it was at that point that the need to have pulled permits came to light. Mr. Butler shared that he believed the ‘stop work order’ only pertained to discontinuance of work on the ‘shop’ (carport). So, he explained, no additional work ensued specifically on the shop; however, work did ensue on other things on the property. He apologized, generally explaining that he essentially misunderstood the nature of the ‘stop work’ order that had been issued.

Councilmember Moeller again expressed a lot of consternation about permits not having been pulled and inspections not having been conducted. He prefers that permits and inspections transpire first, before any issuance of an SUP is considered by Council at a later date. Mr. Miller shared that, procedurally, the SUP would have to be issued first, before permits and inspections could transpire.

Councilmember Jorif observed that various work began back about 9 years or more ago, and he has concerns about this. He shared that the applicant Mr. Wacker mentioned - a lady who accepted a greenhouse as a gift – was ultimately instructed by the city to tear it down after she had failed to pull a permit for it. When asked by Jorif about his profession, the applicant shared that he used to be an educator; however, he is now in real estate. Councilmember Jorif essentially indicated that the repeated failure to pull permits and have inspections conducted is quite concerning. The carport structure is almost three times larger than the size that the city would typically allow (by right, without obtaining an SUP). Jorif expressed he is mindful of how things have been enforced by the city pertaining to past applicants (for example, the lady with the greenhouse that was only about 240-250 square feet larger than what would otherwise have been allowed by the city who was instructed to tear it down after not having pulled a permit for it).

When asked by Councilmember McCallum regarding options the Council has at this juncture, Mr. Miller shared that Council can approve the SUP; or, it can be ‘conditionally approved;’ or it can be denied outright.

Councilmember McCallum asked what ramifications the applicant will realize if the Council takes no action and/or if the request is denied (not approved). He is not inclined to expect the applicant to tear it down. Mr. Miller shared that if Council takes no action, then it will be considered as ‘denied with prejudice,’ so the applicant would not be allowed to come forth with any similar requests for a period of one year. Mr. Miller continued to explain the various contingencies – i.e. if Council were to deny it ‘without prejudice,’ the applicant could come back immediately to try and apply for an SUP with some noteworthy changes being proposed at that time. Councilmember McCallum shared that, since the applicant is a real estate agent, he believes the applicant absolutely knows where he lives (in the city limits) and that permits were/are a requirement. He does not believe the Butlers need to tear the structure down entirely; however, he does believe that some steps need to transpire to ensure permits are obtained, inspections are performed and the work that’s already been completed ‘meets code.’

Mr. Miller shared that ‘requests for forgiveness’ have been heard and addressed by Council in the past. Regarding alternative options in this instance, Mr. Miller shared that this case may be something where Council might consider approving the SUP, essentially with conditions, such as a ‘date certain’ (perhaps within 90 days) where the applicant has to come back and show that permits have been sought and that inspections have been performed, as well as indication that the work ‘meets code’ is put forth.

Councilmember Moeller generally expressed that, yes, a viable option for Council and the applicant this evening may be that the SUP be approved by Council but with several conditions being placed on it. Moeller more specifically suggested that perhaps the SUP be conditionally approved, stipulating that all unpermitted work get permitted, that inspections be conducted by city staff, that all the work meet (or be brought up to) “code.”

Mr. Miller shared that, procedurally, the Council will have to approve the SUP before permits can be issued. So, perhaps Council might consider approving the SUP request and place a 90 day review on it thereafter so that, at that time, the Council can revisit the SUP and hear updates regarding permitting, inspections, work previously done being up to Code, etc.

Councilmember McCallum asked if the ‘stop work’ order can stay in place. Mr. Miller shared that he

believes the existing 'stop work' order can stay in place; however, if for some reason that's not the case, a new 'stop work' order can be issued to the applicant by staff.

Following additional commentary between the City Council and Mr. Miller, Councilmember McCallum made a motion to approve Z2024-004 to allow the applicant be able to submit building permits; however, Councilmember McCallum requested that an additional Operational Condition be included in the ordinance to require the applicant to bring the Specific Use Permit (SUP) back for additional Council consideration after building permits issued for prior, unpermitted improvements have been approved (inspections are conducted / the work is 'up to code'). In addition, Mr. McCallum also conditioned the motion to require the "stop work" order to remain in effect until after Council's reconsideration of the Specific Use Permit (SUP). Councilmember Moeller seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 24-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 A *DETACHED GARAGE AND CARPORT* ON A ONE (1) ACRE PARCEL OF LAND IDENTIFIED AS LOT 9 OF THE NORTHCREST ESTATES #2 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.

The motion to approve passed by a vote of 4 ayes. 1 nay (Jorif), and 2 absences (Johannesen and Thomas).

VII. Adjournment

Mayor Pro Tem Campbell adjourned the meeting at 7:00 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 4th DAY
OF MARCH, 2024.**

TRACE JOHANNESSEN, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL

ORDINANCE NO. 24-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 2 (PD-2) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CONSOLIDATE THE REGULATING ORDINANCES OF THE PLANNED DEVELOPMENT DISTRICT, BEING A 171.135-ACRE TRACT OF LAND SITUATED WITHIN THE M. J. BARKSDALE SURVEY, ABSTRACT NO. 11; W. BLEVINS SURVEY, ABSTRACT NO. 9; AND THE E. P. G. CHISUM SURVEY, ABSTRACT NO. 64, 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.

WHEREAS, the City of Rockwall has initiated an amendment to the Planned Development District 2 (PD-2) for the purpose of consolidating the regulating ordinances [*Ordinance No.'s 72-02, 73-33, 80-19, 84-53, 85-16, 86-28, 92-08, 92-23, 96-06, 96-24 & 99-46*]; and,

WHEREAS, Planned Development District 2 (PD-2) is a 171.135-acre tract of land situated within the M. J. Barksdale Survey, Abstract No. 11; W. Blevins Survey, Abstract No. 9; and the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas and which is more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and,

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 2 (PD-2) [*Ordinance No.'s 72-02, 73-33, 80-19, 84-53, 85-16, 86-28, 92-08, 92-23, 96-06, 96-24 & 99-46*] and the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

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

SECTION 1. That the approval of this ordinance shall supersede all requirements stipulated in *Ordinance No.'s 72-02, 73-33, 80-19, 84-53, 85-16, 86-28, 92-08, 92-23, 96-06, 96-24 & 99-46*;

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

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

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

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 4TH DAY OF MARCH, 2024.

Trace Johannesen, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: February 20, 2024

2nd Reading: March 4, 2024

Exhibit 'A':
Legal Description

BEING 171.35 acres of land situated in Abstract 11, M.J. Barksdale Survey; Abstract 9, W. Blevins Survey; and Abstract 64, E.P.G. Chisum Survey; in the County of Rockwall, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the Northern-most corner of Lot 61-R, Block A, Turtle Cove Addition, also known as 751 Turtle Cove Boulevard, (*NAD83 Texas State Plane GPS Coordinate (Grid): E 2,591,932.235, N 7,019,220.850 Feet*);

- 1 **THENCE** South 28°-04'-33" East, a distance of 298.536 feet to a point;
- 2 **THENCE** South 19°-53'-34" East, along the Northern boundary of the Turtle Cove Addition, Phase 2, a distance of 48.058 feet to a point;
- 3 **THENCE** South 33°-49'-20" East, continuing along said boundary a distance of 41.997 feet to a point;
- 4 **THENCE** South 30°-38'-48" East, a distance of 94.589 feet to a point;
- 5 **THENCE** South 17°-09'-54" East, a distance of 50.648 feet to a point;
- 6 **THENCE** South 16°-26'-06" East, a distance of 38.222 feet to a point;
- 7 **THENCE** South 68°-30'-33" East, a distance of 114.234 feet to a point;
- 8 **THENCE** South 30°-33'-54" East, a distance of 128.763 feet to a point;
- 9 **THENCE** South 56°-17'-00" East, a distance of 90.585 feet to a point;
- 10 **THENCE** South 45°-15'-45" East, a distance of 87.089 feet to a point;
- 11 **THENCE** North 64°-05'-56" East, a distance of 63.772 feet to a point;
- 12 **THENCE** South 81°-23'-16" East, a distance of 81.904 feet to a point;
- 13 **THENCE** South 44°-11'-08" East, a distance of 118.226 feet to a point;
- 14 **THENCE** South 66°-49'-22" East, a distance of 79.686 feet to a point;
- 15 **THENCE** South 10°-43'-38" West, a distance of 48.493 feet to a point;
- 16 **THENCE** South 22°-31'-10" East, a distance of 150.684 feet for a corner in the centerline of the Union Pacific / Dallas Garland N.E. Railroad Right of Way;
- 17 **THENCE** South 49°-56'-57" West, continuing along the railroad centerline a distance of 1053.987 feet to a point;
- 18 **THENCE** South 50°-16'-50" West, a distance of 3562.512 feet to a point under the Village Drive bridge, also being a beginning of a curve;
- 19 **THENCE** along said curve to the right having an angle of 01°-11'-24" and a radius of 25,896.197 feet with a chord distance of 537.807 feet and a chord bearing of South 50°-15'-39" West, to a point;
- 20 **THENCE** continuing along a curve to the right having an angle of 01°-10'-58" and a radius of 10,382.552 feet with a chord distance of 214.344 feet and a chord bearing of South 50°-24'-19" West, to a point;
- 21 **THENCE** continuing along a curve to the right having an angle of 03°-54'-36" and a radius of 6,095.147 feet with a chord distance of 415.859 feet and a chord bearing of South 52°-08'-40" West, for a corner;
- 22 **THENCE** North 36°-49'-00" West, a distance of 51.633 feet to a point;
- 23 **THENCE** North 36°-49'-00" West, a distance of 83.707 feet for a corner also being a beginning of a curve;
- 24 **THENCE** along said curve to the right having an angle of 05°-38'-18" and a radius of 227.326 feet with a chord distance of 22.361 feet and a chord bearing of South 72°-42'-48" West, to a point;
- 25 **THENCE** continuing along a curve to the right having an angle of 32°-40'-49" and a radius of 287.233 feet with a chord distance of 161.619 feet and a chord bearing of North 84°-35'-37" West, for a corner;
- 26 **THENCE** North 05°-49'-29" West, along the City of Dallas Takeline, a distance of 472.973 feet to a point;
- 27 **THENCE** North 17°-14'-55" West, continuing along said Takeline, a distance of 299.793 feet to a point;
- 28 **THENCE** North 17°-07'-51" West, a distance of 570.975 feet to a point;
- 29 **THENCE** North 02°-49'-23" East, a distance of 331.697 feet to a point;
- 30 **THENCE** North 47°-45'-08" East, a distance of 168.275 feet to a point;
- 31 **THENCE** North 46°-42'-57" East, a distance of 151.498 feet for a corner;

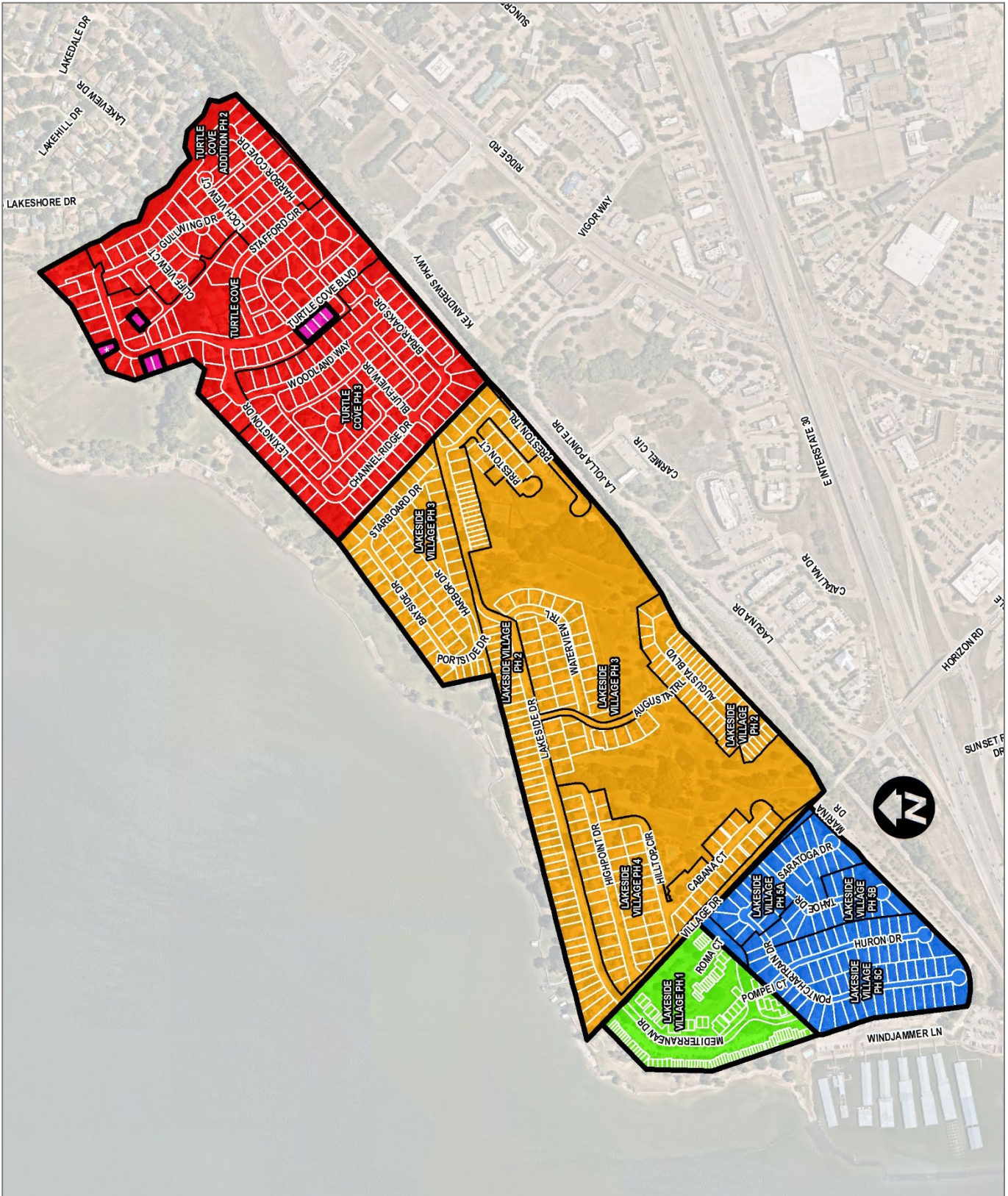
Exhibit 'A':
Legal Description

- 32 **THENCE** North 44°-35'-17" West, along the boundary of Lakeside Village Addition, Phase 2, a distance of 113.077 feet to a point;
- 33 **THENCE** North 76°-40'-23" East, continuing along said boundary, a distance of 1913.515 feet for a corner;
- 34 **THENCE** North 11°-45'-32" West, a distance of 28.107 feet to a point;
- 35 **THENCE** North 10°-30'-30" West, a distance of 229.24 feet for a corner;
- 36 **THENCE** North 54°-55'-17" East, a distance of 796.571 feet to a point;
- 37 **THENCE** North 55°-50'-17" East, a distance of 30.069 feet to a point;
- 38 **THENCE** North 54°-51'-20" East, a distance of 78.036 feet to a point;
- 39 **THENCE** North 48°-00'-27" East, along the boundary of Turtle Cove Addition, Phase 3, a distance of 492.072 feet to a point;
- 40 **THENCE** North 47°-34'-00" East, continuing along said boundary, a distance of 543.559 feet for a corner;
- 41 **THENCE** South 71°-39'-19" East, a distance of 83.033 feet to a point;
- 42 **THENCE** South 73°-22'-20" East, a distance of 40.147 feet for a corner;
- 43 **THENCE** North 42°-27'-15" East, a distance of 73.707 feet to a point;
- 44 **THENCE** North 28°-45'-39" East, a distance of 5.496 feet for a corner;
- 45 **THENCE** North 18°-20'-56" West, a distance of 316.496 feet to a point;
- 46 **THENCE** North 18°-59'-26" East, a distance of 147.334 feet to a point;
- 47 **THENCE** North 62°-57'-16" East, a distance of 376.407 feet to a point;
- 48 **THENCE** North 46°-22'-24" East, a distance of 234.41 feet, to the *POINT OF BEGINNING AND CONTAINING* 171.35 acres of land (7,464,084.07 square feet) more or less.

Exhibit 'B':
Survey



**Exhibit 'C':
Concept Plan**



GREEN: TRACT 1; **ORANGE:** TRACT 2; **PINK:** TRACT 3; **RED:** TRACT 4; **BLUE:** TRACT 5

**Exhibit 'D':
Density and Development Standards**

(A) TRACTS 1 & 2. (Phases I, II, III, & IV of the Lakeside Village Subdivision)

- (1) Concept Plan. All development of Tracts 1 & 2 shall conform with the *Concept Plan* depicted in Figures 1 & 2.

FIGURE 1. CONCEPT PLAN FOR TRACT 1



**Exhibit 'D':
Density and Development Standards**

FIGURE 2. CONCEPT PLAN FOR TRACT 2



- (2) **Permitted Land Uses.** Unless specifically provided by this Planned Development District ordinance, *Tracts 1 & 2 -- as depicted in Exhibit 'C' of this ordinance --* shall be developed with *Single-Family Detached, Single-Family Attached, and Townhouse*. In addition, *Tract 1* shall be permitted to establish a *Private Club* as an accessory use to a *Restaurant* in accordance with the *Conditional Land Use Standards* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

- (3) **Density and Development Standards.** Unless specifically provided by this Planned Development District, the development of *Tracts 1 & 2 -- as depicted in Exhibit 'C' of this ordinance --* shall be subject to the density and dimensional standards stipulated by *Table 1 – Table 3*.

**Exhibit 'D':
Density and Development Standards**

TABLE 1: LOT DIMENSIONAL REQUIREMENTS FOR SINGLE-FAMILY DETACHED

LOT TYPE (SEE CONCEPT PLAN) ►	SFD
MINIMUM LOT AREA	2,700 SF
SINGLE-FAMILY DWELLING UNITS PER LOT	1
MINIMUM SQUARE FOOTAGE PER DWELLING UNIT	1,800 SF
MINIMUM LOT WIDTH ON A STREET	15'
MINIMUM LOT DEPTH	70'
MINIMUM FRONT YARD SETBACK	
FRONT ENTRY GARAGE	20'
REAR OR SIDE ENTRY GARAGE	10'
MINIMUM REAR YARD SETBACK	7½'
MINIMUM SIDE YARD SETBACK [INTERNAL LOT] ⁽¹⁾	5'
MINIMUM SIDE YARD SETBACK [ZERO LOT LINE ABUTTING ADJACENT YARD] ⁽¹⁾	0'
MINIMUM SIDE YARD SETBACK [ADJACENT TO A STREET] ⁽¹⁾	10'
MAXIMUM BUILDING HEIGHT	42'
MINIMUM NUMBER OF OFF-STREET PARKING SPACES ⁽²⁾	2

GENERAL NOTES:

- ¹: Where one (1) or more lots have been combined to establish new property lines, all references to the side yard setback shall refer to the new property line.
- ²: An enclosed garage shall not be considered in meeting the off-street parking requirements.

TABLE 2: LOT DIMENSIONAL REQUIREMENTS FOR SINGLE-FAMILY ATTACHED

LOT TYPE (SEE CONCEPT PLAN) ►	SFA
MINIMUM LOT AREA	2,700 SF
SINGLE-FAMILY DWELLING UNITS PER LOT	1
MINIMUM SQUARE FOOTAGE PER DWELLING UNIT	1,800 SF
MINIMUM LOT WIDTH ON A STREET	15'
MINIMUM LOT DEPTH	70'
MINIMUM FRONT YARD SETBACK	
FRONT ENTRY GARAGE	20'
REAR OR SIDE ENTRY GARAGE	10'
MINIMUM REAR YARD SETBACK	
LOTS L1 – L20	20'
ALL OTHER SINGLE-FAMILY ATTACHED LOTS	7½'
MINIMUM SIDE YARD SETBACK [INTERNAL LOT] ⁽¹⁾	5'
MINIMUM SIDE YARD SETBACK [ABBUTTING A STRUCTURE] ⁽¹⁾	0'
MINIMUM SIDE YARD SETBACK [ZERO LOT LINE ABUTTING ADJACENT YARD] ⁽¹⁾	0'
MINIMUM SIDE YARD SETBACK [ADJACENT TO A STREET] ⁽¹⁾	
LOTS WITH A LOT WIDTH OF LESS THAN 30-FEET	0'
LOTS WITH A LOT WIDTH OF AT LEAST 30-FEET	10'
MINIMUM SEPERATION BETWEEN ATTACHED BUILDINGS ⁽²⁾	10'
MAXIMUM NUMBER OF ATTACHED UNITS	12 UNITS OR 250'
MAXIMUM BUILDING HEIGHT	42'
MINIMUM NUMBER OF OFF-STREET PARKING SPACES ⁽³⁾	2

GENERAL NOTES:

- ¹: Where one (1) or more lots have been combined to establish new property lines, all references to the side yard setback shall refer to the new property line.
- ²: Every 250-feet there shall be a minimum of ten (10) feet between buildings.
- ³: An enclosed garage shall not be considered in meeting the off-street parking requirements.

Exhibit 'D':
Density and Development Standards

TABLE 3: LOT DIMENSIONAL REQUIREMENTS FOR TOWNHOUSE

LOT TYPE (SEE CONCEPT PLAN) ►	T
MINIMUM LOT AREA	750 SF
SINGLE-FAMILY DWELLING UNITS PER LOT	1
MINIMUM SQUARE FOOTAGE PER DWELLING UNIT	1,200 SF
MINIMUM LOT DEPTH	50'
MINIMUM REAR YARD SETBACK ⁽¹⁾	7½'
MINIMUM SIDE YARD SETBACK [INTERNAL LOT] ^{(2) & (3)}	5'
MINIMUM SIDE YARD SETBACK [ABBUTING A STRUCTURE] ^{(2) & (3)}	0'
MINIMUM SIDE YARD SETBACK [ZERO LOT LINE ABUTTING ADJACENT YARD] ^{(2) & (3)}	0'
MINIMUM SIDE YARD SETBACK [ADJACENT TO A STREET] ^{(2) & (3)}	
LOTS WITH A LOT WIDTH OF LESS THAN 30-FEET	0'
LOTS WITH A LOT WIDTH OF AT LEAST 30-FEET	10'
MINIMUM SEPERATION BETWEEN ATTACHED BUILDINGS ⁽⁴⁾	10'
MAXIMUM NUMBER OF ATTACHED UNITS	12 UNITS OR 250'
MAXIMUM BUILDING HEIGHT	42'
MINIMUM NUMBER OF OFF-STREET PARKING SPACES ⁽⁵⁾	2

GENERAL NOTES:

- ¹: The minimum rear yard setback on Lots 63-70, Block D (i.e. Lots D63-D70) and Lots 1-5, Block F (i.e. Lots F1-F5) shall be 0-feet.
- ²: Where one (1) or more lots have been combined to establish new property lines, all references to the side yard setback shall refer to the new property line.
- ³: Townhouses separated by fire retardant walls meeting the requirements of the building code may build to the property line where such structures abut.
- ⁴: Every 250-feet there shall be a minimum of ten (10) feet between buildings.
- ⁵: An enclosed garage shall not be considered in meeting the off-street parking requirements.

**Exhibit 'D':
Density and Development Standards**

(B) TRACT 3. (Turtle Cove Subdivision; Eight [8] Owner Occupied Lots)

- (1) Concept Plan. All development of *Tract 3* shall conform with the *Concept Plan* depicted in *Figure 3*.

FIGURE 3. CONCEPT PLAN FOR TRACT 3



- (2) Permitted Land Uses. Unless specifically provided by this Planned Development District ordinance, *Tract 3* -- as depicted in *Exhibit 'C'* of this ordinance -- shall be developed with *Single-Family Detached Patio Homes*.
- (3) Density and Development Standards. Unless specifically provided by this Planned Development District, the development of *Tract 3* -- as depicted in *Exhibit 'C'* of this ordinance -- shall be subject to the density and dimensional standards stipulated by *Table 4: Lot Dimensional Requirements*.

**Exhibit 'D':
Density and Development Standards**

TABLE 4: LOT DIMENSIONAL REQUIREMENTS

LOT TYPE (SEE CONCEPT PLAN) ►	TRACT 3
MINIMUM LOT AREA ⁽¹⁾	4,500 SF
SINGLE-FAMILY DWELLING UNITS PER LOT	1
MINIMUM SQUARE FOOTAGE PER DWELLING UNIT	1,400 SF
MINIMUM LOT WIDTH	50'
MINIMUM LOT DEPTH	
REAR ENTRY	90'
FRONT ENTRY	100'
MINIMUM FRONT YARD SETBACK	
REAR ENTRY	10'
FRONT ENTRY	20'
MINIMUM REAR YARD SETBACK	10'
MINIMUM SIDE YARD SETBACK	0' & 10'
MINIMUM SIDE YARD SETBACK ADJACENT TO A STREET	15'
MINIMUM LENGTH OF REAR YARD DRIVEWAY	18'
MINIMUM WIDTH OF REAR YARD DRIVEWAY	18'
MAXIMUM BUILDING HEIGHT	2 STORIES/28'
MINIMUM MASONRY REQUIREMENT PER FAÇADE	75%
MINIMUM OFF-STREET PARKING IN ADDITION TO A GARAGE	2

GENERAL NOTES:

¹: All lots will be above flood level.

- (4) **Building Standards.** All development shall adhere to the following building standards:
- (a) **Garage Orientation.** A total of five (5) of the eight (8) residential lots shall be constructed with rear entry garages. The remaining three (3) of the eight (8) residential lots may be constructed with *Front Entry* or *J-Swing/Tradition Swing* garage configurations.

**Exhibit 'D':
Density and Development Standards**

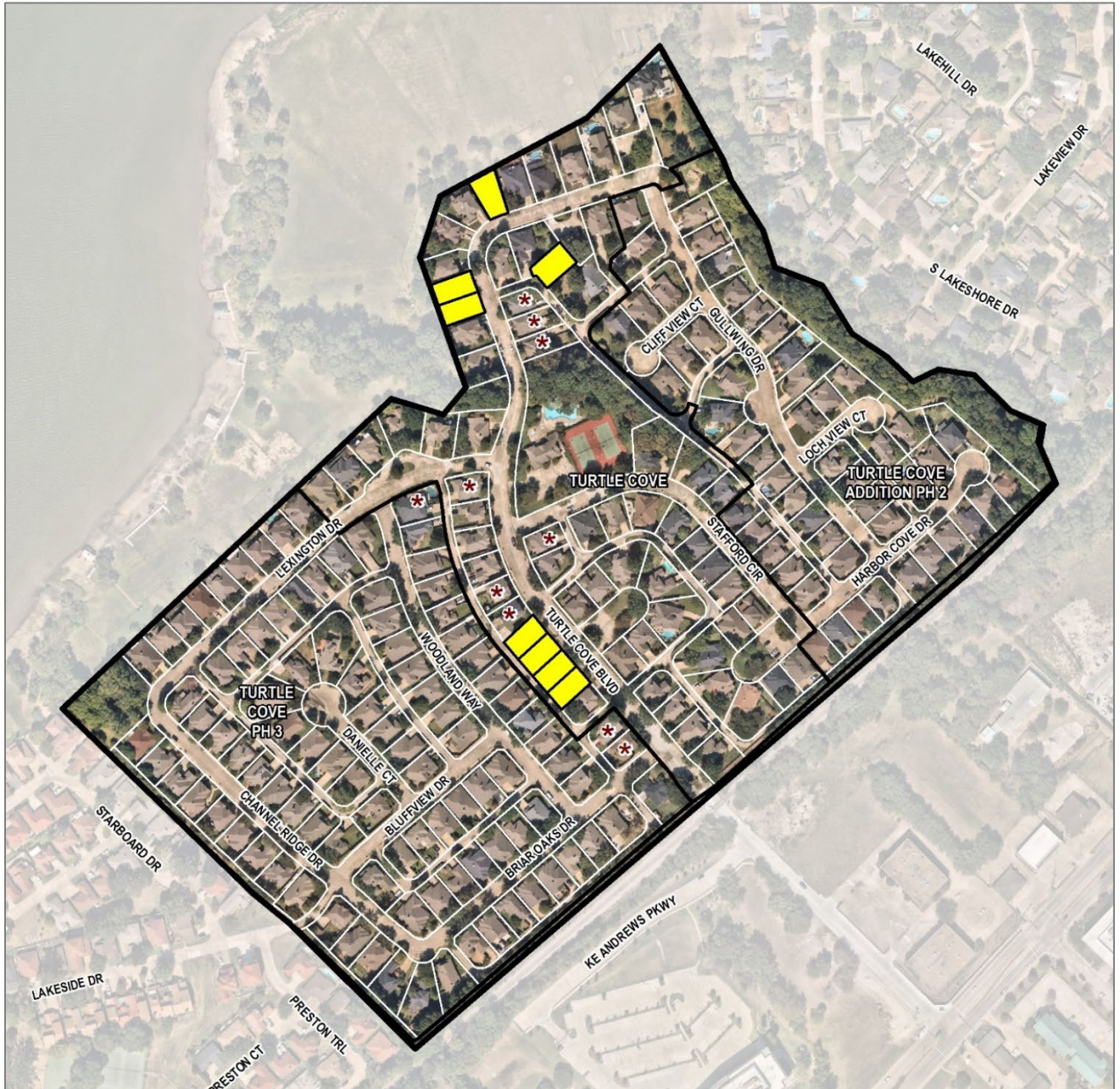
(C) TRACT 4. (Turtle Cove Subdivision)

- (1) **Concept Plan.** All development of Tract 4 shall conform with the Concept Plan depicted in Figure 4.

FIGURE 4. CONCEPT PLAN FOR TRACT 4

TOTAL GROSS ACREAGE: 53.6337-ACRES

ZONING AREA (I.E. NET ACREAGE): 52.7225-ACRES (I.E. LESS THE EIGHT [8] OWNER OCCUPIED DWELLINGS DEPCITED IN **YELLOW**)



- (2) **Permitted Land Uses.** Unless specifically provided by this Planned Development District ordinance, Tract 4 -- as depicted in Exhibit 'C' of this ordinance -- shall be developed with *Single-Family Detached Dwellings, Recreation Facilities, and a Guard House and Related Facilities.*

**Exhibit 'D':
Density and Development Standards**

- (3) Density and Development Standards. Unless specifically provided by this Planned Development District, the development of *Tract 4 -- as depicted in Exhibit 'C' of this ordinance --* shall be subject to the density and dimensional standards stipulated by *Table 5: Lot Dimensional Requirements*. The maximum permissible density for *Tract 4* shall not exceed 4.31 dwelling units per gross acres of land (*i.e. including the eight [8] owner occupied lots*); however, in no case should the proposed development exceed 223 dwelling units (*i.e. 231 including the eight [8] owner occupied lots*).

TABLE 5: LOT DIMENSIONAL REQUIREMENTS

LOT TYPE (SEE CONCEPT PLAN) ►	TRACT 4
MINIMUM LOT AREA ^{(1) & (5)}	5,400 SF
SINGLE-FAMILY DWELLING UNITS PER LOT	1
MINIMUM SQUARE FOOTAGE PER DWELLING UNIT	1,500 SF
MINIMUM LOT WIDTH ^{(1) & (2)}	60'
MINIMUM LOT DEPTH	90'
MINIMUM FRONT YARD SETBACK ⁽³⁾	10'
MINIMUM REAR YARD SETBACK	10'
MINIMUM SIDE YARD SETBACK	5'
MINIMUM SIDE YARD SETBACK ADJACENT TO A STREET	10'
MINIMUM DEPTH OF REAR YARD DRIVEWAY ⁽⁴⁾	20'
MINIMUM DEPTH OF FRONT YARD DRIVEWAY ⁽³⁾	20'
MAXIMUM BUILDING HEIGHT	2 STORIES/34'
MINIMUM MASONRY REQUIREMENT PER FAÇADE	75%
MAXIMUM LOT COVERAGE	60%

GENERAL NOTES:

- ¹: The lot width may vary to allow flexibility of product widths without revising the *Concept Plan*. The lots shown on the *Concept Plan -- contained in Subsection (C)(1) of Exhibit 'D' this ordinance --* with a (*) can have less than 60-feet of frontage and 4,500 SF of lot area.
- ²: The minimum lot width at a cul-de-sac or elbow shall be 50-feet as measured at the front yard setback.
- ³: The front yard setback at the garage doors will be 20-feet on front entry lots. In the case of a *J-Swing* or *Traditional Swing* garage, the setback at the front garage face at the street facing wall may be ten (10) feet.
- ⁴: The depth of the driveway will be 20-feet on rear loaded lots; however, it may overlay two (2) feet into the private alleyway easement.
- ⁵: All lots will be above flood level.

- (4) Building Standards. All development shall adhere to the following building standards:
- (b) Garage Orientation. A total of 168 of the 223 residential lots shall be constructed with rear entry garages. The remaining 60 of the 223 residential lots may be constructed with *Front Entry* or *J-Swing/Tradition Swing* garage configurations.
- (5) Additional Community Parking. The following additional parking shall be incorporated into *Tract 4*:
- (a) Cluster Areas: 30 Parking Spaces
- (b) Recreation Center: 20 Parking Spaces

NOTE: Parking will be restricted to one (1) side of the street where rear entry lots face each other.

- (6) Open Space. The development shall consist of a minimum of 192,193 SF of private open space that will be maintained by the Homeowner's Association (HOA). The private open space shall incorporate irrigation systems. Access for maintenance to the open space adjacent to the creek on the north side of the development must be provided. The exact location of the access will be determined at the time that a phase is platted.
- (7) Takeline. The takeline property along Lake Ray Hubbard will be mowed by the Homeowner's

Exhibit 'D':
Density and Development Standards

Association (HOA). Access to the lake property may be provided through the subdivision for the homeowner's use. Neither the Homeowner's Association (HOA), nor the developer will be responsible for any erosion control devices or measures or any other maintenance not specifically stated above which may be needed now or in the future within the takeline property.

- (8) Emergency Access. Lakeside Drive will be an open street or emergency access as decided by the Homeowner's Association (HOA).
- (9) Private Access and Utility Easements. All private access and utility easements will be privately owned and maintained by the developer and subsequently the Homeowner's Association (HOA).
- (10) Guard Gate. Two (2) stack spaces for automobiles will be provided between the guard gate and the MKT Railroad.
- (11) Lift Station. The following shall apply to the lift station:
 - (a) A concrete access drive will be provided to the lift station as indicated on the *Concept Plan* contained in Subsection (C)(1) of *Exhibit 'D'* of this ordinance.
 - (b) The lift station and the lot area it occupies will be deeded over to the City of Rockwall for their ownership and maintenance of the facility, including regular mowing of the lot, similar to the schedule entailed for landscape maintenance of the *Private Open Space* maintained by the Homeowner's Association (HOA).
 - (c) The lift station is currently surrounded by a chain-link fence and shrubs which screen the facility from view. The adjacent side yard lot fencing to either side of the lift station will additionally shield the facility from view.

**Exhibit 'D':
Density and Development Standards**

(D) TRACT 5. (Phase V of the Lakeside Village Subdivision)

- (1) Concept Plan. All development of *Tract 5* shall conform with the *Concept Plan* depicted in *Figure 5*.

FIGURE 5. CONCEPT PLAN FOR TRACT 5



- (2) Permitted Land Uses. Unless specifically provided by this Planned Development District ordinance, *Tract 5* -- as depicted in *Exhibit 'C'* of this ordinance -- shall be subject to the land uses permitted within the Zero Lot Line (ZL-5) District, as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC), as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future.
- (3) Density and Development Standards. Unless specifically provided by this Planned Development District, the development of *Tract 5* -- as depicted in *Exhibit 'C'* of this ordinance -- shall be subject to the density and dimensional standards stipulated for properties in a Zero Lot Line (ZL-5) District, as stipulated by Article 05, *District Development Standards*, of the Unified Development Code (UDC), as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future. The maximum permissible density for *Tract 5* shall not exceed 5.90 dwelling units per gross acres of land; however, in no case should the proposed development exceed 112 dwelling units. In addition, all lots in *Tract 5* shall conform to the standards depicted in *Table 6*, which are as follows:

**Exhibit 'D':
Density and Development Standards**

TABLE 6: LOT DIMENSIONAL REQUIREMENTS

<i>LOT TYPE (SEE CONCEPT PLAN) ►</i>	TRACT 5
<i>MINIMUM LOT AREA</i>	5,000 SF
<i>SINGLE-FAMILY DWELLING UNITS PER LOT</i>	1
<i>MINIMUM SQUARE FOOTAGE PER DWELLING UNIT</i>	1,800 SF
<i>MINIMUM LOT WIDTH ^{(1) & (2)}</i>	50'
<i>MINIMUM LOT DEPTH</i>	90'
<i>MINIMUM FRONT YARD SETBACK ⁽³⁾</i>	20'
<i>MINIMUM REAR YARD SETBACK</i>	7½'
<i>MINIMUM SIDE YARD SETBACK ⁽⁴⁾</i>	0'/10' OR 5'
<i>MINIMUM SIDE YARD SETBACK ADJACENT TO A STREET ^{(5) & (6)}</i>	15'
<i>MAXIMUM BUILDING HEIGHT</i>	30'
<i>MINIMUM NUMBER OF OFF-STREET PARKING SPACES ⁽⁷⁾</i>	2
<i>MAXIMUM LOT COVERAGE</i>	50%

GENERAL NOTES:

- ¹: As measured from the front building setback.
- ²: Lots on a cul-de-sac and/or eyebrow may be reduced to a minimum of 40-feet.
- ³: As measured from the Access and Fire Lane Easement.
- ⁴: If constructed as a zero-lot line lot, a minimum of a five (5) foot maintenance easement shall be established on the non-zero-lot line side. If constructed as a center loaded home lot, a five (5) foot setback shall be established on each side of the lot. Once a determination has been made regarding the zero or center loaded homes, all homes must comply with that determination.
- ⁵: This shall be increased to 20-feet when abutting an arterial.
- ⁶: Unless otherwise denoted on the approved subdivision plat.
- ⁷: Plus, a two (2) car garage.

CITY OF ROCKWALL

ORDINANCE NO. 24-08

SPECIFIC USE PERMIT NO. S-326

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) [*ORDINANCE NO. 02-14*] AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *GUEST QUARTERS/SECONDARY LIVING UNIT* ON A 0.22-ACRE PARCEL OF LAND, IDENTIFIED AS LOT C, BLOCK 112, B.F. BOYDSTUN 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 by Javier Silva for the approval of a *Guest Quarters/Secondary Living Unit* on a 0.22-acre parcel of land identified as Lot C, Block 112, B.F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 52 (PD-52) and Single-Family 7 (SF-7) District, situated within the Southside Residential Overlay (SRO) District, addressed as 715 Sherman 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 Planned Development District 52 (PD-52) [*Ordinance No. 02-14*] and 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 Planned Development District 52 (PD-52) [*Ordinance No. 02-14*] and 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 *Guest Quarters/Secondary Living Unit* 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 Planned Development District 52 (PD-52) [*Ordinance No. 02-14*], and Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-*

02] -- as heretofore amended and may be amended in the future -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a *Guest Quarters/Secondary Living Unit* on the *Subject Property* and conformance to these operational conditions are required:

- 1) The development of the *Subject Property* shall generally conform to the Concept Plan as depicted in *Exhibit 'B'* of this ordinance.
- 2) The construction of the *Guest Quarters/Secondary Living Unit* on the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'C'* of this ordinance.
- 3) The *Guest Quarters/Secondary Living Unit* shall not exceed a maximum size of 600 SF.
- 4) The maximum height of the *Guest Quarters/Secondary Living Unit* shall not exceed a total height of 16-feet as measured to highest point of the pitched roof.
- 5) The *Guest Quarters/Secondary Living Unit* shall not be sold or conveyed separately from the single-family home without meeting the requirements of the zoning district and subdivision ordinance.

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 4th DAY OF MARCH, 2024.**

Trace Johannesen, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: February 20, 2024

2nd Reading: March 4, 2024

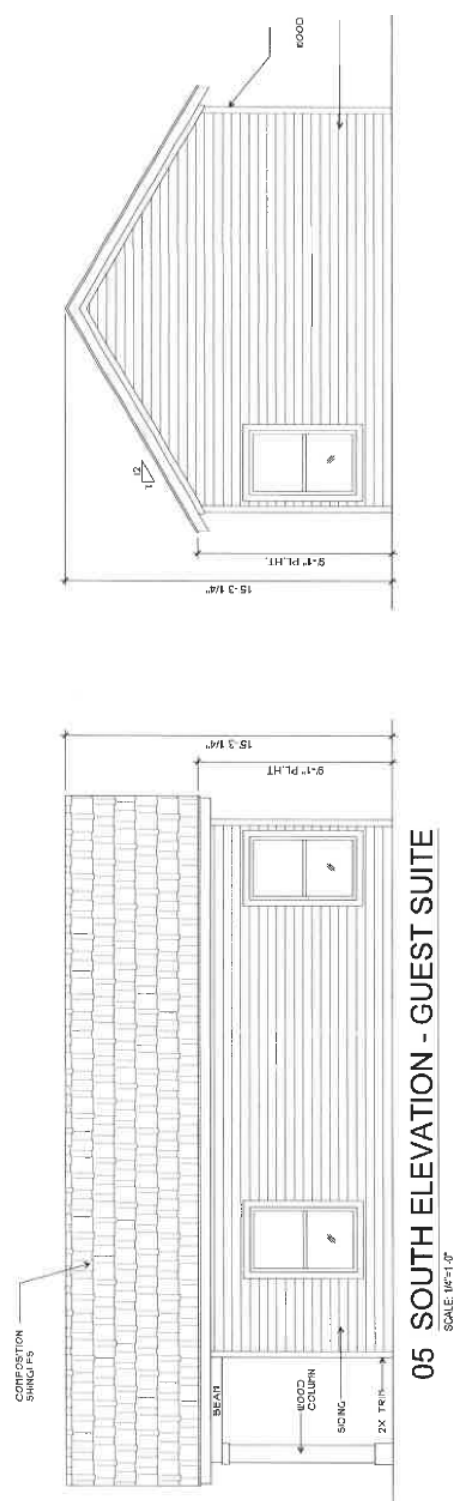
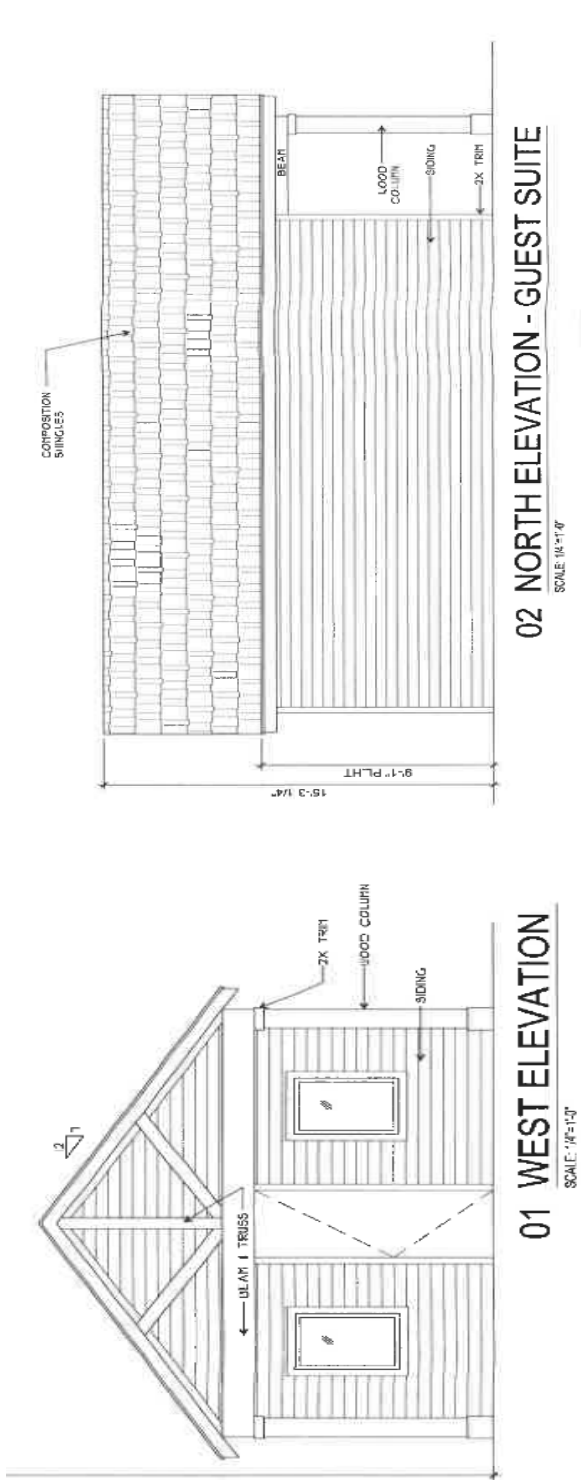
**Exhibit 'A':
Location Map**

Address: 715 Sherman Street

Legal Description: Lot C, Block 112, B.F. Boydston Addition



Exhibit 'C':
Building Elevations



CITY OF ROCKWALL

ORDINANCE NO. 24-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE ORDINANCES OF THE CITY OF ROCKWALL, BY AMENDING SECTION 26-505, *PROHIBITED IN SPECIFIC PLACES*, OF ARTICLE VII, *STOPPING, STANDING OR PARKING*, OF CHAPTER 26, *MOTOR VEHICLES AND TRAFFIC*, TO INCORPORATE ADDITIONAL STREETS SUBJECT TO PROHIBITED PARKING REQUIREMENTS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rockwall, Texas is a *Home Rule City* by State Law and the City's Charter is permitted to establish ordinances to protect the health, safety and general welfare of its residents; and,

WHEREAS, the City has exclusive control and power over the streets, alleys, and public grounds and highways of the City pursuant to Transportation Code §311.001, as it may be amended.

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

SECTION 1. Findings. The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

SECTION 2. That the Section 26-505, *Prohibited in Specified Places*, of Article VII, *Stopping, Standing or Parking*, of Chapter 26, *Motor Vehicles and Traffic*, of the Code of Ordinances be hereby amended to henceforth to read in its entirety as follows:

SECTION 26-505: Prohibited in specified places

(a) An operator may not stop, stand, or park a vehicle:

- (1) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (2) On a sidewalk;
- (3) In an intersection;
- (4) On a crosswalk;
- (5) Between a safety zone and the adjacent curb or within 30 feet of a place on the curb immediately opposite the ends of a safety zone, unless the governing body of a municipality designates a different length by signs or markings;
- (6) Alongside or opposite a street excavation or obstruction if stopping, standing or parking the vehicle would obstruct traffic;
- (7) On a bridge or other elevated structure on a highway or in a highway tunnel;
- (8) On a railroad track;
- (9) Where an official sign prohibits stopping;
- (10) On Clark Street, between Williams and E. Boydston, or Fannin Street, between Washington and E. Boydston, except within the parking niches outside the main roadway lanes;
- (11) On either side of Summer Lee Drive from FM 740 (Ridge Road) west to the western right-of-way line of Bourbon Street Circle; or
- (12) On either side of Springer Road, Corporate Crossing, Discovery Boulevard, Data Drive, Capital Boulevard, Research Circle, Observation Trail, Science Place, Technology Way, and Innovation Drive.
- (13) On either side of South Lakeshore Drive from State Highway 66/West Rusk to the intersection of South Lakeshore Drive and Summit Ridge Drive, except within the parking niches outside the main roadway lanes.
- (14) On either side of Summit Ridge Drive from the Farm to Market 740/Ridge Road to the intersection of South Lakeshore Drive and Summit Ridge Drive, except within the parking niches outside the main roadway lanes.

(15) N. Goliad Street [*SH-205*] from FM-552 to the John King Boulevard, and Shenandoah Lane from All Angels Hill Lane to its eastern terminus of Shenandoah Lane.

(b) An operator may not stop, stand, or park a semi-truck or commercial vehicle:

(1) On either side of Fit Sport Life Boulevard.

(c) All emergency vehicles shall be exempt from the restrictions set forth in subsection (a) of this section. Emergency vehicles shall include ambulances, fire trucks and equipment, paramedic vehicles, police vehicles and all governmental vehicles used for necessary governmental purposes.

(d) Any vehicle actively used for construction or repair work in the Rockwall Technology Park shall be exempt from the restrictions set forth in subsection (a) of this section.

(e) The City Manager or his designee shall provide for appropriate notice and signage for the parking restrictions as contained in this section. The City Manager or his designee shall also be authorized to issue citations and perform other enforcement provisions in accordance with this chapter.

(f) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict;

SECTION 4. That the Code of the City of Rockwall, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance;

SECTION 5. That should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable;

SECTION 6. That this ordinance shall take effect immediately from and after its passage;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 4TH DAY OF MARCH, 2024.

Trace Johannesen, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: February 20, 2024

2nd Reading: March 4, 2024



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 4, 2024
APPLICANT: Juan Vasquez; *Vasquez Engineering*
CASE NUMBER: P2024-005; *Replat for Lot 10, Block A, Dalton Goliad Addition*

SUMMARY

Consider a request by Juan J. Vasquez of Vasquez Engineering, LLC on behalf of Shane Shoulders of Kennor Rockwall Retail, LLC for the approval of a Replat for Lot 10, Block A, Dalton Goliad Addition being a 1.93-acre tract of land identified as Lots 8 & 9, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the N. SH-205 Overlay (N. SH-205 OV) District, generally located on the west side of SH-205 north of the intersection of SH-205 and FM-552, and take any action necessary.

PLAT INFORMATION

- The applicant is requesting approval of a Replat to combine two (2) existing parcels of land (*i.e. Lots 8 & 9, Block A, Dalton Goliad Addition*) into one (1) (*i.e. Lot 10, Block A, Dalton Goliad Addition*). The purpose of the Replat is to abandon existing easements, dedicate new easements, and remove a lot line between the two (2) existing lots in order to facilitate the development of two (2) restaurant/retail buildings on the subject property.
- The subject property was annexed by the City Council on November 7, 1983 by *Ordinance No. 83-57 [Case No. A1983-002]*. 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 [*Case No. P2017-062*] subdividing Lot 2, Block A into Lots 4 & 5, Block A (*i.e. Lot 4, Block A, Dalton-Goliad Addition*); however, this replat was never filed. Prior to the replat, a Specific Use Permit (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 the Specific Use Permit (SUP) have since expired. On December 7, 2020, the City Council approved a conveyance plat [*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 the property. This conveyance plat established the subject property as Lot 5, Block A, Dalton-Goliad Addition. On March 15, 2021, the City Council denied a Specific Use Permit (SUP) request [*Case No. Z2021-002*] for a Self-Service Car Wash. On June 1, 2021, the City Council approved a replat [*Case No. P2021-016*] that established the subject property as Lots 8 & 9, Block A, Dalton Goliad Addition. On October 2, 2023, the City Council approved a Specific Use Permit (SUP) [*Case No. Z2023-042*] for a *Restaurant, Greater Than 2,000 SF with a Drive-Through or Drive-In*. On November 14, 2023, the Planning and Zoning Commission approved a site plan [*Case No. SP2023-036*] to allow the construction of two (2) restaurant/retail buildings. The subject property is currently vacant.
- 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 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 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 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 Replat for Lot 10, Block A, Dalton Goliad 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 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 27, 2024, the Planning and Zoning Commission approved motion to approve the Replat by a vote of 4-0, with Commissioners Deckard, Womble, and Llewelyn 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 & 2}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

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.
²: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 3611 and 3775 N. Goliad Street

SUBDIVISION Dalton Goliad Addition

LOT 8&9

BLOCK A

GENERAL LOCATION West side of S.H. 205 two lots north of Dalton Road

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING GR w/N SH 205 Overlay

CURRENT USE Vacant

PROPOSED ZONING Same

PROPOSED USE Retail/Rest. Shopping Center

ACREAGE 1.93

LOTS [CURRENT] 2

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]

OWNER Kennor Rockwall Retail, LLC

APPLICANT Vasquez Engineering, LLC

CONTACT PERSON Shane Shoulders

CONTACT PERSON Juan J. Vasquez

ADDRESS 8848 Greenville Ave.

ADDRESS 1919 S. Shiloh Road
Suite 440

CITY, STATE & ZIP Dallas, TX 75243

CITY, STATE & ZIP Garland, TX 75042

PHONE 903-819-1208

PHONE 972-278-2948

E-MAIL sshoulders@sbcglobal.net

E-MAIL jvasquez@vasquezengineering.com

NOTARY VERIFICATION [REQUIRED]

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

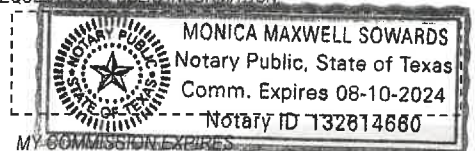
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ ^{338.50} TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 16 DAY OF February, 2024. BY SIGNING THIS APPLICATION, 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 February, 2024.

OWNER'S SIGNATURE

[Signature]
[Signature]

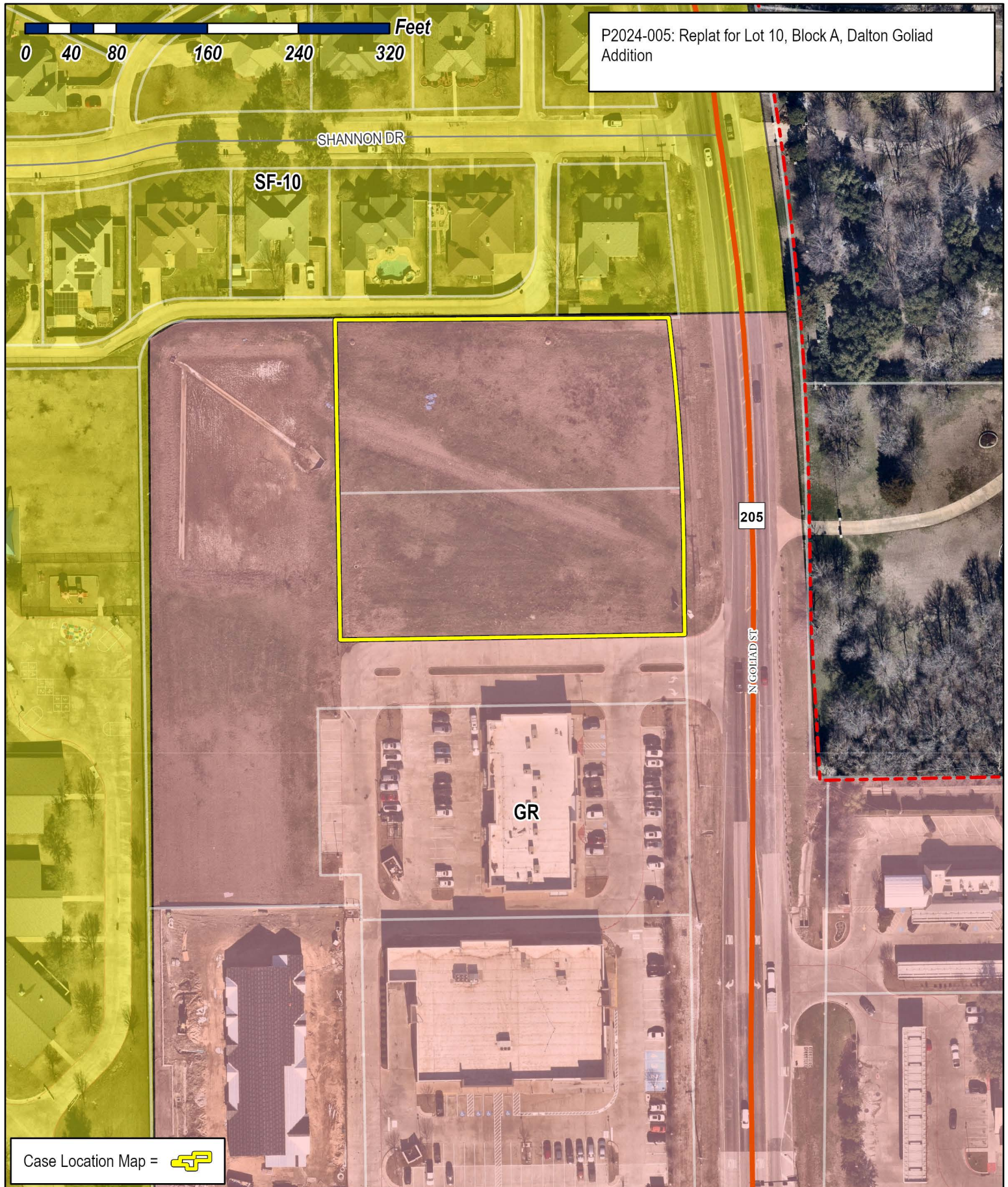
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS




08-10-2024



P2024-005: Replat for Lot 10, Block A, Dalton Goliad Addition



Case Location Map = 



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(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.



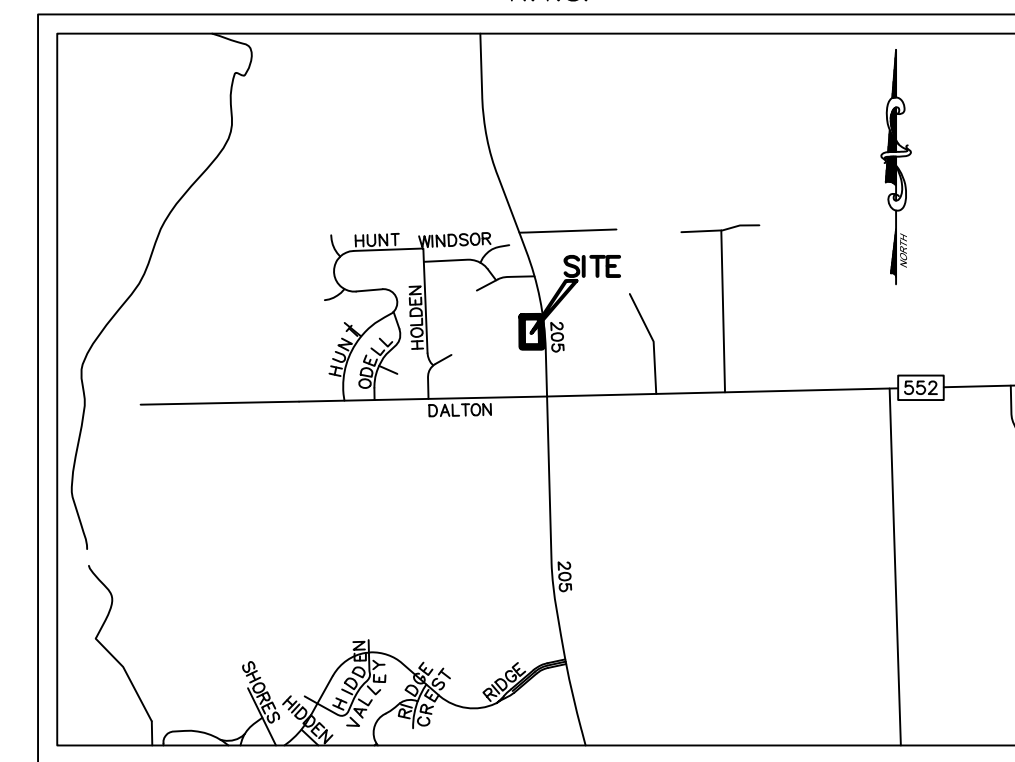
LOT 27, BLOCK C
HARLAN PARK -
PHASE TWO
CAB. C, SLD. 266

LOT 28, BLOCK C
HARLAN PARK -
PHASE TWO
CAB. C, SLD. 266

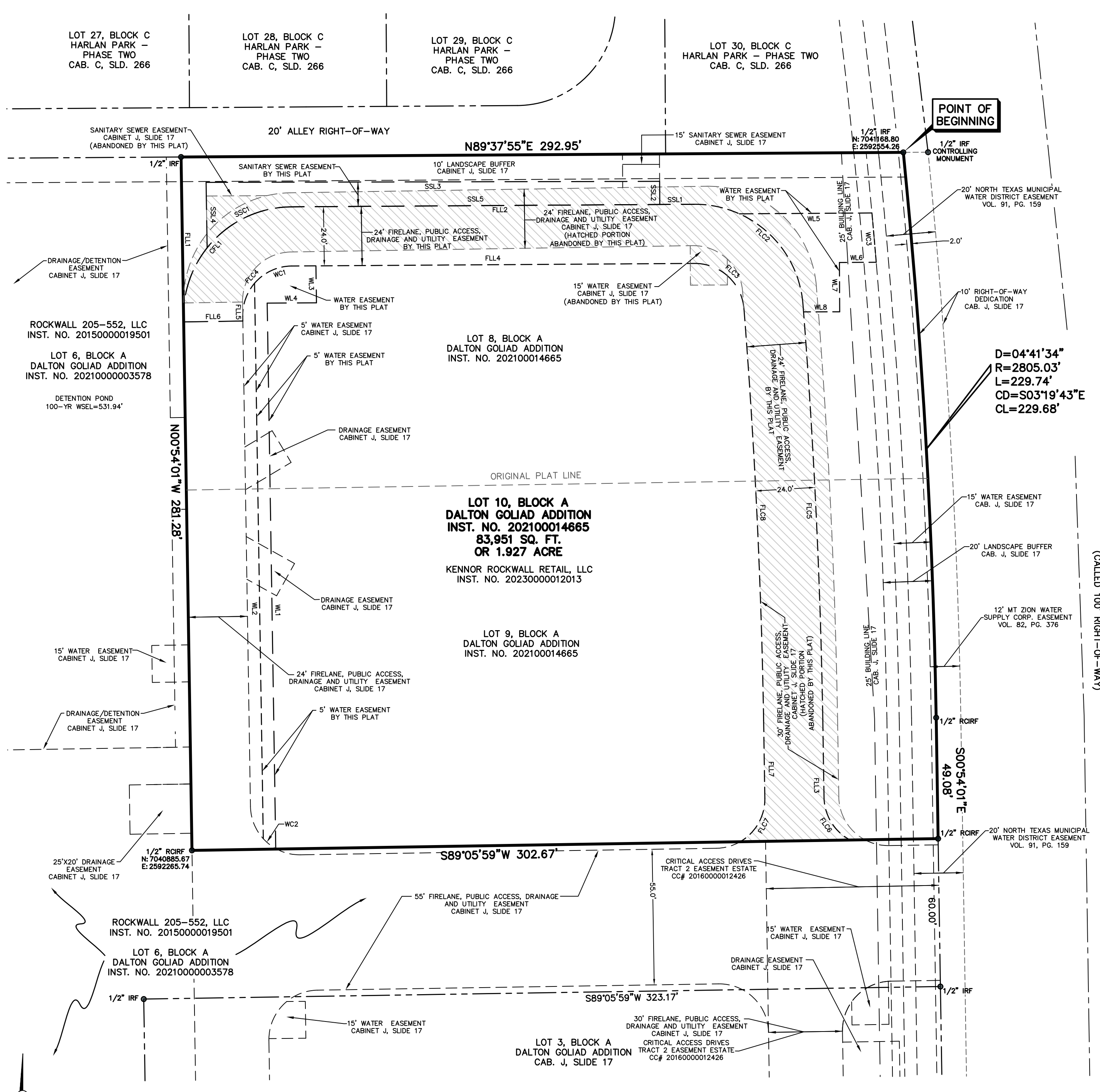
LOT 29, BLOCK C
HARLAN PARK -
PHASE TWO
CAB. C, SLD. 266

LOT 30, BLOCK C
HARLAN PARK - PHASE TWO
CAB. C, SLD. 266

VICINITY MAP
N.T.S.



POINT OF BEGINNING



$D=04'41'34''$
 $R=2805.03'$
 $L=229.74'$
 $CD=S03'19'43''E$
 $CL=229.68'$

STATE HIGHWAY NO. 205
(CALLED 100' RIGHT-OF-WAY)

FIRE LANE LINE TABLE

LINE	BEARING	DISTANCE
FLL1	S 00°54'01" E	66.91'
FLL2	N 89°37'55" E	163.36'
FLL3	S 00°54'01" E	32.52'
FLL4	S 89°37'55" W	163.36'
FLL5	S 00°54'01" E	2.00'
FLL6	S 89°05'59" W	24.00'
FLL7	S 00°54'01" E	31.50'

FIRE LANE CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
FLC1	71.53'	44.09'	092°56'32"	N 43°05'33" E	63.94'
FLC2	65.95'	44.00'	85°52'57"	S 47°25'36" E	59.95'
FLC3	29.98'	20.00'	085°52'41"	N 47°25'44" W	27.25'
FLC4	31.60'	20.00'	090°31'56"	S 44°21'57" W	28.42'
FLC5	168.89'	2759.03'	03°30'11"	S 02°44'02" E	168.66'
FLC6	21.31'	20.00'	61°03'43"	S 31°25'53" E	20.32'
FLC7	21.31'	20.00'	61°02'41"	N 29°37'19" E	20.31'
FLC8	167.20'	2735.03'	03°30'10"	N 02°44'02" W	167.18'

WATER EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
WL1	S 00°54'01" E	221.28'
WL2	N 00°54'01" W	225.32'
WL3	S 00°54'01" E	15.00'
WL4	S 89°37'55" W	20.00'
WL5	N 89°37'55" E	53.77'
WL6	N 89°37'55" E	14.92'
WL7	N 00°16'02" W	20.00'
WL8	S 89°52'27" W	14.65'

WATER EASEMENT CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
WC1	17.15'	20.00'	49°07'22"	S 65°04'15" W	16.63'
WC2	6.49'	20.00'	018°35'25"	N 51°36'18" W	6.46'
WC3	20.07'	2790.03'	00°24'43"	N 04°59'32" W	20.07'

SANITARY SEWER EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
SSL1	S 89°37'55" W	19.94'
SSL2	N 00°22'05" W	9.37'
SSL3	S 89°52'27" W	183.94'
SSL4	S 00°54'01" E	26.54'
SSL5	N 89°37'55" E	149.44'

SANITARY SEWER EASEMENT CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
SSC1	39.26'	44.14'	050°57'18"	N 64°03'58" E	37.98'

LOT 8, BLOCK A
DALTON GOLIAD ADDITION
INST. NO. 202100014665

LOT 10, BLOCK A
DALTON GOLIAD ADDITION
INST. NO. 202100014665
83,951 SQ. FT.
OR 1.927 ACRE

KENOR ROCKWALL RETAIL, LLC
INST. NO. 20230000012013

LOT 9, BLOCK A
DALTON GOLIAD ADDITION
INST. NO. 202100014665

ROCKWALL 205-552, LLC
INST. NO. 20150000019501

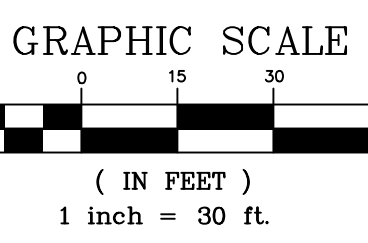
LOT 6, BLOCK A
DALTON GOLIAD ADDITION
INST. NO. 20210000003578

LOT 3, BLOCK A
DALTON GOLIAD ADDITION
CAB. J, SLIDE 17

CRITICAL ACCESS DRIVES
TRACT 2 EASEMENT ESTATE
CC# 20160000012426

CRITICAL ACCESS DRIVES
TRACT 2 EASEMENT ESTATE
CC# 20160000012426

FINAL PLAT
DALTON GOLIAD ADDITION
LOT 10, BLOCK A
BEING A REPLAT OF LOTS 8 AND 9, BLOCK A,
DALTON GOLIAD ADDITION
T. R. BAILEY SURVEY, ABSTRACT NO. 30
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS



LINETYPE TABLE

	BOUNDARY LINE
	ADJOINER LINE
	EASEMENT LINE
	BUILDING LINE
	STREET CENTERLINE

ENGINEER:
VASQUEZ ENGINEERING, L.L.C.
1919 S. SHILOH ROAD
SUITE 440, LB 44
GARLAND, TEXAS 75042
972-278-2948
CONTACT: JUAN VASQUEZ, P.E.

OWNER:
KENOR ROCKWALL RETAIL, LLC
706 VALENCIA STREET
DALLAS, TEXAS 75223
SHANE SHOULDERS
903-819-1208

CASE NO. P _____

JOB NO.: 15-1216L8&9	DATE: 11/27/2023	PEISER & MANKIN SURVEYING, LLC www.peisersurveying.com	SHEET
REV: 1/31/2024	SCALE: 1" = 30'		
DRAWN: J.M.N.		1612 HART STREET SUITE 201 SOUTHLAKE, TEXAS 76092 817-481-1806 (O)	1
	FIRM No. 100999-00	COMMERCIAL RESIDENTIAL BOUNDARIES TOPOGRAPHY MORTGAGE	OF
		Member Since 1977	2

OWNER'S CERTIFICATION

WHEREAS KENNOR ROCKWALL RETAIL, LLC, is the sole owner of that tract of land in the City of Rockwall, Rockwall County, Texas, situated in the T. R. BAILEY SURVEY, ABSTRACT NO. 30, and being a portion of that certain tract of land conveyed to Kennor Rockwall Retail, LLC in Special Warranty Deed recorded under Instrument Number 20230000012013, Deed Records, Rockwall County, Texas, and being Lots 8 and 9, Block A, Dalton Goliad Addition, an addition to the City of Rockwall, Rockwall County, Texas, according to the replat recorded in under Clerk's File No. 20210000014665, Map Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with red plastic cap stamped "Peiser & Mankin SURV" found (hereinafter referred to as 1/2 inch iron rod with red cap found) for the northeast corner of said Lot 8, same being in the south line of Block C, Harlan Park-Phase Two, an addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet C, Slide 266, Plat Records, Rockwall County, Texas, same being in the westerly right-of-way line of Sate Highway No. 205 (called 100 foot right-of-way), same being the beginning of a curve to the right, having a radius of 2805.03 feet and a delta angle of 04 deg. 41 min. 34 sec.;

THENCE along said curve to the right, and along the common line of said Lot 8 and said State Highway No. 205, passing a 1/2 inch iron rod with red cap found for the southeast corner of said Lot 8, same being the northeast corner of aforesaid Lot 9, and continuing along the common line of said Lot 9 and said State Highway No. 205, a total arc distance of 229.74 feet and a chord bearing and distance of South 03 deg. 19 min. 43 sec. East, 229.68 feet to a 1/2 inch iron rod with red cap found for angle point;

THENCE South 00 deg. 54 min. 01 sec. East, continuing along the common line of said Lot 9 and said State Highway No. 205, a distance of 49.08 feet to a 1/2 inch iron rod with red cap found for the southeast corner of said Lot 9, same being the most easterly northeast corner of Lot 6, Block A, Dalton Goliad Addition, an addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Instrument Number 20210000003578, aforesaid Official Public Records;

THENCE along the common line of said Lots 9 and 6 as follows:

South 89 deg. 05 min. 59 sec. West, a distance of 302.67 feet to a 1/2 inch iron rod with red cap found for the southwest corner of said Lot 9, same being an internal corner of said Lot 6;

North 00 deg. 54 min. 01 sec. West, passing at a distance of 146.18 feet, a 1/2 inch iron rod with red cap found for the northeast corner of said Lot 9, same being the southwest corner of aforesaid Lot 8, and continuing along the common line of said Lot 8 and said Lot 6, a total distance of 281.28 feet to the 1/2 inch iron rod with red cap found for the northwest corner of said Lot 8, same being in the south line of aforesaid Block C, Harlan Park-Phase Two;

THENCE North 89 deg. 37 min. 55 sec. East, along the common line of said Lot 8 and said Block C, a distance of 292.95 feet to the POINT OF BEGINNING and containing 83,951 square feet or 1.927 acres of computed land, more or less.

APPROVED:

I hereby certify that the above and foregoing plat of Dalton Goliad Addition, Lot 10, Block A, an addition to the City of Rockwall, Texas, was approved by the City Planning Director of the City of Rockwall on the ___ day of _____, 2024.

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.

Said addition shall be subject to all the requirements of the Subdivision Regulations of the City of Rockwall.

WITNESS OUR HANDS, this _____ day of _____, 2024.

Director of Planning

City of Engineer

Date

SURVEYOR'S CERTIFICATE

I, Timothy R. Mankin, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I prepared this plat from an actual on the ground survey of the land and that the monuments shown thereon were properly placed under my personal supervision in accordance with the subdivision regulations of the City of Rockwall, Texas.

PRELIMINARY--NOT TO BE RECORDED

Timothy R. Mankin Date Registered Professional Land Surveyor, No. 6122

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS COUNTY OF ROCKWALL

I the undersigned owner of the land shown on this plat, and designated herein as the DALTON GOLIAD 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. I further certify that all other parties who have a mortgage or lien interest in the DALTON GOLIAD 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 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. All detention/drainage systems to be maintained, repaired, and replaced by property owner. 7. 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. I further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I, my successors and assigns hereby waive any claim, damage, or cause of action that I may have as a result of the dedication of exactions made herein.

WITNESS MY HAND, this _____ day of _____, 2024

KENNOR ROCKWALL RETAIL, LLC

By: SHANE SHOULDERS, MANAGER

STATE OF TEXAS: COUNTY OF DALLAS: BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared SHANE SHOULDERS, 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 thereof expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC in and for the STATE OF TEXAS

ENGINEER: VASQUEZ ENGINEERING, L.L.C. 1919 S. SHILOH ROAD SUITE 440, LB 44 GARLAND, TEXAS 75042 972-278-2948 CONTACT: JUAN VASQUEZ, P.E.

OWNER: KENNOR ROCKWALL RETAIL, LLC 706 VALENCIA STREET DALLAS, TEXAS 75223 SHANE SHOULDERS 903-819-1208

NOTES:

- 1. IRF - Iron Rod Found
2. RCIRF - Iron Rod Found w/ "PEISER & MANKIN SURV" red plastic cap
3. Bearings of lines shown hereon refer to Grid North of the Texas Coordinate System of 1983 (North Central Zone 4202; NAD83 (2011) Epoch 2010) as derived locally from Allterra Central's Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) Methods. An average Combination Factor of 1.0001480389 was used to scale grid coordinates and distances to surface.
4. Notice: Selling a portion of this addition by metes and bounds is a violation of city subdivisions ordinance and state platting statues and is subject to fines and withholding of utilities and building certificates.
5. Coordinates shown hereon are Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 on Grid Coordinate values, no scale and no projection.
6. Selling a portion of this addition by metes and bounds is unlawful and a violation of the Subdivision Ordinance of the City of Rockwall and Chapter 212, Municipal Regulation of Subdivisions and Property Development, of the Texas Local Government Code, and shall be subject to the City of Rockwall withholding utilities and building permits.
7. It shall be the policy of the City of Rockwall to withhold issuing buildings permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a subdivision plat by the City of Rockwall does not constitute any representation, assurance or guarantee that any building within such subdivision plat shall be approved, authorized, or permit issued, nor shall such approval constitute any representation, assurance or guarantee by the City of Rockwall of the adequacy and availability for water and sanitary sewer for personal use and fire protection within such subdivision plat, as required under the Subdivision Ordinance of the City of Rockwall.
8. The property owner shall be responsible for maintaining, repairing, and replacing and shall bear sole liability of all systems within the drainage and detention easements.
9. All Fire Lanes will be constructed, maintained, repaired and replaced by the property owner. Fire Lanes shall be constructed in accordance with the approved Civil Engineering Plans for both on-site and off-site Fire Lane Improvements.

FINAL PLAT DALTON GOLIAD ADDITION LOT 10, BLOCK A BEING A REPLAT OF LOTS 8 AND 9, BLOCK A, DALTON GOLIAD ADDITION T. R. BAILEY SURVEY, ABSTRACT NO. 30 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

Table with 3 columns: Case No., Surveying Firm (PEISER & MANKIN SURVEYING, LLC), and Sheet No. Includes contact info and logo.

Northing	Easting	Bearing	Distance
7041168.80	2592554.26		
Radius: 2805.03	Chord: 229.68	Degree: 2°02'33"	Dir: Right
Length: 229.74	Delta: 4°41'34"	Tangent: 114.94	
Chord BRG: S 03°19'43" E	Rad-In: S 84°19'31" W	Rad-Out: S 89°01'04" W	
Radius Point: 7040891.43,	2589762.98		
7040939.51	2592567.59	S 00°54'01" E	49.08
7040890.43	2592568.37	S 89°05'59" W	302.67
7040885.67	2592265.74	N 00°54'01" W	281.28
7041166.92	2592261.32	N 89°37'55" E	292.95
7041168.80	2592554.26		

Closure Error Distance> 0.0000
Total Distance> 1155.71
Polyline Area: 83951 sq ft, 1.927 acres

**CITY OF ROCKWALL, TEXAS
RESOLUTION NO. 24-02**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF CITY COUNCILMEMBER PLACE 2, CITY COUNCILMEMBER PLACE 4, AND CITY COUNCILMEMBER PLACE 6, AS ELECTED; PROVIDING THAT THE MAY 4, 2024 GENERAL MUNICIPAL ELECTION SHALL NOT BE HELD; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rockwall, Texas adopted Resolution No. 24-01 on February 5, 2024, ordering a general election to be held on May 4, 2024, for the purpose of electing three city officials - City Councilmember Place 2, City Councilmember Place 4, and City Councilmember Place 6; and

WHEREAS, pursuant to Sections 143.007 and 146.054, Texas Election Code, the deadlines for filing applications for a place on the ballot and declarations of write-in candidacy for the City's general election have now expired; and

WHEREAS, the City Secretary, in accordance with Section 2.052, Texas Election code, has certified in writing, attached hereto as '**Exhibit A,**' to the City Council that Mark Moeller is unopposed for election to the office of Councilmember Place 2; Sedric Thomas is unopposed for election to the office of Councilmember Place 4, and Anna Campbell is unopposed for election to the office of Councilmember Place 6; and

WHEREAS, per Section 2.052 of the Texas Election Code, the City Council hereby finds and determines that the candidates whose names were to appear on the ballot in said election are unopposed, that there are no declared write-in candidates, and that no propositions are to appear on the ballot for said election, and, therefore, Council hereby determines to cancel the General Election;

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

Section 1. The facts and matters set forth in the preamble of this resolution are hereby found to be true and correct.

Section 2. In accordance with Section 2.053(a), Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective offices for a term of two years and shall be issued a certificate of election following the date on which the general election for Councilmembers would have otherwise been held:

- Mark Moeller - Councilmember, Place 2
- Sedric Thomas - Councilmember, Place 4
- Anna Campbell - Councilmember, Place 6

Section 3. Pursuant to Section 2.053(b), Texas Election code, the general municipal election for City Councilmember Place 2, Councilmember Place 4, and Councilmember Place 6 called and ordered by Resolution No. 24-01, for May 4, 2024, shall not be held and is hereby cancelled.

Section 4. The City Secretary is hereby directed to cause a copy of this Resolution to be posted on Election Day, same being May 4, 2024, at all posting places that would have otherwise been used in said election.

Section 5. The term of office for the unopposed Councilmembers shall commence on May 20, 2024 after the Oath of Office has been administered and executed.

Section 6. All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed to the extent of such conflict.

Section 7. Should any section, paragraph, sentence, clause, phrase or word of this resolution be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this resolution shall not be affected thereby, and to this end the provisions of this resolution are declared to be severable.

Section 9. It is hereby found and determined that the meeting at which this Resolution was passed was open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of the time, place and purpose of said meeting was given.

Section 10. This Resolution shall take effect immediately upon its passage, and it is so resolved.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
TEXAS THIS 4th DAY OF MARCH, 2024.**

Trace Johannesen, Mayor

ATTEST:

Kristy Teague, City Secretary

“EXHIBIT A”

**CERTIFICATION OF UNOPPOSED CANDIDATES
CERTIFICACIÓN DE CANDIDATOS ÚNICOS**


To: Presiding Officer of the Rockwall City Council
Al: Alcalde del Consejo de la ciudad de Rockwall

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held May 4, 2024:

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para consejo de ciudad en la elección que se llevará a cabo el 4 de mayo de 2024:

Mark Moeller - Councilmember, Place 2
Sedric Thomas - Councilmember, Place 4
Anna Campbell - Councilmember, Place 6

Mark Moeller – *Miembro del Consejo de ciudad, Puesto 2*
Sedric Thomas – *Miembro del Consejo de ciudad, Puesto 4*
Anna Campbell – *Miembro del Consejo de ciudad, Puesto 6*



Signature (*Firma*)

Kristy Teague

Printed name (*Nombre en letra de molde*)

Rockwall City Secretary

Title (*Puesto*)

March 04, 2024

Date of signing (*Fecha de firma*)




(Seal) (*sello*)



City of Rockwall
The New Horizon

MEMORANDUM

TO: Mary Smith, City Manager

FROM: Edward Fowler, Chief of Police 

DATE: February 26, 2024

SUBJECT: 2023 Racial Profiling Comparative Analysis

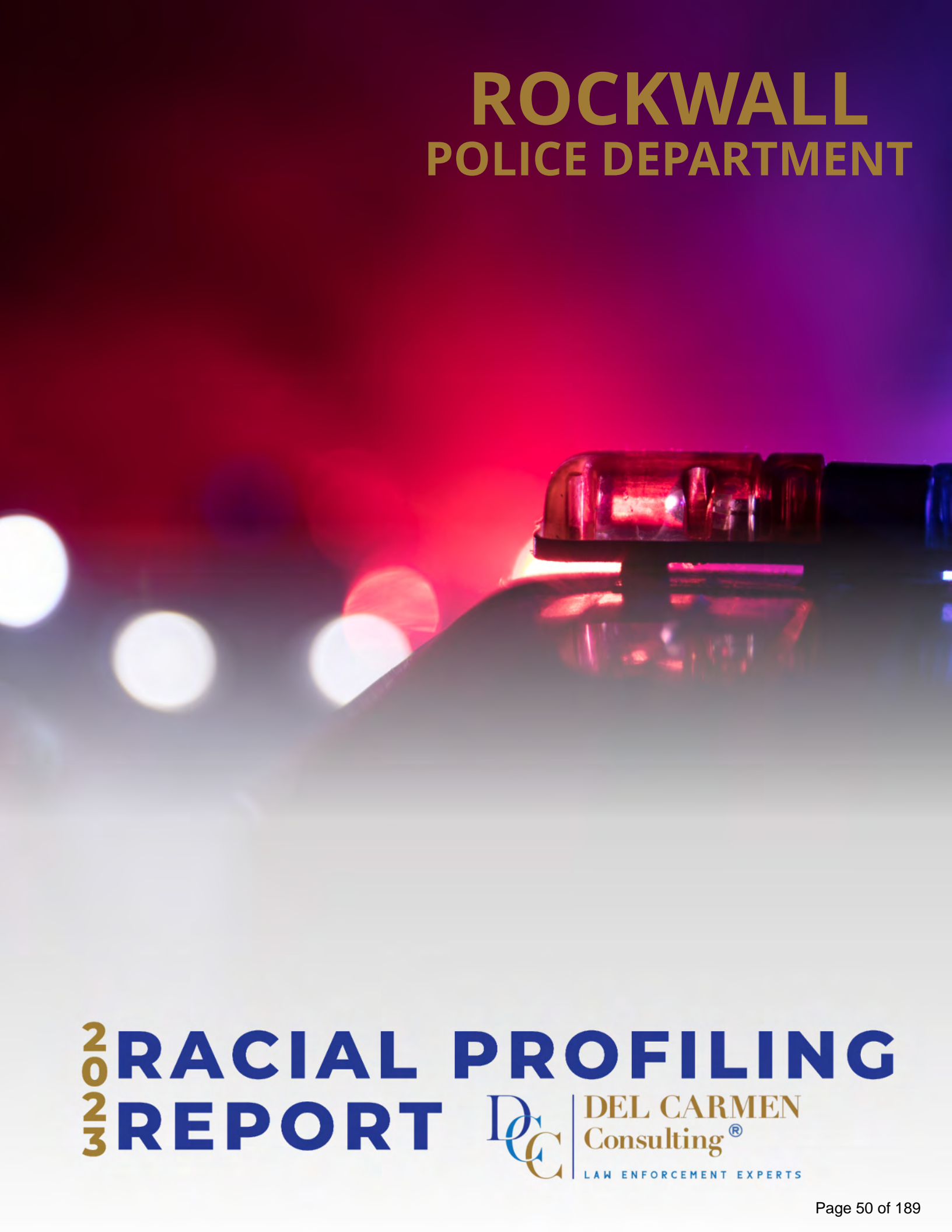
In compliance with Texas Code of Criminal Procedure the Police Department's 2023 Racial Profiling Report has been completed and is attached with this memo. The full analysis has also been submitted to the Texas Commission on Law Enforcement (TCOLE), which is the designated central repository for all such reports. A cursory breakdown of data points of Del Carmen Consulting LLC analysis of our data is discussed in the following paragraphs.

In 2023 the Department received 3 racial profiling complaints that originated from two motor vehicle accidents and one alleged forgery. The subsequent investigations into these complaints determined that in each instance racial profiling had not occurred and was not tied to a denial of services or enforcement decisions. The Police Department's public education efforts concerning the racial profiling complaint process continue with both printed and electronic information detailing how to file a racial profiling complaint listed on the Department's Website and in the lobbies of the Police Building.

A review of the data supports that patrol supervisors were actively reviewing and auditing the activity of those officers that fell under their chain of command, while also demonstrating our officers 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. In addition, the report found that the Department is abiding by all set rules and is following the Texas Racial Profiling Law and all of its requirements.

Attachment:
Rockwall Police Department 2023 Racial Profiling Report-Del Carmen Consulting

ROCKWALL POLICE DEPARTMENT

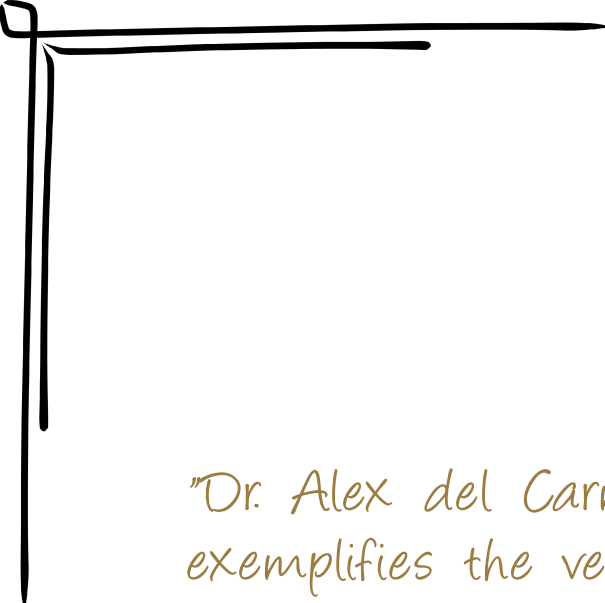


2023 RACIAL PROFILING REPORT



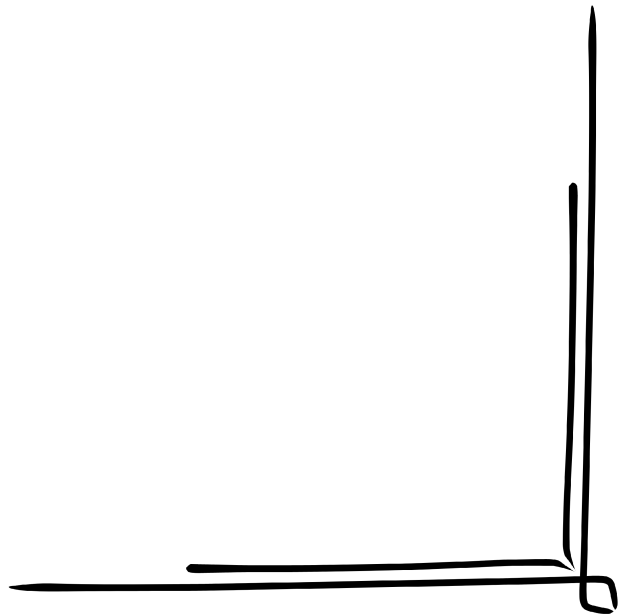
DEL CARMEN
Consulting®

LAW ENFORCEMENT EXPERTS



"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 9, 2024

Rockwall City Council
385 S. Goliad St.
Rockwall, TX 75087

Dear Distinguished Members of the City Council,

In 2001 the Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. During the last calendar year, the Rockwall Police Department, in accordance with the law, has collected and reported traffic and motor vehicle related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements were implemented. Further, 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 currently 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.



In this report, you will find three sections with information on motor vehicle-related contacts. In addition, when appropriate, documentation is included which demonstrates the manner in which the Rockwall Police Department has complied with the Texas Racial Profiling Law. In section one, you will find the table of contents. Section two documents compliance by the Rockwall Police Department relevant to the requirements established in the Texas Racial Profiling Law. That is, you will find documents relevant to the training of all police personnel on racial profiling prevention and the institutionalization of the compliment and complaint processes, as required by law.

Finally, section three contains statistical data relevant to contacts (as defined by the law) which were made during the course of motor vehicle stops that took place between 1/1/23 and 12/31/23. Further, this section contains the Tier 2 form, which is required to be submitted to this particular organization and the law enforcement agency's local governing authority by March 1 of each year. The data in this report has been analyzed and compared to information derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.

In the last section of the report, you will find the original draft of the Texas Racial Profiling Law, SB1074, as well as the Sandra Bland Act (current law). 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. The findings in this report support the Rockwall Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

Table of Contents

Introduction

- 2 Letter to Council Members
- 3 Table of Contents

Responding to the Law

- 4 Public Education on Filing Compliments and Complaints
- 5 Racial Profiling Course Number 3256
- 11 Reports on Compliments and Racial Profiling Complaints
- 13 Tier 2 Data (Includes tables)

Analysis and Interpretation of Data

- 23 Tier 2 Motor Vehicle-Related Contact Analysis
- 24 Comparative Analysis
- 26 Summary of Findings
- 27 Checklist

Legislative and Administrative Addendum

- 29 TCOLE Guidelines
- 34 The Texas Law on Racial Profiling
- 41 Modifications to the Original Law
- 49 Racial and Ethnic Designations
- 50 The Sandra Bland Act
- 51 Rockwall Police Department Racial Profiling Policy

Public Education on Responding to 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 3256

Texas Commission on Law Enforcement

September 2001

Racial Profiling 3256

Instructor's Note:

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

Abstract

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

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

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

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

Evaluation Process and Procedures

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

Reference Materials

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

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

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

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

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

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

A. Written departmental policies

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

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

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

F. Vehicle stop report

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

G. Compilation and analysis of data

H. Exemption from reporting - audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

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



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

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

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

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

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

C. Other cases

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



2.0 RACIAL PROFILING AND THE COMMUNITY

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

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

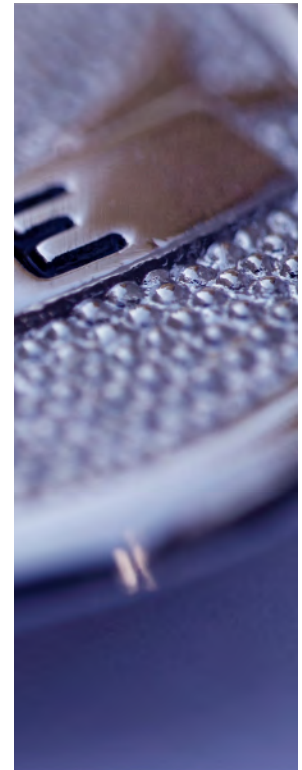
- A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.
- B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole.
- C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.
- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

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

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

- A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements
- B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)
- C. A typical traffic stop resulting from racial profiling
1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
 2. The driver and passengers are questioned about things that do not relate to the traffic violation
 3. The driver and passengers are ordered out of the vehicle
 4. The officers visually check all observable parts of the vehicle
 5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
 6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)



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

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

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

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

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

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

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

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

Resources

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

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

Report on Compliments and Racial Profiling Complaints



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/23-12/31/23 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 services, for having violated the Texas Racial Profiling Law during the time period of 1/1/23-12/31/23.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case
1	Racial Profiling	Unfounded
2	Racial Profiling	Unfounded
3	Racial Profiling	Unfounded

Additional Comments:

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA

TOTAL STOPS: 9,564

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	6,227
US Highway	1,104
State Highway	1,414
County Road	8
Private Property	811

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	137
No	9,427

RACE OR ETHNICITY

Alaska Native/American Indian	61
Asian/Pacific Islander	159
Black	1,817
White	5,242
Hispanic/Latino	2,285

GENDER

Female Total: 3,663

Alaska Native/American Indian	21
Asian/Pacific Islander	61
Black	712
White	2,237
Hispanic/Latino	632

Male Total: 5,901

Alaska Native/American Indian	40
Asian/Pacific Islander	98
Black	1,105
White	3,005
Hispanic/Latino	1,653

REASON FOR STOP?

Violation of Law Total: 409

Alaska Native/American Indian	0
Asian/Pacific Islander	3
Black	83
White	220
Hispanic/Latino	103

Pre-existing Knowledge Total: 358

Alaska Native/American Indian	6
Asian/Pacific Islander	2
Black	81
White	190
Hispanic/Latino	79

Moving Traffic Violation Total: 4,904

Alaska Native/American Indian	33
Asian/Pacific Islander	104
Black	775
White	2,908
Hispanic/Latino	1,084

Vehicle Traffic Violation Total: 3,893

Alaska Native/American Indian	22
Asian/Pacific Islander	50
Black	878
White	1,924
Hispanic/Latino	1,019

Contraband (in plain view) Total: 2

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

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	0	61
Asian/Pacific Islander	3	156
Black	160	1,657
White	144	5,098
Hispanic/Latino	111	2,174
TOTAL	418	9,146

Probable Cause Total: 251

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	119
White	77
Hispanic/Latino	54

Inventory Total: 40

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	13
White	11
Hispanic/Latino	16

REASON FOR SEARCH?

Consent Total: 103

Alaska Native/American Indian	0
Asian/Pacific Islander	2
Black	21
White	45
Hispanic/Latino	35

Incident to Arrest Total: 22

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	10
Hispanic/Latino	6

TIER 2 DATA

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	1	2
Black	77	83
White	71	73
Hispanic/Latino	47	64
TOTAL	196	222

Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	1	0
Black	61	16
White	48	23
Hispanic/Latino	27	20
TOTAL	137	59

DESCRIPTION OF CONTRABAND

Drugs Total: 154

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	65
White	57
Hispanic/Latino	31

Currency Total: 2

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

Weapons Total: 4

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

Alcohol Total: 16

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	3
Hispanic/Latino	7

Stolen Property Total: 1

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

Other Total: 19

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	5
White	8
Hispanic/Latino	6

RESULT OF THE STOP

Verbal Warning Total: 6,473

Alaska Native/American Indian	46
Asian/Pacific Islander	104
Black	1,265
White	3,596
Hispanic/Latino	1,462

Written Warning Total: 59

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	13
White	33
Hispanic/Latino	13

Citation Total: 2,810

Alaska Native/American Indian	15
Asian/Pacific Islander	54
Black	458
White	1,528
Hispanic/Latino	755

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: 7

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

Arrest Total: 215

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	78
White	83
Hispanic/Latino	53

TIER 2 DATA

**ARREST BASED ON
Violation of Penal Code Total: 166**

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	62
White	65
Hispanic/Latino	38

Violation of Traffic Law Total: 13

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	5
White	4
Hispanic/Latino	4

Violation of City Ordinance Total: 3

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	2
Hispanic/Latino	0

Outstanding Warrant Total: 40

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	13
White	14
Hispanic/Latino	13

Was physical force used resulting in bodily injury during the stop?

	YES	NO
Alaska Native/American Indian	0	61
Asian/Pacific Islander	0	159
Black	1	1,816
White	1	5,241
Hispanic/Latino	0	2,285
TOTAL	2	9,562

Tables Illustrating Motor Vehicle Related Contact Data

Table 1. Citations and Warnings

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/ American Indian	61	15	46	0	1%	1%	1%	0%
Asian/ Pacific Islander	159	54	104	0	2%	2%	2%	0%
Black	1,817	461	1,265	13	19%	16%	20%	22%
White	5,242	1,530	3,596	33	55%	54%	56%	56%
Hispanic/ Latino	2,285	757	1,462	13	24%	27%	23%	22%
TOTAL	9,564	2,817	6,473	59	100%	100%	100%	100%



Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access.

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	1%	0%
Asian/Pacific Islander	2%	5%
Black	19%	14%
White	55%	60%
Hispanic/Latino	24%	19%
TOTAL	100%	98%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	0	0	0
Asian/Pacific Islander	3	2	1
Black	160	21	81
White	144	45	85
Hispanic/Latino	111	35	55
TOTAL	418	103	222

Table 4. Instances Where Peace Officers Used Physical Force Resulting in Bodily Injury

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Arrest	Location of Stop	Reason for Stop
1	01/20/23	State Highway	Violation of Law
2	07/22/23	City Street	Vehicle Traffic Violation

Table 5. Search Data

Race/Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/American Indian	0	0	0	0	0%	0%	0%	0%
Asian/Pacific Islander	3	1	2	1	1%	1%	1%	0%
Black	160	77	83	81	38%	39%	37%	36%
White	144	71	73	85	34%	36%	33%	38%
Hispanic/Latino	111	47	64	55	27%	24%	29%	25%
TOTAL	418	196	222	222	100%	100%	100%	100%

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/23-12/31/23.

Audit Data	Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	1	03/01/23	Data was valid and reliable
2	1	06/01/23	Data was valid and reliable
3	1	09/01/23	Data was valid and reliable
4	1	12/01/23	Data was valid and reliable

ADDITIONAL COMMENTS:

Table 7. Instance Where Force Resulted in Bodily Injury.

Race/Ethnicity	Number	Percent
Alaska Native/American Indian	0	0%
Asian/Pacific Islander	0	0%
Black	1	50%
White	1	50%
Hispanic/Latino	0	0%
TOTAL	2	100%

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	1	0	0	0	1%	0%	0%	0%
Black	62	5	1	13	37%	38%	33%	33%
White	65	4	2	14	39%	31%	67%	35%
Hispanic/ Latino	38	4	0	13	23%	31%	0%	33%
TOTAL	166	13	3	40	100%	100%	100%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	0	0	0%	0%	0%
Asian/ Pacific Islander	3	1	33%	1%	1%
Black	160	77	48%	38%	39%
White	144	71	49%	34%	36%
Hispanic/Latino	111	47	42%	27%	24%

Analysis and Interpretation of Data

In 2001, the Texas Legislature passed Senate Bill 1074, which eventually 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 1 of each year. This law remained in place until 2009, when it was modified to include the collection and reporting of all motor vehicle-related contacts in which a citation was issued or an arrest was made. Further, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individuals before detaining them. In addition, it became a requirement that agencies report motor vehicle-related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year. The purpose in collecting and disclosing this information is to determine if police officers in any particular municipality are engaging in the practice of racially profiling minority motorists.

One of the central requirements of the law is that police departments interpret motor vehicle-related data. Even though most researchers would likely agree 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 in fact 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 previously noted, in 2009 the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1, 2010. The changes included, but are not limited to, the re-definition of a contact to include motor vehicle-related contacts in which a citation was issued or an arrest was made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. The 2009 law also required adding "Middle Eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1 of each year.

In 2017, the Texas Legislators passed HB 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that came in contact with police. In addition, the Sandra Bland Act (SB 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.

As part of their effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Rockwall Police Department commissioned the analysis of its 2023 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2023 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), who came in contact with police in the course of a motor vehicle-related contact and were either issued a ticket, citation, or warning or an arrest was made. Also included in this data were instances when a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest, and use of physical force resulting in bodily injury.

The analysis on the data performed in this report, was based on a comparison of the 2023 motor vehicle contact data with a specific baseline. When reading 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 accepted our recommendation to rely, as a baseline measure, on the Fair Roads Standard. This particular baseline is established on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It should be noted that the 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 whether they are 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 2023 but live outside city limits. In some jurisdictions 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.

In 2002, some civil rights groups in Texas expressed their concern 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). In essence this constitutes a comparison that may result in ecological fallacy. Despite this risk, as noted earlier, 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 (2023) Motor Vehicle-Related Contact Analysis

When examining the enhanced and more detailed Tier 2 data collected in 2023, it was evident that most motor vehicle-related contacts were made with Whites, followed by Hispanics. Of those who came in contact with police, most tickets or citations were issued to Whites and Hispanics; this was followed by Blacks. However, in terms of written warnings, most of these were issued to Whites, followed by Blacks and Hispanics.

While reviewing searches and arrests, the data showed that most searches took place among Blacks. When considering all searches, most were consented by Whites and Hispanics, while most custody arrests were also of Whites. Overall, most searches did not result in contraband; of those that produced contraband, most were of Blacks; this was followed by Whites. Of the searches that did not produce contraband, most were of Blacks. Most arrests were made of Whites. Most of the arrests that originated from a violation of the penal code involved Whites. Overall, the police department reports two instances where force was used that resulted in bodily injury.

Comparative Analysis

A comprehensive analysis of the motor vehicle contacts made in 2023 to the census data relevant to the number of “households” in DFW who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites and Asians who came in contact with police was the same or lower than the percentage of White and Asian households in DFW that claimed in the last 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 police than the percentage of Black, Hispanic, and American Indian households in DFW that claimed in the last 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%; thus, deemed by some as statistically insignificant.

The comprehensive analysis of the searches resulting in contraband shows that the most significant contraband hit rate is of Whites. This was followed by Blacks and Hispanics. This means that among all searches performed in 2023, the most significant percentage of these that resulted in contraband was among Whites. The lowest contraband hit rate was among Asians.

Summary of Findings

As referenced earlier, the most recent Texas Racial Profiling Law requires that police departments 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 audit performed reveals 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 produced as a result of 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 the upcoming year.
- 2) Commission data audits in 2024 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive data analysis performed serves as evidence 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 will not be 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 complaint 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, 2024.
- ✔ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.



Legislative & Administrative
Addendum

FEDERAL
TAX
REGULATI

TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

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

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

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

Standard 1

Each law enforcement agency has a detailed written directive that:

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

Commentary

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

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

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

Standard 2

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

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

Commentary

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

Standard 3

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

Commentary

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

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

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

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

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

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

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

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

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

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

Standard 4

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

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

Commentary

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

Standard 5

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

Commentary

None

Standard 6

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

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

Commentary

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

Standard 7

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

Commentary

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

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

The Texas Law on Racial Profiling

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

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**

412.00 BIAS BASED PROFILING

The purpose of this policy is to reaffirm the Rockwall Police Department's commitment to unbiased policing in all its encounters between officer and any person, to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion, and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

- A. It is the policy of this department to police in a proactive manner and, to aggressively investigate suspected violations of the law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in bias-based profiling, and especially bias based profiling as defined in this policy. Bias based profiling is an unacceptable police tactic and will not be condoned.
- B. This General Order is adopted in compliance with requirements of Articles 2.131 through 2.138, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in bias-based profiling.

412.01 DEFINITIONS

- A. Bias Based Profiling - A law enforcement-initiated action based on an individual's cultural group, sexual orientation, economic status, age, gender, background, or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Bias based profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance or other citizen contacts.
- B. Race or Ethnicity – Persons of particular descent, including Alaska Native or American Indian, White, Black, Hispanic or Latino, Asian or Pacific Islander.
- C. Acts Constituting Bias Based Profiling – Acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation or an arrest based solely upon an individual's race, ethnicity or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
- D. Motor Vehicle Contacts – Means an occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance.

412.02 PROHIBITION

- A. Officers of the Rockwall Police Department are strictly prohibited from engaging in bias-based profiling. The prohibition against bias-based profiling does not preclude the use of race, ethnicity or national origin as factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.
- B. Officers of the Rockwall Police Department shall not engage in profiling based solely on gender, sexual orientation, religion, economic status, age, culture or any other identifiable group.

412.03 COMPLAINT PROCESS

- A. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because they filed such a complaint.
- B. Any person who believes that a peace officer employed by the Rockwall Police Department has engaged in bias-based profiling with respect to that person, may file a complaint in accordance with the provisions of General Order 507, Complaint Processing and Investigation.

1. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in General Orders 507, Section 507.01, Action upon Receipt of Complaint.
 2. Citizens who appear in person wishing to file a complaint shall be provided with a departmental brochure, "Bias Based Profiling Complaint Procedures". Brochures are maintained in the Rockwall Police Department lobby and at Rockwall City Hall. Citizens may also be directed to the departmental website to file a complaint.
- C. Any supervisor who becomes aware of an alleged or suspected violation of the General Order shall report the alleged violation in accordance with General Order 504, Responsibilities in Internal Complaints, Section 504.01, Supervisors Responsibilities.
- D. Complaints of bias based profiling shall be investigated by the Internal Affairs Division, unless otherwise directed by the Chief of Police. A log of all Bias based profiling Complaints will be maintained by the Internal Affairs Division.

412.04 DISCIPLINARY AND CORRECTIVE ACTIONS

- A. Any officer of this department, who is found, after investigation, to have engaged in bias-based profiling in violation of the General Order, may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

412.05 PUBLIC EDUCATION

- A. This department shall provide education to the public concerning the bias-based profiling complaint process. The primary method of public education shall be through a brochure, "Bias Based Profiling Complaint Procedures", which are maintained in the lobby of the Rockwall Police Department and at the Rockwall City Hall. These brochures are available in both English and Spanish versions. Other education methods may be utilized to inform the public include local newspapers, news media, service or civic presentations, the Internet, as well as City Council Meetings.
- B. This department shall provide public education relating to our agency's compliment and complaint process, including providing the:
1. Telephone number
 2. Mailing address
 3. Email address

412.06 COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED, ARREST MADE, OR WARNING ISSUED

- A. For each motor vehicle contact in which a citation or warning is issued and/or for each arrest resulting from a motor vehicle contact, an officer involved in the stop shall collect the following information:
1. The physical description of any person operating the motor vehicle who is being detained as well as a result of the stop, including:
 - a. Gender
 - b. Race or Ethnicity (as stated by the person or as determined by the officer to the best of the officer's ability)
 2. Race or Ethnicity means the following categories:
 - a. White
 - b. Black
 - c. Hispanic or Latino
 - d. Asian or Pacific Islander
 - e. Alaska Native or American Indian

3. Initial reason for the stop:
 - a. Violation of the law
 - b. Pre-existing knowledge (i.e. warrant)
 - c. Moving Traffic Violation
 - d. Vehicle Traffic Violation (Equipment, Inspection, Registration)
 4. If a search was conducted as a result of the stop?
 - a. If so, did the person detained consent to the search?
 5. Was contraband or other evidence discovered as a result of the search?
 6. Description of the contraband or evidence found?
 - a. Illegal drugs/drug paraphernalia
 - b. Currency
 - c. Weapons
 - d. Alcohol
 - e. Stolen Property
 - f. Other
 7. Reason for search:
 - a. Consent
 - b. Contraband/Evidence in Plain Sight
 - c. Probable Cause or Reasonable Suspicion
 - d. Inventory Search Performed as a Result of Towing
 - e. Incident to Arrest/Warrant
 8. Information on arrests:
 - a. Did officer make an arrest as a result of the stop or search?
 - b. Reasons for Arrest:
 - i. Violation of Penal Code
 - ii. Violation of Traffic Law
 - iii. Violation of City Ordinance
 - iv. Outstanding Warrant
 9. Street address or approximate location of the stop:
 - a. City Street
 - b. US Highway
 - c. County Road
 - d. Private Property or Other
 10. Verbal or Written Warning or a Ticket or Citation as a result of the stop?
 11. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code ("means physical pain, illness, or any impairment of physical condition"), during the stop;
 - a. The location of the stop, and
 - b. The reason for the stop
- B. The information collected shall be entered in to a database by entering Bias Based Profiling data utilizing the in-car Mobile Data Computer (MDC) or the computers available in the department. All contacts requiring Bias Based Profiling data collection must be entered.
1. In the event the data is unable to be collected electronically, the data will be recorded on temporary forms and entered in the database at a later date.

- C. The Assistant Chief of Police shall ensure all Bias Based Profiling Data is collected and reported to the Chief of Police. The data collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Rockwall no later than March 1 of the following year. The report must include:
 - 1. A comparative analysis of the information compiled (under Article 2.133):
 - a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
 - b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
 - c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches (SEARCH ANALYSIS).
 - 2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
 - 3. Number of searches that were consensual;
 - 4. Number of citations that resulted in custodial arrest; and
 - 5. Public education efforts concerning the Bias Based Profiling complaint process.
- D. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.
- E. Bias based profiling Data will also be reported to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year, following the Commission's prescribed format.

412.07 AUDIO AND VIDEO EQUIPMENT

- A. Each motor vehicle regularly used by this department to make motor vehicle contacts shall be equipped with a mobile video camera system capable of recording video and audio, and each motorcycle regularly used by this department to make motor vehicle contacts shall be equipped with video and audio recording equipment.
- B. Each motor vehicle contact made by an officer of this department capable of being recorded by video and audio, shall be recorded, both on the in car video and issued body worn camera.
- C. Supervisors and officers shall ensure that mobile video camera equipment and/or audio equipment is properly functioning prior to commencing their tour of duty. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized under normal circumstances.
- D. This department shall retain the video and audiotape of each motor vehicle stop. If a complaint is filed with this department alleging that one of our officers has engaged in bias-based profiling with respect to a motor vehicle contact, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

412.08 REVIEW OF VIDEO AND AUDIO DOCUMENTATION

- A. The Patrol Lieutenants shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this General Order.
- B. If a complaint is received alleging that an officer has engaged in bias-based profiling, the audio/video recording shall be forwarded through the Chain of Command to the Internal Affairs Division. The Internal Affairs Division shall retain the video until final disposition of the complaint has been made.
- C. Supervisors will ensure officers of this department are recording their motor vehicle contacts. A recording of each officer will be reviewed at least once every thirty (30) days.

1. Written documentation shall include:
 - a. The names of the officers whose contacts were reviewed;
 - b. The date(s) of the videos reviewed;
 - c. The date the actual review was conducted; and
 - d. The name of the person conducting the review.
 2. The Patrol Division Lieutenants shall forward the required documentation to the Internal Affairs Division.
 3. The Internal Affairs Division shall maintain a file of all video review documentation performed, in compliance with this General Order.
- D. In reviewing audio and video recordings, the Patrol Division Lieutenant or his designee, shall seek to determine if the officer(s) reviewed have engaged in a pattern of Bias Based Profiling, which includes multiple acts constituting bias-based profiling for which there no reasonable, credible explanation is based on established police and law enforcement procedures.
- E. This agency shall review the data collected to identify any improvements this agency could make in its practices and policies regarding motor vehicle stops.

412.09 TRAINING

- A. Each peace officer employed by the department shall complete the comprehensive education and training program on bias-based profiling established by the Texas Commission of Law Enforcement (TCOLE) no later than the second anniversary of the date the officer was licensed, or the date the officer applies for an Intermediate Proficiency Certificate, whichever date is earlier. A person, who on September 1, 2001, held a TCOLE Intermediate Proficiency Certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on bias-based profiling not later than September 1, 2003.

The Chief of Police shall, in completing the training required by Section 96.941, Texas Education Code, complete the program on Bias Based Profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), not later than September 1, 2003.

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

Del Carmen Consulting©
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

Disclaimer: The author of this report, Alejandro del Carmen/del Carmen Consulting©, is not liable for any omissions or errors committed in the acquisition, analysis, or creation of this report. Further, Dr. del Carmen/del Carmen Consulting© is not responsible for the inappropriate use and distribution of information contained in this report. Further, no liability shall be incurred as a result of any harm that may be caused to individuals and/or organizations as a result of the information contained in this report.



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City of Rockwall
The New Horizon

MEMORANDUM

TO: Mayor and Council Members

FROM: Hotel Occupancy Tax Sub-Committee Members
Mary Smith, City Manager

DATE: March 1, 2024

SUBJECT: Supplemental Requests – Oasis Pickleball Tournaments

Oasis Pickleball is the proud host of several national level Pickleball tournaments each year. They applied for HOT funds for expenses related to these tournaments. The subcommittee and city staff worked with the applicant to correct some problems with the application. The subcommittee has discussed the application for funds several times due in large part to the facilities presence just outside our city limits. Since all of the hotels are in Rockwall when the competitors come to tournaments we benefit from the hotel nights and sales tax generated by their staying here.

Prior to Council action on the above, the Hotel Occupancy Tax budget is as follows:

Fund Balance carried forward	\$2,860,645
Budgeted Revenues	1,700,000
Previously Allocated Funding	<u>(1,187,200)</u>
Projected Fund Balance	\$3,373,445

Subcommittee members Campbell and Lewis have agreed on a recommendation for \$35,000 for the remaining tournaments this budget year. Councilmember McCallum was against the funding. Council is asked to consider approving the funds as recommended by the subcommittee and authorizing the City Manager to execute the agreement the organizations.

**Hotel Occupancy Tax Revenue
Funding Request Summary
FY 2023-2024**

Organization: Oasis Pickleball Club

Amount: \$ 90,400.00

Program(s): Mid-South Pickleball Tournament
PPA Pickleball Tournament
APP Assoc. Pickleball Pros Tournament
Rumble
DUPR Nationals

Funding History

<u>Year</u>	<u>Request \$</u>	<u>Award \$</u>
2023	101,500	101,500
2022	70,500	20,500
2021	15,300	15,300



City of Rockwall
The New Horizon

Hotel Occupancy Tax

Program Year 2024

Events held Oct. 1, 2023 – Sept. 30, 2024

Application

MUST BE TYPED or PRINTED

Deliver to:

City of Rockwall Finance Office

Attn: Misty Farris

385 S. Goliad St., Rockwall, TX 75087

Ph. 972-771-7700 Fax 972-771-7728 mfarris@rockwall.com

Organization Name: Oasis Pickleball Club of Rockwall
Name of Event: APP Dallas Open
Date(s) of Event: Oct. 4-8, 2023
Funding Request \$: 13,000
Website Address: OasisPickleballClub.com
Mailing Address: 5606 Yacht Club Dr., Rockwall, TX 75032
Physical Address: 5757 S. State Hwy 205, Rockwall, TX 75032
Telephone: 972-772-7768 Fax:

Primary Contact Name: DeAnna Irving
 (Project Director)
Mailing Address: 5606 Yacht Club Dr., Rockwall, TX 75032

Email Address: DeAnna@OasisPickleballClub.com
Telephone: 214-206-7911 Fax:

Secondary Contact Name: Darren Rak
 (President/Board Chairman)
Mailing Address: 2412 Versailles Ct., Heath, TX 75032

Email Address: drak1112@msn.com
Telephone: 972-567-0291 Fax:

- ▶ COMPLETE AN APPLICATION FOR EACH EVENT/PROGRAM/EXHIBIT REQUESTING FUNDS
- ▶ INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED TO THE COUNCIL SUBCOMMITTEE

1. Mark an "X" next to the category or categories that your organization is requesting funds in the attached budget request.

Advertising/Tourism Requested funding amount \$13,000
 Conducting solicitation or promotional programs that encourage tourists and delegates to come to the City of Rockwall.

Arts Requested funding amount \$
 Providing encouragement, promotion, improvement and application of the arts as it relates to the presentation, performance execution or exhibition of the major art forms in the City of Rockwall.

Historical Requested funding amount \$
 Providing historical restoration, preservation, programs and encouragement to visit preserved historic sites or museums located in the City of Rockwall.

2. Describe the program or event for the upcoming fiscal year (Oct. 1 2023 – Sept. 30, 2024) that you are requesting Hotel Tax funding. What is your event and why are you having it?
 APP Dallas Open

3. How does the event/program meet the definition of the categories listed in Item No. 1 above (promotion of tourism and the hotel industry in the City of Rockwall)?
 yes

4. Is the event/program that the organization is requesting Hotel Tax funds held in/on City-owned property?
 Yes Name location: Rockwall

5. Will your organization provide special event insurance coverage for the event/program if held on City property?
 Yes Name of Insurance Company:

6. Provide 3 years attendance history for the above listed programs, activities, exhibits or event described in Item No. 2 above.

Event	Year	Event Duration (in Days)	Audience Size	# of Attendees in hotel rooms
APP Dallas Open	2022	4	2400	850
APP Dallas Open	2023	4	2800	1050

7. What specific market will you target with the event/program's marketing plan? Attach up to 3 examples and evidence of marketing area and readership (Label Exhibit C).
8. The City of Rockwall must require segregated accounting of its Hotel funds. Organizations must maintain and account for revenue provided from the tax authorized by section 351.101(a) within one of the two options listed below.
- a) Separate checking account without combining with any other revenues or maintained in any other bank account or
 - b) Maintain a line item accounting, whereby the Hotel revenues may not be combined with any other revenues or expenditures. The funds may be maintained in the same bank account, provided they are reported as a separate line item in the organization's budget. Interest earned on the Hotel revenues must be used to support the event/program as well.

Will the organization be able to segregate the accounting process in either a) or b) above? Yes


9. Provide all of the following documentation with this application and label each as outlined below.

- Exhibit A Proposed budget for each event/program using attached form
- Exhibit B Letter of determination certifying federal tax exempt 501(c)(3) status
- Exhibit C Examples and evidence of marketing area and readership (limit 3)
- Exhibit D List members of the governing body including name, position, mailing address and phone number
- Exhibit E W-9 Form <https://www.irs.gov/pub/irs-pdf/fw9.pdf?>
- Exhibit F Form 1295 https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

We certify, to the best of our ability, that the information in this application, including all exhibits and supporting documentation is true and correct to the best of our knowledge. It is understood and agreed that any funds awarded as a result of this application will be used for the purpose set for herein and the program guidelines.

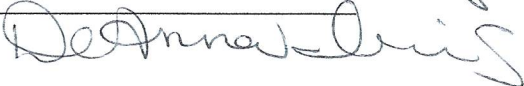
President/Board Chairman:

Date 10-10-23 Print Name Darren Ratk

Signature 

Event/Program Director:

Date 10-10-23 Print Name DeAnna Irving

Signature 

Both signatures are required for the application to be complete.

EXHIBIT A

**Hotel Occupancy Tax Funding Request
Event/Program Budget - Program Year 2024**

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request application.

Organization Name: Oasis Pickleball Club of Rockwall
 Event/Program Name: App Dallas Open
 Requested Funding: \$ 13,000

Expenses (for this project only)	Total Expenses	HOT Funding \$ Request	Additional Justification for HOT Funding Request
1. Personnel	\$		
Administrative	2,000		
Artistic			
Technical	2,500		
Other personnel			
2. Fees for outside professional services			
Administrative	4,000	2,000	
Artistic			
Technical Banners	5,000	5,000	
3. Space Rental			
4. Equipment Rental	2,500	1,000	
5. Travel/Transportation			
6. Promotion/Printing	5,000	5,000	Advertising in Dallas metroplex
7. Costumes/Royalties			
8. Other (supplies, postage etc.)			
9. Sub -Totals			
10. Total Expenses	21,000	13,000	

Revenues (for this project only)			Revenue - additional remarks
1. Total Amount of HOT Fund Request	\$	13,000	
2. Admissions (ticket and concessions)		7,000	80% will require hotels
3. Donations			
4. Organizational funds budgeted			
5. Grants (State)			
6. Other (list): booth rentals		4,000	
7. Other (list):			
8. Other (list):			
9. Other (list):			
10. Total income and contributions			
11. Total In-Kind			
12. Total Revenues		24,000	

Financial Information (for this project only)					
Fiscal Year (Oct. 1st - Sept. 30th)		2021 Actual	2022 Actual	2023 Actual	2024 Proposed
Total Revenue (including HOT funds)	\$	n/a	n/a	Not held	24,000
Total Expenses	\$	n/a	n/a	yet	21,000
Total HOT funds awarded	\$	n/a	n/a		13,000

Exhibits B-F to follow

If you are submitting more than one application (one for each event/program funding) only provide one copy of the following documents/exhibits with your submittal:

- | | |
|-----------|---|
| Exhibit B | Letter of determination certifying federal tax exempt 501(c)(3) status |
| Exhibit D | List members of the governing body including name, position, mailing address and phone number |
| Exhibit E | W-9 Form https://www.irs.gov/pub/irs-pdf/fw9.pdf? |
| Exhibit F | Form 1295 https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm |



City of Rockwall
The New Horizon

Hotel Occupancy Tax

Program Year 2024

Events held Oct. 1, 2023 – Sept. 30, 2024

Application

MUST BE TYPED or PRINTED

Deliver to:

City of Rockwall Finance Office

Attn: Misty Farris

385 S. Goliad St., Rockwall, TX 75087

Ph. 972-771-7700 Fax 972-771-7728 mfarris@rockwall.com

Organization Name: Oasis Pickleball Club Rockwall
Name of Event: Mid-South Pickleball Tournament
Date(s) of Event: Oct 2-5, 2024
Funding Request \$: \$15,000
Website Address: oasispickleballclub.com
Mailing Address: 5606 Yacht Club Dr., Rockwall, TX 75032
Physical Address: 5757 S. State Hwy 205, Rockwall, TX 75032
Telephone: 214-206-7911 Fax:

Primary Contact Name: DeAnna Irving
 (Project Director)
Mailing Address: 5606 Yacht Club Dr., Rockwall TX 75032

Email Address: DeAnna@OasisPickleballClub.com
Telephone: 214-206-7911 Fax:

Secondary Contact Name: Darren Rak
 (President/Board Chairman)
Mailing Address: 5606 Yacht Club Dr., Rockwall, TX 75032

Email Address: drak1112@msn.com
Telephone: 972-567-0291 Fax:

- ▶ COMPLETE AN APPLICATION FOR EACH EVENT/PROGRAM/EXHIBIT REQUESTING FUNDS
- ▶ INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED TO THE COUNCIL SUBCOMMITTEE

1. Mark an "X" next to the category or categories that your organization is requesting funds in the attached budget request.

Advertising/Tourism Requested funding amount \$ 15,000
 Conducting solicitation or promotional programs that encourage tourists and delegates to come to the City of Rockwall.

Arts Requested funding amount \$
 Providing encouragement, promotion, improvement and application of the arts as it relates to the presentation, performance execution or exhibition of the major art forms in the City of Rockwall.

Historical Requested funding amount \$
 Providing historical restoration, preservation, programs and encouragement to visit preserved historic sites or museums located in the City of Rockwall.

2. Describe the program or event for the upcoming fiscal year (Oct. 1, 2023--Oct, 2024) that you are requesting Hotel Tax funding. What is your event and why are you having it?

We are holding more than 16 Pickleball tournament events in 2024 at our location in Rockwall. 11 of these events will bring over 500 people into Rockwall, from outside this area and they will need hotels and restaurants and various stores here in Rockwall. We need the city to help fund these events as we continue to grow, which brings more visitors into Rockwall for extended stay. We are currently building more parking spaces, which we need financial assistance.

3. How does the event/program meet the definition of the categories listed in Item No. 1 above (promotion of tourism and the hotel industry in the City of Rockwall)?
 Listed above

4. Is the event/program that the organization is requesting Hotel Tax funds held in/on City-owned property?
 no Name location: Oasis Pickleball Club

5. Will your organization provide special event insurance coverage for the event/program if held on City property?
 name of Insurance Company: N/A

6. Provide 3 years attendance history for the above listed programs, activities, exhibits or event described in Item No. 2 above.

Event	Year	Event Duration (in Days)	Audience Size	# of Attendees in hotel rooms
Mid south PB Tournament	2021	3	600	capacity
Mid South PB Tournament	2022	3	800	capacity
Mid South PB Tournament	2023	3	900	capacity
Mid-South PB Tournament	2024	3	1200	capacity

--	--	--	--	--	--

7. What specific market will you target with the event/program's marketing plan? Attach up to 3 examples and evidence of marketing area and readership (Label Exhibit C).
 OasisPickleballClub.com/ Google advertising /Pickleball tournaments.com, /Billboards

8. The City of Rockwall must require segregated accounting of its Hotel funds. Organizations must maintain and account for revenue provided from the tax authorized by section 351.101(a) within one of the two options listed below.

a) Separate checking account without combining with any other revenues or maintained in any other bank account or

b) Maintain a line item accounting, whereby the Hotel revenues may not be combined with any other revenues or expenditures. The funds may be maintained in the same bank account, provided they are reported as a separate line item in the organization's budget. Interest earned on the Hotel revenues must be used to support the event/program as well.

Will the organization be able to segregate the accounting process in either a) or b) above? Yes

9. Provide all of the following documentation with this application and label each as outlined below.

- Exhibit A Proposed budget for each event/program using attached form
- Exhibit B Letter of determination certifying federal tax exempt 501(c)(3) status
- Exhibit C Examples and evidence of marketing area and readership (limit 3)
- Exhibit D List members of the governing body including name, position, mailing address and phone number
- Exhibit E W-9 Form <https://www.irs.gov/pub/irs-pdf/fw9.pdf>
- Exhibit F Form 1295 https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

We certify, to the best of our ability, that the information in this application, including all exhibits and supporting documentation is true and correct to the best of our knowledge. It is understood and agreed that any funds awarded as a result of this application will be used for the purpose set for herein and the program guidelines.

President/Board Chairman: Darren Rak

Date 10-10-23

Print Name

Signature



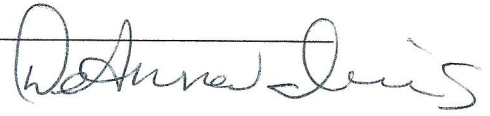
Event/Program Director: DeAnna Irving

Date

10-10-23

Print Name

Signature

A handwritten signature in cursive script, appearing to read 'D. Anna Lewis', written over a horizontal line.

Both signatures are required for the application to be complete.

EXHIBIT A

**Hotel Occupancy Tax Funding Request
Event/Program Budget - Program Year 2024**

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request application.

Organization Name:	Oasis Pickleball Club
Event/Program Name:	Mid-South Pickleball Tournament
Requested Funding:	\$ 15,000

Expenses (for this project only)	Total Expenses	HOT Funding \$ Request	Additional Justification for HOT Funding Request
1. Personnel	\$		
Administrative			
Artistic			
Technical TV & Radio	4,000		
Other personnel			
2. Fees for outside professional services			
Administrative	5000	2500	
Artistic			
Technical TV & Radio	4,000	4,000	
3. Space Rental			
4. Equipment Rental	10,000	5,000	
5. Travel/Transportation			
6. Promotion/Printing	2500	2,500	
7. Costumes/Royalties			
8. Other (supplies, postage etc.)	2000	1000	
9. Sub -Totals			
10. Total Expenses	27,500	15,000	

Revenues (for this project only)		Revenue - additional remarks
1. Total Amount of HOT Fund Request	\$ 15,000	
2. Admissions (ticket and concessions)	3000	
3. Donations		
4. Organizational funds budgeted		
5. Grants (State)	0	hotels to capacity
6. Other (list):		
7. Other (list):		
8. Other (list):		
9. Other (list):		
10. Total income and contributions	3000	
11. Total In-Kind		
12. Total Revenues	21,000	

Financial Information (for this project only)					
Fiscal Year (Oct. 1st - Sept. 30th)		2021 Actual	2022 Actual	2023 Actual	2024 Proposed
Total Revenues(including HOT funds)	\$	9,850	15,400	not held yet	21,000
Total Expenses	\$	8,280	12,900		27,500
Total HOT funds awarded	\$	-	-	-	15,000

Exhibits B-F to follow

If you are submitting more than one application (one for each event/program funding) only provide one copy of the following documents/exhibits with your submittal:

- Exhibit B Letter of determination certifying federal tax exempt 501(c)(3) status
- Exhibit D List members of the governing body including name, position, mailing address and phone number
- Exhibit E W-9 Form <https://www.irs.gov/pub/irs-pdf/fw9.pdf>
- Exhibit F Form 1295 https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm



City of Rockwall
The New Horizon

Hotel Occupancy Tax

Program Year 2024

Events held Oct. 1, 2023 - Sept. 30, 2024

Application

MUST BE TYPED or PRINTED

Deliver to:

City of Rockwall Finance Office

Attn: Misty Farris

385 S. Goliad St., Rockwall, TX 75087

Ph. 972-771-7700 Fax 972-771-7728 mfarris@rockwall.com

Organization Name:

Name of Event: DUPR Nationals Pickleball Tournament
Date(s) of Event: Oct. 11-15, 2023
Funding Request \$: **\$18,500**
Website Address: OasisPickleballClub.com
Mailing Address: 5606 Yacht Club Dr., Rockwall, TX 75032
Physical Address: 5757 S. State Hwy 205, Rockwall, TX 75032
Telephone: 972-772-7768 Fax:

Primary Contact Name:

DeAnna Irving
(Project Director)
Mailing Address: 5606 Yacht Club Dr., Rockwall, TX 75032

Email Address:

DeAnna@OasisPickleballClub.com
Telephone: 214-206-7911 Fax:

Secondary Contact Name:

Darren Rak
(President/Board Chairman)
Mailing Address: 2412 Versailles Ct., Heath, TX 75032

Email Address:

drak1112@msn.com
Telephone: 972-567-0291 Fax:

- ▶ COMPLETE AN APPLICATION FOR EACH EVENT/PROGRAM/EXHIBIT REQUESTING FUNDS
- ▶ INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED TO THE COUNCIL SUBCOMMITTEE

1. Mark an "X" next to the category or categories that your organization is requesting funds in the attached budget request.

Advertising/Tourism Requested funding amount \$18,500
 Conducting solicitation or promotional programs that encourage tourists and delegates to come to the City of Rockwall.

Arts Requested funding amount \$
 Providing encouragement, promotion, improvement and application of the arts as it relates to the presentation, performance execution or exhibition of the major art forms in the City of Rockwall.

Historical Requested funding amount \$
 Providing historical restoration, preservation, programs and encouragement to visit preserved historic sites or museums located in the City of Rockwall.

2. Describe the program or event for the upcoming fiscal year (Oct. 1 2023 - Sept. 30, 2024) that you are requesting Hotel Tax funding. What is your event and why are you having it? **DUPR National Finals**

3. How does the event/program meet the definition of the categories listed in Item No. 1 above (promotion of tourism and the hotel industry in the City of Rockwall)?
95%out of town players & patrons

4. Is the event/program that the organization is requesting Hotel Tax funds held in/on City-owned property?
 Yes Name location: **Rockwall**

5. Will your organization provide special event insurance coverage for the event/program if held on City property?
 Yes Name of Insurance Company:

6. Provide 3 years attendance history for the above listed programs, activities, exhibits or event described in Item No. 2 above.

Event	Year	Event Duration (in Days)	Audience Size	# of Attendees in hotel rooms
DUPR National Finals	2023	5	2200	2500

7. What specific market will you target with the event/program's marketing plan? Attach up to 3 examples and evidence of marketing area and readership (Label Exhibit C). TV/website/National marketing/billboards/pickleballTournaments.com/postcards/facebook/twitter/instagram

8. The City of Rockwall must require segregated accounting of its Hotel funds. Organizations must maintain and account for revenue provided from the tax authorized by section 351.101(a) within one of the two options listed below.

- a) Separate checking account without combining with any other revenues or maintained in any other bank account or
- b) Maintain a line item accounting, whereby the Hotel revenues may not be combined with any other revenues or expenditures. The funds may be maintained in the same bank account, provided they are reported as a separate line item in the organization's budget. Interest earned on the Hotel revenues must be used to support the event/program as well.

Will the organization be able to segregate the accounting process in either a) or b) above? Yes

9. Provide all of the following documentation with this application and label each as outlined below.

- Exhibit A Proposed budget for each event/program using attached form
- Exhibit B Letter of determination certifying federal tax exempt 501(c)(3) status
- Exhibit C Examples and evidence of marketing area and readership (limit 3)
- Exhibit D List members of the governing body including name, position, mailing address and phone number
- Exhibit E W-9 Form <https://www.irs.gov/pub/irs-pdf/fw9.pdf>
- Exhibit F Form 1295 https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

We certify, to the best of our ability, that the information in this application, including all exhibits and supporting documentation is true and correct to the best of our knowledge. It is understood and agreed that any funds awarded as a result of this application will be used for the purpose set for herein and the program guidelines.

President/Board Chairman:

Date 10-10-23

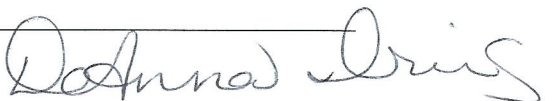
Darren Rat
Print Name

Signature 

Event/Program Director:

Date 10-10-23

DeAnna Irving
Print Name

Signature 

Both signatures are required for the application to be complete.

EXHIBIT A

**Hotel Occupancy Tax Funding Request
Event/Program Budget - Program Year 2024**

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request application.

Organization Name: Oasis Pickleball Club of Rockwall
 Event/Program Name: DUPR National Finals
 Requested Funding: \$ \$18,500

Expenses (for this project only)		Total Expenses	HOT Funding \$ Request	Additional Justification for HOT Funding Request
1. Personnel	\$			
Administrative				
Artistic				
Technical				
Other personnel		2,500		
2. Fees for outside professional services				
Administrative				
Artistic special banners		8,000	8,000	
Technical internet streaming		2,500	2,500	
3. Space Rental				
4. Equipment Rental		3,0000	3,000	
5. Travel/Transportation				
6. Promotion/Printing		5,000	5,000	
7. Costumes/Royalties				
8. Other (supplies, postage etc.)		2,500		
9. Sub -Totals				
10. Total Expenses		23,500	18,500	

Revenues (for this project only)			
1. Total Amount of HOT Fund Request	\$	18,500	Revenue - additional remarks
2. Admissions (ticket and concessions)		8,000	
3. Donations			
4. Organizational funds budgeted			
5. Grants (State)			
6. Other (list): booth rentals		4,000	
7. Other (list): Registrations		7,000	
8. Other (list): food		3,500	
9. Other (list):			
10. Total income and contributions			
11. Total In-Kind			
12. Total Revenues		41,000	

Financial Information (for this project only)					
Fiscal Year (Oct. 1st - Sept. 30th)		2021 Actual	2022 Actual	2023 Actual	2024 Proposed
Total Revenue (including HOT funds)	\$	N/A	N/A		41,000
Total Expenses	\$	N/A	N/A		23,500
Total HOT funds awarded	\$	N/A	N/A		18,500

Exhibits B-F to follow

If you are submitting more than one application (one for each event/program funding) only provide one copy of the following documents/exhibits with your submittal:

- Exhibit B Letter of determination certifying federal tax exempt 501(c)(3) status
- Exhibit D List members of the governing body including name, position, mailing address and phone number
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City of Rockwall
The New Horizon

Hotel Occupancy Tax

Program Year 2024

Application

MUST BE TYPED or PRINTED

Deliver to:

City of Rockwall Finance Office

Attn: Misty Farris

385 S. Goliad St., Rockwall, TX 75087

Ph. 972-771-7700 Fax 972-771-7728 mfarris@rockwall.com

Organization Name: DCR Sports Development DBA Oasis Pickleball
Name of Event: PPA Pickleball Tournament
Date(s) of Event: Oct. 24-27, 2024
Funding Request \$: 35,000
Website Address: OasisPickleballClub.com
Mailing Address: 5606 Yacht Club Drive Rockwall TX 75032
Physical Address: 5757 Hwy 205 South Rockwall TX 75087
Telephone: 972-772-7768 Fax:

Primary Contact Name: Deanna Irving
 (Project Director).
Mailing Address: 5606 Yacht Club Drive Rockwall, TX 75087

Email Address: deanna@oasisPickleballClub.com
Telephone: 214-206-7911 Fax:

Secondary Contact Name: Darren Rak
 (President/ Board Chairman)
Mailing Address: 2412 Versailles Drive Heath, TX 75032

Email Address: drak1112@msn.com
Telephone: 972-567-0291 Fax:

- ▶ COMPLETE AN APPLICATION FOR EACH EVENT/PROGRAM/EXHIBIT REQUESTING FUNDS
- ▶ INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED TO THE COUNCIL SUBCOMMITTEE

1. Mark an "X" next to the category or categories that your organization is requesting funds in the attached budget request.

Advertising/Tourism Requested funding amount \$ 35,000
 Conducting solicitation or promotional programs that encourage tourists and delegates to come to the City of Rockwall.

Arts Requested funding amount \$ 0
 Providing encouragement, promotion, improvement and application of the arts as it relates to the presentation, performance execution or exhibition of the major art forms in the City of Rockwall.

Historical Requested funding amount \$ 0
 Providing historical restoration, preservation, programs and encouragement to visit preserved historic sites or museums located in the City of Rockwall.

2. We are holding this event as we have become the largest pickleball facility in the state of Texas. We have 42 courts which is a result of adding to the 28 that we had last year. We received this vote from the board over Austin, McKinney, San Antonio, Houston and other large venues as a result of our adding additional amenities last year including additional courts and a bar area.

This event is the PPA which is the largest pickleball tournament in the U.S. It is annual and is covered by FOX Sports. We have over 1700 players from all over the world and over 14,000 spectators over a 4 day span. Rockwall will be able to hold this tournament for the next 5 years. Professionals come from all over the world to play as well as 600-700 amateur players from the U.S. It is a sanctioned tournament and players get points to worldwide ranking. Pickleball is the fastest growing sport in the United States. Fox Sports will be covering live for all four days both tournaments.

2. The APP Open brings in several thousand players and fans to Rockwall for 4-5 days to play or be a spectator for the event. Hotels occupancies will feel the positive impact as well as restaurants being sold out.

3. Is the event/program that the organization is requesting Hotel Tax funds held in/on City-owned property?
 No Name location: Oasis Pickleball Club

4. Will your organization provide special event insurance coverage for the event/program if held on City property? N/A
 Name of Insurance Company: NA

5. Provide 3 years attendance history for the above listed programs, activities, exhibits or event described in Item No. 2 above.

Year	Attendance	Hotel Rooms
2022	11000	Capacity
2023	13000	Capacity
2024	15500	Capacity

6. What specific market will you target with the event/ program's marketing plan?
 Attach up to 3 examples and evidence of marketing area and readership (Label Exhibit C).PickleballTournaments.com
 Oasistennis.com/ Google Advertising/Billboards in Dallas & Ft Worth
 Fox Southwest Coverage and ESPN Radio Coverage of event also Living Magazine
7. The City of Rockwall must require segregated accounting of its Hotel funds. Organizations must maintain and account for revenue provided from the tax authorized by section 351.101(a) within one of the two options listed below.
- a) Separate checking account without combining with any other revenues or maintained in any other bank account or
 - b) Maintain a line item accounting, whereby the Hotel revenues may not be combined with any other revenues or expenditures. The funds may be maintained in the same bank account, provided they are reported as a separate line item in the organization's budget. Interest earned on the Hotel revenues must be used to support the event/program as well.

Will the organization be able to segregate the accounting process in either a) or b) above? yes Yes

8. Provide all of the following documentation with this application and label each as outlined below.

- Exhibit A Proposed budget for each event/ program using attached form
- Exhibit B Letter of determination certifying federal tax exempt 501(c)(3) status
- Exhibit C Examples and evidence of marketing area and readership (limit 3)
- Exhibit D List members of the governing body including name, position, mailing address and phone number
- Exhibit E W-9 Form <https://www.irs.gov/pub/irs-pdf/fw9.pdf?>
- Exhibit F Form 1295
https://www.ethics.stateOa.tx.us/whatsnew/elf_info_form1295.htm

We certify, to the best of our ability, that the information in this application, including all exhibits and supporting documentation is true and correct to the best of our knowledge. It is understood and agreed that any funds awarded as a/ result of this application will be used for the purpose set for herein and the program guidelines.

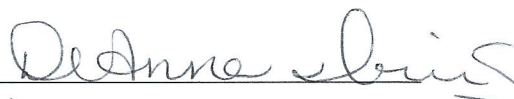
President/Board Chairman: Darren Rak

Date 10-10-23 Print Name

Signature 

Event/Program Director: Deanna Irving

Date 10-10-23

Signature 

Both signatures are required for the application to be complete.

EXHIBIT A

**Hotel Occupancy Tax Funding Request
Event/Program Budget - Program Year 2024**

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request.

Organization Name: Oasis Pickleball Club
 Event/Program Name: PPA Professional Pickleball Tournament
 Requested Funding: \$35,000

Expenses (for this project only)	Total Expenses	HOT Funds Request		
1. Personnel				
Administrative	9100			
Technical	6500			
Band width increase for TV	3000			
court resurfacing for event	47000			
2. Fees for outside professional service				
Administrative	8000	2000		
Artistic. Flyers for future events	4500	2,200		
Technical; increase in bandwidth for TV	18000	10,000		
3. Space Rental. Pool rental welcome party and band	3500	1000		
4. Equipment Rental. Tent AV speaker	5500	2700		
5. Travel/Transportation. Shuttle	6200	3100		
6. Promotion/Printing Banners/Elec Billboards/postcards	14500	6000		
7. Shirts volunteers flags etc	4000	2000		
8. Other (supplies, postage etc.) renting Bleachers	12,500	6000		
9. Sub -Totals				
10. Total Expenses	142,800	35,000		

Total Revenues				
Revenues (for this project only)				
1. Total Amount of HOT fund request	35,000			
2. Admissions (ticket and concessions)	19000			
3. Donations	0			
4. Organizational funds budgeted	0			
5. Grants (State)	0			
6. Other (list): Court Rental	12000			
7. Other (list):Food and Beverage	6300			
8. Other (list): shirts	9500			
9. Other (list): Court Rental	12000			
10. Total income and contributions	0			
11. Total In-Kind				
12. Total Revenues	93,800			

Financial Information (for this project only)				
Fiscal Year (Oct 1 st - Sept 30 th)	2021 actual	2022 actual	2023 actual	2024 Projected
	10,000	12,000		

Total Revenues			32500	93,800
Total Expenses	8,600	10,000	74000	142,800
Total Hotel funds awarded	0	20,640	0	35,000

Exhibits B-F to follow.



City of Rockwall
The New Horizon

Hotel Occupancy Tax

Program Year 2024

Events held Oct. 1, 2023 – Sept. 30, 2024

Application

MUST BE TYPED or PRINTED

Deliver to:

City of Rockwall Finance Office

Attn: Misty Farris

385 S. Goliad St., Rockwall, TX 75087

Ph. 972-771-7700 Fax 972-771-7728 mfarris@rockwall.com

Organization Name: Oasis Pickleball Club of Rockwall
Name of Event: Rumble
Date(s) of Event: Oct 27-29, 2023
Funding Request \$: 8,900
Website Address: oasispickleballclub.com
Mailing Address: 5606 Yacht Club Dr. Rockwall, TX 75032
Physical Address: 5757 S. State Hwy 205, Rockwall, TX 75032
Telephone: 972-772-7768 Fax:

Primary Contact Name: DeAnna Irving
 (Project Director)
Mailing Address: 5606 Yacht Club Dr., Rockwall, TX 75032

Email Address: DeAnna@OasisPickleballClub.com
Telephone: 214-206-7911 Fax:

Secondary Contact Name: Darren Rak
 (President/Board Chairman)
Mailing Address: 2412 Versailles Court., Heath 75032

Email Address: drak1112@msn.com
Telephone: 972-567-0291 Fax:

- ▶ COMPLETE AN APPLICATION FOR EACH EVENT/PROGRAM/EXHIBIT REQUESTING FUNDS
- ▶ INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED TO THE COUNCIL SUBCOMMITTEE

1. Mark an "X" next to the category or categories that your organization is requesting funds in the attached budget request.

Advertising/Tourism Requested funding amount \$ 8,900
 Conducting solicitation or promotional programs that encourage tourists and delegates to come to the City of Rockwall.

Arts Requested funding amount \$
 Providing encouragement, promotion, improvement and application of the arts as it relates to the presentation, performance execution or exhibition of the major art forms in the City of Rockwall.

Historical Requested funding amount \$
 Providing historical restoration, preservation, programs and encouragement to visit preserved historic sites or museums located in the City of Rockwall.

2. Describe the program or event for the upcoming fiscal year (Oct. 1 2023 – Sept. 30, 2024) that you are requesting Hotel Tax funding. What is your event and why are you having it?

3. How does the event/program meet the definition of the categories listed in Item No. 1 above (promotion of tourism and the hotel industry in the City of Rockwall)?

4. Is the event/program that the organization is requesting Hotel Tax funds held in/on City-owned property?
 Yes Name location:

5. Will your organization provide special event insurance coverage for the event/program if held on City property?
 Yes Name of Insurance Company:

6. Provide 3 years attendance history for the above listed programs, activities, exhibits or event described in Item No. 2 above.

Event	Year	Event Duration (in Days)	Audience Size	# of Attendees in hotel rooms
DUPR	2022	3	1950	1,000
DUPR	2023	3	2350	1,500

7. What specific market will you target with the event/program's marketing plan? Attach up to 3 examples and evidence of marketing area and readership (Label Exhibit C).
8. The City of Rockwall must require segregated accounting of its Hotel funds. Organizations must maintain and account for revenue provided from the tax authorized by section 351.101(a) within one of the two options listed below.
- a) Separate checking account without combining with any other revenues or maintained in any other bank account or
 - b) Maintain a line item accounting, whereby the Hotel revenues may not be combined with any other revenues or expenditures. The funds may be maintained in the same bank account, provided they are reported as a separate line item in the organization's budget. Interest earned on the Hotel revenues must be used to support the event/program as well.


Will the organization be able to segregate the accounting process in either a) or b) above? Yes

9. Provide all of the following documentation with this application and label each as outlined below.

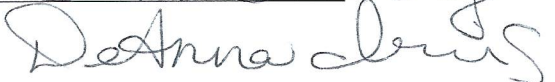
- Exhibit A Proposed budget for each event/program using attached form
- Exhibit B Letter of determination certifying federal tax exempt 501(c)(3) status
- Exhibit C Examples and evidence of marketing area and readership (limit 3)
- Exhibit D List members of the governing body including name, position, mailing address and phone number
- Exhibit E W-9 Form <https://www.irs.gov/pub/irs-pdf/fw9.pdf?>
- Exhibit F Form 1295 https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

We certify, to the best of our ability, that the information in this application, including all exhibits and supporting documentation is true and correct to the best of our knowledge. It is understood and agreed that any funds awarded as a result of this application will be used for the purpose set for herein and the program guidelines.

President/Board Chairman:

Date 10-10-23 Print Name Darren Reak
 Signature 

Event/Program Director:

Date 10-10-23 Print Name DeAnna Irving
 Signature 

Both signatures are required for the application to be complete.

EXHIBIT A

**Hotel Occupancy Tax Funding Request
Event/Program Budget - Program Year 2024**

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request application.

Organization Name:	Oasis Pickleball Club of Rockwall
Event/Program Name:	Rumble Pickleball Tournament
Requested Funding:	\$ 8,900

Expenses (for this project only)	Total Expenses	HOT Funding \$ Request	Additional Justification for HOT Funding Request
1. Personnel	\$ 2,500		
Administrative	2,000		
Artistic			
Technical	500		
Other personnel	1000		
2. Fees for outside professional services			
Administrative	5,000	1,000	
Artistic	3,000	1,000	
Technical: internet & TV	3,000	3000	
3. Space Rental			
4. Equipment Rental	800	400	
5. Travel/Transportation			
6. Promotion/Printing	3,500	3,500	
7. Costumes/Royalties			
8. Other (supplies, postage etc.)	800		
9. Sub -Totals			
10. Total Expenses	22,100	8,900	

Revenues (for this project only)			Revenue - additional remarks
1. Total Amount of HOT Fund Request	\$ 8,900		
2. Admissions (ticket and concessions)	2,000		
3. Donations	5,000		
4. Organizational funds budgeted			
5. Grants (State)	3,000		
6. Other (list):			
7. Other (list): Registrations	6,000		
8. Other (list):			
9. Other (list):			
10. Total income and contributions			
11. Total In-Kind			
12. Total Revenues	24,900		

Financial Information (for this project only)					
Fiscal Year (Oct. 1st - Sept. 30th)		2021 Actual	2022 Actual	2023 Actual	2024 Proposed
Total Revenue (including HOT funds)	\$	n/a	15,000		24,900
Total Expenses	\$	n/a	25,000		22,100
Total HOT funds awarded	\$	n/a	0		8,900

Exhibits B-F to follow

If you are submitting more than one application (one for each event/program funding) only provide one copy of the following documents/exhibits with your submittal:

- Exhibit B Letter of determination certifying federal tax exempt 501(c)(3) status
- Exhibit D List members of the governing body including name, position, mailing address and phone number
- Exhibit E W-9 Form <https://www.irs.gov/pub/irs-pdf/fw9.pdf?>
- Exhibit F Form 1295 https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm



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: Mayor and City Council
CC: Mary Smith, *City Manager*
Joey Boyd, *Assistant City Manager*
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: March 4, 2024
SUBJECT: Z2024-004; *Specific Use Permit (SUP) for an Accessory Building for 9 Crestview Circle*

On February 20, 2024, the City Council approved a motion to approve Case No. Z2024-004 by a vote of 5-0, with Mayor Johannesen and Councilmember Thomas absent. As part of the motion, Councilmember McCallum requested that an additional *Operational Condition* be included in the ordinance requiring the applicant to bring the Specific Use Permit (SUP) back for consideration after building permits for the unpermitted improvements were approved. Mr. McCallum also conditioned the motion to require that the *Stop Work Order* remained in effect until after the reconsideration of the Specific Use Permit (SUP). In accordance with this motion, staff has amended the Specific Use Permit (SUP) ordinance removing the *Carport -- which can be requested when the applicant brings the request back to the City Council after permitting --*, and adding the following *Operational Conditions*:

- (1) The *Stop Work Order* shall remain in place for the *Detached Garage* until all the unpermitted improvements on the *Subject Property* have permitted by the City of Rockwall and the applicant has submitted and been approved for a subsequent Specific Use Permit (SUP) for the *Detached Garage* and *Carport*.
- (2) If the applicant fails to submit the building permits for this Specific Use Permit (SUP) within 90-days of the approval date of this ordinance (*i.e. June 2, 2024*), this Specific Use Permit shall expire.
- (3) This Specific Use Permit (SUP) shall expire 180-days after the approval of this ordinance (*i.e. the applicant has until August 31, 2024*).

A copy of the updated draft ordinance has been attached to the memorandum for the City Council's review. Should the City Council have any questions concerning the updated ordinance, staff will be available at the March 4, 2024 City Council meeting.

CITY OF ROCKWALL

ORDINANCE NO. 24-09

SPECIFIC USE PERMIT NO. S-327

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 A *DETACHED GARAGE* ON A ONE (1) ACRE PARCEL OF LAND IDENTIFIED AS LOT 9 OF THE NORTHCREST ESTATES #2 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 by Zach Butler for the approval of a *Specific Use Permit (SUP)* for a *Detached Garage* on a one (1) acre parcel of land, addressed as 9 Crestview Circle, 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) to allow for the construction of a *Detached Garage* 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*, Subsection 03.06, *Single-Family 16 (SF-16) District*, and Subsection 07.04, *Accessory Structure Development Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- 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 *Detached Garage* on the *Subject Property* and conformance to these operational conditions are required:

- (1) The development of the *Detached Garage* shall generally conform to the *Site Plan* as depicted in *Exhibit 'B'* of this ordinance.
- (2) The construction of a *Detached Garage* on the *Subject Property* shall generally conform to the *Building Elevations and Building Plans* depicted in *Exhibit 'C'* of this ordinance.
- (3) The maximum height of the *Detached Garage* shall not exceed a maximum of 15-feet as measured from the mid-point of the pitched roof.
- (4) The *Detached Garage* shall not be sold or conveyed separately from the single-family home without meeting the requirements of the zoning district and subdivision ordinance.
- (5) The *Stop Work Order* shall remain in place for the *Detached Garage* until all the unpermitted improvements on the *Subject Property* have permitted by the City of Rockwall and the applicant has submitted and been approved for a subsequent Specific Use Permit (SUP) for the *Detached Garage* and *Carport*.
- (6) If the applicant fails to submit the building permits for this Specific Use Permit (SUP) within 90-days of the approval date of this ordinance (*i.e. June 2, 2024*), this Specific Use Permit shall expire.
- (7) This Specific Use Permit (SUP) shall expire 180-days after the approval of this ordinance (*i.e. the applicant has until August 31, 2024*).

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 4th DAY OF MARCH, 2024.**

Trace Johannesen, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: February 20, 2024

2nd Reading: March 4, 2024

Exhibit 'A'
Location Map and Legal Description

Address: 9 Crestview Circle

Legal Description: Lot 9 of the Northcrest Estates #2 Addition



Exhibit 'B':
Site Plan

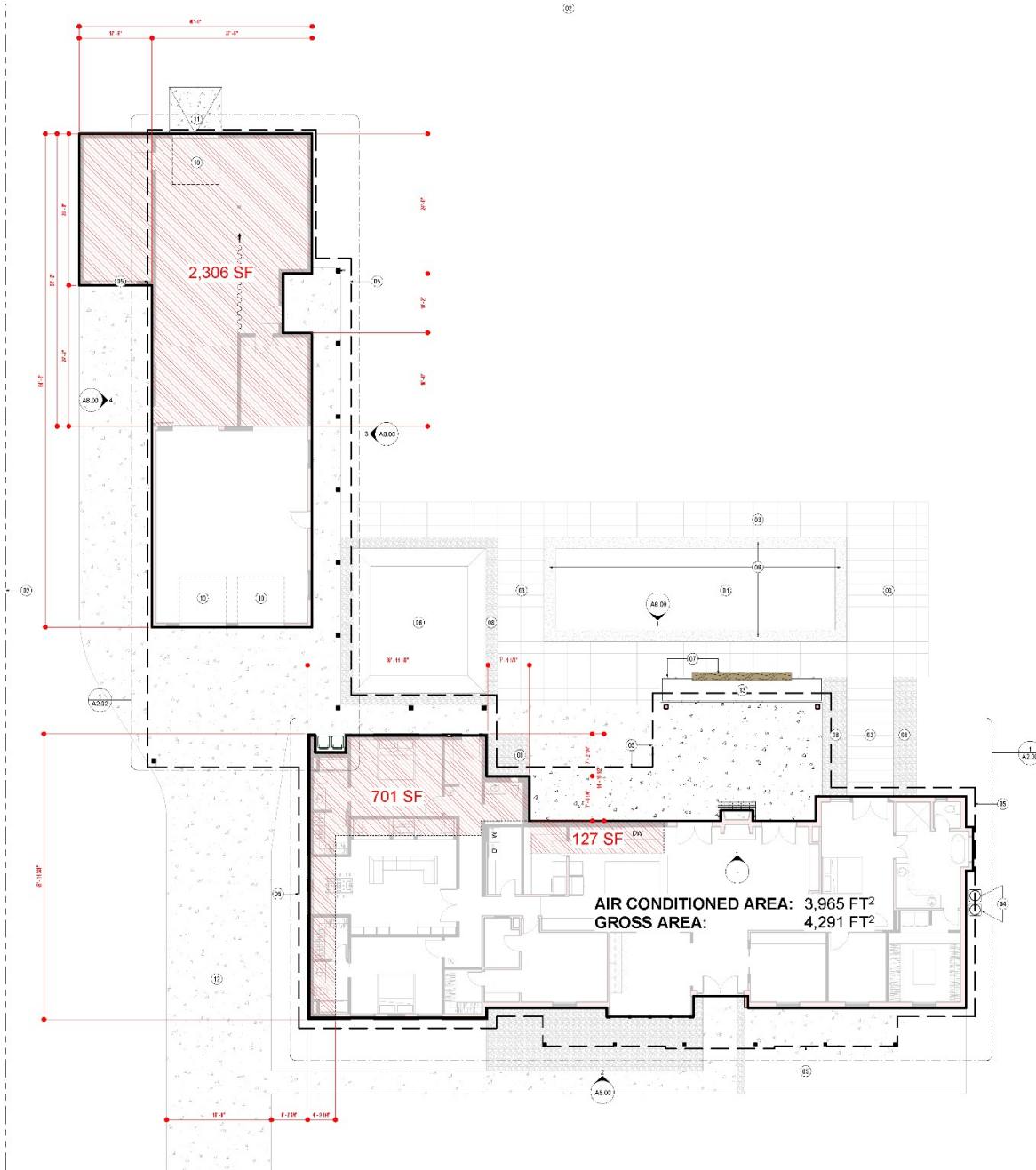
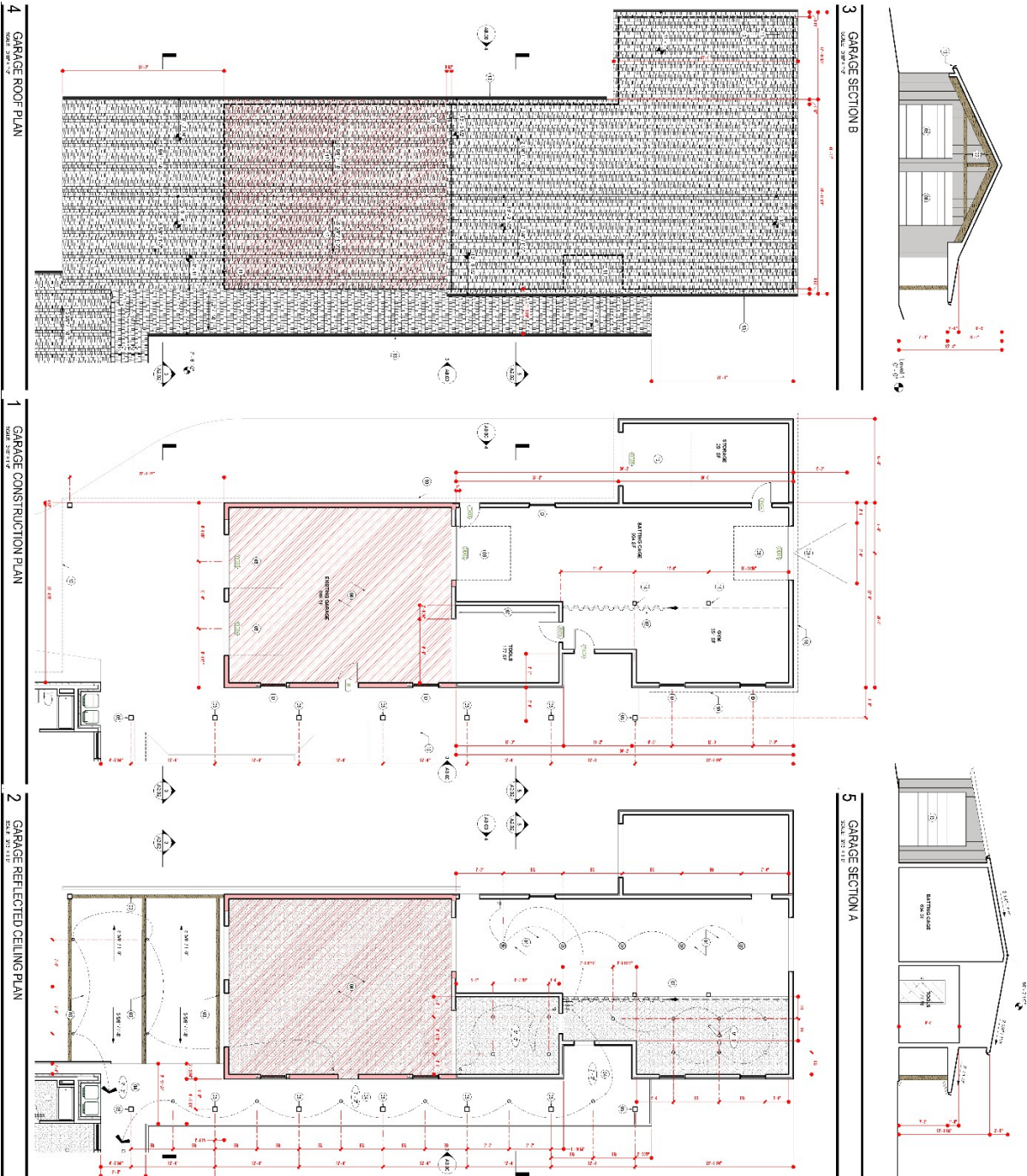


Exhibit 'C':
Building Elevations & Building Plans





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: Mayor and City Council
CC: Mary Smith, *City Manager*
 Joey Boyd, *Assistant City Manager*
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: February 20, 2024
SUBJECT: MIS2024-002; *Variance to the Distance Requirements for Alcoholic Beverage Sales for On-Site Consumption in Conjunction with a Restaurant (i.e. The Bagel Lady Deli & Coffee Shop)*

The applicant -- *Revi Menasche* -- is requesting the approval of a variance to the proximity requirements for the sale of alcoholic beverages for on-site consumption for the purpose of establishing a Comedy Club in conjunction with an existing restaurant (*i.e. The Bagel Lady Deli & Coffee Shop*). In accordance with the *Texas Alcoholic Beverage Code*, the City of Rockwall has adopted distance requirements that stipulate a minimum separation between businesses that sell alcohol -- *for on-site or off-site consumption* -- and schools, churches, and hospitals. Subsection 03.05, *Alcoholic Beverage Sales*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) states the following (*with pertinent information underlined*):

(A) Restaurants with Alcoholic Beverage Sales.

- (1) Restaurants may serve alcoholic beverages for on-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. For restaurants located on property that was annexed after November 14, 2007, a private club permit must be obtained for the ability to serve alcohol and must be located in an appropriate zoning district that allows such use.
- (2) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than 300 feet from a church, public school, private school (as defined by the Texas Alcoholic Beverage Code) or public hospital. For a church or public hospital, the 300 feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools or private schools, the measurement of distance shall be in direct line from the property line of the public school or private school to the property line of the restaurant and in a direct line across intersections. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

The City Council may grant a variance to the distance regulations if the City Council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste of inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Currently, the existing restaurant is located in the *Eastlake Business Center*, which is a multi-tenant shopping center located at 316 N. Goliad Street [SH-205]. Located approximately 55.00-feet from the front door of the existing restaurant -- *on the same side of the shopping center* -- is the front door of an existing church (*i.e. Reach Church*) [see the proximity map in the attached packet]. Based on this, the applicant is requesting a variance to the alcohol proximity requirements. Staff should point out that there is currently an existing *Craft Micro Brewery* on the parcel of land directly north of the *Eastlake Business Center*; however, the *Craft Micro Brewery* does appear to meet the proximity requirements -- *being approximately 345.00-feet as*

measured along the property lines of the street fronts and from the front door to front door of both establishments -- as stipulated by the Texas Alcoholic Beverage Commission's (TABC's) Alcoholic Beverage Code. With this being said, the approval of the requested variance is a discretionary decision for the City Council. Should the City Council have any questions, staff and the applicant will be available at the February 20, 2024 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. _____

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 & 2}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

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.
² A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION (PLEASE PRINT)

ADDRESS 316 S. Goliad St. Rockwall TX 75087

SUBDIVISION _____ LOT _____ BLOCK _____

GENERAL LOCATION _____

ZONING, SITE PLAN AND PLATTING INFORMATION (PLEASE PRINT)

CURRENT ZONING Commercial

CURRENT USE Restaurant

PROPOSED ZONING Sell Beer & Wine

PROPOSED USE Restaurant/Comedy Club w/ Beer & Wine

ACREAGE _____ LOTS (CURRENT) _____

LOTS (PROPOSED) _____

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3162 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 Revital (Revi) Menasche

APPLICANT Same

CONTACT PERSON Revi

CONTACT PERSON _____

ADDRESS 316 S. Goliad St #201

ADDRESS _____

CITY, STATE & ZIP Rockwall, TX 75087

CITY, STATE & ZIP _____

PHONE 754 204-3659

PHONE _____

E-MAIL _____

E-MAIL _____

NOTARY VERIFICATION (REQUIRED)

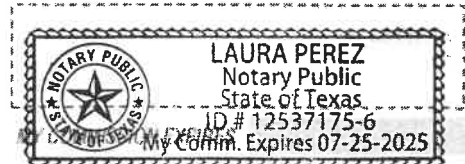
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Revital Menasche (OWNER) THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

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 31 DAY OF January, 2024

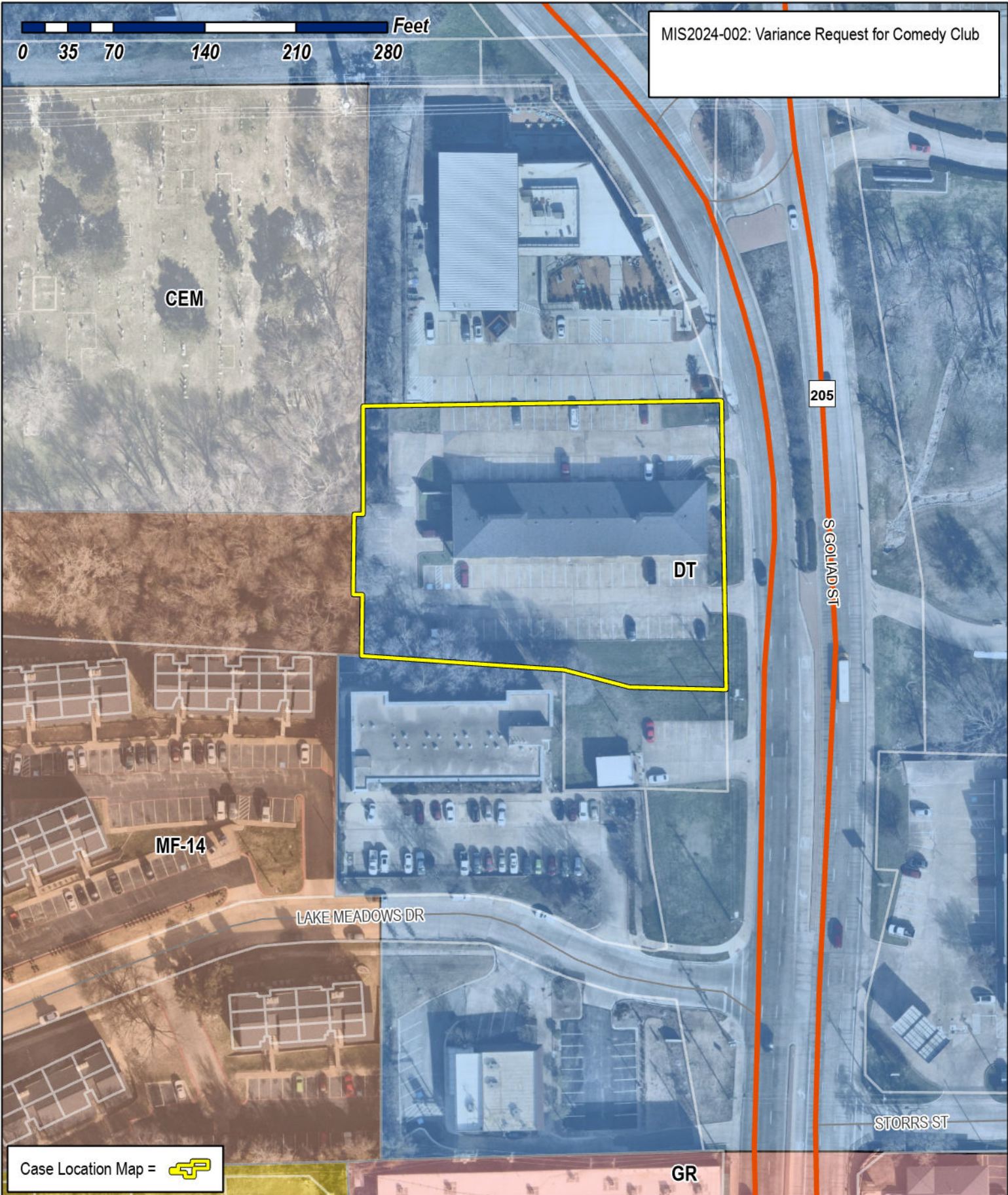
OWNER'S SIGNATURE Revital Menasche

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS Jenny



0 35 70 140 210 280 Feet

MIS2024-002: Variance Request for Comedy Club



Case Location Map = 



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(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.



To fellow members of the board

My name is Revi, my husband and I own The Bagel Lady. As you may or may not know our daughter Jacqueline passed away in May. My husband and I would like to honor her by opening a comedy club. Our daughter was an inspiring chef and Comedian because of that we decided to to use half our store on Friday, Saturday and Sunday as a comedy club location.

We feel this would add a great venue here in Rockwall for the 18 and older crowd. We are asking for this exception to sell beer and wine at our location during the evenings when we have comedy shows. We are aware that we are less than 300 feet from Reach Church next-door but our comedy club will be open in the evenings when they are closed. Our coffee house will still be active during the day and will convert to a comedy house on weekend evenings.

Thank you for the consideration


Revi Menasche

Jax Comedy Club

A handwritten signature in black ink, appearing to read 'Revi Menasche', written in a cursive style.



Variance to the Proximity Alcohol Requirements at 316 S. Goliad St.

Subject Suite = 



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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← Super Party







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: Mayor and City Council
CC: Mary Smith, *City Manager*
Joey Boyd, *Assistant City Manager*
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: March 4, 2024
SUBJECT: Capital Improvements Advisory Committee (CIAC) for the Water, Wastewater, and Roadway Impact Fee Study

On February 5, 2024, the City Council approved a contract for professional services with Freese & Nichols, Inc. for the purpose of updating the City's impact fees for roadway facilities. In addition, the Engineering Department has engaged Bickoff, Hendricks & Carter LLP for the purpose of updating impact fees for water and wastewater facilities. Chapter 395, *Financing Capital Improvements Required by New Development in Municipalities, Counties, and Certain Other Local Governments*, of the Texas Local Government Code (TLGC) requires that the City Council appoint a Capital Improvements Advisory Committee (CIAC) to serve in advisory capacity to the City Council. In past updates, the City Council has appointed the Planning and Zoning Commission as the CIAC. According to Section 395.058 of the TLGC:

... If the political subdivision has a planning and zoning commission, the commission may act as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity ...

Currently, Commissioners Derek Deckard and John Womble meet the requirements of being a representative from the real estate, development, and/or building industries. As an alternative, Chapter 395.058 of the TLGC states that the City Council can appoint an ad-hoc committee of at least five (5) members where a minimum of 40% of the memberships consists of representatives of the real estate, development, or building industries. In addition, the committee would need to consist of a minimum of one (1) representative from the City's Extraterritorial Jurisdiction (ETJ).

Since the City's Planning and Zoning Commission meets the requirements of the TLGC, City staff would recommend that the City Council consider appointing the Planning and Zoning Commission as the CIAC as opposed to an ad-hoc committee; however, this is a discretionary decision for the City Council. Should the City Council choose to appoint the Planning and Zoning Commission, staff has included a resolution attached to this memorandum that would make this appointment. If the City Council has any questions, staff will be available at the March 4, 2024 City Council meeting.

CITY OF ROCKWALL

RESOLUTION NO. 24-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AUTHORIZING AN UPDATE TO THE IMPACT FEE PROGRAM FOR ROADWAY, WATER, AND WASTEWATER FACILITIES AND APPOINTING THE PLANNING AND ZONING COMMISSION AS THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE.

WHEREAS, the City of Rockwall currently imposes impact fees for roadway, water, and wastewater facilities pursuant to its authority granted under Chapter 395, *Financing Capital Improvements Required by New Development in Municipalities, Counties, and Certain Other Local Governments*, of the Texas Local Government Code (“*Ch. 395 of the TLGC*”) and Article III, *Impact Fee Regulations*, of Chapter 38, *Subdivisions*, of the City of Rockwall Municipal Code of Ordinances; and

WHEREAS, the City Council of the City of Rockwall intends to update its *Land Use Assumptions, Impact Fees, and Capital Improvements Plan* pursuant to the procedures contained in *Ch. 395 of the TLGC*; and

WHEREAS, the City Council of the City of Rockwall appoints the Planning and Zoning Commission as the Capital Improvements Advisory Committee (CIAC) in accordance with the requirements of *Ch. 395 of the TLGC*, and charges them to advise the City Council on the imposition of impact fees; and

WHEREAS, at least one (1) member of the Planning and Zoning Commission is a member of the development, real estate, and/or building industry; and

WHEREAS, the City Council of the City of Rockwall has determined that the use of impact fees facilitates quality development that is in accordance with the OURHometown Vision 2040 Comprehensive Plan, and the use of impact fees further promotes health, safety, and general welfare for the City of Rockwall and its citizens.

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

SECTION 1. RECITALS. The above recitals are found to be true and correct and they are incorporated as findings of the City Council for all purposes.

SECTION 2. CAPITAL IMPROVEMENTS ADVISORY COMMITTEE. The Planning and Zoning Commission is hereby appointed as the Capital Improvements Advisory Committee (CIAC), and is authorized to work with City staff to provide recommendations to the City Council on the imposition of impact fees.

SECTION 3. AUTHORIZATION. The Director of Planning and Zoning and the City Engineer/Director of Public Works are directed to commence the update of the Land Use Assumptions, Impact Fees, and Capital Improvements Plan, and procure such planning, engineering, and/or legal consultation deemed necessary to update the impact fee program for roadway, water, and wastewater facilities. This shall be paid for by the impact fees to be collected under the impact fee program.

SECTION 4. EFFECTIVE DATE. This *Resolution* shall be effective immediately following its passage and approval by the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS THE 4TH DAY OF MARCH, 2024.

APPROVED:

Trace Johannesen, Mayor

ATTEST:

Kristy Teague, City Secretary



City of Rockwall
The New Horizon

Building Inspections Department Monthly Report

January 2024

Permits

Total Permits Issued:	236
Building Permits:	16
Contractor Permits:	220
Total Commercial Permit Values:	\$6,757,114.08
Building Permits:	\$3,628,000.00
Contractor Permits:	\$3,129,114.08
Total Fees Collected:	\$177,441.82
Building Permits:	\$129,647.54
Contractor Permits:	\$47,794.28

Board of Adjustment

Board of Adjustment Cases: 0

2/2/2024
1:36:40PM

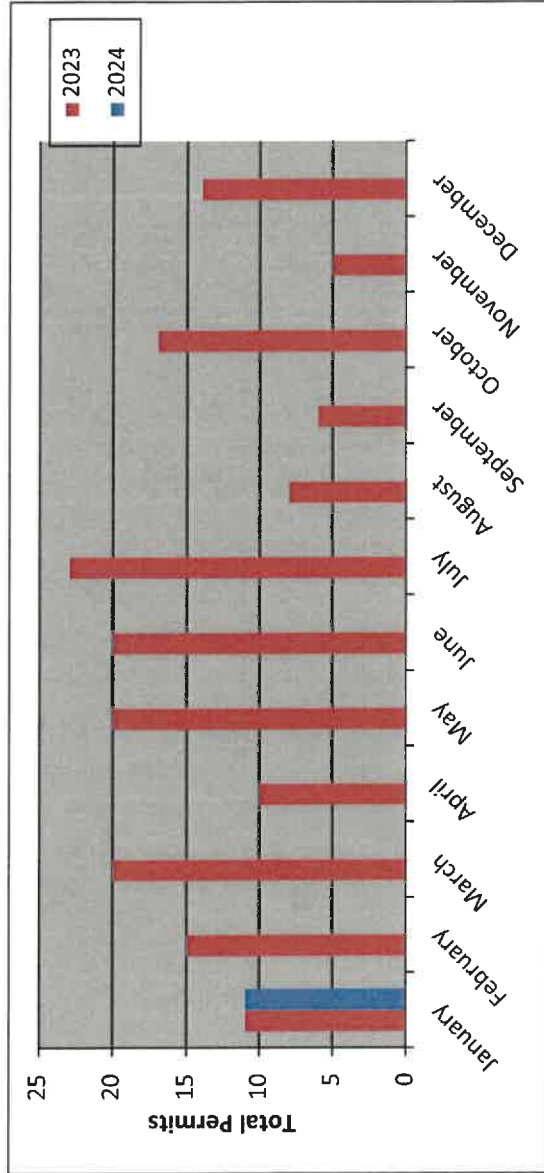
City of Rockwall
PERMITS ISSUED - Summary by Type and Subtype
For the Period 1/1/2024 to 1/31/2024

Type/Subtype	# of Permits Issued	Valuation of Work	Fees Charged
Commercial Building Permit	52	\$6,757,114.08	\$80,116.85
Certificate of Occupancy	2		\$153.00
Concrete Permit	1	7,500.00	\$168.05
Demolition	1		\$51.00
Electrical Permit	9	27,975.00	\$883.45
Fence Permit	2	23,700.00	\$102.00
Irrigation Permit	2	148,000.00	\$153.00
Mechanical Permit	3	5,002.00	\$227.21
New Construction	2	3,628,000.00	\$51,363.81
Plumbing Permit	7	55,604.53	\$1,181.68
Remodel	7	2,744,762.55	\$16,061.81
Roofing Permit	1		\$76.50
Sign Permit	11	116,570.00	\$1,606.50
Temporary Construction Trailer	4		\$8,088.84
Residential Building Permit	184		\$97,324.97
Accessory Building Permit	1		\$81.60
Addition	2		\$255.00
Concrete Permit	10		\$2,046.93
Deck Permit	1		\$125.00
Driveway Permit	1		\$51.00
Electrical Permit	5		\$600.61
Fence Permit	14		\$713.00
Generator	2		\$303.00
Irrigation Permit	5		\$382.50
Mechanical Permit	17		\$2,055.50
New Single Family Residential	11		\$77,947.13
Patio Cover/Pergola	15		\$1,828.51
Plumbing Permit	39		\$3,069.00
Pool	4		\$609.00
Remodel	1		\$166.28
Retaining Wall Permit	2		\$102.00
Roofing Permit	38		\$2,893.50
Solar Panel Permit	9		\$3,741.41
Window & Door Permit	7		\$354.00
Totals:	236		\$177,441.82

New Residential Permits

Calendar Year

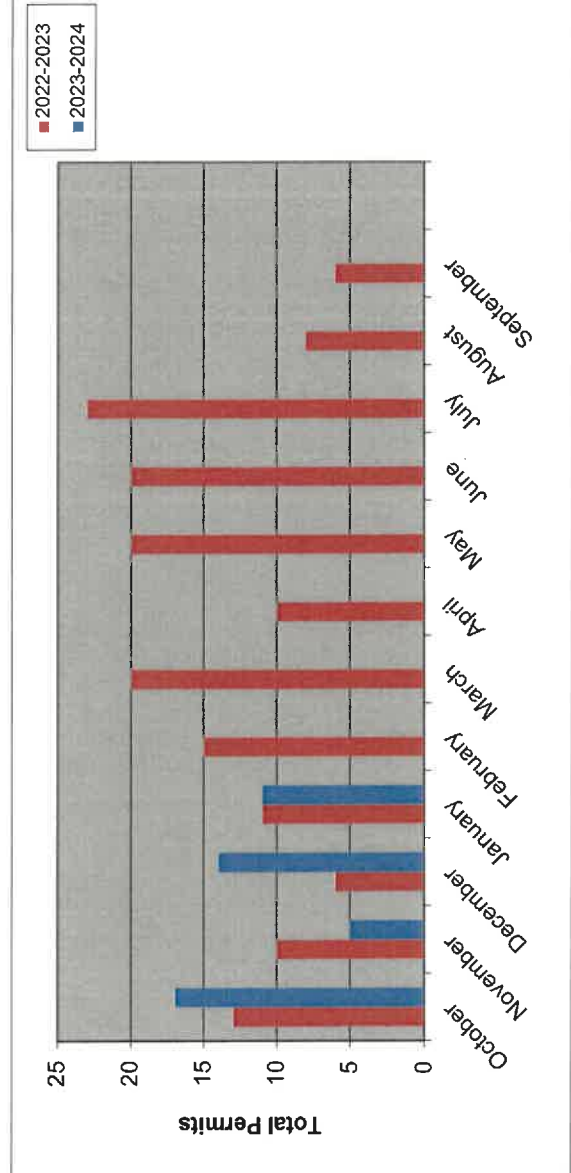
	Year	
	2023	2024
January	11	11
February	15	
March	20	
April	10	
May	20	
June	20	
July	23	
August	8	
September	6	
October	17	
November	5	
December	14	
Totals	169	11



New Residential Permits

Fiscal Year

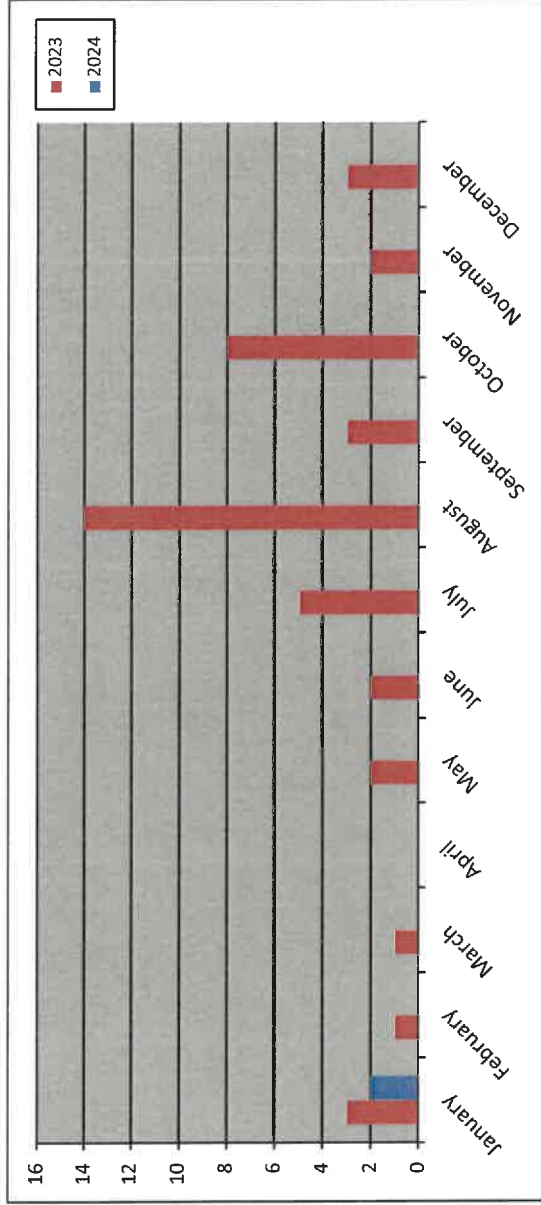
	Year	
	2022-2023	2023-2024
October	13	17
November	10	5
December	6	14
January	11	11
February	15	
March	20	
April	10	
May	20	
June	20	
July	23	
August	8	
September	6	
Totals	162	47



Residential Remodel/Additions Permits

Calendar Year

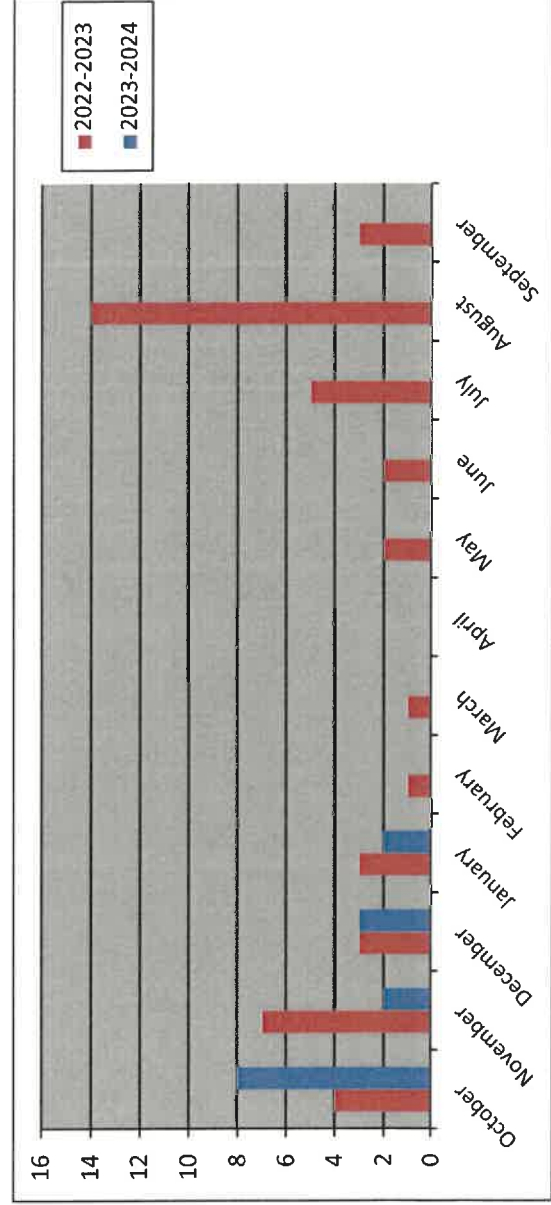
	Year	
	2023	2024
January	3	2
February	1	
March	1	
April	0	
May	2	
June	2	
July	5	
August	14	
September	3	
October	8	
November	2	
December	3	
Totals	44	2



Residential Remodel/Additions Permits

Fiscal Year

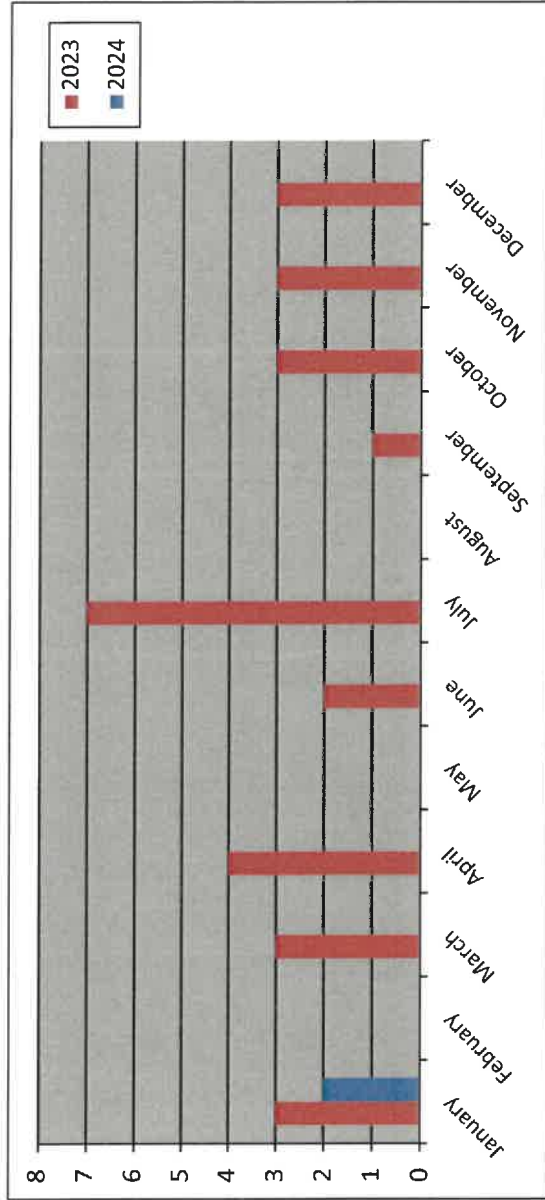
	Year	
	2022-2023	2023-2024
October	4	8
November	7	2
December	3	3
January	3	2
February	1	
March	1	
April	0	
May	2	
June	2	
July	5	
August	14	
September	3	
Totals	45	15



New Commercial Permits

Calendar Year

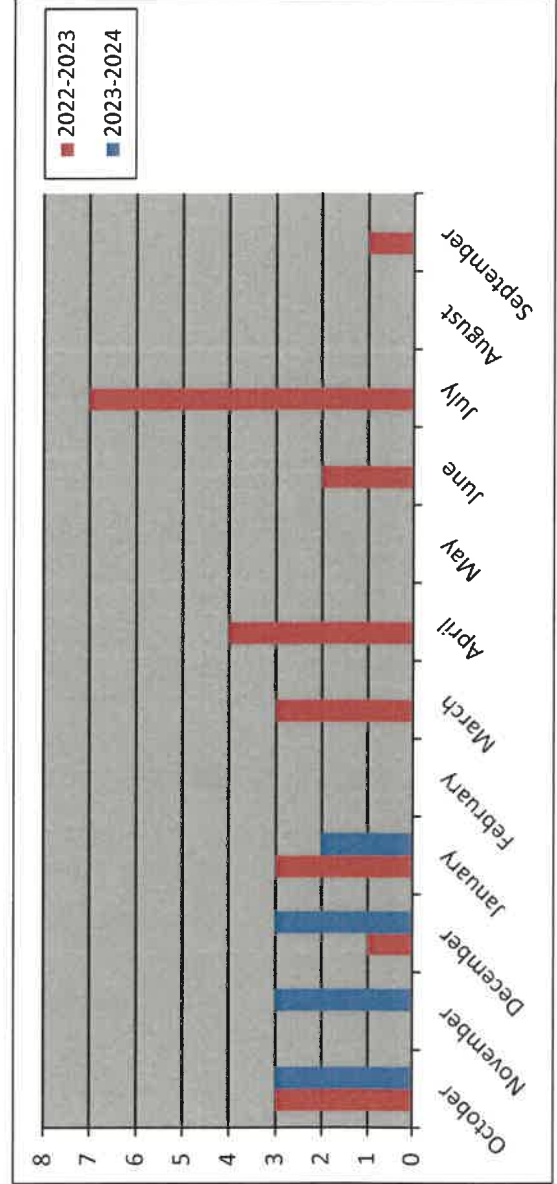
	Year	
	2023	2024
January	3	2
February	0	
March	3	
April	4	
May	0	
June	2	
July	7	
August	0	
September	1	
October	3	
November	3	
December	3	
Totals	29	2



New Commercial Permits

Fiscal Year

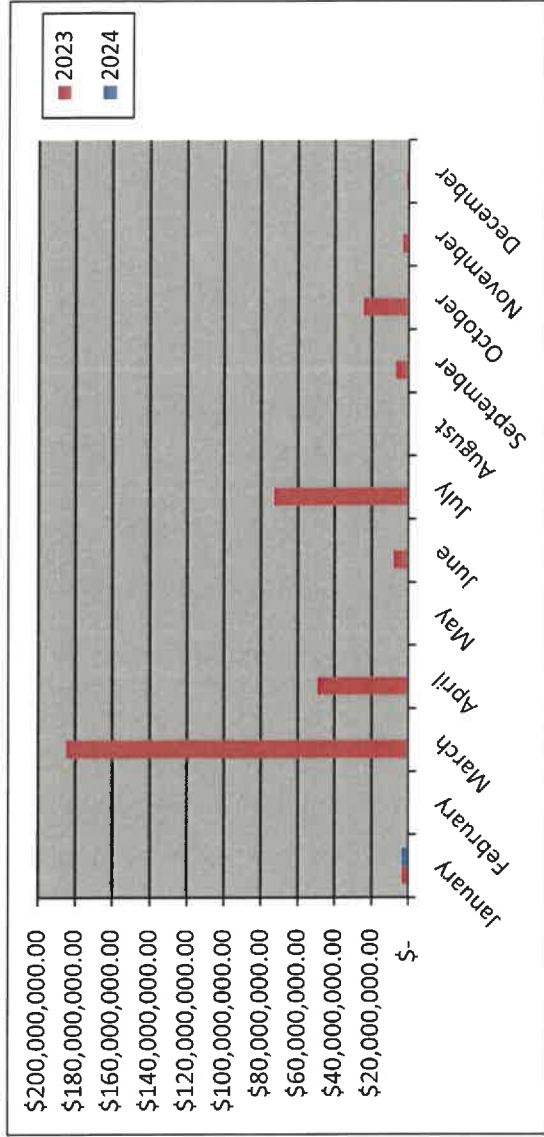
	Year	
	2022-2023	2023-2024
October	3	3
November	0	3
December	1	3
January	3	2
February	0	
March	3	
April	4	
May	0	
June	2	
July	7	
August	0	
September	1	
Totals	24	11



New Commercial Value

Calendar Year

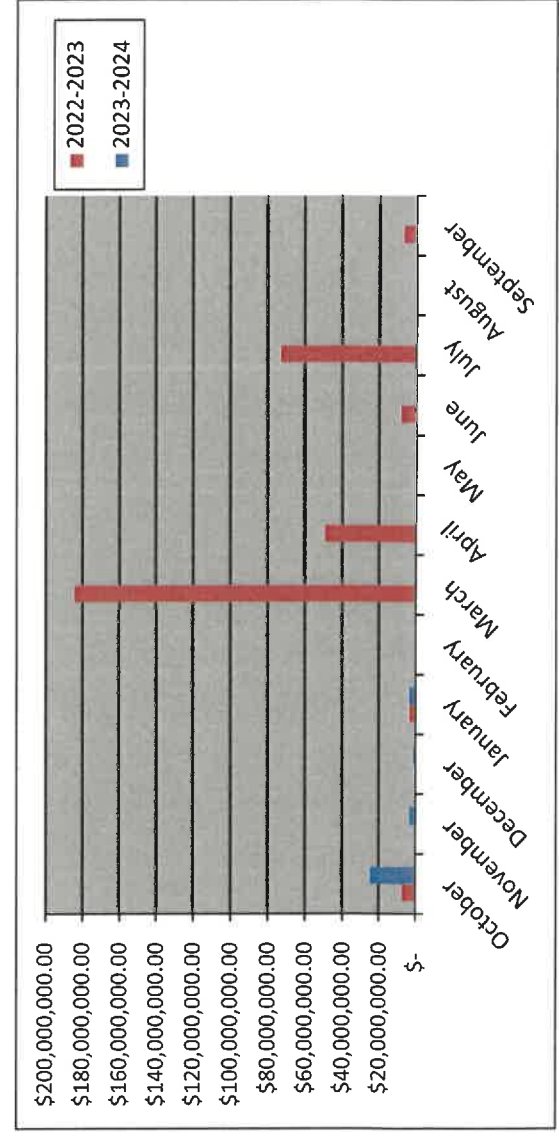
	Year	
	2023	2024
January	\$ 3,684,500.00	\$ 3,628,000.00
February	\$ -	
March	\$ 184,834,500.00	
April	\$ 49,466,652.00	
May	\$ -	
June	\$ 8,450,000.00	
July	\$ 73,254,209.00	
August	\$ -	
September	\$ 7,200,000.00	
October	\$ 25,014,439.00	
November	\$ 3,500,000.00	
December	\$ 1,539,000.00	
Totals	\$ 356,943,300.00	\$ 3,628,000.00



New Commercial Value

Fiscal Year

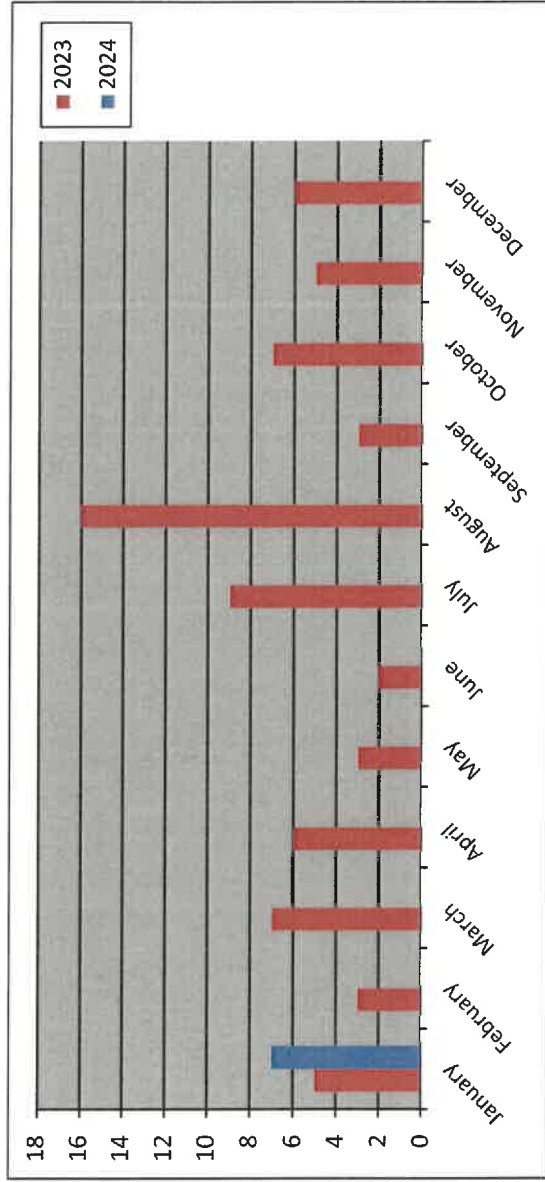
	Year	
	2022-2023	2023-2024
October	\$ 7,472,450.00	\$ 25,014,439.00
November	\$ -	\$ 3,500,000.00
December	\$ 1,000,000.00	\$ 1,539,000.00
January	\$ 3,684,500.00	\$ 3,628,000.00
February	\$ -	
March	\$ 184,834,500.00	
April	\$ 49,466,652.00	
May	\$ -	
June	\$ 8,450,000.00	
July	\$ 73,254,209.00	
August	\$ -	
September	\$ 7,200,000.00	
Totals	\$ 335,362,311.00	\$ 33,681,439.00



Commercial Remodel Permits

Calendar Year

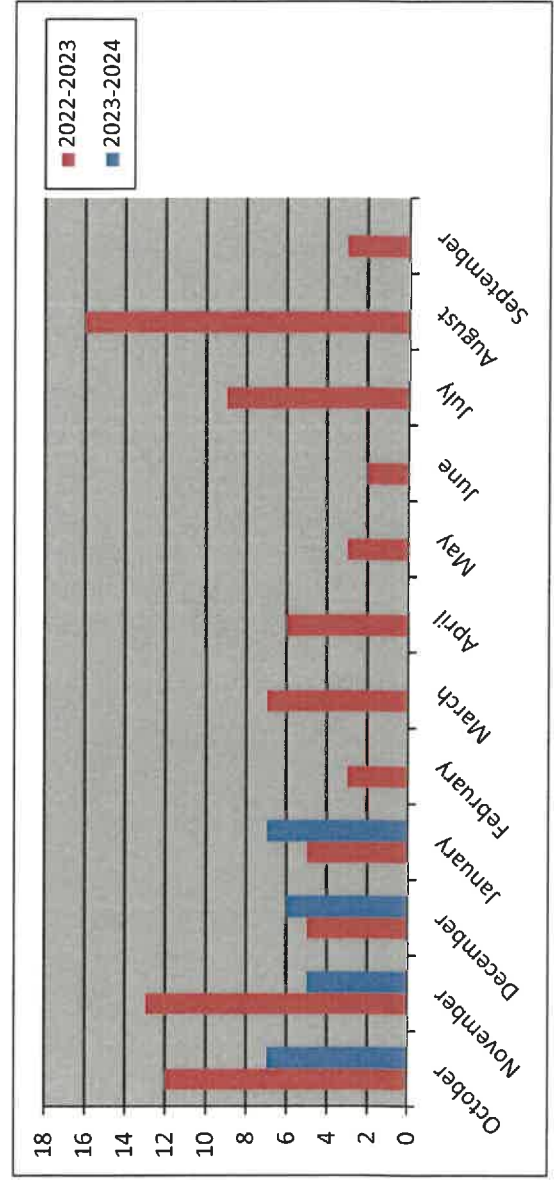
	Year	
	2023	2024
January	5	7
February	3	
March	7	
April	6	
May	3	
June	2	
July	9	
August	16	
September	3	
October	7	
November	5	
December	6	
Totals	72	7



Commercial Remodel Permits

Fiscal Year

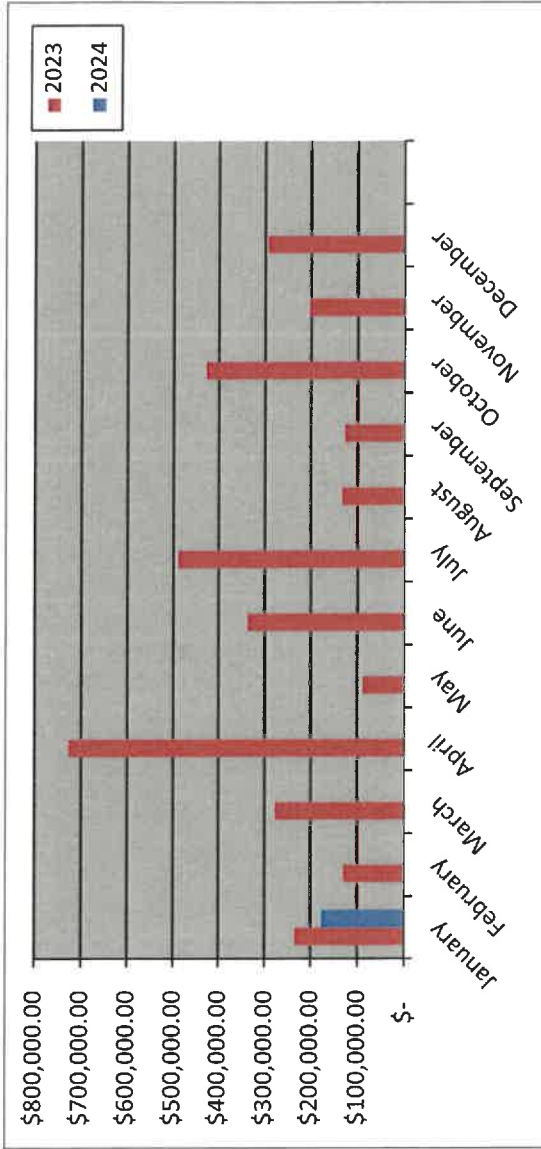
	Year	
	2022-2023	2023-2024
October	12	7
November	13	5
December	5	6
January	5	7
February	3	
March	7	
April	6	
May	3	
June	2	
July	9	
August	16	
September	3	
Totals	84	25



Total Fees Collected

Calendar Year

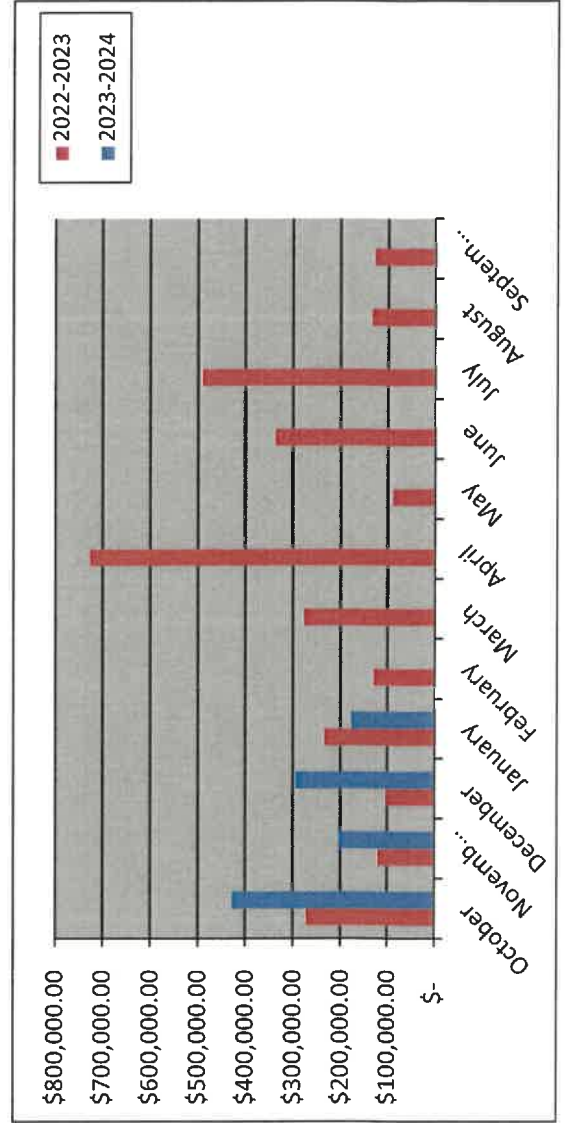
	Year	
	2023	2024
January	\$ 235,769.45	\$ 177,441.82
February	\$ 131,295.33	
March	\$ 278,577.39	
April	\$ 727,627.76	
May	\$ 91,036.40	
June	\$ 338,892.45	
July	\$ 491,588.49	
August	\$ 135,201.61	
September	\$ 129,729.04	
October	\$ 428,622.49	
November	\$ 204,858.87	
December	\$ 295,452.22	
Totals	\$ 3,488,651.50	\$ 177,441.82



Total Fees Collected

Fiscal Year

	Year	
	2022-2023	2023-2024
October	\$ 274,314.07	\$ 428,622.49
November	\$ 122,821.42	\$ 204,858.87
December	\$ 105,480.50	\$ 295,452.22
January	\$ 235,769.45	\$ 177,441.82
February	\$ 131,295.33	
March	\$ 278,577.39	
April	\$ 727,627.76	
May	\$ 91,036.40	
June	\$ 338,892.45	
July	\$ 491,588.49	
August	\$ 135,201.61	
September	\$ 129,729.04	
Totals	\$ 3,062,333.91	\$ 1,106,375.40



CERTIFICATES OF OCCUPANCY ISSUED

For the Period 1/1/2024 to 1/31/2024

Permit Number	Permit Type	Site Address	Total Fees		
Application Date	Subtype	Parcel Number	Valuation	Total SQFT	Fees Paid
Issue Date	Status of Permit	Subdivision Name			
	Business Name	Plan Number			
COM2022-2496	Commercial Building Permit				
05/02/2022	Certificate of Occupancy	2455 RIDGE RD		\$76.50	\$76.50
01/03/2024	ISSUED			3,291.00	
	KKE ROCKWALL LLC dba KID to KID				

Contact Type	Contact Name Business Phone	Contact Address			
Business Owner	Jana Wu 972-722-2980	2455 Ridge Rd, S. 143	Rockwall	TX	75087
Property Owner	2455 Ridge LLC	2701 Custer Parkway, S. 706	Richardson	TX	75080

Contractors

COM2023-4909	Commercial Building Permit				
10/04/2023	Certificate of Occupancy	108 ST MARYS ST,		\$76.50	\$76.50
01/29/2024	ISSUED	ROCKWALL, TX 75087		1,241.00	
	Reborn Skin & Beauty				

Contact Type	Contact Name Business Phone	Contact Address			
Business Owner	Ashley Egan 706-340-6302	108 St Mary St	Rockwall	TX	75087
Property Owner	Ashley Egan	108 St Mary St	Rockwall	TX	75087
Applicant	Justine Jones	108 St Mary St	Rockwall	TX	75087
Inspection Report C	Justine Jones	108 St Mary St	Rockwall	TX	75087

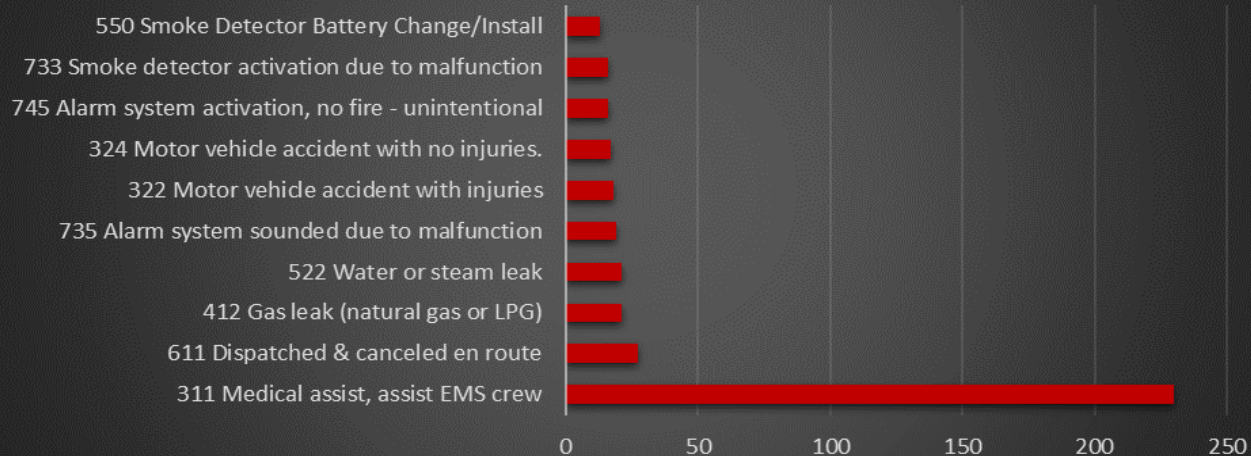
Contractors

Total Valuation:
Total Fees: \$153.00
Total Fees Paid: \$153.00



January 2024 Monthly Report

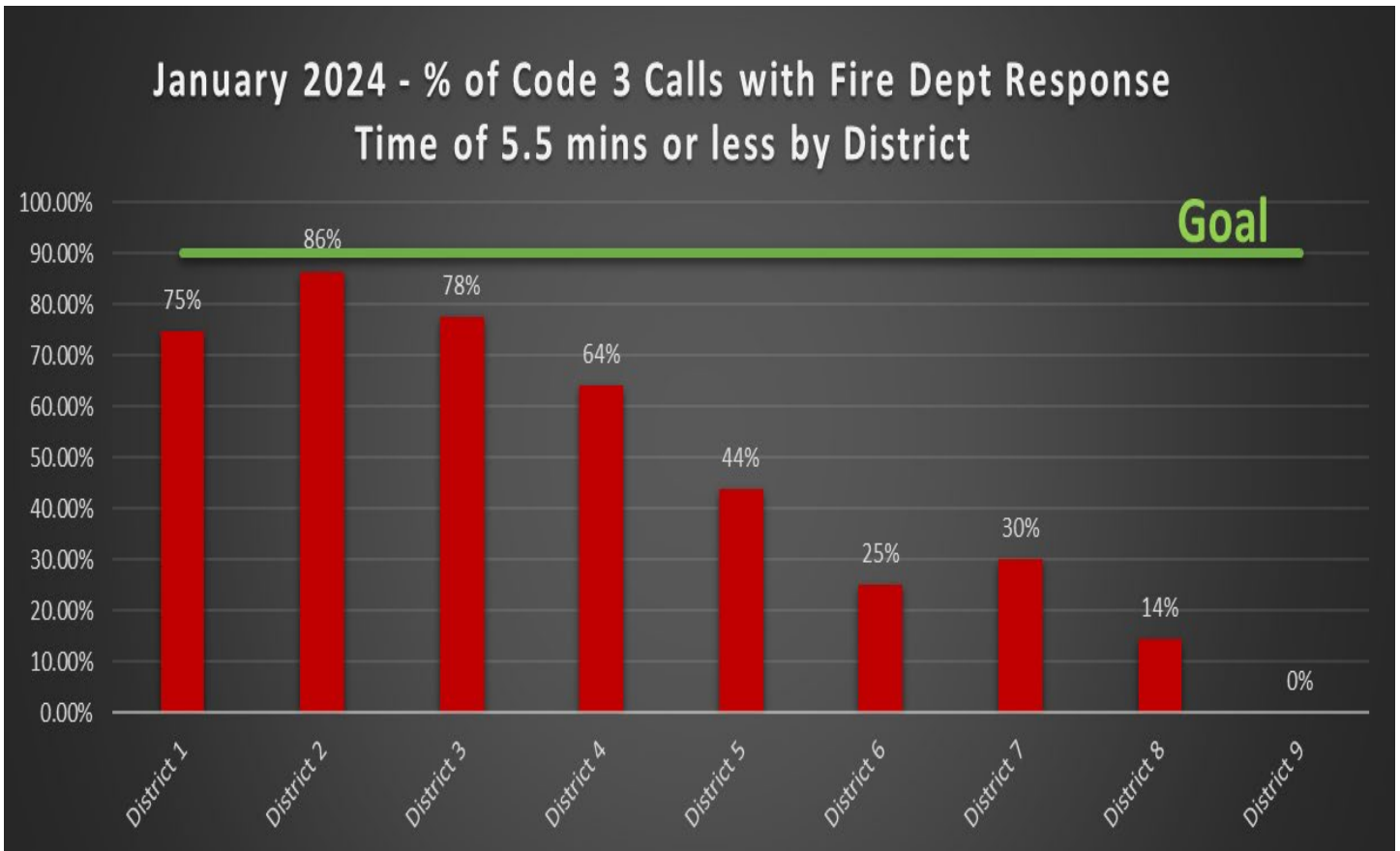
Top 10 NFIRS Call Types



All Calls By NFIRS Call Type	Incident Count
112 Fires in structure other than in a building	1
113 Cooking fire, confined to container	1
114 Chimney or flue fire, confined to chimney or flue	1
121 Fire in mobile home used as fixed residence	1
131 Passenger vehicle fire (cars, pickups, SUV's)	3
143 Grass fire	2
154 Dumpster or other outside trash receptacle fire	1
300 Rescue, EMS incident, other	1
311 Medical assist, assist EMS crew	230
322 Motor vehicle accident with injuries	18
323 Motor vehicle/pedestrian accident (MV Ped)	1
324 Motor vehicle accident with no injuries.	17
331 Lock-in (if lock out , use 511)	1
342 Search for person in water	1
353 Removal of victim(s) from stalled elevator	1
400 Hazardous condition, other	4
411 Gasoline or other flammable liquid spill	1
412 Gas leak (natural gas or LPG)	21
424 Carbon monoxide incident	2
440 Electrical wiring/equipment problem, other	1
444 Power line down	3
445 Arcing, shorted electrical equipment	3
500 Service Call, other	3
511 Lock-out	3
520 Water problem, other	8
522 Water or steam leak	21
531 Smoke or odor removal	2
550 Public service assistance, other	2
550 Smoke Detector Battery Change/Install	13
551 Assist police or other governmental agency	1
553 Public service	3
555 Defective elevator, no occupants	2
600 Good intent call, other	2
611 Dispatched & canceled en route	27
621 Wrong location	1
622 No incident found on arrival at dispatch address	3
651 Smoke scare, odor of smoke	1
671 HazMat release investigation w/no HazMat	1
700 False alarm or false call, other	3
711 Municipal alarm system, malicious false alarm	2
712 Direct tie to FD, malicious false alarm	1
715 Local alarm system, malicious false alarm	1
730 System malfunction, other	5
731 Sprinkler activation due to malfunction	7
733 Smoke detector activation due to malfunction	16
735 Alarm system sounded due to malfunction	19
736 CO detector activation due to malfunction	2
740 Unintentional transmission of alarm, other	1
741 Sprinkler activation, no fire - unintentional	8
743 Smoke detector activation, no fire - unintentional	7
744 Detector activation, no fire - unintentional	2
745 Alarm system activation, no fire - unintentional	16
Grand Total	498

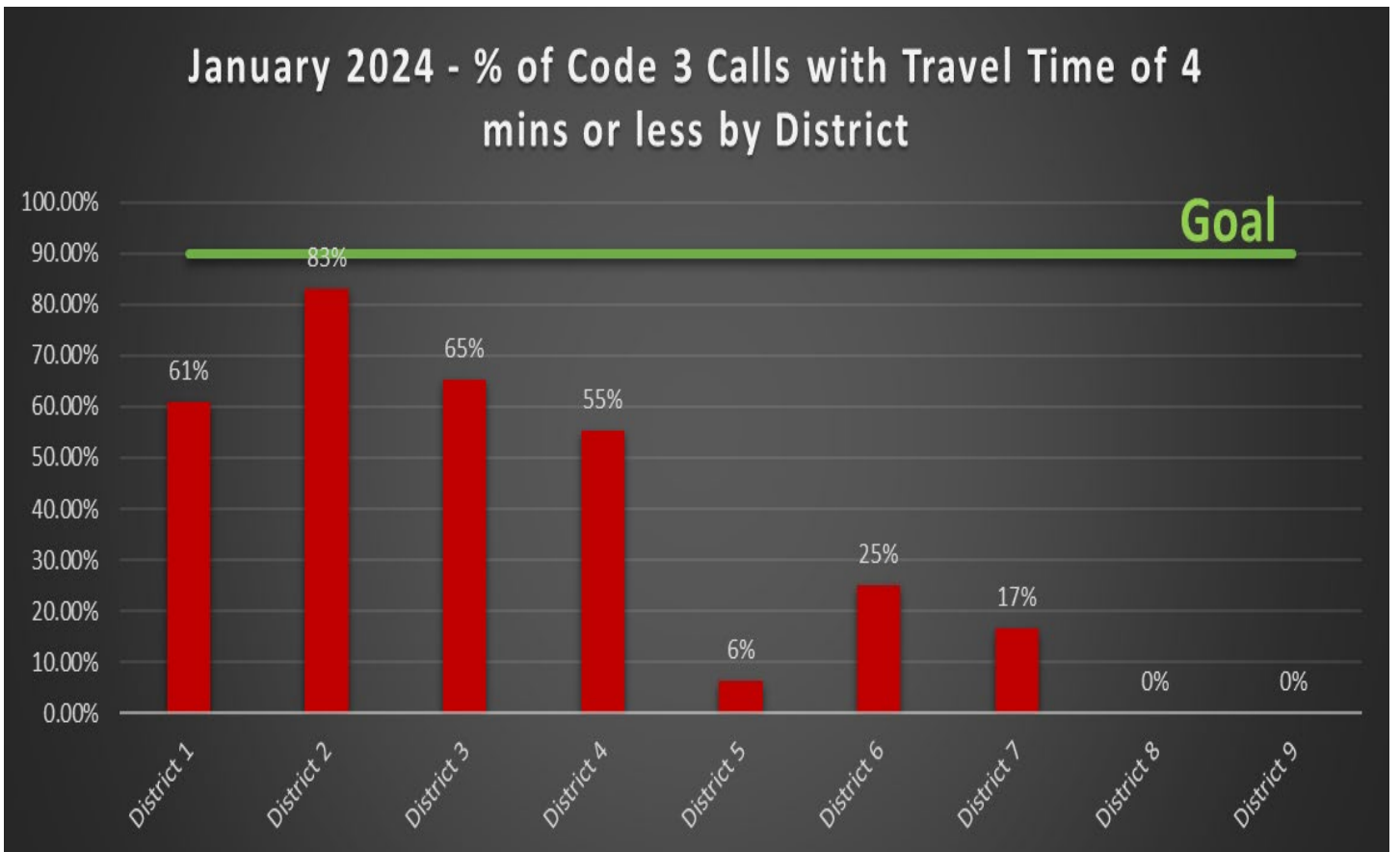
January 2024 Dispatch to Arrival Analysis

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	115	29%	86	0:05:14	75%	90%
District 2	111	28%	96	0:04:19	86%	90%
District 3	49	12%	38	0:04:21	78%	90%
District 4	67	17%	43	0:05:57	64%	90%
District 5	16	4%	7	0:05:47	44%	90%
District 6	4	1%	1	0:08:13	25%	90%
District 7	30	8%	9	0:07:19	30%	90%
District 8	7	2%	1	0:06:58	14%	90%
District 9	1	0%	0	0:07:17	0%	90%
Department	400	100%	281	0:05:14	70%	90%



January 2024 Travel Time 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	115	29%	70	0:04:22	61%	90%
District 2	111	28%	92	0:03:11	83%	90%
District 3	49	12%	32	0:03:24	65%	90%
District 4	67	17%	37	0:05:03	55%	90%
District 5	16	4%	1	0:05:01	6%	90%
District 6	4	1%	1	0:07:17	25%	90%
District 7	30	8%	5	0:06:16	17%	90%
District 8	7	2%	0	0:05:59	0%	90%
District 9	1	0%	0	0:06:05	0%	90%
Department	400	100%	238	0:04:16	60%	90%





Total Dollar Losses

January 2024



City of Rockwall
The New Horizon

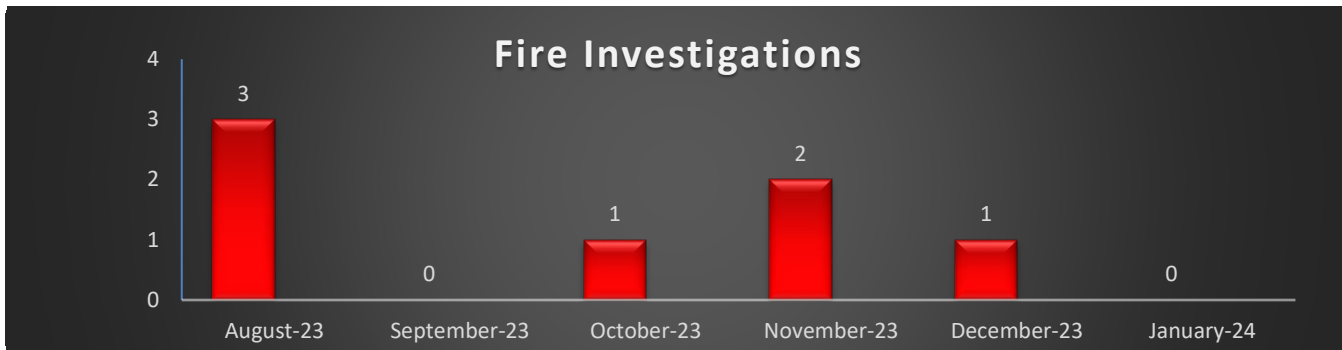
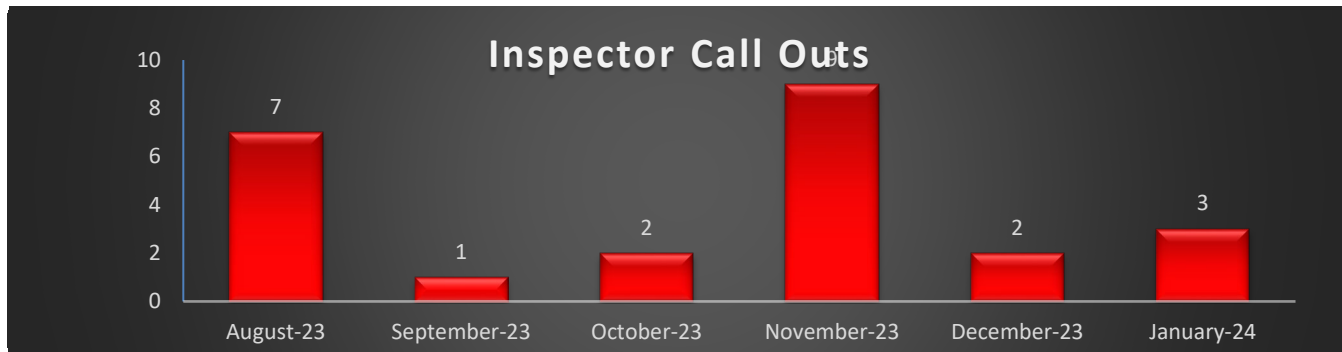
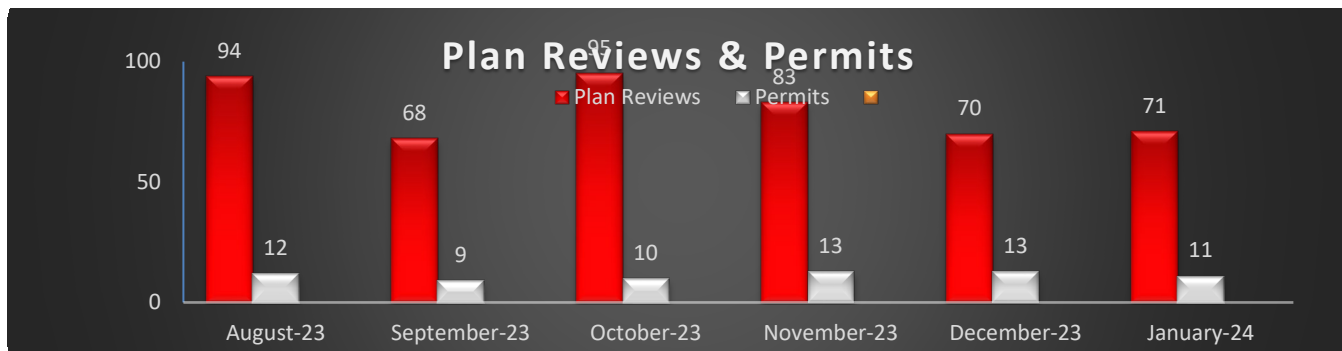
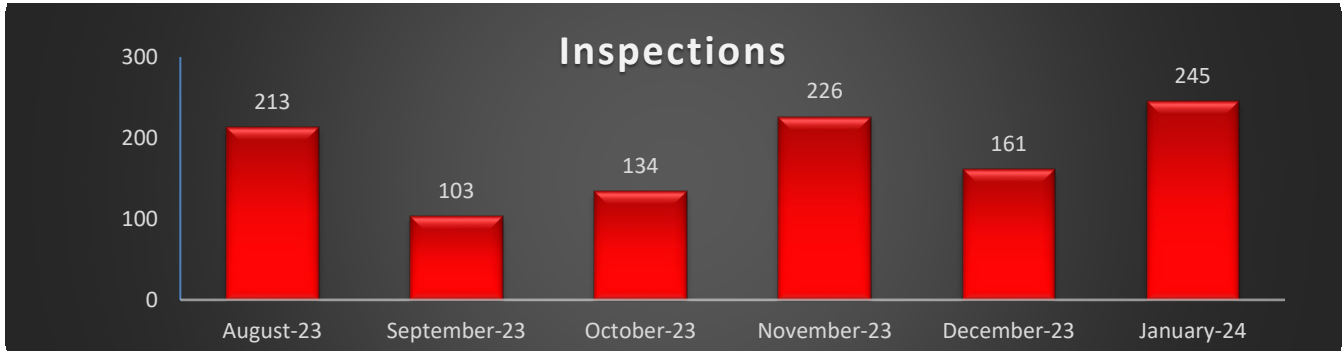
Rockwall Fire Department

Print Date/Time: 02/12/2024 16:39
Login ID: rck\ldgang
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:	\$0.00	\$0.00	\$526,000.00	\$0.00	\$526,000.00
Total Content Loss:	\$0.00	\$0.00	\$510,100.00	\$0.00	\$510,100.00
Total Property Pre-Incident Value:	\$0.00	\$0.00	\$51,194,140.00	\$0.00	\$51,194,140.00
Total Contents Pre-Incident Value	\$0.00	\$0.00	\$12,000,000.00	\$0.00	\$12,000,000.00
Total Losses:	\$0.00	\$0.00	\$1,036,100.00	\$0.00	\$0.00
Total Value:	\$0.00	\$0.00	\$63,194,140.00	\$0.00	\$63,194,140.00

Fire Prevention, Education, & Investigations Division Monthly Report January 2024





Monthly Report January 2024

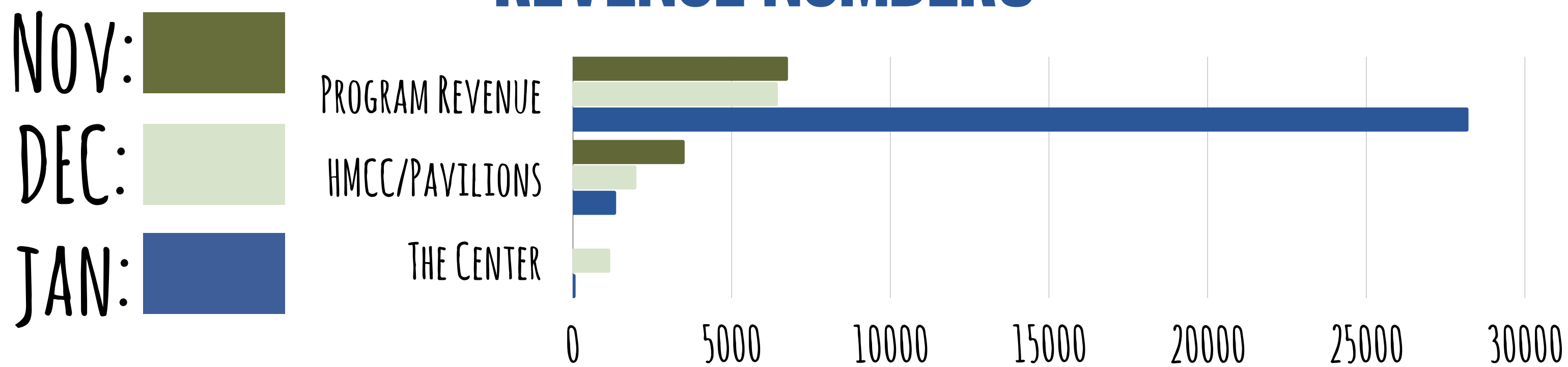


DADDY DAUGHTER DANCE

719 ATTENDEES



REVENUE NUMBERS



Upcoming:

Senior Casino Trip	March 21, 2024
Spring Eggstravaganza	March 23, 2024

PARKS PROJECT UPDATE – JAN 2024



PARK STORAGE



PARK STORAGE BUILDING
FABRICATION



GLORIA WILLIAMS BASKETBALL
COURT RESURFACING



NATHAN BUTLER CEMETERY GRANITE TRAIL

Other Projects

HARRY MYERS HOLE 15 REALIGNMENT DUE TO NEW SUBDIVISION

GLORIA WILLIAMS PARK SIGN DAMAGE REMOVAL

Rockwall Police Department

Monthly Activity Report

January-2024

ACTIVITY	CURRENT MONTH JANUARY	PREVIOUS MONTH DECEMBER	YTD 2024	YTD 2023	YTD % CHANGE
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Homicide / Manslaughter	0	0	0	0	0.00%
Sexual Assault	0	1	0	0	0.00%
Robbery	1	0	1	1	0.00%
Aggravated Assault	7	3	7	4	75.00%
Burglary	8	1	8	1	700.00%
Larceny	51	70	51	51	0.00%
Motor Vehicle Theft	2	2	2	7	-71.43%
TOTAL PART I	69	77	69	64	7.81%
TOTAL PART II	107	120	107	115	-6.96%
TOTAL OFFENSES	176	197	176	179	-1.68%

ADDITIONAL STATISTICS

FAMILY VIOLENCE	13	6	13	15	-13.33%
D.W.I.	8	8	8	8	0.00%

ARREST

FELONY	22	21	22	26	-15.38%
MISDEMEANOR	47	52	47	46	2.17%
WARRANT ARREST	11	7	11	6	83.33%
JUVENILE	4	7	4	5	-20.00%
TOTAL ARRESTS	84	87	84	83	1.20%

DISPATCH

CALLS FOR SERVICE	1954	2234	1954	2224	-12.14%
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ACCIDENTS

INJURY	1	1	1	2	-50.00%
NON-INJURY	81	125	81	71	14.08%
FATALITY	0	0	0	0	0.00%
TOTAL	82	126	82	73	12.33%

FALSE ALARMS

RESIDENT ALARMS	41	42	41	42	-2.38%
BUSINESS ALARMS	157	119	157	131	19.85%
TOTAL FALSE ALARMS	198	161	198	173	14.45%
Estimated Lost Hours	130.68	106.26	130.68	114.18	14.45%
Estimated Cost	\$3,108.60	\$2,527.70	\$3,108.60	\$2,716.10	14.45%

ROCKWALL NARCOTICS UNIT

Number of Cases	2
Arrests	3
Arrest Warrants	1
Search Warrants	1
Seized	
Marijuana	1 ounce
Methamphetamine	19 grams
Dangerous Drugs/Fentanyl	200 pills
THC Oil	9 grams

Rockwall Police Department

Dispatch and Response Times

January 2024

Police Department

Average Response Time		
Priority 1		Number of Calls 168
Call to Dispatch	0:01:01	
Call to Arrival	0:05:32	
% over 7 minutes	24%	
Average Response Time		
Priority 2		Number of Calls 726
Call to Dispatch	0:02:46	
Call to Arrival	0:09:20	
% over 7 minutes	20%	
Average Response Time		
Priority 3		Number of Calls 60
Call to Dispatch	0:04:51	
Call to Arrival	0:13:09	
% over 7 minutes	58%	

Average dispatch response time goals are as follows:

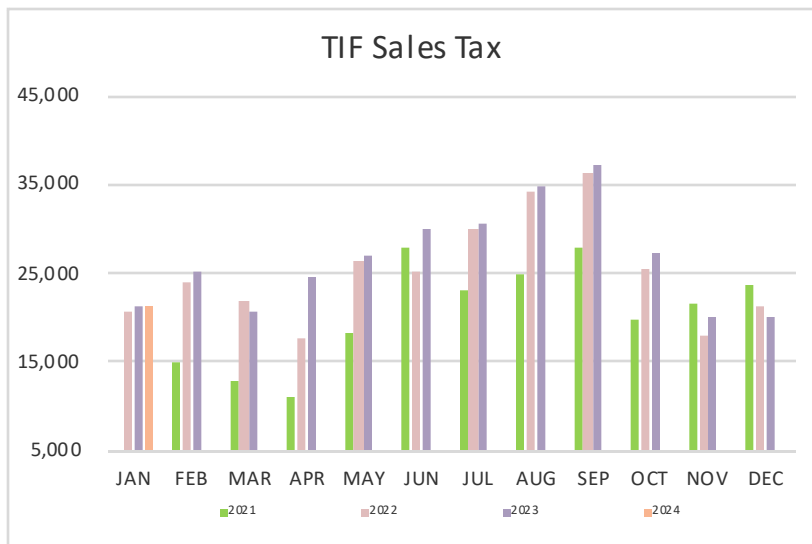
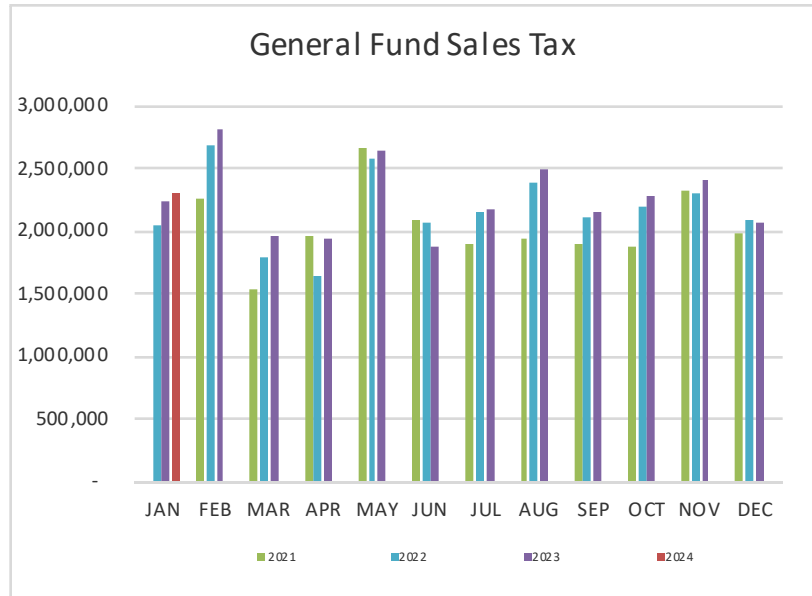
Priority 1: 1 Minute

Priority 2: 1 Minute, 30 Seconds

Priority 3: 3 Minutes

Sales Tax Collections - Rolling 36 Months

	<u>General Fund</u>	<u>TIF</u>
	<u>Sales Tax</u>	<u>Sales Tax</u>
Feb-21	2,244,778	14,935
Mar-21	1,521,031	12,738
Apr-21	1,952,165	10,954
May-21	2,651,412	18,252
Jun-21	2,080,645	27,773
Jul-21	1,877,982	22,940
Aug-21	1,930,521	24,860
Sep-21	1,882,276	27,803
Oct-21	1,860,016	19,744
Nov-21	2,317,862	21,385
Dec-21	1,963,345	23,464
Jan-22	2,040,002	20,495
Feb-22	2,664,185	23,976
Mar-22	1,786,902	21,605
Apr-22	1,633,850	17,548
May-22	2,559,349	26,254
Jun-22	2,050,066	25,127
Jul-22	2,135,457	29,738
Aug-22	2,381,510	34,190
Sep-22	2,092,217	36,105
Oct-22	2,177,040	25,420
Nov-22	2,291,130	17,990
Dec-22	2,068,593	21,213
Jan-23	2,231,654	21,134
Feb-23	2,792,696	24,982
Mar-23	1,949,994	20,438
Apr-23	1,938,490	24,487
May-23	2,631,033	26,766
Jun-23	1,859,485	29,862
Jul-23	2,169,495	30,350
Aug-23	2,483,321	34,558
Sep-23	2,149,947	37,018
Oct-23	2,260,609	27,209
Nov-23	2,407,536	19,977
Dec-23	2,054,537	19,906
Jan-24	2,300,943	21,155



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>
Nov-21	280,398,508	9,346,618	12,584,820
Dec-21	262,730,021	8,475,163	10,313,293
Jan-22	245,557,172	7,921,199	10,742,941
Feb-22	211,955,941	7,569,855	10,394,759
Mar-22	256,035,618	8,529,214	10,544,988
Apr-22	281,707,217	9,390,241	11,718,730
May-22	356,050,664	11,485,506	15,634,756
Jun-22	496,374,560	16,545,820	21,414,344
Jul-22	679,705,160	21,925,974	24,474,168
Aug-22	534,145,350	17,230,494	23,206,750
Sep-22	434,247,536	14,474,915	17,617,728
Oct-22	421,229,833	13,588,058	17,692,206
Nov-22	228,795,657	7,626,522	11,187,251
Dec-22	249,341,535	8,043,275	12,260,392
Jan-23	243,528,725	7,855,765	11,040,666
Feb-23	198,103,255	7,075,116	8,544,708
Mar-23	220,326,930	7,107,320	10,825,669
Apr-23	292,874,560	9,762,486	13,280,734
May-23	355,482,851	11,467,189	16,032,988
Jun-23	491,086,630	16,369,555	21,693,510
Jul-23	587,439,800	18,949,672	23,599,534
Aug-23	742,795,770	23,961,154	25,727,492
Sep-23	637,062,410	21,235,410	31,876,280
Oct-23	461,067,498	14,873,145	20,317,822
Nov-23	307,169,395	10,238,981	12,875,885
Dec-23	277,770,415	8,960,337	13,375,678
Jan-24	326,749,166	10,540,296	21,931,696

Source: SCADA Monthly Reports generated at the Water Pump Stations

