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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
Tuesday, September 06, 2016  
4:00 p.m. Regular City Council Meeting  
City Hall - 385 S. Goliad, Rockwall, Texas 75087

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I. CALL PUBLIC MEETING TO ORDER

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Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Mike Townsend, and City Council Members David White, John Hohenshelt, Scott Milder and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza. Council Member Dennis Lewis was absent from the meeting.

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II. WORK SESSION

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1. Hold work session with representative(s) of the Rockwall Professional Firefighters Association to hear presentation regarding emergency medical services ("first responder") related duties.

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Mike Caffey, Rockwall firefighter and current President of the Rockwall Professional Firefighters Association, came forth and introduced himself and Adam Honea, current Vice President of the RPPFA. Mr. Caffey then provided a lengthy presentation to the city council regarding the possibility of the Rockwall Fire Department potentially beginning to provide "first responder" type services when emergency medical calls (EMS calls) come in within the city. Dialogue ensued among council members and Mr. Caffey pertaining to things like the EMS system in Rockwall (including the current ambulance service provider), response times, and potential fire department assistance with regards to being dispatched to assist with administering basic life support ("first responder"). Mitch Ownby of Medic Rescue (Rockwall County EMS) came forth and provided input during the work session as well, generally indicating that he believes having assistance from FD first responders would be beneficial, especially on certain calls (depending on the acuteness of the patient's circumstances and the situation overall).

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Mayor Pruitt read the below listed Executive Session discussion items into the public record as well as Z2016-026 and Z2016-025 before recessing the meeting to go into Executive Session (at 5:08 p.m.).

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III. EXECUTIVE SESSION.

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

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49
1. Discussion regarding legal options available to the City pertaining to possible violations of drainage and detention development standards pursuant to Section §551.071 (Consultation with Attorney)
  2. Discussion regarding proposed sale of city land for a possible private project pursuant to Sections 551.072 (Real Property) and Section 551.087 (Economic Development Negotiations).

- 50 3. Discussion regarding negotiations of an Access Agreement generally located along Ridge  
51 Road south of Summit Ridge, pursuant to Section 551.071 (Consultation with Attorney).

52  
53 **IV. ADJOURN EXECUTIVE SESSION**

54  
55 **Council adjourned from Executive Session at 5:35 p.m.**

56  
57 **V. RECONVENE PUBLIC MEETING**

58  
59 **Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all council members except**  
60 **Councilman Lewis being present.**

61  
62 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

63  
64 **Mayor Pro Tem Townsend moved to authorize the City Manager to finalize a settlement with**  
65 **Skorburg Development Corporation regarding the detention pond development.**  
66 **Councilmember White seconded the motion, which passed unanimously of those present**  
67 **(Lewis absent).**

68  
69 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT**

70  
71 **Mayor Pruitt delivered the invocation and led the Pledge of Allegiance.**

72  
73 **VIII. PROCLAMATIONS / AWARDS**

74  
75 1. **Constitution Week**

76  
77 **Mayor Pruitt recognized several members of the “Daughters of the American**  
78 **Revolution” who were present to say a few words about the U.S. Constitution hand**  
79 **out small American flags and encourage everyone to take about forty-five minutes to**  
80 **read the U.S. Constitution. He then read this proclamation into the public record.**

81  
82 2. **National Preparedness Month**

83  
84 **Mayor Pruitt called forth Police Chief Kirk Riggs and Fire Chief Mark Poindexter. He shared**  
85 **a few words, acknowledging the training and work that our first responders participate in,**  
86 **year round, to help prepare and keep our citizens safe. He then read a proclamation**  
87 **declaring the month of September as “National Preparedness Month.”**

88  
89 **Chief Riggs of the Rockwall Police Department provided brief comments, expressing that**  
90 **his staff is well trained and prepared to any sort of tactical or other event. He generally**  
91 **thanked the city council for approving appropriate budgetary items that allow his staff to be**  
92 **ready. He thanked the community for its outpouring of support, especially following the**  
93 **tragic events that recently affected the Dallas PD.**

94  
95 **Chief Poindexter shared that most people do not typically think about making an emergency**  
96 **supply kit to allow them to sustain themselves for a period of 72 hours or keep important**  
97 **documents in two, separate places (i.e. social security card, driver’s license, birth**  
98 **certificate) in case they are needed following a disaster like the tornado that affected**  
99 **Rowlett and Garland. He encouraged citizens to take personal emergency preparedness to**  
100 **heart and to handle it with a proper level of seriousness, especially in light of the tornado**

101 that hit our neighboring cities this past December. He thanked his staff and the city's CERT  
102 Team for their work.

103  
104 IX. OPEN FORUM

105  
106 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to  
107 come forth and speak at this time. There being no one indicating such, he then closed the  
108 Open Forum.

109  
110 X. CONSENT AGENDA

- 111  
112 1. Consider approval of the minutes from the August 15, 2016 regular City  
113 Council Meeting, and take any action necessary.
- 114 2. Consider approval of the minutes from the August 16, 2016 Town Hall  
115 Meeting, and take any action necessary.
- 116 3. Consider approval of the minutes from the August 25, 2016 Budget Work  
117 Session, and take any action necessary.
- 118 4. **Z2016-022** - Consider a request by Mark W. Pross of Pross Design Group,  
119 Inc. on behalf of Robert Reece of SPR Packaging, LLC for the approval of  
120 an **ordinance** for a Specific Use Permit (SUP) to allow for a structure that  
121 exceeds 60-feet in height in a Light Industrial (LI) District in conjunction with  
122 an existing manufacturing facility situated on 10.1893-acre parcel of land  
123 identified as Lot 2, Block A, SPR Packaging Addition, City of Rockwall,  
124 Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as  
125 1480 Justin Road, and take any action necessary. **(2nd Reading)**
- 126 5. Consider authorizing the City Manager to execute a Memorandum of  
127 Understanding with surrounding agencies to form the Northeast Texas Child  
128 Abduction Team (CART) for the purpose of providing additional resources to  
129 law enforcement agencies during missing children situations, and take any  
130 action necessary.
- 131 6. Consider approval of an expenditure to Double R Utilities, Inc. for the  
132 emergency repair/relocation of a 20-inch water main at the northwest corner  
133 of John King Boulevard and SH 276 in the amount of \$28,630.00 to be paid  
134 from the water operating budget, and take any action necessary.
- 135 7. Consider approval of a resolution authorizing the City Manager to execute an  
136 Interlocal and Cooperative Purchasing Program Contract between the Harris  
137 County Department of Education and the City of Rockwall, and take any  
138 action necessary.
- 139 8. Consider awarding a bid to ICOR Technology and authorizing the City  
140 Manager to execute a Purchase Order for the purchase of a SWAT Robot in  
141 the amount of \$48,498.11 with \$20,000 to be funded from a grant through  
142 the Texas Governor's Office, and \$28,498.11 to be funded from Seized  
143 Funds, and take any action necessary.
- 144 9. **P2016-036** - Consider a request by Matt Moore of Claymoore Engineering,  
145 Inc. on behalf of Saint George Partners, LTD for the approval of a final plat  
146 for Lot 1, Block A, Service King IH-30 Addition being a 3.293-acre tract of  
147 land currently described as Tract 7-01 of the J. Lockhart Survey, Abstract  
148 No. 134, City of Rockwall, Rockwall County, Texas, located at 1780 E IH-30,

149 zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30  
150 OV) District, and take any action necessary.

151 **10. P2016-037** - Consider a request by Dub Douphrate of Douphrate &  
152 Associates, Inc. on behalf of D. R. Horton for the approval of an amending  
153 plat Lakeview Summit, Phase IV for the purpose of adding utility easements  
154 to the 93 residential lots proposed for the 38.056-acre subdivision situated  
155 within the J. H. B. Jones Survey, Abstract No. 124 and the Nathan Butler  
156 Survey, Abstract No. 21, City of Rockwall, Rockwall County, Texas, zoned  
157 Planned Development District 29 (PD-29) for Single-Family 10 (SF-10)  
158 District land uses, located north of the intersection of Petaluma Drive and N.  
159 Lakeshore Drive, and take any action necessary.

160 **Councilman Milder made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6,**  
161 **7, 8, 9, and 10). Councilmember White seconded the motion. The ordinance (for #4) was**  
162 **read as follows:**

163 **CITY OF ROCKWALL**  
164 **ORDINANCE NO. 16-46**  
165 **SPECIFIC USE PERMIT NO. S-155**  
166

167 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
168 **AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE**  
169 **CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A**  
170 **SPECIFIC USE PERMIT (SUP) ALLOWING FOR A STRUCTURE TO EXCEED THE**  
171 **MAXIMUM HEIGHT REQUIREMENT WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT,**  
172 **BEING A 10.1893-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2, BLOCK A, SPR**  
173 **PACKAGING ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS,**  
174 **ADDRESSED AS 1480 JUSTIN ROAD, AND MORE SPECIFICALLY DESCRIBED IN**  
175 **EXHIBIT 'A' AND DEPICTED IN EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS;**  
176 **PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO**  
177 **THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**  
178 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR**  
179 **AN EFFECTIVE DATE.**

180  
181 **The motion passed unanimously of those present (1 (Lewis) absent).**  
182

183 **XI. APPOINTMENTS**  
184

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

188 **Craig Renfro, Chairman of the Planning & Zoning Commission, came forth and briefed the**  
189 **city council members on recommendations of the Commission relative to planning-related**  
190 **items on tonight's meeting agenda. Brief dialogue ensued; however, the Council took no**  
191 **action as a result of this Appointment Item.**  
192

193 **2. Appointment with Jerry Welch, on behalf of Allegiance Title, to hear request**  
194 **concerning waiver of facility rental fees at The Center associated with a Chili**  
195 **Cook-off to be held on October 7th to benefit local Rockwall charities, and**  
196 **take any action necessary.**

197 **Mr. Welch came forth and explained that this Chili Cook-off has been done for a couple of**  
198 **years in a row, and Allegiance Title heads it up. They have averaged about \$2,000 / year in**  
199 **fundraising, and they are looking at holding it at The Center this year. The fees will likely**

200 run between \$800-1,000, and they would like the Council to consider a waiver of sorts so  
201 that this money can be given to the charities instead of being spent on rental fees.

202 Mayor Pro Tem Townsend asked if Mr. Welch has considered applying for Hotel/Motel Tax  
203 funding. Mr. Welch indicated that he has not done so because he did not feel like this  
204 would be an event that would necessarily qualify for that type of funding. Councilmember  
205 White suggested that Mr. Welch visit with Assistant City Manager Mary Smith to discuss  
206 how this may be able to be worked out.

207 The Council took no formal action following its discussion.

208 **XII. PUBLIC HEARING ITEMS**

- 209
- 210 1. Hold a public hearing to receive comments regarding the proposed FY 2017  
211 City of Rockwall budget and tax rate, and take any action necessary.

212 Mayor Pruitt opened the public hearing and called upon the city manager, Rick Crowley, to  
213 provide brief comments. The Proposed budget includes, in part, the following items:

- 214 • Six additional personnel including three Fire Drivers, a Police Captain, a Patrol  
215 Officer and a Streets Field Supervisor;
- 216 • \$1 million dollars in street repair materials;
- 217 • Increase in Street Maintenance of \$400,000;
- 218 • Numerous repair projects in the Parks Department budget.

219

220 He explained that the proposed tax rate is just slightly under the 'effective rate,' which is the  
221 rate that will result in collecting essentially the same amount of revenue (taxes) as was  
222 collected last year. He explained that there was about \$100 million in new, taxable value  
223 added within the city. Also, sales tax revenue within the city has been healthy and very  
224 positive as well. In addition, refinancing on some of the debt that had been previously  
225 issued has also freed up money that has allowed the tax rate to be kept down.  
226 Councilmember White also pointed out that appraisals, on average, recently went up about  
227 8%.

228 There being no one wishing to come forth and speak during the Public Hearing, Mayor  
229 Pruitt then closed the public hearing.

230 Mr. Crowley explained that since the city will not be exceeding the effective tax rate,  
231 tonight's public hearing on the budget is the only one that is required to be held (by City  
232 Charter).

233 No formal action was taken following discussion of this Public Hearing item.

- 234 2. **Z2016-026** - Hold a public hearing to discuss and consider a request by  
235 Jason Lentz of Atticus Rockwall, LLC for the approval of an ordinance for a  
236 PD Development Plan establishing 36 townhouses on a 3.462-acre portion  
237 of a larger 6.915-acre tract of land identified as Lots 3A, 4A & 5A, Isaac  
238 Brown Addition, City of Rockwall, Rockwall County, Texas, zoned Planned  
239 Development District 32 (PD-32), situated within the Residential Subdistrict  
240 and within the Scenic Overlay (SOV) District, located north of the  
241 intersection of Ridge Road [FM-740] and Glen Hill Way, and take any action  
242 necessary (**1st Reading**).

243 Mayor Pruitt clarified that this development is located within PD-32, which is in The Harbor  
244 District. Planning Director, Ryan Miller, then provided background information pertaining to  
245 this agenda item, indicating that this property is located in between Summer Lee Drive and  
246 Ridge Road, just south of Horizon. It is a residential sub-district that allows for 49 single-

247 family zero lot line homes. The applicant's request is for a PD development plan to allow for  
248 36 townhomes. According to our ordinance, the townhouse use requires an SUP in a  
249 residential sub-district; however, after reviewing the concept plan and the intent of the sub-  
250 district, staff felt like a PD development plan was the best option. The townhomes will have  
251 front entries and range from 1,600 to 2,100 square feet with one to three bedroom units. Mr.  
252 Miller went on to explain several factors, including the alignment of roadways. The  
253 development will be accessible from two (2) main points of entry, the first from a public  
254 roadway that will be constructed (*if approved*) with the Harbor Urban Center Condominiums  
255 [Case No. Z2016-026] and a future roadway that will connect the Harbor District to Ridge  
256 Road [FM-740].  
257

258 On July 22, 2016, staff mailed 52 notices to property owners and residents within 500-feet of  
259 the subject property. Staff also emailed notices to the Lago Vista Homeowner's  
260 Associations (HOA), which is the only HOA's located within 1,500-feet of the subject  
261 property. Additionally, staff posted a sign on the subject property along Summer Lee Drive  
262 as required. At the time, this case memo was drafted three (3) responses in favor of the  
263 request and one (1) response opposed to the request were received by staff. In addition,  
264 the city's Planning & Zoning Commission has reviewed this case and has recommended its  
265 approval by a vote of 4 to 2 (with Renfro and Lyons dissenting and Commissioner Fishman  
266 absent).  
267

268 **Bruce Meyers**  
269 **Atticus Real Estate Development**  
270 **5339 Alpha Road (Ste. 300)**  
271 **Dallas, TX**  
272

273 Mr. Meyers came forth and explained that his company purchased this piece of property (a  
274 two acre tract of land off of Summer Lee about nine years ago) because it is so beautiful  
275 (has views of the lake) and because it is in close proximity to nearby retail and restaurant  
276 opportunities. However, this site poses some challenges from a development standpoint,  
277 specifically the creek or "dry gully" that runs straight through the property as a whole. Mr.  
278 Meyers went on to share some information about his privately-held real estate company,  
279 including information about Atticus' past projects, examples of project design styles,  
280 project benefits, etc. He went on to speak about the various tracts of land that will be  
281 combined in order to create this new development as a whole. He believes that zero-lot line  
282 homes are not very attractive, and they looked "stacked" from the street. Also, the open  
283 areas get utilized in 10' strips. So, for these reasons, they have moved forward with asking  
284 for "townhomes" instead of "zero lot line" homes at this point. He went on to explain the  
285 proposed layout on the tract(s) of land, including the open space and the goal of creating a  
286 sense of "community" within this development. He shared that these townhomes will be a  
287 "for sale" product that will hopefully be occupied by families. Therefore, eliminating the  
288 alleyways will allow for more green, open space for kids and pets to play in the rear of the  
289 homes.  
290

291 Following Mr. Meyers' presentation, Mayor Pruitt opened the public hearing and asked if  
292 anyone in the audience would like to come forth and speak at this time.  
293

294 **Russell Phillips**  
295 **Sterling One Properties**  
296

297 Mr. Phillips came forth and explained that he owns the adjacent property to the west of this  
298 location. He generally expressed concern related to the proposed roads that would run

299 throughout the property. He is not opposed to townhomes (instead of “zero lot line”  
300 homes). He believes the proposed design looks great. He has concerns about the  
301 proposed roadway not meeting the requirements of PD-32. He wants to be sure that the  
302 road(s) will be properly planned, especially in light of the proposed 30+ houses and the  
303 condominiums that will be located in this general area. He also wants to be sure that the  
304 traffic flow will be proper. He expressed that he is willing to meet with Atticus to ensure the  
305 road is properly planned, and he is willing to pay for his portion of the roadway too.  
306

307 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the  
308 public hearing.  
309

310 Councilmember White made a motion to approve Z2016-026. Councilmember Milder  
311 seconded the motion.  
312

313 The ordinance was read as follows:

314 CITY OF ROCKWALL  
315 ORDINANCE NO. 16-XX  
316

317 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
318 AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [ORDINANCE NO. 10-21]  
319 AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF  
320 ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A DEVELOPMENT  
321 PLAN FOR A 3.462-ACRE PORTION OF A LARGER 6.915-ACRE TRACT OF LAND  
322 IDENTIFIED AS LOTS 3A, 4A & 5A, ISAAC BROWN ADDITION, CITY OF ROCKWALL,  
323 ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT  
324 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE  
325 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
326 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
327 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
328

329 The motion passed unanimously of those present (6 ayes with 1 absent (Lewis)).  
330

- 331 3. Z2016-025 - Hold a public hearing to discuss and consider a request by  
332 Jason Lentz of Atticus Rockwall, LLC for the approval of an ordinance for a  
333 PD Development Plan establishing a 228 unit, condo development situated  
334 on a 3.453-acre portion of a larger 6.915-acre tract of land identified as Lots  
335 3A, 4A & 5A, Isaac Brown Addition, City of Rockwall, Rockwall County,  
336 Texas, zoned Planned Development District 32 (PD-32), situated within the  
337 Interior Subdistrict, located adjacent to Summer Lee Drive southwest of the  
338 intersection of Horizon Road [FM-3097] and Summer Lee Drive, and take  
339 any action necessary (1st Reading).

340 Planning Director, Ryan Miller, provided background information concerning this agenda  
341 item. Currently, the proposed land use (i.e. Condominiums) and the number of units being  
342 requested (i.e. 228) are considered to be allowed by-right for the subject property, which is  
343 located within the Interior Subdistrict of PD-32; however, he explained, the requested  
344 changes to the street cross section -- outlined in the proposed PD Development Plan -- is a  
345 discretionary decision for the City Council. In addition, the applicant is requesting a minor  
346 waiver to the building placement. Specifically, they will be encroaching into the required  
347 building setback in a few places along the modified roadway. Typically, this is handled at  
348 the time of site plan, however since staff is requiring general conformance to the PD  
349 Development Plan, this request has been included with the proposed, draft ordinance. The  
350 approval of this minor waiver is also considered to be a discretionary decision for the City

351 Council. Staff should note that the applicant has adjusted the concept plan to show the  
352 proposed roadway alignment extending south of the alignment. The purpose of this  
353 adjustment is to prevent conflict with the adjacent property owner's project (i.e. Summer  
354 Lee Condominiums) that is currently in the engineering phases of the development process.  
355 Mr. Miller explained that, when potentially granting a *PD Development Plan* within Planned  
356 Development District 32 (PD-32), the City Council needs to decide if the proposed  
357 development -- *while not meeting the intent of the subdistrict* -- meets the following criteria:  
358

- 359 a) Meets the general intent of the PD District; and,
- 360 b) Will result in an improved project which will be an attractive contribution to the PD  
361 District; and,
- 362 c) Will not prevent the implementation of the intent of this PD District.

363  
364 He explained that a *PD Development Plan* is a discretionary approval for the City Council,  
365 and, should the City Council choose to grant this request, the applicant will still need to  
366 submit a site plan that will be reviewed by the Architectural Review Board (ARB) and the  
367 Planning and Zoning Commission.  
368

369 Notices were sent to adjacent property owners located within 500' of the subject property  
370 (84 total). In addition, the Lakeside Village, Lago Vista and Signal Ridge HOA's were also  
371 sent notifications. Two notices in favor and four notices against were received back by  
372 staff. The Planning & Zoning Commission recommended denial of this case. As such,  
373 approval of this item tonight will require a  $\frac{3}{4}$  majority vote of those present.  
374

375 Bruce Meyers  
376 Atticus Real Estate Development  
377 5339 Alpha Road (Ste. 300)  
378 Dallas, TX  
379

380 Mr. Meyers explained that they are trying to bring a very nice development into a market  
381 (Rockwall) that has shown a strong need for this type of housing product. He then went on  
382 to explain in more detail the complications posed by the creek that runs, generally, on the  
383 east side of the proposed project and the terrain in general. He went on to speak about how  
384 those complications influence the proposed position and alignment of the needed roadway.  
385 He explained that he absolutely wants to comply with the requirements within PD-32 as  
386 much as possible, so a lot of people on his team have been evaluating the roadway  
387 alignment in order to put forth what they believe is the best proposal in this regard (re: how  
388 best to tie Summer Lee into Ridge Road). He then went on to explain in greater detail the  
389 roadway alignment proposal that went before the city's P&Z Commission versus what is  
390 being proposed now.  
391

392 Mayor Pruitt asked if anyone would like to come forth and speak during this time. There  
393 being no one indicating a desire to do so, the mayor then closed the public hearing.  
394

395 Mayor Pro Tem Townsend sought clarification on the right-of-way as it is being proposed  
396 now. It was clarified that an eight foot sidewalk on both sides is being proposed at this  
397 time (which is different than that which was recommended as "disapproved" by the P&Z  
398 Commission).  
399

400 After additional comments, Councilmember Hohenshelt made a motion to remand this case  
401 back to the Planning & Zoning Commission for further review / evaluation since some  
402 changes were made to the proposal after the time the P&Z initially heard and issued its

403 recommendation on the case. Councilmember White seconded the motion, which passed  
404 by a vote of 6 ayes with 1 absent (Lewis).  
405

406 **XIII. ACTION ITEMS**

- 407  
408 1. **Z2016-027** - Discuss and consider a City initiated zoning request for the  
409 approval of an **ordinance** for a text amendment to Section 2.1, Agriculture  
410 (AG) District; Section 3.3, Single-Family Residential (SF-16) District; and  
411 Section 3.4, Single-Family Residential (SF-10) District, of Article V, District  
412 Development Standards, of the Unified Development Code for the purpose  
413 of increasing the minimum square footage per dwelling unit in these zoning  
414 districts, and take any action necessary. **(2nd reading)**

415 **Planning Director Ryan Miller explained that this item did not result in a unanimous vote at**  
416 **the last city council meeting. Therefore, it has been placed under “Action Items” for**  
417 **consideration of second reading of the ordinance. Mayor Pruitt made a motion to approve**  
418 **Z2016-027. After brief clarification, Councilman Milder seconded the motion. The**  
419 **ordinance was read as follows:**

420 **CITY OF ROCKWALL**  
421 **ORDINANCE NO. 16-47**

422  
423 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
424 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.**  
425 **04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY**  
426 **AMENDING SECTION 2.1, AGRICULTURE (AG) DISTRICT; SECTION 3.3,**  
427 **SINGLE-FAMILY RESIDENTIAL (SF-16) DISTRICT; AND SECTION 3.4,**  
428 **SINGLE-FAMILY RESIDENTIAL (SF-10) DISTRICT, OF ARTICLE V, DISTRICT**  
429 **DEVELOPMENT STANDARDS, FOR THE PURPOSE OF INCREASING THE**  
430 **MINIMUM SQUARE FOOTAGE PER DWELLING UNIT IN THE SINGLE FAMILY**  
431 **10 (SF-10) & SINGLE FAMILY 16 (SF-16) DISTRICTS AND ESTABLISHING A**  
432 **MINIMUM SQUARE FOOTAGE PER DWELLING UNIT IN THE AGRICULTURE**  
433 **(AG) DISTRICT; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE**  
434 **SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;**  
435 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER**  
436 **CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**  
437

438 **The motion passed by a vote of 5 ayes, 1 against (White), and 1 absent (Lewis).**

- 439 2. Discuss and consider an agreement between the City of Rockwall and STAR  
440 Transit for transportation services for fiscal year 2017 in the amount of  
441 \$55,200 to be funded by the Administration operating budget, and take any  
442 action necessary.

443 **Mayor Pruitt clarified that the \$55,200 is the amount that is being budgeted by the city for**  
444 **the upcoming fiscal year.**

445  
446 **Mike Simms, Executive Deputy Director, with STAR Transit came forth and addressed the**  
447 **Council. He introduced Omega Hawkins, Executive Director of the organization and Tommy**  
448 **Hendricks, Chief Financial Officer. Mr. Simms generally indicated that his company has**  
449 **worked with Mayor Pro Tem Townsend and staff to evaluate the desired level of service as**  
450 **well as available federal funding. He pointed out that the level of service (numbers of hours**  
451 **of service) will be changing compared to what is provided now. Right now, about 40 hours**  
452 **of service is collectively provided each day; however, this will change to about 27 overall**  
453 **hours of service, collectively and on average, per day in the upcoming fiscal year. He**

454 explained that his company will be evaluating some policy changes over the next three  
455 months or so, in order to make some policy and operational changes regarding service  
456 provision.

457  
458 Mayor Pruitt indicated that the city council and staff have had a lot of discussion over time  
459 about this funding decision. He shared his understanding that the County has indicated it  
460 will match the dollar amount that the City of Rockwall is committing to pay in the upcoming  
461 fiscal year. Joey Boyd, Internal Operations Director, clarified that in the upcoming fiscal  
462 year, there will be, on average, 27 hours of daily service, and the City will receive eleven (11)  
463 hours, per day, on average.

464  
465 Mayor Pruitt pointed out that, according to the contract provisions, by June 30<sup>th</sup> of next  
466 year, the City is committed to making its next commitment or else this contract will  
467 automatically renew. He went on to express that he is not in favor of approving the  
468 provisions expressed in Section 3.8 pertaining to future funding of capital expenditure  
469 costs that will be incurred by the city in the 3<sup>rd</sup> year. Mr. Simms generally expressed that  
470 STAR will consent to said language being struck from the contract.

471  
472 Mayor Pruitt made a motion to approve the contract with the understanding that, with the  
473 exception of the very first sentence in Section 3.8 (see below), the remaining language in  
474 Sec. 3.8 will be struck (eliminated) entirely as follows:

475  
476 3.8 Capital Cost Charge to CITY. ~~The Parties concur that the CITY will not participate~~  
477 ~~in capital expenditures. STAR Transit represents that local entities contracting with~~  
478 ~~STAR Transit are expected to support all or part of the costs of vehicle acquisition not~~  
479 ~~otherwise covered through grant funds as a primary capital cost of the service. Other~~  
480 ~~shared capital costs include buildings, parking facilities, vehicle wash bays, refueling~~  
481 ~~facilities and other capital improvements. Each entity served by STAR Transit is~~  
482 ~~expected to make a contribution to defray a share of capital expenditures not~~  
483 ~~otherwise covered through grant funds. STAR Transit represents that for the first two~~  
484 ~~(2) Fiscal Years of operation, no vehicle acquisition or replacement cost or other capital~~  
485 ~~expense item will be required from CITY. STAR Transit and CITY agree that if, after the~~  
486 ~~two (2) year period, a capital cost share is required for local partners within the STAR~~  
487 ~~Transit system, STAR Transit shall not request capital funding from the CITY~~  
488 ~~and shall instead provide notification of termination to CITY under Section 5.1 of this~~  
489 ~~Agreement.~~

490  
491 Mayor Pro Tem Townsend seconded the motion, which passed by a vote of 5 in favor, 1  
492 against (White) and 1 absent (Lewis).

493  
494 Mayor Pruitt called for a brief break, recessing the meeting at 7:33 p.m.

495  
496 3. Discuss and consider a request by J.J. Smith and an associated  
497 recommendation from the Airport Advisory Board regarding holding a  
498 Balloon Festival at the Ralph M Hall / Rockwall Municipal Airport, and take  
499 any action necessary.

500 Mr. Smith came forth and provided brief comments to the Council regarding this proposed  
501 event, generally indicating that he has met with Plano Balloon Festival event planners as  
502 well as event planners for a similar festival held annually in the City of Celina. He believes  
503 the event may draw 10,000 - 20,000 people. Councilmember White had several questions  
504 pertaining to expected numbers of attendees, vendors, space, and parking.  
505

506 Mr. Smith indicated that, at this point, only two non-profits (The Rockwall County  
507 Republican Party and CERT (Community Emergency Response Team)) have expressed  
508 interest in participating.  
509

510 Councilmember White asked several questions pertaining to the organization's non-profit  
511 and/or "tax exempt" status (with the IRS). Mr. Smith clarified that he has secured a non-  
512 profit status through the Secretary of State's office, and he has currently applied for and is  
513 awaiting the disposition of his application to become a "501 c3" with the IRS.  
514

515 Mr. Smith explained that he has over twenty vendors lined up, and he has several sponsors,  
516 although no major ones, at this point. He expressed that he is essentially asking the city to  
517 consider sponsoring the event, and is, at this point, asking the city to consider doing so in  
518 the amount of \$15,000. He explained that this amount could be granted for the event in the  
519 form of "cash," or it could be granted in a way that it would cover costs on other things  
520 such as a stage rental, police/traffic control costs, etc.  
521

522 Councilmember White expressed concern about Mr. Smith not submitting a more formal  
523 budget / cost breakdown and associated "event plan" proposals prior to coming before the  
524 Council to request approval for the use of city property (at the airport). He generally has  
525 concerns about any costs (or no costs at all) being associated with loaning city land for the  
526 purpose of hosting this event.  
527

528 Mr. Smith expressed that the airport location is ideal because of several reasons, including  
529 that it is spacious, self-contained, easily accessible, and has plenty of concrete space and  
530 grassy space. He believes the "self-contained" aspect will make it very successful  
531 because, he explained, it will be a money making event, and this will make that aspect  
532 easier.  
533

534 Councilmember White expressed that he is not in favor of this proposal. He explained that  
535 past events that Mr. Smith has overseen have, in his opinion, not been run very well or very  
536 smoothly. For example, a lot of people who donated to the Memorial Day Concert that Mr.  
537 Smith oversaw a couple/few years back felt that they were deceived because they thought  
538 the funds they donated would have gone to veterans. Instead, however, (Mr. White  
539 explained) the money went to Mr. Smith as profit/revenue.  
540

541 Mayor Pro Tem Townsend expressed that he has some concerns with regards to sensitive  
542 equipment that may be housed at the airport or that is located on airport property. Mr. Boyd  
543 explained that there are runway lights on both sides of the runway for 3,300 feet. He shared  
544 that some pilots at the airport that attended a recent meeting at the airport did express  
545 concerns about security of their personal property located on airport property. They also  
546 have concerns about personal security and security of spectators. They also have  
547 concerns related to people who may fly without a flight plan and need to come in and land  
548 at the airport without prior notice. In addition to these concerns, Mayor Pro Tem Townsend  
549 pointed out that a lot of hangars out there are privately owned. So he would like Mr. Smith  
550 to be sure that he has spoken to each of the property and business owners at the airport in  
551 order to properly vet and adequately address any concerns they may have as well.  
552

553 Mayor Pruitt asked if Mr. Smith will have vendors selling alcohol at the event. Mr. Smith  
554 indicated that he will not have those types of vendors present. The mayor pointed out that  
555 several permits may need to be sought and granted from staff, regardless of the location  
556 that is ultimately chosen for this balloon festival, be it the airport or elsewhere. He  
557 generally expressed that he does not feel comfortable moving forward with granting

558 permission to use the airport property prior to Mr. Smith having his 501 c3 status fully  
559 approved and in place.

560  
561 Councilmember Milder expressed that he believes a balloon festival is a very good idea;  
562 however, he has some concerns that there may be a lot of pieces that Mr. Smith still does  
563 not have in place. He generally suggested that Mr. Smith may want to consider taking a few  
564 steps back to take some additional time to get the event better planned and organized, and  
565 then consider doing the event, perhaps next year.

566  
567 Councilmember White made a motion to deny the request to hold the balloon festival at the  
568 airport. Mayor Pro Tem Townsend seconded the motion, which failed by a vote of 3 in  
569 favor, 3 against (Pruitt, Milder and Fowler), and 1 absent (Lewis).

570  
571 Mayor Pruitt made a motion to approve the recommendation of the Airport Board to allow  
572 the balloon festival to take place with the stipulation that Mr. Smith first obtain his tax  
573 exempt status, that there be no alcohol served, and that all owners at the airport not be  
574 inconvenienced (that they will have access to their planes throughout the time of the event).  
575 Councilmember Hohenshelt seconded the motion; however, he would like to have a more  
576 comprehensive plan presented to the city council by the first city council meeting in  
577 October (an operational plan reflecting parking, number of people, pricing, budget, etc.).  
578 Mayor Pruitt amended his motion to reflect that the event is approved contingent upon a  
579 comprehensive event plan (as described by Hohenshelt) be presented at the Council's first  
580 meeting in October and that the plan ensure it addresses any concerns of property owners  
581 at the airport as well as city staff (fire, police, etc.), and insurance coverage.

582  
583 Councilman Milder explained that, although he just voted against denial of this request, he  
584 is also not in favor of it being approved at this point either. He generally feels that there are  
585 currently way too many unanswered questions. Also, he does not feel that there is enough  
586 time to get all concerns properly vetted and addressed before the event takes place in just  
587 over two months from now. Therefore, he does not believe it would be very responsible of  
588 the city to support this proposal at this time.

589  
590 The motion failed by a vote of 3 in favor, 3 against (White, Townsend, and Milder) and 1  
591 absent (Lewis).

592  
593 4. Discuss and consider the proposed City of Rockwall budget for Fiscal Year  
594 2017, and take any action necessary.

595 City Manager Rick Crowley provided various comments pertaining to the FY17 budget  
596 proposal. He briefed the council on the following budget-related items:

- 597 1. At the close of the budget work session, management staff was directed to include  
598 funding for overtime to increase minimum staffing at Station 3 from one to two  
599 firefighters per shift so \$57,000 has been added to the Fire Department OT line item;
- 600 2. A transfer to the Airport Fund to allow assistance to the FBO in the amount of  
601 \$25,000 has been added. There was a small reserve in the Airport fund so we are able  
602 to transfer only \$15,000 to meet this obligation in the coming year. A contract  
603 amendment will be required and is being worked out now;
- 604 3. The just announced grant award for boat ramp improvements has been worked into  
605 the Recreation Development fund as expenditure and associated grant proceeds. By  
606 discontinuing the annual transfer from this fund to cover baseball personnel costs

607 the fund balance will be sufficient to cover the match. The project itself will be  
608 \$524,325 and is 75% funded by the grant.

609 4. The mid-block crosswalk at San Jacinto Plaza has been added to the Street  
610 Improvement Fund that has an adequate fund balance to cover the added expense of  
611 \$16,000.

612 5. The Police Department's (partial) funding request to cover the cost of a Bear Cat (half  
613 of the cost, which is \$170,000 (with the other half being paid for out of "seized  
614 funds"))

615 Councilmember Hohenshelt made a motion to approve 1, 2, 3 and 4 outlined above.  
616 Councilmember White seconded the motion, which passed by a vote of 6 in favor with 1  
617 absent (Lewis).

618 Police Chief Kirk Riggs clarified that he is asking for half of the vehicle (in the amount of  
619 \$170,000) to be paid for out of city funds with the other half being funded out of seized  
620 funds. Mayor Pruitt generally indicated that if the Police Department really needs a piece of  
621 equipment, he feels that seized funds should not have to be used, but, rather it should be  
622 funded out of the general fund. Councilmember White indicated that since the time the  
623 budget work session was held, he has come to have far fewer concerns and objections;  
624 however, if the purchase of the Bear Cat does get approved, he is asking that the  
625 department not parade it around too much.

626 Mayor Pro Tem Townsend made a motion to approve the city-funded portion of the vehicle  
627 (Bear Cat) being requested. Councilmember Fowler seconded the motion. Councilmember  
628 Fowler commented that the police chief has indicated that he truly feels this vehicle is  
629 needed. So, he trusts the chief's judgment when requesting the vehicle. Additional, brief  
630 dialogue took place related to the funding source ("seized" (drug) funds versus the "general  
631 fund"), and the expected life span of the vehicle. After additional, brief comments, the  
632 motion passed by a vote of 6 in favor with 1 absent (Lewis).

633 Assistant City Manager Mary Smith and Mayor Pruitt explained that the tax rate and the  
634 budget will be formally adopted, by ordinance, at the next, regular council meeting.

635 5. Discuss and consider approval of an ordinance amending Chapter 18. Fire  
636 Prevention and Protection, Article II. Fire Code Standards, Section 18-34.  
637 Plan Review Fee, authorizing the Office of the Fire Marshal to assess fees  
638 for fire permits, construction and operational services, inspections, third party  
639 reviews, and miscellaneous fees, and take any action necessary. (1st  
640 reading)

641 Fire Marshal Ariana Hargrove came forth to answer any questions the Council may have  
642 related to this agenda item. She explained that the city has already had some provisions in  
643 place pertaining to charging fees; however, this ordinance adds some provisions and  
644 expands to reflect the city's ability to utilize a third party to conduct fire-related plan reviews  
645 on behalf of the fire department/the city.

647 Mayor Pruitt made a motion to approve the ordinance. Councilman Milder seconded the  
648 motion. After brief comments, the ordinance was read as follows:

649  
650 CITY OF ROCKWALL, TEXAS  
651 ORDINANCE NO. \_\_\_\_\_

652  
653 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
654 AMENDING CHAPTER 18 FIRE PREVENTION AND PROTECTION, ARTICLE II,  
655 SECTION 18-34 AUTHORIZING THE OFFICE OF THE FIRE MARSHAL TO ASSESS

656 FEES FOR FIRE PERMITS FOR CONSTRUCTION AND OPERATIONAL SERVICES,  
657 INSPECTIONS AND THIRD PARTY REVIEWS AND OTHER MISCELLANEOUS FEES;  
658 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
659 AND PROVIDING FOR AN EFFECTIVE DATE.  
660

661 The motion passed by a vote of 6 ayes with 1 absent (Lewis).  
662

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

- 665 1. Departmental Reports  
666 Building Inspections Monthly Report - July 2016  
667 Fire Dept. Monthly Reports - July 2016  
668 Fire Marshal Division Monthly Report - July 2016  
669 GIS Division Monthly Report - July 2016  
670 Harbor PD Monthly Report - July 2016  
671 Internal Operations Department Monthly Report - July 2016  
672 Police Department Monthly Report - July 2016  
673 Recreation Monthly Report - July 2016  
674 Rockwall Animal Adoption Center Monthly Report - July 2016

- 675 2. City Manager's Report  
676

677 Mayor Pruitt shared brief comments pertaining to upcoming events being held throughout  
678 the city, specifically those pertaining to 9/11-related and other events that will focus on  
679 honoring our first responders.  
680

681 **XV. EXECUTIVE SESSION**  
682

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

- 686 1. Discussion regarding legal options available to the City pertaining to possible violations of drainage  
687 and detention development standards pursuant to Section §551.071 (Consultation with Attorney)
- 688 2. Discussion regarding proposed sale of city land for a possible private project pursuant to Sections  
689 551.072 (Real Property) and Section 551.087 (Economic Development Negotiations).
- 690 3. Discussion regarding negotiations of an Access Agreement generally located along Ridge Road  
691 south of Summit Ridge, pursuant to Section 551.071 (Consultation with Attorney).

692 **XVI. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**  
693

694 The Council did not convene in Executive Session following the end of the public meeting  
695 agenda.  
696

697 **XVII. ADJOURNMENT**  
698

699 The meeting was adjourned at 8:33 p.m.  
700

701 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
702 THIS 19<sup>th</sup> day of September, 2016.  
703

704 ATTEST:

705 *Kristy Cole*  
706 \_\_\_\_\_  
707 Kristy Cole, City Secretary



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