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**MINUTES  
ROCKWALL CITY COUNCIL**

January 3, 2005

5:00 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Pro Tem McCallum called the meeting to order at 5:00 p.m. Present were Mayor Pro Tem Tim McCallum and Councilmembers Bob Cotti, Stephen Straughan, Bill Cecil, and Terry Raulston. Mayor Ken Jones and Councilmember John King were absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Pro Tem McCallum immediately adjourned the meeting into Executive Session.

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.
- f. Consultation with attorney pursuant to §551.071 to discuss pending litigation: City of Rockwall vs. Evans.

**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**No action was taken as result of Executive Session.**

**3. PRE-COUNCIL DINNER.**

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 18<sup>th</sup> day of January, 2005.

**ATTEST:**

\_\_\_\_\_  
Tim McCallum, Mayor Pro Tem

\_\_\_\_\_  
Dorothy Brooks, City Secretary

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**MINUTES**  
**ROCKWALL CITY COUNCIL**

January 3, 2005

6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

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**1. CALL TO ORDER**

55 Mayor Pro Tem McCallum called the meeting to order at 6:00 p.m. Present were Mayor  
56 Pro Tem Tim McCallum and Councilmembers Bob Cotti, Stephen Straughan, Bill Cecil,  
57 and Terry Raulston. Mayor Ken Jones and Councilmember John King were absent. Also  
58 present were City Manager Julie Couch and City Attorney Pete Eckert.

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61

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER BOB COTTI**

62  
63

**3. OPEN FORUM**

64 Mayor Pro Tem McCallum advised the audience that the floor was open to anyone who  
65 wished to address the Council on any subject not on tonight's agenda. No one came  
66 forward and the open forum was closed.

67  
68  
69

**4. CONSENT AGENDA**

- 70       a. Consider approval of the Minutes of the December 13, 2004, Special  
71       Called City Council meeting and take any action necessary.
- 72  
73       b. Consider approval of the Minutes of the December 20, 2004, City Council  
74       meeting and take any action necessary.
- 75  
76       c. Consider approval of an **Ordinance** revising Chapter 5—Animals of the  
77       Code of Ordinances and take any action necessary. **(2<sup>nd</sup> Reading)**
- 78       d. Consider approval of an **Ordinance** for a request by Eugene Middleton of  
79       Winkelman & Associates to rezone from (SF-10) Single Family  
80       Residential District to (GR) General Retail District a 1.57-acre tract  
81       currently described as Tracts 30, 31, 32 and 32-1, Abstract 146, S.S.  
82       McCourry Survey. The tract is bounded by N. Goliad (SH 205) on the  
83       east, Live Oak St on the south, undeveloped N. Alamo Rd right-of-way on  
84       the west, and the future extension of N. Alamo Rd on the north, and take  
85       any action necessary. **(2<sup>nd</sup> Reading)**
- 86       e. Consider approval of a **Resolution** authorizing intervention before the  
87       Railroad Commission in Gas Utility Docket (GUD) No. 9540 and approval  
88       of a **Resolution** suspending the proposal by Atmos Gas Company to  
89       implement interim grip rate adjustments for gas utility investment in 2003  
90       and take any action necessary. **[See below]**
- 91       f. Consider approval of an **Ordinance** amending the Park Land Dedication  
92       Ordinance and two **Resolutions** updating the "Cost Per Acre" and "Pro-

93                   *Rata Equipment Fees*” pursuant to the Mandatory Park Land Dedication  
94 Ordinance and take any action necessary.

- 95           g.       Consider approval of an Interlocal Agreement with Rockwall County for  
96 fire protection services and take any action necessary.  
97

98   **Councilmember Cotti requested that Consent Items 4d and 4e be pulled. Councilmember**  
99 **Raulston requested that Consent Item 4a be pulled. Councilmember Cotti made a motion**  
100 **to approve the remaining items and Councilmember Raulston seconded the motion. The**  
101 **ordinances were read as follows:**

102  
103                                   **ORDINANCE NO. 05-01**

104  
105                   **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING**  
106 **THE CODE OF ORDINANCES IN CHAPTER 5 ANIMALS; PROVIDING FOR A PENALTY OF A**  
107 **FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A**  
108 **SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**  
109

110                                   **ORDINANCE NO. 05-02**

111  
112                   AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
113 THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY  
114 AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-10), SINGLE FAMILY  
115 RESIDENTIAL DISTRICT TO (NS), NEIGHBORHOOD SERVICES DISTRICT, ON A TRACT OF  
116 LAND CONTAINING 1.57 ACRES AND KNOWN AS TRACTS 30, 31, 32 AND 32-1, ABSTRACT  
117 146, S.S. MCCOURRY SURVEY, AND MORE SPECIFICALLY DESCRIBED HEREIN AS  
118 EXHIBIT “A”; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF  
119 FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
120 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
121 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
122

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123   **The motion passed by a vote of 5 ayes and 2 absent [Jones and King].**

124  
125   **Councilmember Cecil made a motion to approve Consent Agenda Item 4a and**  
126 **Councilmember Cotti seconded the motion. The motion passed by a vote of 4 ayes, 1**  
127 **abstain [Raulston], and 2 absent [Jones and King].**  
128

129   **Councilmember Cotti made a motion to table Consent Agenda Item 4d until the next**  
130 **meeting because it requires a super majority vote and Councilmember McCallum**  
131 **seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Jones and**  
132 **King].**  
133

134   **Councilmember Cotti requested that Consent Agenda Item 4e be held open until Shelton**  
135 **Cook of Atmos Energy arrived to speak regarding this item.**  
136

137   **Mayor Pro Tem McCallum advised that Action Items 7a, 7b and 7d were going to be**  
138 **addressed at this time. Mayor Jones arrived and took control of the meeting.**  
139

140                                   **ACTION ITEMS**

- 141  
142       **7a.**       Discuss and consider authorizing the City Manager to execute a  
143 Development Agreement with Jack H. and Elizabeth Hittson, Steve  
144 Rinner, Clyde N. and Christy Jones, Henry Rohrbacker, Lloyd Acker, Carl  
145 E. and Dixon A. Glaze and Beth and Randy Talley on property located in

146 the ETJ (Extraterritorial Jurisdiction) of the City of Rockwall and take any  
147 action necessary.

148 City Attorney Pete Eckert discussed the background of this item. Eckert advised that all  
149 of the parties had signed the Development Agreements and recommended approval of  
150 this request. Councilmember Cotti made a motion to approve the agreements and  
151 authorize the City Manager to execute them and Councilmember Raulston seconded the  
152 motion. The motion passed by a vote of 6 ayes and 1 absent [King].  
153

154 7b. A2004-004 -- Consider an **Ordinance** for a City initiated request to annex  
155 land of approximately 517 acres generally located north of F.M. 552, west  
156 of F.M. 549, east of Anna Cade Rd, and contiguous to the existing City  
157 Limits line. (2<sup>nd</sup> Reading)

158 Robert LaCroix, Director of Planning, discussed the background of the request. The Eidt  
159 tract is being annexed per their request. Councilmember Cotti made a motion to approve  
160 the ordinance and noted that this was a second reading and Councilmember Cecil  
161 seconded the motion. The ordinance was read as follows:

162 ORDINANCE NO. 05-03  
163  
164

165 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING  
166 FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL,  
167 TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 49.62 ACRES OF  
168 LAND, WHICH SAID TERRITORY LIES ADJACENT TO AN ADJOINS THE PRESENT  
169 BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE  
170 DATE.  
171

172 The motion passed by a vote of 6 ayes and 1 absent [King].  
173

174 7d. Discuss and consider authorizing the City Manager to execute an  
175 agreement with Ray Associates, Inc. for professional services for a  
176 compensation plan study and take any action necessary.

177 Cheryl Austin, Director of Administrative Services, discussed the background of this  
178 item and introduced Kathleen Ray of Ray Associates, Inc., who gave a power point  
179 presentation on their proposed services.  
180

181 After lengthy discussion, Councilmember McCallum made a motion to deny the request  
182 and Mayor Jones seconded the motion. After statements by the Councilmembers, the  
183 vote was taken and the motion failed by a vote of 2 ayes [Jones & McCallum], 4 nays  
184 [Cotti, Cecil, Straughan and Raulston], and 1 absent [King].  
185

186 Councilmember Cecil then made a motion to authorize the City Manager to sign the  
187 agreement with Ray Associates, Inc. and Councilmember Cotti seconded the motion.  
188 The motion passed by a vote of 4 ayes, 2 nays [Jones and McCallum], and 1 absent  
189 [King].  
190

191 Mayor Jones stated that he would like to go ahead and address Action Item 7c at this  
192 time.  
193

- 194           **7c.    A2004-003** — Discuss and consider approval of an **Ordinance** for a City  
195 initiated request to annex land of approximately 725 acres generally  
196 located north of FM 552 and east of SH 205, and contiguous to the  
197 existing City Limits line and take any action necessary. **(2<sup>nd</sup> Reading)**

198 **City Attorney Pete Eckert recommended that this item be tabled. Councilmember**  
199 **Raulston made a motion to table this item and Mayor Jones seconded the motion. The**  
200 **motion passed by a vote of 6 ayes and 1 absent [King].**  
201

202 **Mayor Jones asked that Consent Item 4e be addressed at this time.**  
203

- 204           **4e.**    Consider approval of a **Resolution** authorizing intervention before the  
205 Railroad Commission in Gas Utility Docket (GUD) No. 9540 and approval  
206 of a **Resolution** suspending the proposal by Atmos Gas Company to  
207 implement interim grip rate adjustments for gas utility investment in 2003  
208 and take any action necessary.  
209

210 **City Manager Julie Couch discussed the background and introduced Shelton Cook of**  
211 **Atmos Energy. Mr. Cook discussed the increase and their proposed plan.**  
212 **Councilmember McCallum made a motion to approve both Resolutions and**  
213 **Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1**  
214 **absent [King].**  
215

## 216 **5.    APPOINTMENTS**

217

- 218           **a.**    Appointment with Planning and Zoning Chairman to discuss and answer  
219 any questions regarding cases on the agenda and related issues and  
220 take any necessary action.  
221

222 **Planning and Zoning Chairman Phillip Herbst came forward to address the Council. Mr.**  
223 **Herbst advised that the planning and zoning items on tonight's agenda were continued**  
224 **from the last meeting and that he had nothing new to add, but that he was available to**  
225 **answer any questions that the Council might have.**  
226

- 227           **b.**    Appointment with Steve Clark regarding leasing space on water tower  
228 and take any action necessary.  
229

230 **Councilmember Raulston recused himself from hearing or taking any action on this**  
231 **matter.**  
232

233 **Assistant City Manager Rick Crowley discussed the background of this item. Steve Clark**  
234 **came forward to address the Council and discussed the services that Netport would be**  
235 **providing. After discussion, Councilmember McCallum made a motion to instruct the**  
236 **City Attorney to draft an agreement with Netport based on the agreed upon terms set out**  
237 **in Staff's memorandum and authorize the City Manager to sign the agreement.**  
238 **Councilmember Straughan seconded the motion and the motion passed by a vote of 5**  
239 **ayes, 1 abstain [Raulston], and 1 absent [King].**

240  
241 **6. PUBLIC HEARING ITEMS**  
242

- 243       a.     **Z2004-042** – Continuation of the public hearing from December 20, 2004  
244             and consider approval of an **Ordinance** for a request by Joetta Welch  
245             Currie of Art Ventures Studio for a change in zoning from (SF-7) Single-  
246             family Residential district to (PD-50) Planned Development district on a  
247             0.23-acre tract being Block 20-A, Amick Addition, situated at 507 North  
248             Goliad, and take any action necessary. **(1<sup>st</sup> Reading)**  
249

250 **Robert LaCroix discussed the background of the item and reminded the Council that this**  
251 **was a continuation of the December 2, 2004 public hearing. Mayor Jones opened the**  
252 **floor to anyone wishing to address the Council on this matter. The following persons**  
253 **appeared:**  
254

255             Duncan Curry appeared on behalf of the applicant, Joetta Curry.  
256

257 **There being no one further to address the Council, Mayor Jones closed the public**  
258 **hearing. Councilmember Cecil made a motion to approve the ordinance as presented**  
259 **and Councilmember Straughan seconded the motion. The ordinance was read as**  
260 **follows:**  
261

262             AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
263             AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS  
264             HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM "SF-7" SINGLE  
265             FAMILY RESIDENTIAL TO "PD-50"; PLANNED DEVELOPMENT DISTRICT NO. 50 ON A  
266             0.23-ACRE TRACT KNOWN AS PART OF BLOCK 20, AMICK ADDITION; 507 N. GOLIAD  
267             STREET AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO;  
268             CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT  
269             TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE;  
270             PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND  
271             PROVIDING FOR AN EFFECTIVE DATE.  
272

273 **The motion passed by a vote of 6 ayes and 1 absent [King].**  
274

- 275       b.     **Z2004-045** – Continuation of the public hearing from December 20, 2004,  
276             and consider approval of an **Ordinance** for a request by LT Ventures for  
277             a change in zoning from (SF-10) Single-family Residential district to (ZL-  
278             5) Zero Lot Line Residential district on a 2.63-acre tract being Lot AB,  
279             Block 87, B.F. Boydston Addition, located south of the Highwood Addition  
280             at the termination of Valley Drive, and take any action necessary.  
281             **(1<sup>st</sup> Reading)**  
282

283 **Robert LaCroix discussed the background of the request and stated that this is a**  
284 **continuation of the public hearing from December 20, 2004. LaCroix advised that the**  
285 **applicant, Big Sky Construction, had sent a letter requesting that this item be withdrawn.**  
286 **Mayor Jones closed the public hearing. Councilmember McCallum made a motion to**  
287 **accept the withdrawal and Councilmember Cecil seconded the motion. The motion**  
288 **passed by a vote of 6 ayes and 1 absent [King].**

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- c. **Z2004-046** – Continuation of the public hearing from December 20, 2004, and consider approval of an **Ordinance** for a City-initiated request for a change in zoning from (C) Commercial District to (SF-10) Single Family Residential district on a 1.0-acre tract being Tract 19, Abstract 145, J.D. McFarland Survey, located along the northeast side of Mims Rd southeast of Ralph Hall Parkway, and take any action necessary. (1<sup>st</sup> Reading)

298 Robert LaCroix discussed the background of the request and stated that this is a  
299 continuation of the public hearing from December 20, 2004. Mayor Jones opened the  
300 floor to anyone wishing to address the Council on this matter. The following persons  
301 came forward to address the Council:  
302

303 Billy Peoples, Sr. and Billy Peoples, Jr.  
304 Mr. Peoples stated that they need more time to determine the proper use of  
305 this property before a vote is taken.  
306

307 City Attorney Eckert recommended that the Council close the public hearing and remand  
308 this matter back to the Planning and Zoning Commission so that an agreement on the  
309 use of the property could be worked out.  
310

311 Mayor Jones closed the public hearing. Councilmember Cecil made a motion to remand  
312 the matter back to the Planning and Zoning Commission and Councilmember McCallum  
313 seconded the motion. The vote passed by a vote of 5 ayes, 1 nay [Raulston], and 1  
314 absent [King].  
315

316 **7. ACTION ITEMS**  
317

- 318 a. Discuss and consider authorizing the City Manager to execute a  
319 Development Agreement with Jack H. and Elizabeth Hittson, Steve  
320 Rinner, Clyde N. and Christy Jones, Henry Rohrbacker, Lloyd Acker, Carl  
321 E. and Dixon A. Glaze and Beth and Randy Talley on property located in  
322 the ETJ (Extraterritorial Jurisdiction) of the City of Rockwall and take any  
323 action necessary. [SEE ABOVE]
- 324 b. **A2004-004** -- Consider an **Ordinance** for a City initiated request to annex  
325 land of approximately 517 acres generally located north of F.M. 552, west  
326 of F.M. 549, east of Anna Cade Rd, and contiguous to the existing City  
327 Limits line. (2<sup>nd</sup> Reading) [SEE ABOVE]
- 328 c. **A2004-003** — Discuss and consider approval of an **Ordinance** for a City  
329 initiated request to annex land of approximately 725 acres generally  
330 located north of FM 552 and east of SH 205, and contiguous to the  
331 existing City Limits line and take any action necessary. (2<sup>nd</sup> Reading)  
332 [SEE ABOVE]
- 333 d. Discuss and consider authorizing the City Manager to execute an  
334 agreement with Ray Associates, Inc. for professional services for a  
335 compensation plan study and take any action necessary. [SEE ABOVE]

- 336 e. Discuss and consider adopting street sign standards and reducing the  
337 speed limit in Old Town Rockwall and take any action necessary.

338 **Parks and Recreation Director Brad Griggs discussed the background of the request.**  
339 **Griggs showed the Council a sample of the street sign using high reflective tape (and**  
340 **including the City logo and block numbers). Griggs requested that the Council consider**  
341 **an ordinance limiting the number of letters in street names because of the size of the**  
342 **signs. Griggs also advised the Council that if the speed limit in Old Town was reduced to**  
343 **25 mph the recently replaced Historic Old Town signs would not have to be replaced.**  
344 **City Manager Julie Couch advised the Council that an ordinance would be brought back**  
345 **to them for approval and it would show the boundaries of Old Town Rockwall.**  
346 **Councilmember Raulston made a motion to approve the street sign standards using the**  
347 **high reflective tape and Councilmember Cecil seconded the motion. The motion passed**  
348 **by a vote of 6 ayes and 1 absent [King].**  
349

- 350 f. Discuss and consider approval upgrade our Laserfiche software and take  
351 any action necessary.

352 **Mary Smith discussed the background of this item. Smith advised the Council that if we**  
353 **act now we can save \$9,000 on the cost of the upgrade. Councilmember Raulston made**  
354 **a motion to approve the request and Councilmember Cotti seconded the motion. The**  
355 **motion passed by a vote of 6 ayes and 1 absent [King].**  
356

357 **8. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING**  
358 **MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**  
359

- 360 a. Departmental Reports  
361 b. City Manager's Report  
362

363 **City Manager Julie Couch advised the Council that with regard to the trees on I-30,**  
364 **TXDOT was still looking at the matter and had made no recommendations as of this date.**  
365

366 **There being no further business to come before the Council in regular session, Mayor**  
367 **Jones adjourned the meeting into Executive Session at 9:11 p.m.**  
368

369 **9. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF**  
370 **TEXAS GOVERNMENT CODE TO DISCUSS:**

- 371 a. Deliberation regarding the purchase, exchange, lease, or value of real  
372 property.  
373 b. Personnel Issues, including Board, Commission, and Committee  
374 Appointments, and Related Matters.  
375 c. Commercial or financial information regarding business prospects that the  
376 City seeks to have locate, stay, or expand in or near the territory of the  
377 City of Rockwall and with which the Board is conducting economic  
378 development negotiations.  
379 d. Consultation with attorney pursuant to §551.071(1) to discuss pending or  
380 contemplated litigation relating to annexation.



- 381 e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation  
382 with attorney with regard to a matter that it is the duty of the attorney to  
383 consult with the Council and falls under the attorney-client privilege.
- 384 f. Consultation with attorney pursuant to §551.071 to discuss pending  
385 litigation: City of Rockwall vs. Evans.

386 **10. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

387  
388 **Councilmember Straughan made a motion to approve the purchase of the Douglas Tract**  
389 **on Summer Lee with the following conditions and Councilmember Cotti seconded the**  
390 **motion.**

391  
392 **The purchase price to be paid by Purchaser to Seller is \$52,000, payment to**  
393 **be made at closing. Provided, that in further consideration of the purchase**  
394 **price, the City shall not levy a paving assessment against the property**  
395 **described herein.**

396  
397 **To the best of Seller's knowledge, there are no environmental or hazardous**  
398 **issues or concerns which exist on the property as of the date of this**  
399 **Agreement. To that end, Purchaser shall have twenty (20) days from the**  
400 **date of execution of this contract to select a qualified professional to**  
401 **conduct tests, surveys, or other studies of the property. Purchaser shall**  
402 **furnish Seller copies of all reports obtained by Purchaser. If such reports**  
403 **disclose conditions or information unsatisfactory to Purchaser, which**  
404 **Seller is unable or unwilling to correct, Purchaser may cancel this**  
405 **Agreement. Seller shall be entitled to the sum of \$400.00 if Purchaser**  
406 **cancels this Agreement once the reports have been received.**

407  
408  
409 **The motion passed by a vote of 6 ayes and 1 absent [King].**

410  
411 **There being no further business to come before the Council, Mayor Jones adjourned the**  
412 **meeting at 9:30 p.m.**

413  
414 **Approved by the City Council of the City of Rockwall, Texas, this 18<sup>th</sup> day of**  
415 **January, 2005.**

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419 **ATTEST:**

\_\_\_\_\_  
Ken Jones, Mayor

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422 **Dorothy Brooks, City Secretary**  
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**MINUTES  
ROCKWALL CITY COUNCIL**

January 18, 2005

4:30 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 4:30 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum and Bill Cecil. Councilmembers John King and Terry Raulston were absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Jones immediately adjourned the meeting into Executive Session.

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- c. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- d. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

No action was taken as result of Executive Session.

**3. PRE-COUNCIL DINNER.**

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 7<sup>th</sup> day of February, 2005.

\_\_\_\_\_  
Ken Jones, Mayor

ATTEST:

\_\_\_\_\_  
Dorothy Brooks, City Secretary

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## MINUTES ROCKWALL CITY COUNCIL

January 18, 2005

6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

50 Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and  
51 Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum and Bill Cecil.  
52 Councilmembers John King and Terry Raulston were absent. Also present were City  
53 Manager Julie Couch and City Attorney Pete Eckert.

54  
55 **2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER BILL CECIL**

56  
57 **3. CONSENT ITEMS**

- 58  
59 a. Consider approval of the Minutes of the January 3, 2005, City Council  
60 meeting and take any action necessary.
- 61 b. Consider approval of a **Resolution** calling the General Election for  
62 Saturday, May 7, 2005, and take any action necessary.
- 63 c. Consider approval of an **Ordinance** amending the Park Land Dedication  
64 Ordinance and take any action necessary. **(2<sup>nd</sup> Reading)**
- 65 d. Consider approval of an **Ordinance** for a request by Eugene Middleton of  
66 Winkelmann & Associates to rezone from (SF-10) Single Family  
67 Residential District to (GR) General Retail District a 1.57-acre tract  
68 currently described as Tracts 30, 31, 32 and 32-1, Abstract 146, S.S.  
69 McCourry Survey. The tract is bounded by N. Goliad (SH 205) on the  
70 east, Live Oak St on the south, undeveloped N. Alamo Rd right-of-way on  
71 the west, and the future extension of N. Alamo Rd on the north, and take  
72 any action necessary. **(2<sup>nd</sup> Reading)**
- 73 e. Consider approval of an **Ordinance** for a request by Joetta Welch Currie  
74 of Art Ventures Studio for a change in zoning from (SF-7) Single-family  
75 Residential district to (PD-50) Planned Development district on a 0.23-  
76 acre tract being Block 20-A, Amick Addition, situated at 507 North Goliad,  
77 and take any action necessary. **(2<sup>nd</sup> Reading)**
- 78 f. **P2004-060** -- Consider a request by Ron Ramirez of Wier & Associates  
79 for approval of a replat of Lot 2, Block A, Rockwall Technology Park,  
80 being a 10.231-acre lot zoned (LI) Light Industrial district and situated at  
81 the southeast corner of Discovery Boulevard and Innovation Drive and  
82 take any action necessary.
- 83 g. **P2004-069** -- Consider a request by Jerry Haning of Haning Construction  
84 Company for approval of a replat of Lot 4, Block B, Horizon Ridge  
85 Addition, being a 1.1478-acre tract zoned (PD-9) Planned Development  
86 District, located along the west side of Rockwall Parkway north of  
87 Summer Lee and take any action necessary.
- 88 h(1). **P2004-071** -- Consider a request from Susan Gamez for approval of a  
89 final plat of Lot 1, Block A, Gamez Addition, being a 0.23-acre tract zoned  
90 (PD-53) Planned Development district and designated for (R-O)

Residential-Office district uses, and located at 1024 Ridge Road and take any action necessary.

**h(2). SP2004-033** -- Consider a request from Susan Gamez for approval of a site plan for Lot 1, Block A, Gamez Addition, being a 0.23-acre tract zoned (PD-53) Planned Development district and designated for (R-O) Residential-Office district uses, and located at 1024 Ridge Road and take any action necessary.

**i. P2004-074** -- Consider a request from Matthew King for approval of a replat of Lot 1, Block C, Steger Towne Crossing Addition, being an 18.23-acre tract zoned (C) Commercial district and located along the southwest corner of Steger Towne Drive and Ralph Hall Parkway and take any action necessary.

**j. P2004-075** -- Discuss and consider a request from First Baptist Church for approval of a replat of Lot 1, Block A, First Baptist Church Addition, being a 9.53-acre tract zoned (GR) General Retail district, (PD-12) Planned Development district and (SF-7) Single Family district and located at the northwest corner of Goliad (SH 205) and Boydston Drive. Take any action necessary.

**k.** Consider approval of the award of the bid for the Lakefront Trail Storm Sewer Project and take any action necessary.

**Councilmember Cotti requested that Consent Agenda Items 3d and 3j be pulled and then made a motion to approve the remainder of the items. Mayor Jones seconded the motion and the ordinances were read as follows:**

**ORDINANCE NO. 05-04**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING ARTICLE II. PARK LAND DEDICATION OF THE SUBDIVISION REGULATIONS OF THE CODE OF ORDINANCES IN SEC. 24-42 AS SET FORTH HEREIN; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

**ORDINANCE NO. 05-03**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM "SF-7" SINGLE FAMILY RESIDENTIAL TO "PD-50"; PLANNED DEVELOPMENT DISTRICT NO. 50 ON A 0.23-ACRE TRACT KNOWN AS PART OF BLOCK 20, AMICK ADDITION; 507 N. GOLIAD STREET AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].**

**Councilmember Cotti made a motion to table Consent Agenda Item 3d to the next regular meeting of the Council and Mayor Jones seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].**

**Councilmember Cotti requested that Planning Director Robert LaCroix discuss Consent Agenda Item 3j and Site Plans/Plats Item 6c. LaCroix advised the Council that the applicant had determined that the action to be taken was not what it had intended and**

requested that the Council deny the requests. Councilmember Cotti made a motion to deny Consent Agenda Item 3j [P2004-075] and Site Plans/Plats Item 6c [SP2004-029] and Councilmember Straughan seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].

Councilmember Cotti requested that Action Item 7b be moved forward for action because it required a super majority vote and there were not enough Councilmembers in attendance to take action on this item.

***Action Item***

- b. Discuss and consider granting a sign variance per a request from Rockwall Free Methodist Church for a one (1) foot height variance for a new monument sign and take any action necessary.

Councilmember Cotti made a motion to table the request until the next regularly scheduled meeting and Mayor Jones seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].

**4. APPOINTMENTS**

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

Philip Herbst came forward and discussed the planning and zoning items on tonight's agenda

Mayor Jones recused himself from hearing or taking any action on the next item and Mayor Pro Tem McCallum took control of the meeting.

- b. Appointment with Tom Madden regarding Takeline leasing and take any action necessary.

Mr. Madden was unable to attend tonight's meeting, so Dan Traxler gave the power point presentation on a survey taken regarding the leasing of the Takeline. After the presentation, Councilmember Cotti requested that Brad Griggs, Parks Director, clarify the lease costs. Griggs advised that our cost is mainly for code enforcement. The first year of the lease will include the cost for the survey, which the City paid for.

Mayor Pro Tem McCallum then opened the meeting to the public and the following persons came forward to address the Council: [All of the following persons were in favor of boat docks]:

Jacques Roi  
1320 Coastal Drive

Kent Schollasse  
1380 Coastal Drive

Don Eslic  
635 Sunset Hill

192  
193       **Gary Trotter**  
194       **1370 Coastal Drive**

195  
196       **Eric Koseris**  
197       **Coastal Drive**  
198       **Wants restrictions on the Takeline lessened – he received a citation for**  
199       **having a row boat on the shore.**

200  
201       **Gary Denison**  
202       **5716 Southern Cross Drive**  
203       **Wants a cap on the lease fees**

204  
205       **The following person spoke against boat docks:**

206  
207       **Billy Morris**  
208       **1102 Vail Court**

209  
210       **After discussion, Mayor Pro Tem McCallum made a motion that Staff work with the**  
211       **Takeline Citizen Action Commission for the purpose of specifically identifying low level**  
212       **boat docks (excluding boat houses) and bring the information back to the Council in 30-**  
213       **60 days. Councilmember Straughan clarified that there would be no boat houses and**  
214       **seconded the motion. The motion passed by a vote of 4 ayes, 1 abstain [Jones], and 2**  
215       **absent [King and Raulston].**

216  
217       **Mayor Jones returned and took control of the meeting. Councilmember Cotti requested**  
218       **that the Council consider Action Item 7a at this time.**

219  
220                               ***Action Item***

- 221       **a.     A2004-003 — Discuss and consider approval of an *Ordinance* for a City**  
222               **initiated request to annex land of approximately 725 acres generally**  
223               **located north of FM 552 and east of SH 205, and contiguous to the**  
224               **existing City Limits line and take any action necessary.**

225  
226       **Councilmember Cotti made a motion to table this item until the next meeting and**  
227       **Councilmember Straughan seconded the motion. The motion passed by a vote of 5 ayes**  
228       **and 2 absent [King and Raulston].**

229  
230                               ***Appointment Item***

- 231       **c.     Appointment with Brad Griggs, Parks Director, regarding partnership**  
232               **opportunities at the Walmart ballfields and take any action necessary.**

233       **Brad Griggs discussed the background of this item. After discussion, Councilmember**  
234       **Cecil made a motion to move forward with the partnership opportunities and Mayor**  
235       **Jones seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [King**  
236       **and Raulston].**

237 **5. PUBLIC HEARING**

- 238
- 239 a. **FF2004-001** -- Hold a public hearing and consider a request from Dena  
240 Franklin of T-Bar Fence, Inc., to permit a front yard fence, including a  
241 variance to the maximum height requirement of 36-inches (proposed 48-  
242 inches), on Lot 25, Block A, Hickory Ridge Phase 4, located at 1512  
243 Fieldstone Drive and take any action necessary.

244 **Robert LaCroix discussed the background of the request. Mayor Jones opened the**  
245 **public hearing and the following persons came forward to address the Council:**

246

247 **Dena Franklin (Applicant)**  
248 **T-Bar Fence**

249

250 **There being no one further to address the Council, Mayor Jones closed the public**  
251 **hearing.**

252

253 **Councilmember Cotti made a motion to approve the request and have Staff investigate**  
254 **the possibility for temporary fences to be approved administratively. Councilmember**  
255 **Cecil seconded the motion and the motion passed by a vote of 5 ayes and 2 absent [King**  
256 **and Raulston].**

- 257
- 258 b. **Z2004-047** -- Hold a public hearing and consider approval of an  
259 ordinance for a City initiated request to amend the Unified Development  
260 Code of the City of Rockwall, Article VI, Section 4.1C "Residential  
261 Parking" regarding storage and screening of recreational vehicles as  
262 defined and take any action necessary. **(1<sup>st</sup> Reading)**

263 **Robert LaCroix discussed the background of the request. Mayor Jones opened the**  
264 **public hearing and the following persons came forward to address the Council regarding**  
265 **the proposed ordinance:**

266

267 **R.D. Vanderslice**  
268 **1408 S. Lakeshore Drive**

269

270 **Sam Noel**  
271 **1305 Champions Drive**

272

273 **Gene Aschettini**  
274 **510 Shoretrail**

275

276 **Gene Fisher**  
277 **1745 Avonlea**

278

279 **Bob Carroll**  
280 **206 Alta Vista**

281

282 **Don Haley**  
283 **210 Alta Vista**

284

285 **Bob Freeman**  
286 **819 Nash**

287  
288           **Keith Rogers**  
289           **523 Shoreview Drive**

290  
291           **Mary Hanrahan**  
292           **201 S. Clark**

293  
294   **There being no one further to address the Council, Mayor Jones closed the public**  
295   **hearing.**

296  
297   **Mayor Jones made a motion to approve the ordinance with the grandfather clause as**  
298   **recommended by Planning and Zoning and Staff. City Attorney Pete Eckert advised that**  
299   **for people wishing to be grandfathered, that they should file an "Affidavit," not an**  
300   **"Application." Councilmember McCallum seconded the motion and the ordinance was**  
301   **read as follows:**

302  
303           AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE  
304           UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL, AS HERETOFORE  
305           AMENDED, BY AMENDING ARTICLE VI, SECTION 4, RESIDENTIAL PARKING; PROVIDING FOR A  
306           PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
307           OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND  
308           PROVIDING FOR AN EFFECTIVE DATE.

309  
310   **The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].**

- 311  
312           **c.     Z2004-048 -- Hold a public hearing and consider approval of an**  
313           **ordinance for a request by Spring Haven Investments, Inc., for a change**  
314           **in zoning from (Ag) Agricultural district to (SF-E/1.5) Single Family Estate**  
315           **district on a 2.58-acre tract known as a part of Tracts 4 and 5, Abstract**  
316           **186, J.A. Ramsey Survey, and a change in zoning from (Ag) Agricultural**  
317           **district to (SF-16) Single-Family Residential district on an 83.30-acre tract**  
318           **being a part of Lot 2 and all of Lot 1, The McLendon Companies Addition,**  
319           **and the remainder of Tracts 4 and 5, Abstract 186, J.A. Ramsey Survey.**  
320           **The subject property is located along the east side of FM 549 south of**  
321           **SH 276 and take any action necessary. (1<sup>st</sup> Reading)**

322  
323   **Robert LaCroix discussed the background of the request. Mayor Jones opened the**  
324   **public hearing and the following persons came forward to address the Council:**

325  
326           **Randall Carrington, Applicant**  
327           **Spring Haven Investments**

328  
329   **There being no one further to address the Council, Mayor Jones closed the public**  
330   **hearing.**

331  
332   **After discussion, Councilmember Cotti made a motion to approve the request and stated**  
333   **that Staff needed to proceed with negotiations with Blackland Water Supply. Mayor**  
334   **Jones seconded the motion. The ordinance was read as follows:**

335  
336           AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE  
337           UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO  
338           APPROVE A CHANGE IN ZONING FROM (AG), AGRICULTURAL DISTRICT TO (SF-E/1.5) SINGLE  
339           FAMILY ESTATE DISTRICT ON A 2.58-ACRE TRACT KNOWN AS A PART OF TRACTS 4 AND 5,



ABSTRACT 186, J.A. RAMSEY SURVEY, AND A CHANGE IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (SF-16) SINGLE FAMILY RESIDENTIAL DISTRICT ON AN 83.30-ACRE TRACT BEING A PART OF LOT 2 AND ALL OF LOT 1, THE MCLENDON COMPANIES ADDITION AND THE REMAINDER OF TRACTS 4 AND 5, ABSTRACT 186, J.A. RAMSEY SURVEY, AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion failed by a vote of 2 ayes [Cotti and Jones], 3 nays [Cecil, McCallum and Straughan] and 2 absent [King and Raulston].

## 6. SITE PLANS / PLATS

- a. **P2004-050** – Discuss and consider a request by Eugene Middleton of Winkelmann & Assoc. for approval of an amended preliminary plat of Dalton Ranch, being 142 single-family lots on 76.731-acres situated at the southwest corner of FM 1141 and FM 552. The subject tract is zoned (PD-58) Planned Development No. 58. Take any action necessary.

Robert LaCroix discussed the background of the request. George Busik (Applicant) and Jack Rambo (RISD representative) requested approval. Councilmember Cecil made a motion to approve the request contingent upon the RISD's purchase of the land and Councilmember Straughan seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].

- b(1). **P2004-073** -- Discuss and consider a request from Joetta Currie for approval of a final plat for Lot 1, Block A, Art Venture Studios Addition, a 0.23-acre tract comprised of Block 20, Amick Addition and located at 507 North Goliad. The subject tract is zoned (PD-50) Planned Development district and designated for (R-O) Residential Office uses. Take any action necessary.

Robert LaCroix discussed the background of the request. Applicant Joetta Currie appeared before the Council and requested approval of the final plat. Mayor Jones made a motion to approve the request and Councilmember Straughan seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].

- b(2). **SP2004-037** -- Discuss and consider a request from Joetta Currie for approval of a site plan for the proposed Art Venture Studios Addition located at 507 North Goliad. The subject tract is zoned (PD-50) Planned Development district and designated for (R-O) Residential Office uses. Take any action necessary.

Robert LaCroix discussed the background of the request and advised the Council that the applicant was requesting a variance for a gravel parking lot. Joetta Currie, applicant, came forward and requested approval of the gravel parking lot. LaCroix advised the Council that Staff does not support the gravel parking lot. After discussion, Councilmember Cecil made a motion to approve the request, including the gravel parking lot, and Councilmember Straughan seconded the motion. The motion passed by a vote of 3 ayes [Jones, Straughan and Cecil], 2 nays [McCallum and Cotti] and 2 absent [King and Raulston].

- 390 c. **SP2004-029** -- Discuss and consider a request from Andrew Booher for  
391 approval of a site plan for a parking lot expansion at the existing First  
392 Baptist Church located on Lot 1, First Baptist Church Addition being 9.53-  
393 acre tract zoned (GR) General Retail district, (PD-12) Planned  
394 Development district and (SF-7) Single Family district and located at the  
395 northwest corner of Goliad (SH 205) and Boydstun Drive. Take any  
396 action necessary. **[SEE ABOVE]**

397 **7. ACTION ITEMS**

- 398  
399 a. **A2004-003** — Discuss and consider approval of an **Ordinance** for a City  
400 initiated request to annex land of approximately 725 acres generally  
401 located north of FM 552 and east of SH 205, and contiguous to the  
402 existing City Limits line and take any action necessary. **(2<sup>nd</sup> Reading)**  
403 **[SEE ABOVE]**

- 404 b. Discuss and consider granting a sign variance per a request from  
405 Rockwall Free Methodist Church for a one (1) foot height variance for a  
406 new monument sign and take any action necessary. **[SEE ABOVE]**.

- 407 c. Discuss and consider relocation of the utility pole at the southwest corner  
408 of SH205 and Washington and take any action necessary.

409 **Rick Crowley, Assistant City Manager, discussed the background of the matter and told**  
410 **the Council that the total cost to move the utility pole and relocate all the utilities would**  
411 **be \$29,785.95. Councilmember Straughan made a motion to approve the request for**  
412 **funding to move the utilities and Councilmember McCallum seconded the motion. The**  
413 **motion passed by a vote of 5 ayes and 2 absent [King and Raulston].**

- 414  
415 d. Discuss and consider approving a **Resolution** adopting a policy for  
416 establishing a tree transplanting day for proposed developments within  
417 the City and take any action necessary.

418 **Robert LaCroix discussed the background of the request. Councilmember McCallum**  
419 **made a motion to approve the Resolution and Councilmember Straughan seconded the**  
420 **motion. The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].**

- 421  
422 e. Discuss and consider construction of City “pride” signs and take any  
423 action necessary.

424 **Julie Couch, City Manager, discussed the background of this item. Councilmember Cecil**  
425 **made a motion to move forward with the initiative, exclusive to City projects such as Old**  
426 **Town/Historic District and The Harbor Project. Councilmember Cotti seconded the**  
427 **motion and the motion passed by a vote of 5 ayes and 2 absent [King and Raulston].**

- 428  
429 f. Discuss and consider recommendations from the Park Board regarding  
430 policies and procedures for Community Center reservations and take any  
431 action necessary.

432 **Brad Griggs discussed the background of the Park Board recommendations and advised**  
433 **the Council that non-profit groups would continue to be able to use the facilities at no**  
434 **cost. Councilmember Cotti made a motion to approve the Park Board recommendations.**  
435 **Councilmember Cecil requested confirmation from Griggs (which was confirmed by**

Griggs) that the nonprofits groups would continue to use the facilities at no cost and that longstanding reservations would remain in place and then seconded Councilmember Cotti's motion. The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].

There being no further business to come before the Council in regular session, Mayor Jones adjourned the meeting into Executive Session at 10:10 p.m.

**8. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- c. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- d. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**9. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**No action was taken as result of Executive Session.**

There being no further business to come before the Council, Mayor Jones adjourned the meeting at 10:30 p.m.

**Approved by the City Council of the City of Rockwall, Texas, this 7<sup>th</sup> day of February, 2005.**

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**Ken Jones, Mayor**

**ATTEST:**

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**Dorothy Brooks, City Secretary**

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**MINUTES**  
**ROCKWALL CITY COUNCIL**

January 24, 2005  
6:00 p.m. Special Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Tim McCallum, Bill Cecil and Terry Raulston. Councilmembers John King and Stephen Straughan were absent. Also present were City Manager Julie Couch, City Attorney Pete Eckert, and attorney Terry Morgan. Mayor Jones immediately adjourned the meeting into Executive Session.

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1. **HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

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- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
  - b. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
  - c. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

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2. **TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

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Councilmember Bob Cotti made a motion authorizing the City Attorney to file an appeal of the decision reached by the Court of Appeals, Fifth District of Dallas at Dallas, in Vester T. Hughes, as Sole Independent Executor of the Estate of W.W. Caruth, Jr., Deceased vs. City of Rockwall, and authorized the City Attorney to hire supplemental firms, as necessary, to assist in the appeal. Councilmember Terry Raulston seconded the motion and the motion passed by a vote of 5 ayes and 2 absent [King and Straughan].

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There being no further business to come before the Council at this time, Mayor Jones adjourned the meeting at 6:45 p.m.

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Approved by the City Council of the City of Rockwall, Texas, this 7<sup>th</sup> day of February, 2005.

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\_\_\_\_\_  
Ken Jones, Mayor

ATTEST:

\_\_\_\_\_  
Dorothy Brooks, City Secretary

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**MINUTES  
ROCKWALL CITY COUNCIL**

February 7, 2005

5:00 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 5:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and Terry Raulston. Councilmember John King was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Jones immediately adjourned the meeting into Executive Session.

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- c. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- d. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**No action was taken as result of Executive Session.**

**3. PRE-COUNCIL DINNER.**

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Ken Jones, Mayor

**ATTEST:**

\_\_\_\_\_  
Dorothy Brooks, City Secretary

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
February 7, 2005  
6:00 p.m. Regular Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

**1. CALL TO ORDER**

Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and Terry Raulston. Councilmember John King was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TERRY RAULSTON**

**3. PROCLAMATIONS**

Mayor Jones read the proclamation declaring February as Black History month in the City of Rockwall and presented it to Reggie Buffington.

**4. OPEN FORUM**

Mayor Jones advised the audience that the floor was open to anyone who wished to address the Council on any subject not on tonight's agenda. No one came forward and the open forum was closed.

**5. CONSENT AGENDA**

- a. Consider approval of the Minutes of the January 18, 2005, City Council meeting and take any action necessary.
- b. Consider approval of the Minutes of the January 24, 2005, Special Called City Council meeting and take any action necessary.
- c. Consider approval of an **Ordinance** for a request by Eugene Middleton of Winkelmann & Associates to rezone from (SF-10) Single Family Residential District to (GR) General Retail District a 1.57-acre tract currently described as Tracts 30, 31, 32 and 32-1, Abstract 146, S.S. McCourry Survey. The tract is bounded by N. Goliad (SH 205) on the east, Live Oak St on the south, undeveloped N. Alamo Rd right-of-way on the west, and the future extension of N. Alamo Rd on the north, and take any action necessary. **(2<sup>nd</sup> Reading)**
- d. Consider approval of an **Ordinance** for a City initiated request to amend the Unified Development Code of the City of Rockwall, Article VI, Section 4.1C "Residential Parking" regarding storage and screening of recreational vehicles as defined and take any action necessary. **(2<sup>nd</sup> Reading)**
- e. Consider approval of the purchase of a Toro Mower and take any action necessary.
- f. Consider approval of a Resolution designating the Rockwall County News as the official newspaper of the City and take any action necessary.
- g. **P2004-045** -- Discuss and consider a request by Jeff Green of CEI Engineering Associates, Inc., for approval of a replat of Lots 1 and 2, Block

A, Steak 'N Shake Addition (currently platted as Catfish Subdivision), being a 3.080-acre tract zoned (C) Commercial district and located at the northwest corner of FM 740 and Interstate 30 and take any action necessary.

**h. P2004-068** -- Discuss and consider a request by Mike Allen of Allen & Ridinger Consulting, Inc. for approval of a replat of Lots 1R and 2, Block A, La Jolla Pointe Addition Phase 2, being a 14.914-acre tract zoned (C) Commercial district, located north of I-30 and south of La Jolla Pointe Drive and take any action necessary.

**i.** Consider approval of an Ordinance setting the speed limit on SH-66 between SH-205 and the city limits to the west and take any action necessary.

**j.** Consider approval of an Ordinance setting the maximum speed limit in Old Town Rockwall and take any action necessary.

**k.** Consider authorizing the City Manager to execute an Engineering Services Agreement for the Fannin Street reconstruction and take any action necessary.

**l.** Consider authorizing the City Manager to execute an Engineering Services Agreement for utility relocation on SH-205 and take any action necessary.

**m.** Discuss and consider approval of a **Resolution** endorsing certain legislative changes to S.B.7 supported by Cities Aggregation Power Project, Inc. and take any action necessary.

**Councilmember McCallum requested that Consent Agenda Items 5i and 5j be pulled and then made a motion to approve the remaining items. Councilmember Straughan requested that Consent Agenda Item 5b be pulled and Councilmember Raulston requested that Consent agenda Item 5a be pulled. Councilmember McCallum amended his motion to approve items 5c, d, e, f, g, h, k, l, and m and Councilmember Cotti seconded the motion. The ordinances were read as follows:**

**ORDINANCE NO. 05-06**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE VI, SECTION 4, RESIDENTIAL PARKING; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 05-02**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-10), SINGLE FAMILY RESIDENTIAL DISTRICT TO (NS), NEIGHBORHOOD SERVICES DISTRICT, ON A TRACT OF LAND CONTAINING 1.57 ACRES AND KNOWN AS TRACTS 30, 31, 32 AND 32-1, ABSTRACT 146, S.S. MCCOURRY SURVEY, AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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 6 ayes and 1 absent [King].**

Councilmember McCallum then made a motion to approve Consent Agenda Item 5a and Councilmember Cotti seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [Raulston], and 1 absent [King].

Councilmember Cotti made a motion to approve Consent Agenda Item 5b and Councilmember McCallum seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [Straughan], and 1 absent [King].

Councilmember Cotti made a motion to approve Consent Agenda Item 5i and Councilmember Straughan seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, SECTION 545.356, UPON SH-66, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE. [1<sup>st</sup> Reading]

The motion passed by a vote of 6 ayes and 1 absent [King].

Councilmember McCallum made a motion to table Consent Agenda Item 5j and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

## **6. APPOINTMENTS**

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

Phillip Herbst came forward and discussed the Planning and Zoning items on tonight's agenda.

- b. Appointment with Brad Griggs, Parks Director, regarding special event with Old Town shops on the Square and take any action necessary.

Brad Griggs discussed the 151<sup>st</sup> Birthday Celebration – “Another Bloomin’ Birthday”. Councilmember Cecil made a motion to move forward with the planning and Councilmember Cotti seconded the motion. Councilmember McCallum requested that “Founder’s Day” be included in the name of the program. The motion passed by a vote of 6 ayes and 1 absent [King].

- c. Appointment with Jim Parks of the North Texas Municipal Water District for a power point presentation regarding the East Fork Wetlands Project and take any action necessary.

Jim Parks and Mike Rickman gave a power point presentation regarding the East Form Wetland Project. The total cost is estimated to be \$246 million and the target date for completion is 2008. Mayor Jones made a motion that the City participate in this project and Councilmember Cecil seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

- d. Appointment with the Charter Review Commission regarding recommendations for amending the Charter and take any action necessary.



203  
204 **Bill Lofland discussed the proposed changes to the Charter. Councilmember Cotti made a**  
205 **motion that a public hearing on the proposed changes be held on Monday, February 21, 2005,**  
206 **and Councilmember Raulston seconded the motion. The motion passed by a vote of 6 ayes**  
207 **and 1 absent [King].**  
208

- 209       e.     Appointment with Katherine Ray of Ray Associates, Inc. to discuss  
210             Compensation Study selection of market cities and take any action  
211             necessary.  
212

213 **Cheryl Austin, Director of Administrative Services, discussed the background of the**  
214 **Compensation Study. Katherine Ray came forward to address the Council and explained the**  
215 **criteria for the selection of the market cities. After discussion, Councilmember Cotti made a**  
216 **motion to approve the 15 cities recommended by Ray and Councilmember Cecil seconded**  
217 **the motion. The motion passed by a vote of 6 ayes and 1 absent [King].**  
218

- 219       f.     Appointment with Gary Amerson of Texas Star Express to request a waiver  
220             to the requirements to build two lanes of Mims Road and take any action  
221             necessary.  
222

223 **Robert LaCroix, Director of Planning, discussed the background of Amerson's request for a**  
224 **waiver. Councilmember Cotti made a motion to approve the waiver per the conditions in**  
225 **Staff's memo and Councilmember Cecil seconded the motion. The motion passed by a vote**  
226 **of 6 ayes and 1 absent [King].**  
227

## 228 **7.     SITE PLANS/PLATS**

- 229       a.     **SP2004-020** -- Discuss and consider a request by Jeff Green of CEI  
230             Engineering Associates, Inc., for approval of a site plan for Steak 'N Shake  
231             Restaurant, located on a 1.148-acre tract proposed as Lot 1, Block A, Steak  
232             'N Shake Addition (currently platted as Catfish Subdivision), situated at the  
233             northwest corner of FM 740 and Interstate 30. The subject site is zoned (C)  
234             Commercial district and situated within the (IH-30 OV) IH-30 Overlay district  
235             and the (SOV) Scenic Overlay district and take any action necessary.  
236

237 **Robert LaCroix discussed the background of the request for approval of a site plan. LaCroix**  
238 **advised that the Architectural Review Board and the Planning and Zoning Commission had**  
239 **approved the request. Jeff Green, the applicant, addressed the Council and answered**  
240 **questions they had with regard to the site. Councilmember Raulston made a motion to**  
241 **approve the request with Architectural Review Board, Planning and Zoning and Staff**  
242 **recommendations and Councilmember McCallum seconded the motion. The motion passed**  
243 **by a vote of 6 ayes and 1 absent [King].**  
244

- 245       b.     **SP2004-031** -- Discuss and consider a request by Jerry Haning of Haning  
246             Construction Company for approval of a site plan Open Imaging of Rockwall,  
247             located on Lot 4, Block B, Horizon Ridge Addition, being a 1.1478-acre tract  
248             zoned (PD-9) Planned Development District situated along the west side of  
249             Rockwall Parkway north of Summer Lee and take any action necessary.  
250

251 **Robert LaCroix discussed the background of the request for approval of a site plan. LaCroix**  
252 **advised that the Architectural Review Board and the Planning and Zoning Commission had**  
253 **approved the request. Councilmember Raulston made a motion to approve the request with**  
254 **Architectural Review Board, Planning and Zoning and Staff recommendations and**

Councilmember Cecil seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

- c. **SP2004-036** -- Discuss and consider a request from Howard Turner of HKS, Inc., for approval of an amended site plan (including building elevations) for Jack-in-the-Box, located at 2808 Ridge Rd on a 0.69-acre tract zoned (C) Commercial and situated within the (SOV) Scenic Overlay district and (IH-30 OV) IH-30 Overlay district and take any action necessary.

Robert LaCroix discussed the background of the request for approval of a site plan. LaCroix advised that the Architectural Review Board and the Planning and Zoning Commission had approved the request. Howard Turner, applicant, appeared and answered questions regarding the site plan. Councilmember Raulston made a motion to approve the request with Architectural Review Board, Planning and Zoning and Staff recommendations and Councilmember McCallum seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

- d(1). **P2005-009** -- Discuss and consider a request from First Baptist Church for approval of a final plat of Lot 1, Block A, First Baptist Church Addition Phase 3, being a 1.87-acre tract zoned (GR) General Retail district, (PD-12) Planned Development district and (SF-7) Single Family district and located at the northwest corner of Goliad (SH 205) and Boydstun Drive and take any action necessary.

- d(2). **SP2005-005** -- Discuss and consider a request from Andrew Booher for approval of a site plan for a parking lot expansion at the existing First Baptist Church located on Lot 1, Block A, First Baptist Church Addition Phase 3 being 1.87-acre tract zoned (GR) General Retail district, (PD-12) Planned Development district and (SF-7) Single Family district and located at the northwest corner of Goliad (SH 205) and Boydstun Drive and take any action necessary.

Robert LaCroix discussed the background of items 7(d)(1) and 7(d)(2). Shawn Risinger from the Church appeared and answered questions regarding the parking lot expansion. Councilmember Cecil made a motion to approve item 7(d)(1) and Councilmember Raulston seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

Councilmember Cecil then made a motion to approve item 7(d)(2) with the conditions as recommended by Staff and the Planning and Zoning Commission. Councilmember Raulston seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].

## **8. ACTION ITEMS**

- a. Discuss and consider granting a sign variance per a request from Rockwall Free Methodist Church for a one (1) foot height variance for a new monument sign and take any action necessary.

Jeffrey Widmer, Building Official, discussed the background of the request. Councilmember Cotti made a motion to approve the request and Councilmember Cecil seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

- b. Discuss and consider a request by Circuit City for a variance of the sign ordinance and take any action necessary.

308  
309 **Jeffrey Widmer discussed the background of the request. Rob Baldwin from Circuit City**  
310 **came forward to address the Council and asked for their approval. Councilmember Raulston**  
311 **made a motion to approve the request and Councilmember McCallum seconded the motion.**  
312 **The motion passed by a vote of 6 ayes and 1 absent [King].**  
313

- 314       c.     Discuss and consider a request by Rockwall Indoor Sports Expo for  
315             amendment to the Sign Ordinance to allow them to have a pole sign and take  
316             any action necessary.  
317

318 **Jeffrey Widmer discussed the background of the request and stated that the request is for**  
319 **Council to instruct Staff to amend the sign ordinance and bring it back to them for approval.**  
320 **After discussion, Councilmember Straughan made a motion to deny the request and**  
321 **Councilmember Raulston seconded the motion. The motion passed by a vote of 5 ayes, 1**  
322 **nay [Cecil], and 1 absent [King].**  
323

- 324       d.     Discuss and consider a request by LaQuinta Inns, formerly Country Hearth  
325             Inns and Suites, for a variance on the height of their wall sign and a variance  
326             for the square footage of the pole sign and take any action necessary.  
327

328 **Jeffrey Widmer discussed the background of the request. Pauline Wright of LaQuinta came**  
329 **forward and requested that the Council approve the request. Councilmember Cotti made a**  
330 **motion to approve the request and Councilmember Straughan seconded the motion. The**  
331 **motion passed by a vote of 6 ayes and 1 absent [King].**  
332

- 333       e.     Discuss and consider a request by Habitat for Humanity to waive all  
334             construction fees for their projects and take any action necessary.  
335

336 **Councilmember Cecil stated that he had requested that this matter be on tonight's agenda**  
337 **and discussed the background of the request. Councilmember Cecil made a motion to**  
338 **approve the request. City Attorney Pete Eckert advised the Council that it was well within**  
339 **their authority to grant this request and that Staff would bring a resolution to the Council for**  
340 **approval at the next meeting. Mayor Jones seconded the motion and the motion passed by a**  
341 **vote of 6 ayes and 1 absent [King].**  
342

343 **9.     CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**  
344 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**  
345

- 346       a.     Departmental Reports  
347       b.     City Manager's Report  
348

349 **City Manager Julie Couch advised the Council that the quarterly work session was scheduled**  
350 **for Tuesday, February 15, 2005, and that it would be a joint session with the Capital**  
351 **Improvement Task Force.**  
352

353 **There being no further business to come before the Council in regular session, Mayor Jones**  
354 **adjourned the meeting into Executive Session and 9:19 p.m.**

355  
356 **10. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS**  
357 **GOVERNMENT CODE TO DISCUSS:**

- 358       a. Deliberation regarding the purchase, exchange, lease, or value of real  
359       property.
- 360       b. Commercial or financial information regarding business prospects that the  
361       City seeks to have locate, stay, or expand in or near the territory of the City of  
362       Rockwall and with which the Board is conducting economic development  
363       negotiations.
- 364       c. Consultation with attorney pursuant to §551.071(1) to discuss pending or  
365       contemplated litigation relating to annexation.
- 366       d. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with  
367       attorney with regard to a matter that it is the duty of the attorney to consult  
368       with the Council and falls under the attorney-client privilege.

369  
370 **11. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**  
371

372 **The Council unanimously approved the two Resolutions regarding acquiring real property**  
373 **from Tamaino and Culpepper-Spatex.**

374  
375 **There being no further business to come before the Council, Mayor Jones adjourned the**  
376 **meeting at 11:00 p.m.**

377  
378 **Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of**  
379 **\_\_\_\_\_, 2005.**

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382 \_\_\_\_\_  
383 **Ken Jones, Mayor**

384 **ATTEST:**

385 \_\_\_\_\_  
386 **Dorothy Brooks, City Secretary**  
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**MINUTES  
ROCKWALL CITY COUNCIL**

February 15, 2005  
6:00 p.m. Work Session and Joint Meeting  
with Capital Improvement Committee  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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1. Call to Order.

11 Mayor Jones called the meeting to order at 6:10 p.m. Present were Mayor Ken  
12 Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill  
13 Cecil and Terry Raulston. Councilmember John King was absent. Also present  
14 were CIP Committee members Sam Noel, Phillip Herbst, Peg-Pannell Smith,  
15 Barbara Coleson, Kirte Kinser, Darlene Bealmear and Dennis Dayman.

16  
17 2. Meet with CIP Committee to discuss status of capital improvement plan  
18 update and take any action necessary.

19  
20 Sam Noel, Chairman of the CIP Committee, discussed the background of the  
21 committee. Noel stated that the CIP Committee was in 100% agreement on the  
22 bond package. Discussion ensued for the items proposed by the CIP Committee  
23 for future bond elections. The CIP Committee will continue to meet to make the  
24 changes to the plan as discussed and will bring a final plan back to the Council  
25 for approval in the near future.

26  
27 3. Discuss status of animal shelter design and take any action necessary.

28  
29 Jeffrey Widmer and David Newman of Quorum Architects presented the plan for  
30 the new animal shelter. Discussion ensued and changes requested will be  
31 implemented and brought back to the Council and the CIP Committee for their  
32 approval.

33  
34 4. Adjournment.

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36 There being no further business to come before the Council, Mayor Jones  
37 adjourned the meeting at 10:50 p.m.

38  
39 Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_  
40 day of \_\_\_\_\_, 2005.

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43 \_\_\_\_\_  
Ken Jones, Mayor

44 ATTEST:

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46 \_\_\_\_\_  
47 Dorothy Brooks, City Secretary

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**MINUTES  
ROCKWALL CITY COUNCIL**

February 21, 2005

5:00 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 5:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and Terry Raulston. Councilmember John King was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Jones immediately adjourned the meeting into Executive Session.

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**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

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- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
  - b. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
  - c. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
  - d. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.
  - e. Litigation: City vs. Bishop – Consultation with attorney.
  - f. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.

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**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

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32

**No action was taken as result of Executive Session.**

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34

**3. PRE-COUNCIL DINNER.**

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36

**The pre-council meeting adjourned at 5:55 p.m.**

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38

**Approved by the City Council of the City of Rockwall, Texas, this 7th day of March, 2005.**

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\_\_\_\_\_  
Ken Jones, Mayor

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**ATTEST:**

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\_\_\_\_\_  
Dorothy Brooks, City Secretary

# **MINUTES ROCKWALL CITY COUNCIL**

**February 21, 2005**

**6:00 p.m. Regular Meeting**

**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

## **1. CALL TO ORDER**

**Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and Terry Raulston. Councilmember John King was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.**

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER BILL CECIL**

## **3. CONSENT AGENDA**

- a.** Consider approval of the minutes of the February 7, 2005 City Council Meeting and take any action necessary.
- b.** Consider approval of an **Ordinance** setting the speed limit on SH-66 between east city limits to west city limits and take any action necessary. **(2<sup>nd</sup> Reading)**
- c.** Consider approval of an **Ordinance** setting the maximum speed limit in Old Town Rockwall and take any action necessary. **(1<sup>st</sup> Reading)**
- d.** **P2005-003** -- Discuss and consider a request by Joshua Jones for approval of a preliminary plat of Lots 1, 2 and 3, Block 1, Renfro Creekside Estates (currently described as Tract 6, Abstract 29, R. Ballard Survey), being a 1.43-acre tract zoned (SF-7) Single Family district, located along the northwest side of Renfro Street north of Boydston and take any action necessary.
- e.** **P2005-005** -- Discuss and consider a request by Ron Ramirez of Wier and Associates for approval of a replat of Lot 4, Block C, Rockwall Technology Park, being a 4.895-acre tract zoned (LI) Light Industrial district and located along the north side of Observation Trail at Innovation Drive and take any action necessary.
- f.** **P2005-006** -- Discuss and consider a request by Sam Ellis of Dallas Design Build for approval of a replat of Love's Addition, being a 9.453-acre tract zoned (LI) Light Industrial district and situated at the southwest corner of IH-30 and FM 549 and take any action necessary.

- g(1). **P2005-008** -- Discuss and consider a request by Mike Mishler of Mishler Builders, Inc., for approval of a replat for Lot 12, Block A, Horizon Ridge Addition, being a 1.168-acre tract zoned (PD-9) Planned Development district and located at the northwest corner of Arista Road and Ralph Hall Parkway and take any action necessary.
- g(2). **SP2005-003** -- Discuss and consider a request by Mike Mishler of Mishler Builders, Inc., for approval of a site plan for Horizon Ridge Professional Center, a 5,505-sf dental office located on the existing Lot 12, Block A, Horizon Ridge Addition, being a 0.753-acre tract zoned (PD-9) Planned Development district and located at the northwest corner of Arista Road and Ralph Hall Parkway and take any action necessary.
- h. **SP2005-004** -- Discuss and consider a request by Michael Johnston of Ramsay Ivy Co. for approval of a site plan for a 2,600-sf office building on a 0.368-acre lot zoned (GR) General Retail and known as Lot 1, Block A, Willis-Sealock Addition, located at 3014 Ridge Road within the (SOV) Scenic Overlay district and take any action necessary.
- i. Consider approval of a **Resolution** waiving all construction fees for Habitat for Humanity projects in the City of Rockwall and take any action necessary.
- j. Consider approval of the award of the bid for the Heath Street Ground Storage Reservoir Coating Project and take any action necessary.
- k. Consider approval of the contract for the 2005 Hazardous Waste Day and take any action necessary.

**Councilmember Cotti requested that Consent Agenda Items 3c and 3d be pulled. Councilmember Straughan requested that Consent Agenda Item 3g(2) be pulled. Councilmember Cotti then made a motion to approve the remaining Consent Agenda Items – 3a, b, e, f, g(1), h, i, j, and k. Councilmember Raulston seconded the motion and the ordinance was read as follows:**

**ORDINANCE NO. 05-07**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, SECTION 545.356, UPON SH-66, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.



**The motion passed by a vote of 6 ayes and 1 absent [King].**

**Councilmember Cotti then made a motion to table Consent Agenda Item 3c until the next regular city council meeting scheduled for March 7, 2005. Councilmember Raulston seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].**

**Councilmember Cotti made a motion to approve Consent Agenda Item 3d. Councilmember Raulston seconded the motion and the motion passed by a vote of 5 ayes, 1 abstain [Jones], and 1 absent [King].**

**Robert LaCroix, Director of Planning, discussed the background of Consent Agenda Item 3g(2) and advised the Council that the extra parking is for a second building which will more than likely be a medical building. Councilmember McCallum made a motion to approve the request and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].**

#### **4. APPOINTMENTS**

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

**Connie Jackson spoke on behalf of the Planning and Zoning Commission regarding the planning and zoning items on tonight's agenda.**

- b. Appointment with Judge Kortemier regarding Municipal Court's annual report and take any action necessary.**

**Judge Kortemier appeared before the Council and discussed his annual report.**

- c. Appointment with Police Chief Mark Moeller regarding the 2004 Racial Profiling Report and take any action necessary.**

**Police Chief Mark Moeller advised the Council that the Racial Profiling Report is submitted to them pursuant to state law. Councilmember Cotti made a motion to accept the report and Councilmember Raulston seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].**

- d. Presentation of the Administration Department Business Plan.**

**Julie Couch discussed the background of the departmental business plans. Administration Department employees Rick Crowley, Kristy Ashberry and Joey Boyd presented the plan. Councilmember Cotti made a motion to approve the**

plan and proceed with the other departmental plans and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

## **5. PUBLIC HEARING ITEMS**

- a. Hold a public hearing on changes to the Charter as recommended by the Charter Review Commission and take any action necessary.

City Attorney Pete Eckert advised the Council that the Charter Review Commission can propose changes, but the Council has the final determination as to which amendments are presented the public. Eckert then went through each proposition and described how it affected the Charter. The propositions are as follows:

Proposition 1 – is the procedure to acquire public utility systems within the city.

Proposition 2 – deletes term limits.

Proposition 3 – deletes language regarding Council approval for the adoption of plats. The Council will be able to determine what to review.

Proposition 4 – is a language clean-up.

Proposition 5 – is pertains to first and second readings of ordinances.

Proposition 6 – reduces from 5 to 4 Councilmembers needed to approve an emergency ordinance.

Proposition 7 – authorizes the City Manager to sign contracts.

Proposition 8 – authorizes the City Council to establish a Municipal Court of Record.

Proposition 9 -- removes the requirement that a candidate for office not be in arrears on their payment of taxes.

Proposition 10 – addresses the capital improvement plan process.

Proposition 11 – adds “except as authorized by state law.”

Proposition 12 – removes term limits for planning and zoning commission members.

Proposition 13 – states that the Council must appoint a Charter Review Commission for any amendments to the Charter.

Proposition 14 – makes the Charter gender neutral.

Mayor Jones then opened the public hearing. The following persons came forward to address the Council:

**Bill Lofland, Chairman of the Charter Review Committee**

**Mr. Lofland stated he was in favor of the deletion of term limits for councilmembers.**

**Matt Scott, Member of the Charter Review Committee**

**Mr. Scott stated he was in favor of the deletion of term limits for councilmembers.**

**Chuck Bealmear, Member of the Charter Review Committee**

**Mr. Bealmear stated he was not in favor of the deletion of term limits for councilmembers.**

**Ross Ramsay, Member of the Charter Review Committee**

**Mr. Ramsay stated he was not in favor of the deletion of term limits for councilmembers, but is in favor of the deletion of term limits for planning and zoning members.**

**Dale Morgan**

**3119 Lakeside Drive**

**Mr. Morgan stated he is opposed to the deletion of term limits for councilmembers.**

**Ken Dickson**

**205 Meadowdale**

**Mr. Dickson stated he is opposed to the deletion of term limits for councilmembers.**

**George Hatfield**

**#1 Shadydale**

**Mr. Hatfield stated he was opposed to the deletion of term limits for councilmembers.**

**Thomas Bouis**

**7122 Hunter Lane**

**Mr. Bouis stated that this is a negative issue and should not be on the ballot.**

**Christina Cross**

**743 Turtle Cove**

**Ms. Cross stated she had nothing but positive comments for the whole council – they have done a great job. We need a balance with regard to term limits.**

**Sam Buffington**

**509 Bourne**

**Mr. Buffington stated that the charter is for the people. We need diversity on the council and need term limits.**

**Barbara Coleson**

**228 Sovereign Court**

**Ms. Coleson is opposed to the deletion of term limits for councilmembers.**

**Marge Holcomb**

**201 Glenn Avenue**

**Ms. Holcomb stated she is opposed to the deletion of term limits for councilmembers.**

**Frank Miller**

**619 Sunset Hill Drive**

**Mr. Miller is opposed to the deletion of term limits for councilmembers. If term limits are removed, strongly urged the sitting council to abide by the terms they were elected by. Mr. Miller also stated his support for removal of term limits for the Planning and Zoning Commission.**

**Nell Welborn**

**810 Lake Meadow Circle**

**Ms. Welborn stated she is opposed to the deletion of term limits for councilmembers. Removing term limits would lock more people out. With regard to Proposition Nine, she feels that the voters need to know if a candidate is in arrears on their taxes. Ms. Welborn also voiced support for removal of term limits for the Planning and Zoning Commission.**

**Chris Rinner**

**414 Anna Cade**

**Ms. Rinner stated she is opposed to the elimination of term limits.**

**Dixon Glaze**

**3015 Red Valley Run**

**Ms. Glaze is opposed to the deletion of term limits.**

**There being no one further to address the Council, Mayor Jones closed the public hearing. After lengthy discussion, Councilmember Raulston made a motion to approve Proposition One and Propositions Three through Fourteen for inclusion on the May 7, 2005 ballot. Councilmember McCallum seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].**

With regard to Proposition Two (term limits), Councilmember McCallum requested that Staff be directed to draft a proposition providing for a separation of the mayoral terms and the councilmember terms of office, with no loopholes for sitting members. City Attorney Pete Eckert advised the Council to continue with the remaining public hearing items and he would bring back the proposed language to discuss later during the meeting.

- b. **P2005-004** -- Hold a public hearing and consider approval of a request by Mark Odom for a residential replat of Lot 6, Block B, The Oaks of Buffalo Way, being a 1.50-acre tract zoned (SF-E/1.5) Single Family Estate district and located at 1925 Broken Lance Lane. The purpose of the replat is to remove the existing 10-ft common area & access easement along the east property line and take any action necessary.

Robert LaCroix discussed the background of this request. Mayor Jones opened the public hearing. LaCroix advised the Council that the applicant had been present earlier in the evening, but had evidently left due to the lateness of the hour. Councilmember McCallum made a motion to continue the public hearing to March 7, 2005, and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

- c. **Z2004-046** -- Hold a public hearing and consider approval of an **Ordinance** for a City-initiated request for a change in zoning from (C) Commercial District to (PD) Planned Development district on a 1.0-acre tract being Tract 19, Abstract 145, J.D. McFarland Survey, located along the northeast side of Mims Road southeast of Ralph Hall Parkway and take any action necessary. **(1<sup>st</sup> Reading)**

Robert LaCroix discussed the background of this request. Mayor Jones opened the public hearing but no one came forward to address the Council, so the public hearing was closed. Councilmember Cecil made a motion to approve the request with Staff recommendations. Councilmember Raulston recommended that several items be moved to the special use section and Councilmember Cecil amended his motion to so provide for such recommendation. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM (C) COMMERCIAL DISTRICT TO (PD) PLANNED DEVELOPMENT DISTRICT ON A 1.0-ACRE TRACT KNOWN AS TRCT 19, ABSTRACT 146, S.S. MCCOURRY SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**The motion passed by a vote of 6 ayes and 1 absent [King].**

- d. **Z2005-001** -- Hold a public hearing and consider approval of an **Ordinance** for a request by Drana Curanovic for a change in zoning from (SF-10) Single Family Residential district to (NS) Neighborhood Services district on a 2.76-acre tract known as Tract 5, Abstract 124, J.H.B. Jones Survey, located west of SH 205 at the north end of N. Alamo Road and take any action necessary. **(1<sup>st</sup> Reading)**

**Robert LaCroix discussed the background of this request. Mayor Jones opened the public hearing and the following persons came forward to address the Council:**

**Drana Curanovic, Applicant**

**Ms. Curanovic requested that the Council approve her request. She believes the change in zoning will help save the trees.**

**There being no one further to address the Council, Mayor Jones closed the public hearing. Councilmember Straughan made a motion to approve the request and Councilmember Cotti seconded the motion. The ordinance was read as follows:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-10), SINGLE FAMILY RESIDENTIAL DISTRICT TO (NS), NEIGHBORHOOD SERVICES DISTRICT, ON A TRACT OF LAND CONTAINING 2.76 ACRES AND KNOWN AS TRACT 5, ABSTRACT 124, J.H.B. JONES SURVEY, AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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 6 ayes and 1 absent [King].**

- e. **Z2005-003** -- Hold a public hearing and consider approval of an **Ordinance** for a request from Sam Ellis for approval of an amendment to the existing Conditional Use Permit for Love's Truck Stop located at 1990 IH-30 East, specifically to expand the parking lot at the southwest corner of the property and take any action necessary. **(1<sup>st</sup> Reading)**

**Robert LaCroix discussed the background of this request. Mayor Jones opened the public hearing and the following persons came forward to address the Council:**

**Sam Ellis, Applicant**

**Mr. Ellis requested that the Council approve his request.**

**There being no one further to address the Council, Mayor Jones closed the public hearing. Councilmember Cotti made a motion to approve the request and Councilmember Straughan seconded the motion. The ordinance was read as follows:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AND ORDINANCE NO. 99-51, AS PREVIOUSLY AMENDED, SO AS TO AMEND AND EXPAND THE CONDITIONAL USE PERMIT LOCATED AT 1990 I-30 EAST FOR A TRUCK STOP; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**The motion passed by a vote of 5 ayes, 1 nay [McCallum], and 1 absent [King].**

- f. Z2005-004 – Hold a public hearing and consider approval of an *Ordinance* for a request from Oona Gaston for an amendment to the existing Conditional Use Permit (Ord. No. 94-37) on a 5-acre tract located at 1530 IH-30 East to allow for the outdoor storage of RVs and a waiver of paving requirements and take any action necessary. (1<sup>st</sup> Reading)**

**Robert LaCroix discussed the background of this request. Mayor Jones opened the public hearing and the following persons came forward to address the Council:**

**John Lindsey, Applicant's representative  
Discussed the various changes they wanted to make**

**There being no one further to address the Council, Mayor Jones closed the public hearing. Mr. LaCroix stated that, should the applicant come into compliance with the existing CUP there would be no need to return to the Council. After discussion, Councilmember Raulston made a motion to deny the request. Councilmember Cecil seconded the motion. The motion passed by a vote of 4 ayes, 2 nays [Jones and Cotti], and 1 absent [King].**

- g. AM2005-001-- Hold a public hearing and consider approval of an *Ordinance* for a city initiated amendment to the City of Rockwall Code of Ordinances – Subdivision Regulations – Chapter 24 – Amending Sections 24-6 Application Requirements, Filing Date and Time Periods, and Section 24-12 Adequate water for personal use and fire protection required and take any action necessary. (1<sup>st</sup> Reading)**

Robert LaCroix discussed the background of this request. Mayor Jones opened the public hearing but no one came forward to address the Council, so the public hearing was closed. Councilmember Cotti made a motion to approve the request and Councilmember Raulston seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

Returning to Agenda Item 5a, City Attorney Eckert came forward to address the Council regarding Proposition 2. Eckert showed the Council a proposed amendment allowing three 2-year terms as councilmember and three 2 year terms as mayor, which would allow a person to serve for 12 consecutive years. After discussion, it was determined that a one-word change to the Charter could be made, increasing the term a person could serve as Mayor after completing his terms as a councilmember to two terms (6 years), which would allow a person to serve for 10 consecutive years. The remaining language in the Charter regarding term limits for councilmembers would remain the same. There would not be a denotation between councilmember and mayor. Councilmember Cotti made a motion to include Proposition 2 in the Charter Amendment Election, which would state:

- (a) No person shall serve more than three consecutive elected terms as either a Council member or as Mayor. In addition, no person shall serve for more than **five** consecutive elected terms as Council member and Mayor (combined).

Councilmember McCallum seconded the motion. The motion passed by a vote of 4 ayes [Cotti, Straughan, McCallum and Cecil], 2 nays [Jones and Raulston], and 1 absent [King].

Councilmember Cotti then asked the Council if they were sure they wanted to include this proposition on the ballot since it was not a unanimous decision. Cotti stated he does not want to adversely affect any of the other propositions, by putting forth a proposal that is not fully endorsed by the Council. Councilmembers Straughan and Cecil stated that they agreed with Councilmember Cotti. Cotti then made a motion to not include Proposition 2 regarding term limits on the ballot. Councilmember Cecil seconded the motion and the motion passed by a vote of 4 ayes [Cotti, Straughan, Raulston and Cecil], 2 nays [Jones and McCallum], and 1 absent [King].

## **6. ACTION ITEMS**

- a. Discuss and consider adoption of a county-wide disaster mutual aid agreement and take any action necessary.

Kristy Ashberry, Emergency Management Coordinator, discussed the background of this item. Ashberry advised the Council that grant funds are tied to the acceptance of a mutual aid agreement. Councilmember Cotti made a



**motion to approve the adoption of the agreement. Councilmember Cecil requested that City Attorney Eckert rule whether or not he and Mayor Jones would need to recuse themselves since they are on the EMS Corporation board. Eckert advised that they did need to recuse themselves. Mayor Pro Tem McCallum took over control of the meeting. Councilmember Straughan seconded Cotti's motion and the motion passed by a vote of 4 ayes, 2 recusals [Jones and Cecil], and 1 absent [King].**

- b. Discuss and consider approval of a sign variance request from TJ Maxx and take any action necessary.**

**Robert LaCroix discussed the background of this request. Pauline Wright came forward and answered the Council's questions regarding the size of the size. Councilmember Raulston made a motion to approve the request and Councilmember Cecil seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].**

**Councilmember Straughan made a motion to table the following items until the March 7, 2005 regular meeting:**

- c. Discuss and consider a Rockwall City-Wide Pride Program and take any action necessary.**
- d. Discuss opportunities to enhance redevelopment of the downtown including possible revisions to our current building codes/fire codes, reviewing the City's downtown water system needs and possible incentive programs to encourage redevelopment and take any necessary action.**

**Councilmember Cecil seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].**

**7. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.**
- b. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.**
- c. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.**

- d. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.
- e. Litigation: City vs. Bishop – Consultation with attorney.
- f. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.

**8. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**As a result of Executive Session and under separate motions the Council unanimously voted approval of:**

- 1. Resolving contractual matters with Mr. Cain for Summer Lee extension right-of-way.
- 2. Resolving contractual matters with Culpepper-Spatex for Summer Lee extension right-of-way.
- 3. Preparation of a Resolution for Quit Claim for City-owned easement property adjacent to The Oar House at a value of \$4.00 per square foot.
- 4. The transfer of Ms. Donna Orr from Private Property Owner to Commercial Property Owner on the Architectural Review Board with a term to expire July 31, 2006, and the appointment of Ms. Peg Pannell-Smith as the Private Property Owner on the Architectural Review Board with a term to expire July 31, 2006.

**There being no further business to come before the Council, Mayor Jones adjourned the meeting at 12:30 a.m.**

**Approved by the City Council of the City of Rockwall, Texas, this 7th day of March, 2005.**

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**Ken Jones, Mayor**

**ATTEST:**

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**Dorothy Brooks, City Secretary**

**MINUTES  
ROCKWALL CITY COUNCIL  
March 7, 2005  
5:00 p.m. Pre-Council Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

Mayor Jones called the meeting to order at 5:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and Terry Raulston. Councilmember John King was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Jones immediately adjourned the meeting into Executive Session.

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- c. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- d. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**No action was taken as result of Executive Session.**

**3. PRE-COUNCIL DINNER.**

**The pre-council meeting adjourned at 5:55 p.m.**

**Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.**

\_\_\_\_\_  
**Ken Jones, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Dorothy Brooks, City Secretary**

**MINUTES  
ROCKWALL CITY COUNCIL  
March 7, 2005  
6:00 p.m. Regular Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**1. CALL TO ORDER**

Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and Terry Raulston. Councilmember John King was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR KEN JONES**

**3. OPEN FORUM**

Mayor Jones advised the audience that the floor was open to anyone who wished to address the Council on any subject not on tonight's agenda. No one came forward and the open forum was closed.

**4. CONSENT AGENDA**

- a. Consider approval of the minutes of the February 21, 2005 City Council Meeting and take any action necessary.
- b. Consider approval of a **Resolution** regarding City of Dallas/Lake Ray Hubbard raw water permits and take any action necessary.
- c. Consider approval of an **Ordinance** for a City-initiated request for a change in zoning from (C) Commercial District to (PD) Planned Development district on a 1.0-acre tract being Tract 19, Abstract 145, J.D. McFarland Survey, located along the northeast side of Mims Road southeast of Ralph Hall Parkway and take any action necessary. **(2<sup>nd</sup> Reading)**
- d. Consider approval of an **Ordinance** for a request by Drana Curanovic for a change in zoning from (SF-10) Single Family Residential district to (NS) Neighborhood Services district on a 2.76-acre tract known as Tract 5, Abstract 124, J.H.B. Jones Survey, located west of SH 205 at the north end of N. Alamo Road and take any action necessary. **(2<sup>nd</sup> Reading)**
- e. Consider approval of an **Ordinance** for a request from Sam Ellis for approval of an amendment to the existing Conditional Use Permit for Love's Truck Stop located at 1990 IH-30 East, specifically to expand the parking lot at the southwest corner of the property and take any action necessary. **(2<sup>nd</sup> Reading)**
- f. Consider approval of an **Ordinance** for a city initiated amendment to the City of Rockwall Code of Ordinances – Subdivision Regulations – Chapter 24 – Amending Sections 24-6 Application Requirements, Filing

Date and Time Periods, and Section 24-12 Adequate water for personal use and fire protection required and take any action necessary.  
(2<sup>nd</sup> Reading)

- g. Consider approval of a Resolution requesting the members of the 79<sup>th</sup> Texas Legislature support the Texas Recreation and Parks Account and take any action necessary.
- h. Consider authorizing the City Manager to sign a Property Maintenance Code Survey Contract and take any action necessary.
- i. Consider approval of an **Ordinance** ordering an election to be held for the purpose of submitting to the qualified voters of the city for adoption or rejection, certain proposed amendments to the existing City Charter and take any action necessary.
- j. Consider approval of an **Ordinance** amending the Code of Ordinances in Chapter 10 Fire Prevention and Protection in Sec. 10-3 Installation Standards and take any action necessary.
- k. Consider approval of the hotel/motel funding request for the third annual Cystic Fibrosis walkathon called "Great Strides" and take any action necessary.
- l. Consider approval of the award of bid for Summer Lee widening adjacent to The Harbor project and take any action necessary.
- m. Consider authorizing the City Manager to execute an agreement with Rockwall RC Sport Flyers and take any action necessary.
- n. Consider approval of a **Resolution** authorizing additional participants in the Buffalo Creek Sewer System and take any action necessary.

Councilmember Straughan requested that Consent Agenda Items 4b and 4i be pulled, Councilmember McCallum requested that Consent Agenda Items 4e and 4h be pulled and Councilmember Cotti requested that Consent Agenda Item 4k be pulled. Councilmember Cotti then made a motion to approve the remaining items on the Consent Agenda [4a, 4c, 4d, 4f, 4g, 4j, 4l, 4m and 4n]. Councilmember Raulston seconded the motion and the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 10 FIRE PREVENTION AND PROTECTION, IN SECTION 10-3 INSTALLATION STANDARDS TO PROVIDE AN EXCEPTION AS SET OUT HEREIN; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent [King].

Mayor Jones stated he had to abstain on Consent Agenda Item 4b and Mayor Pro Tem McCallum took control of the meeting. Councilmember Straughan stated he had pulled this item to get more clarification on the matter. Parks Director Brad Griggs discussed the background of the City of Dallas/Lake Ray Hubbard raw water permits and stated that Rockwall, Heath and Rowlett would be participating in the permitting and would be

140 regulating the use of irrigation systems drawing water from Lake Ray Hubbard.  
141 Councilmember Straughan then made a motion to approve the Resolution and Mayor Pro  
142 Tem McCallum seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain  
143 [Jones], and 1 absent [King].

144  
145 Mayor Jones resumed control of the meeting.

146  
147 Councilmember Straughan requested that City Attorney Pete Eckert discuss Consent  
148 Agenda Item 4i regarding the process to follow with regard to ordering an election to be  
149 held for the purpose of submitting to the qualified voters of the city certain proposed  
150 amendments to the existing City Charter. Eckert described the process. Councilmember  
151 Straughan then made a motion to open the matter for discussion of whether or not to add  
152 the term limit language to the ballot and Councilmember McCallum seconded the motion.  
153 The motion failed by a vote of 2 ayes [Straughan and McCallum], 4 nays [Raulston, Cecil,  
154 Cotti and Jones] and 1 absent [King].

155  
156 Councilmember Cotti then made a motion to approve Consent Agenda Item 4i and Mayor  
157 Jones seconded the motion. The ordinance was read as follows:

158  
159 ORDINANCE NO. 05-12

160  
161 AN ORDINANCE OF THE CITY COUNCL OF THE CITY OF ROCKWALL, TEXAS,  
162 ORDERING AN ELECTION TO BE HELD IN SAID CITY ON THE 7<sup>TH</sup> DAY OF MAY, 2005,  
163 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF  
164 ROCKWALL, TEXAS, FOR THE ADOPTION OR REJECTION THEREOF, CERTAIN  
165 PROPOSED AMEDMENTS TO THE EXISTING CITY CHARTER; DESIGNATING THE  
166 PLACE AT WHICH SAID ELECTION IS TO BE HELD; APPOINTING THE OFFICERS OF  
167 SAID ELECTION; MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION  
168 AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS  
169 ORDINANCE; PROVIDING AN EFFECTIVE DATE.

170  
171 The motion passed by a vote of 6 ayes and 1 absent [King].

172  
173 Councilmember Cotti made a motion to approve Consent Agenda Item 4e – second  
174 reading of an *Ordinance* for a request from Sam Ellis for approval of an amendment to  
175 the existing Conditional Use Permit for Love's Truck Stop – and Councilmember  
176 Straughan seconded the motion. The ordinance was read as follows:

177  
178 ORDINANCE NO. 05-11

179  
180 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
181 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AND  
182 ORDINANCE NO. 99-51, AS PREVIOUSLY AMENDED, SO AS TO AMEND AND  
183 EXPAND THE CONDITIONAL USE PERMIT LOCATED AT 1990 I-30 EAST FOR A  
184 TRUCK STOP; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A  
185 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
186 (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING  
187 FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

188  
189 The motion passed by a vote of 4 ayes [Cotti, Straughan, Cecil and Raulston], 2 nays  
190 [Jones and McCallum], and 1 absent [King].

191  
192 Councilmember McCallum requested City Manager Julie Couch clarify the cost savings  
193 with regard authorizing additional participants in the Buffalo Creek Sewer System.  
194 Couch advised that it would eventually save the City approximately \$80,000 per year.

195 **McCallum then made a motion to approve the Resolution and Councilmember Cotti**  
196 **seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].**

197  
198 **Councilmember Cotti made a motion to approve Consent Agenda Item 4k [funding for the**  
199 **third annual Cystic Fibrosis walkathon called "Great Strides"] and Councilmember**  
200 **Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent**  
201 **[King].**

202  
203 **5. APPOINTMENTS**

- 204  
205 **a.** Appointment with Planning and Zoning Chairman to discuss and answer  
206 any questions regarding cases on the agenda and related issues and  
207 take any necessary action.

208 **Phillip Herbst, Planning and Zoning Chairman, came forward and discussed the**  
209 **background of the planning and zoning items on tonight's agenda.**

- 210  
211 **b.** Appointment with Tommy Griswold of the Youth Advisory Council  
212 regarding recent trip to attend the 5<sup>th</sup> Annual Youth Advisory Commission  
213 Summit in LaPorte, Texas.

214 **Youth Advisory Council member Tommy Griswold gave a brief report on the trip to**  
215 **LaPorte, Texas, for the 5<sup>th</sup> Annual Youth Advisory Commission Summit, which was**  
216 **sponsored by the Texas Municipal League.**

- 217  
218 **c.** Presentation of the Administrative Services (HR) business plan.

219 **Cheryl Austin and Keri Johnson presented the Administrative Services Department**  
220 **business plan.**

221  
222 **6. PUBLIC HEARING ITEMS**

- 223  
224 **a.** **P2005-004 --** Hold a public hearing and consider approval of a request by  
225 Mark Odom for a residential replat of Lot 6, Block B, The Oaks of Buffalo  
226 Way, being a 1.50-acre tract zoned (SF-E/1.5) Single Family Estate  
227 district and located at 1925 Broken Lance Lane. The purpose of the  
228 replat is to remove the existing 10-ft common area & access easement  
229 along the east property line and take any action necessary.

230  
231 **Robert LaCroix, Planning and Zoning Director, discussed the background of the request**  
232 **by Mark Odom for a residential replat. LaCroix advised that the Planning and Zoning**  
233 **Commission had recommended approval. Mayor Jones opened the public hearing and**  
234 **the following persons came forward to address the Council:**

235  
236 **Harold Benning, Applicants Representative**  
237 **Mr. Benning requested approval of the request.**

238  
239 **There being no one further to address the Council, Mayor Jones closed the public**  
240 **hearing.**

241  
242 **Councilmember McCallum made a motion to approve the request and Councilmember**  
243 **Cecil seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].**

244  
245 **7. SITE PLANS/PLATS**

- 246 a. **P2005-007** -- Discuss and consider a request by Ronald Allen of Tomden  
247 Engineering, LLP, for approval of a final plat for Park Place West Phase  
248 2, being a 29.4-acre tract zoned (PD-59) Planned Development No. 59  
249 district and designated for (SF-7) Single Family Residential uses. The  
250 subject tract is situated along the south side of Washington St and east  
251 side of Renfro Street and take any action necessary.

252  
253 **Robert LaCroix discussed the request for a final plat for Park Place West Phase 2 and**  
254 **advised the Council that Staff was not in favor of a smaller street. The applicant had**  
255 **requested a variance for an 18' road, but the Fire Department wants the 24' road for ease**  
256 **of access to the addition. LaCroix stated that the Planning and Zoning Commission was**  
257 **approved a variance for a sidewalk but did not approve the 18' street. Councilmember**  
258 **McCallum made a motion to approve the request with Staff recommendations, including**  
259 **denial of the 24' waiver and Councilmember Cotti seconded the motion. The motion**  
260 **passed by a vote of 6 ayes and 1 absent [King].**

261  
262 **8. ACTION ITEMS**

263  
264 **The following item was brought forward due to the number of people in the audience who**  
265 **wished to participate:**

- 266  
267 e. Discuss and consider Takeline boat dock contract issues and take any  
268 action necessary.

269  
270 **Mayor Jones recused himself from taking part in the discussion and any action to be**  
271 **taken by the Council on this matter. Mayor Pro Tem McCallum took control of the**  
272 **meeting.**

273  
274 **Brag Griggs, Parks Director, discussed the background of the boat docks. Griggs**  
275 **advised the Council that Dallas does not allow the storage of water craft in the Takeline.**  
276 **The following persons came forward to address the Council on this matter:**

277  
278 **Gary Trotter – In favor of boat docks**  
279 **Dan Traxler – In favor of boat docks**  
280 **Tom Chesny – Against boat docks**  
281 **Jacques Roi – In favor of boat docks**  
282 **George Busik – In favor of boat docks**  
283 **Eric Cosar – In favor of boat docks**  
284 **Brian Berry – In favor of boat docks**  
285 **John Duca – In favor of boat docks**  
286 **Gerry Bigler – In favor of boat docks**

287  
288 **After lengthy discuss, Mayor Pro Tem McCallum made a motion to direct Staff to write an**  
289 **ordinance with the following conditions:**



1. Permit low level boat docks following recommendations from the citizen committee, to be determined on a case by case basis through a Special Use Permit (SUP) basis.
2. The materials must be a composite.
3. Get with the City Attorney for the contract language.
4. The docks cannot be above 18" high and cannot be more than 40 feet in length.
5. Lifts are ok but must be approved as a part of the SUP process.

Councilmember Cotti seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [Jones], and 1 absent [King]. Mayor Jones resumed control of the meeting.

- a. Discuss and consider an appeal of a decision of Historic Preservation Advisory Board regarding an application for a Certificate of Appropriateness, case file H2005-001 from the meeting held on February 17, 2005 and take any action necessary.

Robert LaCroix, Planning Director, discussed the background of this matter. The following persons came forward to address the Council on this matter:

Marge Holcomb, Member of the Historic Preservation Advisory Board  
Ms. Holcomb discussed how the Board voted on this matter.

Mary Hanrahan  
Ms. Hanrahan described how they wished the shutters to be installed.

After discussion, Councilmember Raulston made a motion to approve the wooden shutters – to be attached as shown in the picture provided by Ms. Morrison. No special hardware is necessary and they do not have to be affixed to the face of the window. Councilmember Straughan seconded the motion, and the motion passed by a vote of 4 ayes [Jones, Raulston, Straughan, and McCallum], 2 nays [Cotti and Cecil] and 1 absent [King].

- b. Discuss and consider a Rockwall City-Wide Pride Program and take any action necessary.

Councilmember Bill Cecil stated that he brought this forward for the Council's consideration, but it is a topic that can be discussed at the next Council/Staff retreat. City Manager Julie Couch asked for a clarification and Cecil stated that he is looking for a way to have the streets swept, especially in the downtown area and major highways.

After discussion, Councilmember Cecil made a motion to establish a Staff and citizen focus group to look at the cleanliness of our streets and what we can do to present a clean city. Councilmember Straughan seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].

- c. Discuss opportunities to enhance redevelopment of the downtown including possible revisions to our current building codes/fire codes, reviewing the City's downtown water system needs and possible incentive programs to encourage redevelopment and take any necessary action.

Councilmember Cecil stated he brought this matter before the Council to request Staff to review the fire codes with regard to the requirement that buildings 5,000 square feet and over to have fire sprinklers. Cecil stated that we need to have incentives for businesses to relocate to downtown. Julie Couch, City Manager, stated that incentives have not been determined and that they will need to be from the Downtown Plan. Councilmembers Straughan, Cotti, McCallum and Mayor Jones all expressed concern about relaxing any of the fire codes. After further discussion, Councilmember Cecil made a motion for directing the Staff to move forward to look at incentives and to look at the water system. Councilmember McCallum seconded the motion, stating that there should be no increase of the tax burden on the citizens. Couch stated that Staff will research the incentives and bring the information back to the Council, but that nothing would be implemented. The motion passed by a vote of 6 ayes and 1 absent [King].

- d. Discuss and consider approval of the recommendation from the Park Board regarding the renaming of the park currently known as the "Wal-Mart Ball Fields" on Yellowjacket Lane and take any action necessary.

Brad Griggs, Parks Director, discussed the background of the request. Councilmember Cotti made a motion to rename the park "Yellowjacket Park" and Mayor Jones seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

- f. Discuss actions as a result of CIP Task Force joint session and take any action necessary.

Julie Couch discussed the results of the CIP Task Force joint session and requested that the Council give Staff direction on the projects recommended by the CIP Task Force. After discussion, Councilmember McCallum made a motion to allocate the funds for the design engineering for the fire stations and the animal shelter and to come back for approval of space plans and parks. Councilmember Cotti seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].

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

- a. Departmental Reports
- b. City Manager's Report
- (1) Status update on radio system.

Robert Hargrove of Elert & Associates updated the Council on the status of the radio system. Councilmember Raulston stated that he would like an update at every Council meeting until the radio system is complete.

Cheryl Austin, Director of Administrative Services, stated that public hearings on the cable system would be held on April 4, 2005 and April 18, 2005.

Councilmember McCallum asked Mary Smith, Finance Director, for a status update on the cost of the video of the Council meetings. Smith replied that she would have the numbers for him by the first of June.

There being no further business to come before the Council in regular session, Mayor Jones adjourned the meeting into Executive Session at 10:27 a.m.

**10. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- c. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- d. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**11. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**No action was taken as a result of Executive Session.**

**There being no further business to come before the Council, Mayor Jones adjourned the meeting at 11:00 p.m.**

**Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.**

\_\_\_\_\_  
**Ken Jones, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Dorothy Brooks, City Secretary**

**MINUTES  
ROCKWALL CITY COUNCIL**

March 21, 2005

4:30 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 4:30 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and Terry Raulston. Councilmember John King was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Jones immediately adjourned the meeting into Executive Session.

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- c. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- d. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.
- e. Consultation with attorney regarding ethics complaint.
- f. Consultation with attorney regarding eminent domain case [City v. Harris] regarding Summer Lee right-of-way.

**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

Councilmember McCallum made a motion to direct the City Attorney to investigate an ethics complaint and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

**3. PRE-COUNCIL DINNER.**

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Ken Jones, Mayor

**ATTEST:**

\_\_\_\_\_  
Dorothy Brooks, City Secretary

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**MINUTES  
ROCKWALL CITY COUNCIL**

March 21, 2005

6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

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1. **CALL TO ORDER**

Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and Terry Raulston. Councilmember John King was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

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2. **INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TIM MCCALLUM**

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3. **PROCLAMATIONS**

- a. **Poison Prevention Week – Police Chief Mark Moeller received the proclamation.**

4. **CONSENT ITEMS**

- a. Consider approval of an **Ordinance** amending the Code of Ordinances in Chapter 10 Fire Prevention and Protection in Sec. 10-3 Installation Standards and take any action necessary. **[2<sup>nd</sup> Reading]**
- b. P2004-072 -- Discuss and consider a request from Stuart Meyers of Abate Injury Rehab for approval of a final plat of a 0.68-acre tract comprised of Lot 1, W.T. Barnes Addition (0.34-acre) and Lot G, Block 123, B.F. Boydston (0.34-acre). The subject tract is zoned (PD-50) Planned Development district and designated for (R-O) Residential Office uses, and located at 506 North Goliad and take any action necessary.
- c. SP2005-006 -- Discuss and consider a request by Holly Fisher Britt of Eye Care Management of Rockwall for approval of a site plan for a 10,800-sf office development on a 1.56-acre tract known as Lot 1, Horizon Ridge Center Addition, zoned (PD-9) Planned Development district and located at the southwest corner of Horizon Rd (FM 3097) and Rockwall Parkway and take any action necessary.
- d. P2005-012-- Discuss and consider a request by Lloyd Dicken of Lucas Consulting Services for approval of a preliminary plat and treescape plan for Colonia Encantada Addition, being a 9.7-acre tract zoned (C) Commercial district and located at the southwest corner of Ridge Rd and Turtle Cove Boulevard and take any action necessary.
- e. Consider approval of the award of the bid for cemetery landscape improvements and take any action necessary.

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- f. Consider approval of a **Resolution** abating show-cause and accepting settlement with TXU Electric Delivery and take any action necessary.
  - g. Consider approval of the grounds maintenance contract extension and take any action necessary.
  - h. Consider approval of the contract mowing agreement extension and take any action necessary.
  - i. Consider approval of the meter purchases contract extension and take any action necessary.
  - j. Consider approval of the award of the bid for a mobile command/communications center vehicle and take any action necessary.
  - k. Left blank on purpose.
  - l. Consider approval of the award of the bid for the Summer Lee extension from Lake Front Trail to Horizon Road and take any action necessary.
  - m. Consider approval of the Lake Front Trail Storm Sewer Project Change Order No. 1 and take any action necessary.

120 **Councilmember Raulston requested that Consent Agenda Item 4d be pulled.**  
121 **Councilmember Cotti made a motion to approve the remaining items on the Consent**  
122 **Agenda and Councilmember Straughan seconded the motion. The ordinance was read**  
123 **as follows:**

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**ORDINANCE NO. 05-14**

127 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
128 AMENDING THE CODE OF ORDINANCES IN CHAPTER 10 FIRE PREVENTION AND  
129 PROTECTION, IN SECTION 10-3 INSTALLATION STANDARDS TO PROVIDE AN  
130 EXCEPTION AS SET OUT HEREIN; PROVIDING FOR A PENALTY OF A FINE NOT TO  
131 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE  
132 OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A  
133 VIOLATION OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A  
134 REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

135  
136 **The motion passed by a vote of 6 ayes and 1 absent [King].**  
137

138 **Michael Hampton, Senior Planner, discussed the preliminary plat and treescape plan of**  
139 **Consent Agenda Item 4d and the additional information provided to the Council.**  
140 **Councilmember Raulston made a motion to approve the request and Councilmember**  
141 **Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].**  
142

143 **Councilmember Bob Cotti requested that Action Item 8b be addressed at this time.**  
144

145  
146  
147

**Action Item**

- b. Discuss and consider recommendations from the Airport Subcommittee and take any action necessary.

148 **Joey Boyd, Assistant to the City Manager, discussed the recommendations from the**  
149 **Airport Subcommittee. Boyd stated that they were requesting additional funds in order**  
150 **match the funds from TxDOT. After it was clarified that the Subcommittee was only**  
151 **requesting \$9,000, not \$50,000, Councilmember McCallum made a motion to accept the**  
152 **Subcommittee's recommendations and the additional funding. Councilmember Raulston**  
153 **seconded the motion. After additional discussion, the motion passed by a vote of 6 ayes**  
154 **and 1 absent [King].**

155  
156 **5. APPOINTMENTS**

- 157  
158 **a. Appointment with Planning and Zoning Chairman to discuss and answer**  
159 **any questions regarding cases on the agenda and related issues and**  
160 **take any necessary action.**

161 **Planning and Zoning Chairman Phillip Herbst discussed the various planning and Zoning**  
162 **items on tonight's agenda.**

- 163  
164 **b. Appointment with Police Chief Mark Moeller for presentation of the Police**  
165 **Department Business Plan.**

166 **Police Chief Mark Moeller presented the Police Department's business plan.**  
167

168 **6. SITE PLANS / PLATS**

- 169  
170 **a. SP2004-035 -- Discuss and consider a request from Stuart Meyers of**  
171 **Abate Injury Rehab for approval of a site plan for 506 N. Goliad, being a**  
172 **0.68-acre tract zoned (PD-50) Planned Development district and**  
173 **designated for (R-O) Residential Office uses.**  
174

175 **Michael Hampton discussed the background of the request. Councilmember Raulston**  
176 **made a motion to approve the request and Councilmember Cotti seconded the motion.**  
177 **The motion passed by a vote of 6 ayes and 1 absent [King].**  
178

179 **7. PUBLIC HEARINGS**

- 180  
181 **a. P2005-010 -- Hold a public hearing and consider a request by Scott**  
182 **Holden of Douphrate and Associates for approval of a residential replat**  
183 **for Lots 1-5, Block A, Robbins Addition (currently known as Lots 3 and 4,**  
184 **Block A, Sanger Brothers Addition), being a 0.918-acre tract zoned (SF-7)**  
185 **Single Family Residential district and situated at the northeast corner of**  
186 **Peter's Colony and Ross within the (SRO) Southside Residential**  
187 **Neighborhood Overlay district and take any action necessary.**  
188

189 **Michael Hampton discussed the background of the request. Mayor Jones opened the**  
190 **public hearing and the following persons came forward to address the Council:**

191  
192 **Pastor Robbins**  
193 **805 Peters Colony**

194 **Pastor Robbins requested approval of the request, but stated he did not**  
195 **want to develop Lamar.**

196  
197 **Sam Buffington**  
198 **509 Bourn**

199 Mr. Buffington stated he was here representing the South Side Coalition  
200 and asked the Council to approve Pastor Robbin's request.  
201

202 There being no one further to address the Council, Mayor Jones closed the public  
203 hearing. After discussion, Councilmember Raulston made a motion to approve the  
204 request with Staff and Planning and Zoning recommendations and Councilmember Cotti  
205 seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].  
206

- 207 b. Z2005-002 -- Hold a public hearing and consider approval of an  
208 **Ordinance** for a request from Deanna Morrison for a zoning change from  
209 (MF-14) Medium Density Multi-Family district to (R-O) Residential-Office  
210 district for a 0.4-acre tract being Lots 1, 2 and 3, Block H, Eppstein  
211 Addition, and part of the second tract of land described in deed to Juliette  
212 Neil Haney (Vol. 55, Pg. 244), and including properties addressed as 308  
213 and 310 South Fannin Street and take any action necessary.  
214 [1<sup>st</sup> Reading]  
215

216 Michael Hampton discussed the background of the request and advised the Council that  
217 the Historic Preservation Advisory Board (HPAB) recommended denial, but that the  
218 Planning and Zoning Commission had approved the request. Mayor Jones opened the  
219 public hearing and the following persons came forward to address the Council:  
220

221 Mr. Morrison [the applicant's husband and her attorney]  
222 Mr. Morris requested that the Council approve the request – to please not  
223 delay the process. If granted, the interior will be made compatible for office  
224 use.  
225

226 Carol Crow  
227 504 Williams  
228 Ms. Crow stated she does not like the RO [commercial] zoning.  
229

230 Mary Hanrahan  
231 201 S. Clark  
232 Ms. Hanrahan stated she was a member of the HPAB. As a resident she is  
233 concerned about the RO/commercial zoning. To approve it would be like  
234 spot zoning to her.  
235

236 Sherry Pittman  
237 Ms. Pittman stated she was on the HPAB. Ms. Pittman stated that the  
238 HPAB is getting a lot of request for the RO zoning and she feels that we  
239 need to stop and regroup and decided what RO really is.  
240

241 Tom Hughes  
242 306 S. Fannin  
243 Mr. Hughes stated that the current zoning is a travesty – homes along  
244 Fannin have always been SF homes. Hughes stated he does not want  
245 businesses in the area.  
246

247 There being no one further to address the Council, Mayor Jones closed the public  
248 hearing. After lengthy discussion, Councilmember Cecil requested clarification from City  
249 Attorney Pete Eckert on changing the zoning. Eckert advised that the Council could  
250 change the zoning if it is more restrictive. Councilmember Raulston made a motion to



change the zoning to SF7 and Councilmember McCallum seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM "MF-14" MULTI-FAMILY RESIDENTIAL TO "SINGLE FAMILY RESIDENTIAL (SF-7)" ON A 0.4-ACRE TRACT KNOWN AS PART OF LOTS 1, 2, & 3, BLOCK H, EPPSTEIN ADDITION, PART OF THE SECOND TRACT OF LAND DESCRIBED IN DEED TO JULIETTE NEIL HANEY (VOL. 55, PG. 244) AND ALL OF A TRACT OF LAND AS DESCRIBED IN A WARRANTY DEED FROM HALLIE LEE SEELY TO EULA MAE PARKER AND L.V. PARKER (VOLUME 89, PAGE 457); 308 & 310 S. FANNIN AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes, 1 nay [Cotti] and 1 absent [King].

- c. Z2005-005 -- Hold a public hearing and consider approval of an **Ordinance** for a request from Shirley Black for an amendment to (PD-50) Planned Development No. 50 district (Ord. 02-46), specifically to add "Antique/Collectable Sales" as a permitted use within the district and take any action necessary. [1<sup>st</sup> Reading]

Michael Hampton discussed the background of the request. Mayor Jones opened the public hearing and the following persons came forward to address the Council:

**Shirley Black – Applicant**

**5704 Southern Cross**

Ms. Black asked the Council to approve the request.

**Eddie Walker**

Mr. Walker owns the property and thinks it is a good vision for that property and the street.

Councilmember Cecil stated that he would prefer a SUP that would be revisited on a case by case basis.

**Mary Hanrahan**

**Representing the HPAB**

Ms. Hanrahan stated that she worries about changing the zoning because of ADA and other requirements. Hanrahan is worried about the hours of operation. She does not believe that someone that might live next door wants to be next door to a business. She likes the SUP idea, especially that it would expire with a change in ownership.

There being no one further to address the Council, Mayor Jones closed the public hearing. After discussion, City Attorney Pete Eckert recommended that the item be tabled to the next meeting (4/4/05) so that Staff can work on exactly what they are approving. Eckert stated that they needed to be looking at a definition for antiques/collectibles. The SUP is fine and they can put a time limit on it, which does not have to be by ownership.

Councilmember Cecil made a motion to table the matter until the next meeting (4/4/05) to give applicant and Staff time to better define antiques and collectibles. Councilmember McCallum seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

- d. Z2005-009 -- Hold a public hearing and consider approval of an **Ordinance** for a request by Maureen Green for a change in zoning from (SF-7) Single-family Residential district to (PD-50) Planned Development No. 50 district on a 0.23-acre tract being part of Block 20, Amick Addition, situated at 603 North Goliad and take any action necessary. [1<sup>st</sup> Reading]

Michael Hampton discussed the background of the request. Mayor Jones opened the public hearing and the following persons came forward to address the Council:

Maureen Green (Applicant)  
3125 Ridge Road

Ms. Green stated she had two offers and if the zoning change is approved it will be either a tearoom or an office.

Councilmember McCallum wanted to know if we are stuck with a gravel parking area. City Engineer Chuck Todd stated that our standard is concrete. In Old Town, however, we have gone to asphalt. The area behind the shops is necessary so the shops can be accessed without having to go on Goliad.

There being no one further to address the Council, Mayor Jones closed the public hearing.

Councilmember Cecil made a motion to approve the request with Staff recommendations and Councilmember Raulston seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM "SF-7" SINGLE FAMILY RESIDENTIAL TO "PD-50"; PLANNED DEVELOPMENT DISTRICT NO. 50 ON A 0.460-ACRE TRACT KNOWN AS PART OF A, B, & E, BLOCK 21, AMICK ADDITION; 603 N. GOLIAD STREET AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent [King].

- e. Z2005-011 -- Hold a public hearing and consider approval of an **Ordinance** for a request from Bill and Glenda Bradshaw for a Specific Use Permit to allow for a portable beverage service facility within the (C) Commercial zoning district, on a 0.25-acre tract located at 907 S. Goliad and take any action necessary. [1<sup>st</sup> Reading]

Michael Hampton discussed the background of the request and stated it was for a snow cone stand. Mayor Jones opened the public hearing and the following persons came forward to address the Council:

356 **Bill Bradshaw (Applicant)**

357 Bradshaw stated that this would be their 5<sup>th</sup> consecutive year at this  
358 location.

359  
360 There being no one further to address the Council, Mayor Jones closed the public  
361 hearing.

362  
363 Councilmember Raulston made a motion to approve the request with Staff  
364 recommendations and Councilmember Cotti seconded the motion. The ordinance was  
365 read as follows:

366  
367 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED  
368 DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY  
369 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A TEMPORARY  
370 PORTABLE BEVERAGE SERVICE FACILITY ON A TRACT OF LAND KNOWN AS  
371 LOTS 4 AND 5, CANUP ADDITION, LOCATED AT 907 S. GOLIAD; PROVIDING FOR  
372 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE  
373 SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING  
374 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
375 PROVIDING FOR AN EFFECTIVE DATE.

376  
377 The motion passed by a vote of 6 ayes and 1 absent [King].

- 378  
379 f. Z2005-007 – Hold a public hearing and consider approval of an  
380 **Ordinance** a request from Jason Faigle of Kimley-Horn & Associates to  
381 rezone 104.8-acres from (Ag) Agricultural district to (SF-16) Single Family  
382 Residential district, and 16.4-acres from (Ag) Agricultural district to (NS)  
383 Neighborhood Services district. The subject property is located at the  
384 southeast corner of FM 1141 and FM 552, and currently described as  
385 Tract 2, Abstract 88, J.M. Gass Survey and take any action necessary.  
386 [1<sup>st</sup> Reading]

387  
388 Michael Hampton discussed the background of the request and stated Rob Whittle was  
389 the landowner. Mayor Jones opened the public hearing and the following persons came  
390 forward to address the Council:

391  
392 **Jason Faigle (Applicant) and Rob Whittle**

393 Whittle stated that this will be a custom home community and believes it  
394 will be a catalyst for development of the north area.

395  
396 There being no one further to address the Council, Mayor Jones closed the public  
397 hearing.

398  
399 Councilmember Raulston made a motion to approve the request with Staff  
400 recommendations and Councilmember Cecil seconded the motion. The ordinance was  
401 read as follows:

402  
403 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE  
404 UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO  
405 APPROVE A CHANGE IN ZONING FROM (AG), AGRICULTURAL DISTRICT TO (SF-16) SINGLE FAMILY  
406 RESIDENTIAL DISTRICT AND (NS), NEIGHBORHOOD SERVICE DISTRICT, ON A TRACT OF LAND  
407 CONTAINING 121.2 ACRES AND KNOWN AS TRACT 2, ABSTRACT 88, J.M. GASS SURVEY, AND MORE  
408 SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS;  
409 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
410 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
411 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

412  
413 The motion passed by a vote of 6 ayes and 1 absent [King].

- 414  
415 g. Z2005-008 -- Hold a public hearing and consider approval of an  
416 **Ordinance** for a request by LT Ventures for a change in zoning from (SF-  
417 10) Single-family Residential district to (PD) Planned Development district  
418 on a 2.63-acre tract being Lot AB, Block 87, B.F. Boydston Addition,  
419 located south of the Highwood Addition at the termination of Valley Drive  
420 and take any action necessary. [1<sup>st</sup> Reading]  
421

422 Michael Hampton discussed the background of the request. Hampton advised the  
423 Council that there are major drainage issues in this area. Mayor Jones opened the public  
424 hearing and the following persons came forward to address the Council:  
425

426 Bob Long, Preston Teel and Bill Swisher (Applicants)

427 Mr. Swisher described the homes they want to construct in the area and  
428 presented a concept plan.  
429

430 There being no one further to address the Council, Mayor Jones closed the public  
431 hearing. After discussion, City Attorney Pete Eckert recommended that the item be  
432 tabled to the next meeting (4/4/05) so that Mr. Swisher could share the development  
433 costs with the City Manager and to give Mr. Swisher time to come up with elevations for a  
434 20 foot set back.  
435

436 Councilmember Cotti made a motion to table the matter until the next meeting (4/4/05) to  
437 give applicant and Staff time to gather information. Councilmember Straughan seconded  
438 the motion. The motion passed by a vote of 6 ayes and 1 absent [King].  
439

- 440 h. Z2005-010 – Hold a public hearing and consider approval of an  
441 **Ordinance** for a request by Spring Haven Investments, Inc., for a change  
442 in zoning from (Ag) Agricultural district to (PD) Planned Development  
443 district on an 83.30-acre tract being a part of Lot 2 and all of Lot 1, The  
444 McLendon Companies Addition, and Tracts 4 and 5, Abstract 186, J.A.  
445 Ramsey Survey. The subject property is located along the east side of  
446 FM 549 south of SH 276 and take any action necessary. [1<sup>st</sup> Reading]  
447

448 Michael Hampton discussed the background of the request to change zoning on a tract  
449 of land from Agricultural to PD (SF-16). Hampton advised that the Planning and Zoning  
450 Commission had recommended approval of the change. Mayor Jones opened the public  
451 hearing and the following persons came forward to address the Council:  
452

453 Randall Carrington (Developer/Applicant)

454 Mr. Carrington showed the Council the plan for the area.  
455

456 Stan Jeffus

457 1903 FM 5549

458 Mr. Jeffus stated that he bought property in the area and had his house  
459 constructed there because of the deed restrictions for 5-acre minimum lots.  
460

461 City Attorney Eckert advised Mr. Jeffus that the Council is prohibited from  
462 enforcing the deed restrictions. All the Council can address is the zoning  
463 of the property. Mr. Eckert then asked for a short recess to able to confer  
464 with Staff.  
465

466 After the break, Eckert stated that he had confirmed with Staff that  
467 Mr. Jeffus was notified of the zoning request. Eckert advised Mr. Jeffus  
468 that deed restrictions are a private, civil matter and that the City could not  
469 regulate them or enforce them.

470  
471 Mrs. Melba Jeffus came forward and addressed the Council. Mrs. Jeffus  
472 stated that they moved here from Garland for the open space and made a  
473 major investment. She asked the Council to consider the traffic impact on  
474 FM549, SH276 and SH025 if they approved this zoning change.

475  
476 There being no one further to address the Council, Mayor Jones closed the public  
477 hearing. After discussion, Councilmember McCallum made a motion to deny the request  
478 and Councilmember Cecil seconded the motion. The motion passed by a vote of 6 ayes  
479 and 1 absent [King].

## 480 8. ACTION ITEMS

- 481  
482  
483 a. Discuss and consider a request from Rob Whittle with Whittle  
484 Development, Inc., for a waiver on the construction of the required water  
485 lines along FM 552 and North Country Lane for the proposed Nelson  
486 Lake Development located at the northeast corner of the intersection of  
487 FM 552 and FM 1141, and take any action necessary.

488  
489 Michael Hampton discussed the background of this request and stated that Mr. Whittle  
490 was requesting several waivers. The recommendation is that the Council direct Staff to  
491 draft a developer's agreement with Mr. Whittle. Councilmember Cotti agreed with the  
492 recommendations and made a motion to table the matter until Staff can work out the  
493 development agreement with Mr. Whittle. Councilmember Raulston seconded the motion  
494 and the motion passed by a vote of 6 ayes and 1 absent [King].

- 495  
496 b. Discuss and consider recommendations from the Airport Subcommittee  
497 and take any action necessary. [See above]

- 498 c. Discuss and consider accepting the property located at Ross and Davey  
499 Crockett from the Rockwall Independent School District and take any  
500 action necessary.

501 Assistant City Manager Rick Crowley discussed the background of this item. Crowley  
502 stated that the Rockwall Independent School District had given it's right in the property  
503 to the City and requested the Council to accept the property. Councilmember Raulston  
504 made a motion to accept the property from the RISD and Councilmember Cotti seconded  
505 the request. The motion passed by a vote of 6 ayes and 1 absent [King].

- 506  
507 d. Discuss and consider a request from Robbie Hale with Robbie Hale  
508 Homes for a waiver to the requirement for adequate fire protection on a  
509 proposed subdivision of land to be known as Westview Addition, Phase III  
510 being located south of SH 276 and west of FM 550 and within the  
511 extraterritorial jurisdiction (ETJ) of the City of Rockwall and take any  
512 action necessary.

513 Michael Hampton discussed the background of this request. Hampton advised that only  
514 6-8 acres of the 70-acre subdivision fell within the City's ETJ, but that Hale could not  
515 build unless he received the waiver. Couch advised the Council that Hale would be  
516 constructing the facilities so that if and when the City expands to that area, he can

connect to the City lines. Councilmember Cotti made a motion to approve the waiver and Councilmember Straughan seconded the motion. The motion passed by a vote of 4 ayes, 2 nays [Jones and Raulston] and 1 absent [King].

There being no further action to come before the Council, Mayor Jones adjourned the meeting at 11:50 p.m.

Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Ken Jones, Mayor

**ATTEST:**

\_\_\_\_\_  
Dorothy Brooks, City Secretary

## AGENDA

Comment [D B1]:

### ROCKWALL CITY COUNCIL

April 4, 2005

5:00 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 5:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and John King. Councilmember Terry Raulston was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Jones immediately adjourned the meeting into Executive Session.

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- c. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- d. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.
- e. Consultation with attorney regarding ethics complaint.

**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

No action was taken as a result of Executive Session.

**3. PRE-COUNCIL DINNER.**

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Ken Jones, Mayor

ATTEST:

\_\_\_\_\_  
Dorothy Brooks, City Secretary

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**MINUTES  
ROCKWALL CITY COUNCIL**

April 4, 2005

6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

**1. CALL TO ORDER**

Mayor Jones called the meeting to order at 5:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and John King. Councilmember Terry Raulston was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Jones immediately adjourned the meeting into Executive Session.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER STEPHEN STRAUGHAN**

**3. PROCLAMATIONS**

- a. Miss Teen Rockwall – Sabra Davis

**4. OPEN FORUM**

Mayor Jones advised the audience that the floor was open to anyone who wished to address the Council on any subject not on tonight's agenda. The following persons came forward to address the Council:

Linda Jaresh – Spoke about the Ms. Teen Texas competition.

Sam Buffington – Requested that the Southside Coalition Association be put on the next agenda to discuss the land at Davy Crockett & Ross.

There being no one further to address the Council, Mayor Jones closed the open forum.

**5. CONSENT AGENDA**

- a. Consider approval of the Minutes from the March 7, 2005 City Council meeting and take any action necessary.
- b. Consider approval of the Minutes from the March 21, 2005 City Council meeting and take any action necessary.
- c. Consider approval of the Annual Contract for Street Maintenance Materials and take any action necessary.
- d. Consider approval of an **Ordinance** for a request by Maureen Green (Z2005-009) for a change in zoning from (SF-7) Single-family Residential district to (PD-50) Planned Development No. 50 district on a 0.23-acre tract being part of Block 20, Amick Addition, situated at 603 North Goliad and take any action necessary. **[2<sup>nd</sup> Reading]**



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- e. Consider approval of an **Ordinance** for a request from Bill and Glenda Bradshaw (Z2005-011) for a Specific Use Permit to allow for a portable beverage service facility within the (C) Commercial zoning district, on a 0.25-acre tract located at 907 S. Goliad and take any action necessary. **[2<sup>nd</sup> Reading]**
  - f. Consider approval of an **Ordinance** a request from Jason Faigle of Kimley-Horn & Associates (Z2005-007) to rezone 104.8-acres from (Ag) Agricultural district to (SF-16) Single Family Residential district, and 16.4-acres from (Ag) Agricultural district to (NS) Neighborhood Services district. The subject property is located at the southeast corner of FM 1141 and FM 552, and currently described as Tract 2, Abstract 88, J.M. Gass Survey and take any action necessary. **[2<sup>nd</sup> Reading]**
  - g. Consider approval of a Facilities Agreement with Jerry Kissick for Ranch Trail Drive and take any action necessary.
  - h. Consider approval of a Facilities Agreement with Lake Pointe Church for use of Yellowjacket Park and take any action necessary.
  - i. Consider approval of a Resolution designating the officers for the General Election to be held on May 7, 2005 and take any action necessary.

115 **Councilmember John King requested that Consent Agenda Items 5(a) and (b) be pulled.**  
116 **Councilmember Cotti made a motion to approve the remaining Consent Agenda Items**  
117 **and Councilmember Straughan seconded the motion. The ordinances were read as**  
118 **follows:**

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**ORDINANCE NO. 05-08**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM "SF-7" SINGLE FAMILY RESIDENTIAL TO "PD-50"; PLANNED DEVELOPMENT DISTRICT NO. 50 ON A 0.460-ACRE TRACT KNOWN AS PART OF A, B, & E, BLOCK 21, AMICK ADDITION; 603 N. GOLIAD STREET AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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**ORDINANCE NO. 05-15**

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A TEMPORARY PORTABLE BEVERAGE SERVICE FACILITY ON A TRACT OF LAND KNOWN AS LOTS 4 AND 5, CANUP ADDITION, LOCATED AT 907 S. GOLIAD; 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.

ORDINANCE NO. 05-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (AG), AGRICULTURAL DISTRICT TO (SF-16) SINGLE FAMILY RESIDENTIAL DISTRICT AND (NS), NEIGHBORHOOD SERVICE DISTRICT, ON A TRACT OF LAND CONTAINING 121.2 ACRES AND KNOWN AS TRACT 2, ABSTRACT 88, J.M. GASS SURVEY, AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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 6 ayes and 1 absent [Raulston].

Councilmember Straughan made a motion to approve Consent Agenda Items 5 (a) and (b) and Councilmember Cotti seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [King] and 1 absent [Raulston].

**6. APPOINTMENTS**

- a. Appointment with Mitchell Berenson of the Boys and Girls Club of Rockwall County and take any necessary action.

Mitchell Berenson advised the Council that the Boys and Girls Club would be located at the Dobbs Annex and the Grand Opening would be held on April 30, 2005. The target population is 5<sup>th</sup> to 9<sup>th</sup> graders. Board members of the Boys and Girls Club in attendance at the meeting included Julie Burton and Tony Rios.

- b. Appointment with Fire Chief Mark Poindexter for presentation of the Fire Department business plan.

Fire Chief Mark Poindexter presented the Fire Department's business plan.

- c. Appointment with Parks Director Brad Griggs for presentation of the Parks and Recreation Department business plan.

Park Director Brad Griggs presented the Parks and Recreation Department's business plan.

**7. PUBLIC HEARINGS**

- a. Hold a public hearing regarding Charter Communications, Inc. services and take any action necessary.

Cheryl Austin, Administrative Services Department Director, discussed the background of the request. Charter representatives in attendance at the meeting included Margaret Lejuste, Monty King, Ricky Allen and Diane Montgomery. Mayor Jones opened the public hearing and the following persons came forward to address the Council:

**Margaret LeJuste  
Monty King, Acting General Manager  
4800 Bluemound Road**

196 Ft. Worth, Texas

197 Mr. King advised the Council that information on neighboring entities was  
198 being collected and would be available at the next meeting. King stated  
199 that Charter may be able to provide high definition television, but that  
200 several studies needed to be done. After lengthy discussion by Council,  
201 Mr. King advised that Charter would provide the Council with all of the  
202 information the Council had requested within 60 days.

203  
204 Julie Couch advised the Council that Charter's 60 days expired on April 29,  
205 2005.

206  
207 Cheryl Austin advised the Council that she would be meeting with Charter  
208 on April 12, 2005.

209  
210 There being no one further to address the Council, Mayor Jones closed the public  
211 hearing.

212  
213  
214 **8. ACTION ITEMS**

- 215  
216 a. Discuss and consider a sign variance request from Bed, Bath & Beyond  
217 for a height variance for a wall sign and take any action necessary.

218 Jeffrey Widmer discussed the background of the request. Councilmember Cotti made a  
219 motion to approve the request and Councilmember Straughan seconded the motion.  
220 After lengthy discussion, the motion passed by a vote of 6 ayes and 1 absent [Raulston].

- 221  
222 b. Left blank on purpose.

- 223  
224 c. Discuss and consider approval of an **Ordinance** for a request from  
225 Deanna Morrison (Z2005-002) for a zoning change from (MF-14) Medium  
226 Density Multi-Family district to Single Family Residential (SF-7) district for  
227 a 0.4-acre tract being Lots 1, 2 and 3, Block H, Eppstein Addition, and  
228 part of the second tract of land described in deed to Juliette Neil Haney  
229 (Vol. 55, Pg. 244), and including properties addressed as 308 and 310  
230 South Fannin Street and take any action necessary. [2<sup>nd</sup> Reading]

231  
232 Robert LaCroix, Planning Director, discussed the background of the request and advised  
233 the Council that Mr. Morrison had requested that he be allowed to address the Council  
234 regarding the change in zoning to SF-7. Mr. Morrison appeared and stated that he was  
235 protesting the SF-7 change and urged the Council adopt a PD for his property.

236  
237 After lengthy discussion, Councilmember McCallum made a motion to approve the SF-7  
238 zoning and Mayor Jones seconded the motion. The ordinance was read as follows:

239  
240 ORDINANCE NO. 05-17

241  
242 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
243 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,  
244 TEXAS AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM "MF-  
245 14" MULTI-FAMILY RESIDENTIAL TO "SINGLE FAMILY RESIDENTIAL (SF-7)" ON A  
246 0.4-ACRE TRACT KNOWN AS PART OF LOTS 1, 2, & 3, BLOCK H, EPPSTEIN

247 ADDITION, PART OF THE SECOND TRACT OF LAND DESCRIBED IN DEED TO  
248 JULIETTE NEIL HANEY (VOL. 55, PG. 244) AND ALL OF A TRACT OF LAND AS  
249 DESCRIBED IN A WARRANTY DEED FROM HALLIE LEE SEELY TO EULA MAE  
250 PARKER AND L.V. PARKER (VOLUME 89, PAGE 457); 308 & 310 S. FANNIN AND  
251 MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO;  
252 CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE  
253 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH  
254 OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
255 CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.  
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257 The motion failed by a vote of 4 ayes, 2 nays [Cotti and Straughan] and 1 absent  
258 [Raulston] because this requested required a majority vote.  
259

260 Councilmember Cotti then made a motion to remand the matter to Staff and Planning and  
261 Zoning to work out the underlying zoning to the three uses suggested. Councilmember  
262 Straughan seconded the motion. The motion passed by a vote of 4 ayes, 2 nays [Jones  
263 and McCallum] and 1 absent [Raulston].  
264

- 265 d. Discuss and consider approval of an **Ordinance** for a request from  
266 Shirley Black (Z2005-005) for an amendment to (PD-50) Planned  
267 Development No. 50 district (Ord. 02-46), specifically to add  
268 "Antique/Collectable Sales" as a permitted use within the district and take  
269 any action necessary. [1<sup>st</sup> Reading] This item was tabled at the March  
270 21, 2005 meeting.  
271

272 Robert LaCroix discussed the background of the request and read the definition of  
273 antique and collectible from the dictionary. Councilmember Cotti made a motion to  
274 approve the request and Councilmember Cecil seconded the motion. The ordinance was  
275 read as follows:  
276

277 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
278 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL  
279 AND ORDINANCE NO. 02-46, AS PREVIOUSLY AMENDED, SO AS TO AMEND (PD-  
280 50) PLANNED DEVELOPMENT DISTRICT NO. 50 TO ADD AS PERMITTED USES  
281 "ANTIQUE/COLLECTABLE SALES" WITH A SPECIFIC USE PERMIT (SUP);  
282 CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF  
283 FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR  
284 EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A  
285 REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.  
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287 The motion passed by a vote of 6 ayes and 1 absent [Raulston].  
288

- 289 e. Discuss and consider approval of an **Ordinance** for a request by LT  
290 Ventures (Z2005-008) for a change in zoning from (SF-10) Single-family  
291 Residential district to (PD) Planned Development district on a 2.63-acre  
292 tract being Lot AB, Block 87, B.F. Boydston Addition, located south of the  
293 Highwood Addition at the termination of Valley Drive and take any action  
294 necessary. [1<sup>st</sup> Reading] This item was tabled at the March 21, 2005  
295 meeting.  
296

297 Councilmember Straughan recused himself from discussion and taking any action on  
298 this item. Robert LaCroix discussed the background of the request and showed a  
299 concept plan from 1988. LaCroix advised that Bill Swisher had provided the additional  
300 information requested by the Council. The project becomes economically unfeasible to

lose any lots. The units will have a sale price of approximately \$225,000. Councilmember Cotti made a motion to approve the request and Mayor Jones seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-10) SINGLE FAMILY RESIDENTIAL DISTRICT TO (PD-61) PLANNED DEVELOPMENT DISTRICT NO. 61 FOR A 2.63-ACRE TRACT OF LAND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETOFORE AND MADE A PART HEREOF; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 ayes, 1 nay [McCallum], 1 abstain [Straughan], and 1 absent [Raulston].

- f. Discuss and consider a request by Pastor Joe Robbins for a waiver to the requirements for right-of-way improvements to Lamar Street (alley) and take any action necessary.

Robert LaCroix discussed the background of the request from Pastor Robbins that he not be required to develop Lamar. After lengthy discussion, Councilmember Straughan made a motion that the City bring Lamar up to the extent of existing right-of-way and waive the requirement for the Robbin's property to improve Lamar. Councilmember Cotti seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [Raulston].

- g. Discuss and consider the proposed ETJ partial boundary line adjustment with McLendon-Chisholm and take any action necessary.

Julie Couch, City Manager, discussed the background of this item. Councilmember Cotti made a motion that Staff prepare the ordinance and agreement for the boundary lines and Mayor Jones seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Raulston].

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

- a. Departmental Reports
- b. City Manager's Report

Police Chief Moeller discussed the change in reporting and stated that the reports would be more accurate and thorough.

There being no further business to come before the Council, Mayor Jones adjourned the meeting into Executive Session at 10:16 p.m.

348 **10. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072 AND 551.086 OF**  
349 **TEXAS GOVERNMENT CODE TO DISCUSS:**

- 350 a. Deliberation regarding the purchase, exchange, lease, or value of real  
351 property.
- 352 b. Commercial or financial information regarding business prospects that the  
353 City seeks to have locate, stay, or expand in or near the territory of the  
354 City of Rockwall and with which the Board is conducting economic  
355 development negotiations.
- 356 c. Consultation with attorney pursuant to §551.071(1) to discuss pending or  
357 contemplated litigation relating to annexation.
- 358 d. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation  
359 with attorney with regard to a matter that it is the duty of the attorney to  
360 consult with the Council and falls under the attorney-client privilege.
- 361 e. Consultation with attorney regarding ethics complaint.

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364 **11. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

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366 **No action was taken as a result of Executive Session.**

367

368 **There being no further business to come before the Council, Mayor Jones adjourned the**  
369 **meeting at 11:00 p.m.**

370

371 **Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of**  
372 **\_\_\_\_\_, 2005.**

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\_\_\_\_\_  
Ken Jones, Mayor

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**ATTEST:**

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Dorothy Brooks, City Secretary

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**MINUTES**  
**ROCKWALL CITY COUNCIL**

April 18, 2005  
5:00 p.m. Pre-Council Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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Mayor Jones called the meeting to order at 5:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil, John King and Terry Raulston. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Jones immediately adjourned the meeting into Executive Session.

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**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

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- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
  - b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
  - c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
  - d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
  - e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

No action was taken as a result of Executive Session.

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 20th day of June, 2005.

**ATTEST:**

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Dorothy Brooks, City Secretary

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William R. Cecil, Mayor

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**MINUTES**  
**ROCKWALL CITY COUNCIL**

April 18, 2005

6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

**1. Call to Order**

Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil, John King and Terry Raulston. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

**2. Invocation and Pledge of Allegiance – Councilmember Bob Cotti**

**3. Proclamations**

- a. Cub Scout Recruitment Day – Received by Cub Scout Andrew McCallum
- b. Rockwall Environmental Action Day – Received by Utility Services Supervisor Kay Roberson

Janice Hill, Larry Blacketeer, Kim Hanger and others from the Old Town Shops on the Square came forward and stated that they thought that the City's birthday celebration over the weekend was a great success and thanked the Council for letting them participate.

**4. Consent Items**

- a. Consider approval of an **Ordinance** for a request from Shirley Black (Z2005-005) for an amendment to (PD-50) Planned Development No. 50 district (Ord. 02-46), specifically to add "Antique/Collectable Sales" as a permitted use within the district and take any action necessary. **[2<sup>nd</sup> Reading]**
- b. Consider approval of an **Ordinance** for a request by LT Ventures (Z2005-008) for a change in zoning from (SF-10) Single-family Residential district to (PD) Planned Development district on a 2.63-acre tract being Lot AB, Block 87, B.F. Boydston Addition, located south of the Highwood Addition at the termination of Valley Drive and take any action necessary. **[2<sup>nd</sup> Reading]**
- c. SP2005-007 -- Consider a request by Kelly Kimberlin of GHA Architects for approval of a site plan for T.G.I. Friday's restaurant located on Lot 3, Block A, Rockwall Crossing Addition, being a 1.41-acre tract zoned (C) Commercial and located along the south side of Interstate 30 within the (IH-30 OV) IH-30 Overlay district and take any action necessary.



- 95
- 96 d. P2005-013 -- Consider a request by Robert Wiley Gilliam for approval of
- 97 a final plat for Lots 1-3, Block A, Gilliam Addition, being a 10.60-acre tract
- 98 located along the west side of FM 1141 north of Harker Trail within the
- 99 City of Rockwall's extra-territorial jurisdiction (ETJ) and take any action
- 100 necessary.
- 101
- 102 e. P2005-015-- Consider a request by Shepherd Place Homes, Inc., for
- 103 approval of a preliminary plat for Westview Addition Phase 3, being 36-
- 104 lots on 71.07-acres located south of Hwy 276 and west of FM 550 within
- 105 the City of Rockwall extraterritorial jurisdiction (ETJ) and take any action
- 106 necessary.
- 107
- 108 f. Consider approval of the award of a bid to the lowest responsible bidder
- 109 for fire fighting supplies and take any action necessary.
- 110
- 111 g. Consider approval of a Construction Contract for work on the SH-66 Boat
- 112 Ramp and take any action necessary.
- 113
- 114

115 **Councilmember Straughan requested that Consent Agenda Items 4 (b), (c) and (d) be**

116 **pulled. Councilmember Cotti requested that Consent Agenda Item 4(g) be pulled and**

117 **then made a motion to approve Consent Agenda Items 4(a), (e) and (f). Councilmember**

118 **Straughan seconded the motion and the following ordinance was read:**

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120 **ORDINANCE NO. 05-18**

121

122 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

123 **AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL**

124 **AND ORDINANCE NO. 02-46, AS PREVIOUSLY AMENDED, SO AS TO AMEND (PD-**

125 **50) PLANNED DEVELOPMENT DISTRICT NO. 50 TO ADD AS PERMITTED USES**

126 **"ANTIQUE/COLLECTABLE SALES" WITH A SPECIFIC USE PERMIT (SUP);**

127 **CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF**

128 **FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR**

129 **EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A**

130 **REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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132 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**

133

134 **Councilmember Straughan stated that he pulled Consent Agenda Item 4(b) because he**

135 **needed to abstain from discussion and taking action on that item. Councilmember Cotti**

136 **made a motion to approve Consent Agenda Item 4(b) and Mayor Jones seconded the**

137 **motion. The ordinance was read as follows:**

138

139 **ORDINANCE NO. 05-19**

140

141 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

142 **AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS**

143 **PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-10)**

144 **SINGLE FAMILY RESIDENTIAL DISTRICT TO (PD-61) PLANNED DEVELOPMENT**

145 **DISTRICT NO. 61 FOR A 2.63-ACRE TRACT OF LAND MORE SPECIFICALLY DESCRIBED**

146 **IN EXHIBIT "A" ATTACHED HERETOFORE AND MADE A PART HEREOF; PROVIDING**

147 **FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED**

148 **THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING**

149 **FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING**

150 **FOR AN EFFECTIVE DATE.**

151

The motion passed by a vote of 4 ayes, 2 nays [Raulston and McCallum], 1 abstain [Straughan], and 0 absent.

Councilmember McCallum made a motion to approve Consent Agenda Item 4(c) and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Straughan made a motion to approve Consent Agenda Item 4(d) provided that Mt. Zion could provide adequate water flow for fire protection and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti made a motion to approve Consent Agenda Item 4(g) and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

## **5. Appointments**

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

Phillip Herbst and Connie Jackson appeared before Council to answer any questions it might have with regard to any planning and zoning items on tonight's agenda. Ms. Jackson appeared because Mr. Herbst was not in attendance at the last Planning and Zoning Commission meeting.

- b. Appointment with Tony Rios of the Southside Neighborhood Coalition to discuss actions regarding the property at the southwest corner of Ross and Davy Crockett.

Tony Rios of the Rockwall Housing Authority, in partnership with the Southside Coalition, requested that the Council convey the property located at Davy Crockett and Ross to the Rockwall Housing Authority so that a neighborhood community center could be constructed on that sight. Mr. Rios showed elevations of the proposed center. Assistant City Manager Rick Crowley recommended that the Council instruct the Staff to bring back information to the Council at the next meeting for further consideration. Councilmember Cotti made the motion to instruct Staff to bring back information in this regard at the next meeting and Mayor Jones seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- c. Appointment with Mary Smith, Director of Finance, for presentation of the Finance Department business plan.

**Mary Smith, Director of Finance, presented the Finance Department's business plan.**

- d. Appointment with Jeffrey Widmer, Building Official, for presentation of the Building Inspection Department business plan and the Animal Services Department business plan.

**Jeffrey Widmer, Building Official and Director of Animal Services, presented the business plans for the Building Inspection Department and Animal Services.**

- e. Appointment with Greg Nixon of the Rockwall Economic Development Corporation regarding future land use.

Greg Nixon, President and CEO of the Rockwall Economic Development Corporation, requested a zoning change from Agricultural to Light Industrial in order to limit residential encroachment. Councilmember Cotti made a motion directing Staff to initiate activity to rezone the land discussed to Light Industrial and Councilmember Cecil seconded the motion. After lengthy discussion, the motion passed by a vote of 6 ayes and 1 nay [McCallum].

## **6. Public Hearing**

- a. P2005-014 -- Hold a public hearing and consider a request by James Buttgen for approval of a residential replat of Lots 1 & 2, Block 2, Buttgen Addition, being a 0.7096-acre tract zoned (SF-7) Single Family Residential and located at the northwest corner of Williams and Kernodle Street and take any action necessary.

Robert LaCroix discussed the background of this replat request and stated that the Planning and Zoning Commission had recommended approval. Mayor Jones opened the public hearing and the following persons came forward to address the Council:

**James Buttgen, Owner**

**501 Kernodle**

Mr. Buttgen explained why he was requesting this replat and asked that the Council approve his request.

There being no one further to address the Council, Mayor Jones closed the public hearing. Councilmember Raulston made a motion to approve the request and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- b. Hold a public hearing and consider a request by the Building Official for the abatement of a dangerous building at 1235 Ridge Road West and take any action necessary.

City Attorney Pete Eckert advised the Council that this was a "Show Cause" hearing and would be handled differently from the typical public hearing. Eckert advised that the property owner was notified of the hearing in accordance with Section 6-52 of the Code of Ordinances. The property owner, Charles Norton appeared but was without counsel. Eckert then asked Jeffrey Widmer, Building Official, to describe the actions taken thus far with regard to the property located at 1235 Ridge Road West. Widmer described the procedures which he had followed and described the condition of the property. Eckert then asked Fire Marshall Ariana Adair to describe the damage and the current condition of the structure. Adair stated that upon arrival at the structure fire, they found the fire to be intense and shooting through the front of the house. The winds were high and quickly spread the fire through the attic. Adair stated that the house was an extreme hazard at this time. Eckert then asked Adair if she found any other City Code violations, while you were inside the structure during the fire. Adair stated that there were numerous dead animals in the structure. They found at least 14 dead animals and there might be more that they could not find. Eckert then asked Adair what she discovered about the property owner's financial situation while dealing with the mortgage company. Adair stated that the mortgage company records showed that the property owners had let the insurance on the property lapse and that they had only successfully made two payments in a year on the mortgage.

Eckert then asked Widmer if he was responsible for the Animal Services Department. Widmer replied that he was. Eckert asked Widmer if, in his opinion, were the Norton's aware of the City's Ordinance, limiting the number of animals they could legally keep, on the premises. Widmer stated that they were. Eckert then asked Widmer if the Building Inspection Department or Code Enforcement Department had previous cause to deal with the property owners. Widmer stated that they had been dealing with the property owners over the condition of the house for some time and that a lien had been filed against the property due to penalties and interest accruing for their failure to respond to an order of the Building and Standards Commission with regard to repair of the property.

Eckert then asked Widmer if he had concerns – health related – about the current condition of the property. Widmer stated that he did have concerns about the property due to the deaths of so many animals and the fact that the premises had not be cleaned up after the fire. The property is open to the elements and it is deteriorating the remaining contents and poses a health ad safety concern for the public.

The following people appeared before the Council in this matter:

**Charles Norton (Property Owner)**

**1235 Ridge Road West**

**Rockwall, Texas 75087**

**Mr. Norton requested that the Council allow him to rebuild the house – not demolish it.**

**Richard Krikorian (President of the Shores Homeowner's Association)**

**1345 Shores Circle**

**Rockwall, Texas 75087**

**Request that the Council act quickly on this matter. The house is a hazard.**

**Jeffreylin McCarley**

**1840 Hidden Hills**

**Rockwall, Texas 75087**

**Requested that the Council have this house demolished due to its hazardous nature.**

There being no one further to address the Council, Mayor Jones closed the public hearing.

Eckert advised the Council that the actions of the Building Department have been in accordance with the City Code and state law regarding dangerous buildings and that it was the Council's decision whether to have the building demolished or repaired. Eckert advised that it was a prima facie case for demolition of the building. Eckert advised that demolition could not occur for 90 days and during this time the property owner could bring to Pete or Jeffrey proof that the steps are in place for rebuilding. Eckert advised the Council that they should consider the following requirements before allowing the building to be repaired:

1. Independent Structural Engineers report describing what structural elements must be replaced.
2. Written cost estimates from a Contractor who will register with the City of Rockwall (electrical, mechanical, plumbing, energy) to perform the work.

- 306           3.     Financial arrangements demonstrated to the City that the work can  
307                     be done – an escrow agreement must be enter into and a bank must  
308                     be used to distribute the funds. The City Manager must approve of  
309                     the bank.

- 310           4.     Discuss releasing the lien at a later date.

311  
312   Eckert advised that he recommends demolition of the structure, but that the Council  
313   should allow the property owner to bring forth a plan for reconstruction by June 1, 2005.  
314   Councilmember Cecil stated that he felt this was a good plan and made a motion to  
315   approve the demolition of the structure and to allow the property owner to bring forward  
316   by June 1, 2005, a reconstruction plan that fulfills all the elements set out by the City  
317   Attorney. Councilmember Raulston seconded the motion and the motion passed  
318   unanimously by a vote of 7 ayes and 0 nays.

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320   **7.     Action Items**

- 321  
322           a.     **Z2005-002** -- Consider approval of an **Ordinance** for a request from  
323                     Deanna Morrison for a zoning change from (MF-14) Medium Density  
324                     Multi-Family district to (R-O) Residential-Office district for a 0.4-acre tract  
325                     being Lots 1, 2 and 3, Block H, Eppstein Addition, and part of the second  
326                     tract of land described in deed to Juliette Neil Haney (Vol. 55, Pg. 244),  
327                     and including properties addressed as 308 and 310 South Fannin St.  
328                     The City Council on 4/4/05 remanded this request to the Planning and  
329                     Zoning Commission for consideration of a (PD) Planned Development  
330                     district for the subject property. Take any action necessary. [1<sup>st</sup> Reading]

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332   Robert LaCroix discussed the background of the request. Councilmember Raulston  
333   stated that he does not support the RO zoning and made a motion to deny the request.  
334   Councilmember McCallum seconded the motion. Councilmember Raulston stated that  
335   he wished to amend his motion to change the zoning on the property to SF-7.  
336   Councilmember McCallum seconded the amended motion. Because a super majority  
337   was required to pass this motion, the motion failed by a vote of 5 ayes and 2 nays [Cotti  
338   & Straughan].

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340   After discussion, Councilmember Cotti made a motion to deny the request and  
341   Councilmember Cecil seconded the motion. The motion passed by a vote of 6 ayes and  
342   1 nay [Straughan].

- 343  
344           b.     Discuss and consider approval of a request from the Signature Kroger in  
345                     the Horizon Ridge shopping center for a variance on the height and size  
346                     of two multi-tenant monument signs and take any action necessary.

347  
348   Jeffrey Widmer discussed the background of this request. Dorothy Parks of Regency  
349   Centers came forward and requested approval. Councilmember Raulston made a motion  
350   to deny the request and Councilmember McCallum seconded the motion. The motion  
351   passed unanimously by a vote of 7 ayes and 0 nays.

- 352  
353           c.     Consider approval of the request for hotel/motel tax funds from Breakfast  
354                     Rotary for a basketball tournament and take any action necessary.

Mary Smith, Finance Director, discussed the background of the request and the Subcommittee's recommendation for approval. Councilmember Raulston made a motion to approve \$5,000 for the Breakfast Rotary tournament and Mayor Jones seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- d. Discuss and consider the draft 2005 Citizen Survey and take any action necessary.

Julie Couch discussed the background of the survey and advised that it would be a mail survey. Councilmember Cecil stated that he had a lot of comments regarding the survey questions that he would send to Couch. He has some concerns and thinks the questions are leading.

- e. Discuss and consider a cap on ad valorem taxes assessed on property owners 65 and over and take any action necessary.

Mayor Jones stated that he brought this matter forward because of concerns by older citizens with the increase in their taxes. Leon Tuttle, former mayor, came forward and addressed the Council on this matter and stated he was in support of this measure for the homesteads of people over 65. After discussion, Mayor Jones made a motion instructing staff to research the long-term impact on the City's revenues and bring the information back to the Council at the next meeting. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- f. Discuss ethics complaint filed against a member of the Historic Preservation Advisory Board and take any action necessary.

City Attorney Pete Eckert discussed his investigation and findings with regard to the complaint and recommended the following actions:

1. Expand training to assure proper procedures for conduct of meetings.
2. The Council should examine the attendance records for Boards and Commission members.
3. With regard to the Historic Preservation Advisory Board, there should be a better mix/balance of people living in/out of the district.

Councilmember Raulston made a motion to approve Eckert's recommendations and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- g. Discuss and consider authorizing the City Manager to enter into an agreement with ASCAP and take any action necessary.

Parks Director Brad Griggs discussed the necessity of the agreement. Councilmember Cotti made a motion to approve the City Manager executing the ASCAP agreement and Councilmember Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 407        **h.**      Discuss and consider approval of design services for the Master Plan at  
408              Lake Ray Hubbard Lark Park and Wildlife Sanctuary and take any action  
409              necessary.

411 **Brad Griggs discussed the background of this request. Councilmember Straughan made**  
412 **a motion to approve the request and Councilmember Raulston seconded the motion.**  
413 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- 415 i. Discuss and consider approval of design services for the Caruth Lake  
416 Park Plan and take any action necessary.

418 **Brad Griggs discussed the background of this request. Councilmember Cotti made a**  
419 **motion to approve the request and Councilmember Raulston seconded the motion. The**  
420 **motion passed unanimously by a vote of 7 ayes and 0 nays.**

422 There being no further business to come before the Council in regular session, Mayor  
423 Jones adjourned the meeting into Executive Session at 10:07 p.m.

425 **8. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND**  
426 **551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- 427 a. Deliberation regarding the purchase, exchange, lease, or value of real  
428 property.
- 429 b. Personnel Issues, including Board, Commission, and Committee  
430 Appointments, and Related Matters.
- 431 c. Commercial or financial information regarding business prospects that the  
432 City seeks to have locate, stay, or expand in or near the territory of the  
433 City of Rockwall and with which the Board is conducting economic  
434 development negotiations.
- 435 d. Consultation with attorney pursuant to §551.071(1) to discuss pending or  
436 contemplated litigation relating to annexation.
- 437 e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation  
438 with attorney with regard to a matter that it is the duty of the attorney to  
439 consult with the Council and falls under the attorney-client privilege.

440 **9. Take Any Action as Result of Executive Session**

442 **No action as taken as a result of Executive Session.**

444 **There being no further business to come before the Council, Mayor Jones adjourned the**  
445 **meeting at 10:30 p.m.**

447 **Approved by the City Council of the City of Rockwall, Texas, this 20th day of June, 2005.**

**William R. Cecil, Mayor**

451 **ATTEST:**

454 **Dorothy Brooks, City Secretary**

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**MINUTES  
ROCKWALL CITY COUNCIL**

May 2, 2005

4:30 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 4:30 p.m. Present were Mayor Ken Jones and Councilmembers Stephen Straughan, Tim McCallum, Bill Cecil, John King and Terry Raulston. Councilmember Bob Cotti was absent. Also present were City Manager Julie Couch and City Attorney Chris Caso. Mayor Jones immediately adjourned the meeting into Executive Session.

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

No action was taken as a result of Executive Session.

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 20<sup>th</sup> day of June, 2005.

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William R. Cecil, Mayor

ATTEST:

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Dorothy Brooks, City Secretary



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**MINUTES  
ROCKWALL CITY COUNCIL**

May 2, 2005

6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

**1. CALL TO ORDER**

Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and Councilmembers Stephen Straughan, Tim McCallum, Bill Cecil, John King and Terry Raulston. Councilmember Bob Cotti was absent. Also present were City Manager Julie Couch and City Attorney Chris Caso.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – TERRY RAULSTON**

**3. OPEN FORUM**

Mayor Jones opened the floor to anyone wishing to address the Council on any matter not on tonight's agenda. The following persons came forward to address the Council:

Pat Jordan of Lakeside Civic Chorus  
3604 High Point Drive  
Rockwall, Texas  
Thanked the Council for their support.

Betty Foster  
404 Normandy Lane  
Heath, Texas  
Ms. Foster is a member of the Rockwall Artist League and expressed her thanks to the Council for their support.

There being no one further to address the Council, Mayor Jones closed the Open Forum.

**4. CONSENT AGENDA**

a. Consider approval of the Minutes from the April 4, 2004, City Council meeting and take any action necessary.

b. **P2005-016** -- Discuss and consider a request by Kerry Burden of PM Realty Group for approval of a replat of Lots 8 and 9, Block B, Horizon Ridge Addition, being a 5.93-acre tract zoned (PD-9) Planned Development No. 9 district and designated for (GR) General Retail uses, located at the northeast corner of Ralph Hall Pkwy and Summer Lee Drive and take any action necessary.

c. **SP2005-009** -- Discuss and consider a request by Kerry Burden of PM Realty Group for approval of a site plan for a 20,388-sf expansion of the approved Rockwall Medical Center, located on Lot 11, Block B, Horizon Ridge Addition, being a 5.93-acre tract zoned (PD-9) Planned

Development No. 9 district and designated for (GR) General Retail uses, located along the east side of Ralph Hall Pkwy north of Summer Lee Drive and take any action necessary.

- d. **SP2005-010** -- Discuss and consider a request from Steve Smith for a site plan amendment for Snuffer's located at 2901 Village Drive (Ranch House Addition), specifically for proposed changes to the front elevation to accommodate additional interior storage and cooler space. The subject property is zoned (C) Commercial and situated within the (IH-30 OV) IH-30 Overlay district and take any action necessary.

Councilmember Straughan requested that Consent Item 4d be pulled and Councilmember Raulston requested that Consent Item 4a be pulled. Councilmember King made a motion to approve the remaining Consent Agenda Items (4b and 4c) and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Cotti].

Councilmember Straughan then made a motion to approve Consent Agenda Item 4a and Councilmember McCallum seconded the motion. The motion passed by a vote of 5 ayes, 1 absent [Cotti], and 1 abstain [Raulston].

Robert LaCroix discussed the background of Consent Agenda Item 4d regarding the new plan for stone on the building. Councilmember Straughan made a motion to approve the request and Councilmember King seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Cotti].

## 5. APPOINTMENTS

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

Connie Jackson appeared on behalf of the Planning and Zoning Commission and advised she was available to answer any questions the Council may have regarding planning and zoning items on tonight's agenda.

- b. Appointment with Robert LaCroix, Director of Planning and Zoning, for presentation of the Planning and Zoning Department's business plan.

Robert LaCroix, Director of Planning and Zoning, presented the Planning and Zoning Department's business plan.

## 6. PUBLIC HEARING ITEMS

- a. **Z2005-012** -- Hold a public hearing and consider approval of an ordinance for a request from Buck Stout of Benchmark Construction, Inc., for approval of a Specific Use Permit (with site plan) to allow for an "Auto Repair Garage, Minor" (specifically a stand-alone quick lube business) within the (C) Commercial zoning district, on a 1.129-acre tract being Lot 4, Block 1, Horizon Village Addition, located along the northeast side of Horizon Road between Horizon Car Wash and Sonic and take any action necessary. **(1<sup>st</sup> Reading)**

Robert LaCroix discussed the background of the request. Mayor Jones opened the public hearing and the following persons came forward to address the Council:

Buck Stout, Applicant  
Requested approval.

David Hairston  
744 Wing Song  
Rockwall, Texas  
Stated he was in favor of this plan.

There being no one further to address the Council, Mayor Jones closed the public hearing.

Councilmember Straughan made a motion to approve the request and Mayor Jones seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW "AUTO REPAIR GARAGE, MINOR" (STAND ALONE QUICK LUBE BUSINESS) ON A TRACT OF LAND KNOWN AS LOT 4, BLOCK 1, HORIZION VILLAGE ADDITION 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 6 ayes and 1 absent [Cotti].

- b. **Z2005-013** -- Hold a public hearing and consider approval of an ordinance for a request by J. Anthony Sisk of Churchill Residential, Inc., for approval of an amendment to (PD-9) Planned Development No. 9 district specifically to add as a permitted use a senior living and care facility. The proposed development is situated on approximately 10-acres out of a 34.2-acre tract known as Tract 4-12, Abstract 207, E. Teal Survey, located along the southwest side of Horizon Rd southeast of Tubbs Road and take any action necessary. (1<sup>st</sup> Reading)

Robert LaCroix discussed the background of the request. Councilmembers Raulston and McCallum stated they were against this plan. After a short discussion, Mayor Jones opened the public hearing and the following persons came forward to address the Council:

J. Anthony Sisk (Applicant)  
Churchill Residential  
5605 N. MacArthur  
Irving, Texas

Mr. Sisk requested that the public hearing be continued to the next meeting.

Attorney Chris Caso advised the Council that it was their decision whether to continue the matter or not.

Councilmember Straughan made a motion to continue the public hearing until the next meeting, but the motion failed for lack of a second.

There being no one further to address the Council, Mayor Jones closed the public hearing.

Councilmember Rauslton made a motion to deny the request with prejudice and Councilmember Cecil seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Cotti].

- c. **Z2005-014** -- Hold a public hearing and consider approval of an ordinance for a request from Thomas P. Hughes for a zoning change from (MF-14) Medium Density Multi-Family district to (SF-7) Single Family district for a 0.3-acre tract being Block 82, B.F. Boydstun Addition, and including the property addressed as 306 South Fannin Street and take any action necessary. (1<sup>st</sup> Reading)

Robert LaCroix discussed the background of the request and stated that the Planning and Zoning Commission had denied the request and that approval of the request by the City Council would take a super majority vote. LaCroix stated that the Historic Preservation Advisory Board recommended approval of the request. Mayor Jones opened the public hearing and the following persons came forward to address the Council:

Thomas Hughes (Applicant)  
306 S. Fannin  
Rockwall, Texas

Mr. Hughes requested that the Council approve his request.

There being no one further to address the Council, Mayor Jones closed the public hearing.

Councilmember Raulston made a motion to approve the request and Councilmember McCallum seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM "MF-14" MULTI-FAMILY RESIDENTIAL DISTRICT TO "SF-7"; SINGLE-FAMILY DISTRICT ON A 0.3-ACRE TRACT KNOWN AS BLOCK 82, B.F. BOYDSTUN ADDITION; 306 S. FANNIN AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent [Cotti].

## 7. ACTION ITEMS

- a. Discuss and consider a request to annex land of approximately 24.147 acres generally located north of F.M. 552, west of F.M. 549, east of Anna

249 Cade Rd, and contiguous to the existing City Limits line and take any  
250 action necessary.

251 **Robert LaCroix discussed the background of the request and reminded the Council that**  
252 **this was the Area B strip annexation. Councilmember McCallum made a motion to**  
253 **approve the request and Councilmember Cecil seconded the motion. The motion passed**  
254 **by a vote of 6 ayes and 1 absent [Cotti].**

255  
256 **b. Discuss and consider the 2005 Citizen Survey and take any action**  
257 **necessary.**

258 **City Manager Julie Couch discussed the background of the item and recommended that**  
259 **this matter be tabled until the next meeting. Councilmember McCallum made a motion to**  
260 **table the matter to the next meeting and Councilmember Cecil seconded the motion. The**  
261 **motion passed by a vote of 6 ayes and 1 absent [Cotti].**

262  
263 **c. Discuss and consider a request from Rockwall Indoor Sports Expo for the**  
264 **amendment of the Sign Ordinance to allow monument signs on properties**  
265 **with less than 100 feet of road frontage and for a variance for a 5 foot**  
266 **side setback and take any action necessary.**

267 **Jeffrey Widmer, Building Official, discussed the background of this request. The**  
268 **applicant John Robertson, 941 FM1139, appeared before the Council and requested that**  
269 **they approve the request. Councilmember Raulston made a motion to request Staff to**  
270 **bring back an ordinance amending the sign ordinance requiring action by the Council on**  
271 **the variance. Attorney Chris Caso advised that the Council would need to table any**  
272 **action on the variance until action is taken on the amended sign ordinance.**  
273 **Councilmember Raulston amended his motion to so state and Councilmember Cecil**  
274 **seconded the motion. The motion passed by a vote of 5 ayes, 1 nay [McCallum] and 1**  
275 **absent [Cotti].**

276  
277 **d. Discuss and consider award of bids for lakefront improvements and take**  
278 **any action necessary.**

279 **Julie Couch requested that this matter be tabled until May 9, 2005, so that Council could**  
280 **meet in a special meeting to discuss and take action on this matter. Councilmember**  
281 **McCallum made a motion to table the item until May 9, 2005, and Councilmember Cecil**  
282 **seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Cotti].**

283  
284 **8. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**  
285 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

286  
287 **a. Departmental Reports**

288 **Assistant City Manager Rick Crowley discussed the status of the radio system. Fire**  
289 **Chief Mark Poindexter explained the page times in response to a question regarding the**  
290 **length of those times by Councilmember Straughan.**

291  
292 **b. City Manager's Report**

293 **There being no further business to come before the Council in regular session, Mayor**  
294 **Jones adjourned the meeting into Executive Session at 8:37 p.m.**  
295

296 **9. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF**  
297 **TEXAS GOVERNMENT CODE TO DISCUSS:**

- 298 a. Deliberation regarding the purchase, exchange, lease, or value of real  
299 property.
- 300 b. Personnel Issues, including Board, Commission, and Committee  
301 Appointments, and Related Matters.
- 302 c. Commercial or financial information regarding business prospects that the  
303 City seeks to have locate, stay, or expand in or near the territory of the  
304 City of Rockwall and with which the Board is conducting economic  
305 development negotiations.
- 306 d. Consultation with attorney pursuant to §551.071(1) to discuss pending or  
307 contemplated litigation relating to annexation.
- 308 e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation  
309 with attorney with regard to a matter that it is the duty of the attorney to  
310 consult with the Council and falls under the attorney-client privilege.

311  
312 **10. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**  
313

314 **Mayor Jones made a motion to appointment Bill Lofland to another term on the North**  
315 **Texas Municipal Water District Board and Councilmember Bill Cecil seconded the**  
316 **motion. The motion passed by a vote of 6 ayes and 1 absent.**

317  
318 **Councilmember Cecil made a motion approving the REDC contract and Councilmember**  
319 **King seconded the motion. The motion passed by a vote of 6 ayes and 1 absent.**  
320

321 **There being no further business to come before the Council, Mayor Jones adjourned the**  
322 **meeting at 9:30 p.m.**  
323

324 **Approved by the City Council of the City of Rockwall, Texas, this 20<sup>th</sup> day of June, 2005.**  
325

326  
327 \_\_\_\_\_  
328 **William R. Cecil, Mayor**

329 **ATTEST:**  
330

331 \_\_\_\_\_  
332 **Dorothy Brooks, City Secretary**

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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**May 9, 2005**  
**6:00 p.m. Special Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

1. **CALL TO ORDER**

Mayor Pro Tem McCallum Jones called the meeting to order at 6:00 p.m. Present were Mayor Pro Tem Tim McCallum and Councilmembers Bob Cotti, Stephen Straughan, Bill Cecil and John King. Mayor Ken Jones and Councilmember Terry Raulston were absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Pro Tem McCallum immediately adjourned the meeting into Executive Session.

2. **HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

3. **TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**No action was taken as a result of Executive Session.**

4. **ACTION ITEMS**

- a. Discuss and consider award of bids for lakefront improvements and take any action necessary.

City Manager Julie Couch requested that this matter be tabled until the next meeting. Councilmember Cotti made a motion to table the item until May 16, 2005, and Councilmember Cecil seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Raulston and Jones].

**b.** Discuss and consider authorizing the City Manager to execute an Interlocal Agreement for the joint use of City and School facilities and take any action necessary.

**Brad Griggs discussed the background of this item, and includes the gymnasium, classrooms, tennis courts and school grounds. Councilmember Cotti made a motion authorizing the City Manager to execute the Interlocal Agreement with the RISD. After discussion, Councilmember Straughan seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Raulston and Jones].**

**There being no further business to come before the Mayor Pro Tem McCallum adjourned the meeting at 8:00 p.m.**

**Approved by the City Council of the City of Rockwall, Texas, this 20<sup>th</sup> day of June, 2005.**

**Tim McCallum, Mayor Pro Tem**

**ATTEST:**

**Dorothy Brooks, City Secretary**



**MINUTES**  
**ROCKWALL CITY COUNCIL**

May 16, 2005  
6:00 p.m. Regular Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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**1. CALL TO ORDER**

Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan and Tim McCallum. Councilmembers John King, Bill Cecil and Terry Raulston were absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER BOB COTTI**

**3. CANVASS OF ELECTION HELD MAY 7, 2005**

- a. Consider approval of the Canvass Resolution and take any action necessary.

Councilmember Cotti made a motion to approve the Canvass Resolution and Councilmember Straughan seconded the motion. The motion passed by a vote of 4 ayes and 3 absent [King, Cecil and Raulston].

**4. PROCLAMATIONS**

- a. "Bike Month – Bike to Work Week"

The proclamation was presented to County Commissioner Scott Self later in the evening.

**5. CONSENT ITEMS**

- a. Z2005-012 -- Consider approval of an **Ordinance** for a request from Buck Stout of Benchmark Construction, Inc., for approval of a Specific Use Permit (with site plan) to allow for an "Auto Repair Garage, Minor" (specifically a stand-alone quick lube business) within the (C) Commercial zoning district, on a 1.129-acre tract being Lot 4, Block 1, Horizon Village Addition, located along the northeast side of Horizon Road between Horizon Car Wash and Sonic and take any action necessary.  
**(2<sup>nd</sup> Reading)**
- b. Z2005-014 -- Consider approval of an **Ordinance** for a request from Thomas P. Hughes for a zoning change from (MF-14) Medium Density Multi-Family district to (SF-7) Single Family district for a 0.3-acre tract being Block 82, B.F. Boydston Addition, and including the property addressed as 306 South Fannin Street and take any action necessary.  
**(2<sup>nd</sup> Reading)**

- 50 c. Consider approval of the award of the Phase 1 Harbor Contract and take  
51 any action necessary.  
52  
53 d. Consider approval of the award of the Construction Management  
54 Contract with TCB and take any action necessary.  
55

56 **Councilmember Cotti requested that Consent Agenda Item 5b be pulled since it requires**  
57 **a super majority vote and there are not enough council members in attendance at**  
58 **tonight's meeting to take action on this item. Councilmember Cotti then made a motion**  
59 **to approve the remaining items on the Consent Agenda (5a, 5c, and 5d) and**  
60 **Councilmember Straughan seconded the motion. The ordinances were read as follows:**

61  
62 **ORDINANCE NO. 05-20**  
63

64 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING**  
65 **THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY**  
66 **AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW "AUTO REPAIR**  
67 **GARAGE, MINOR" (STAND ALONE QUICK LUBE BUSINESS) ON A TRACT OF LAND**  
68 **KNOWN AS LOT 4, BLOCK 1, HORIZION VILLAGE ADDITION PROVIDING FOR SPECIAL**  
69 **CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO**  
70 **THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY**  
71 **CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**  
72

73 **The motion passed by a vote of 4 ayes and 3 absent [King, Cecil and Raulston].**  
74

75 **Councilmember Cotti made a motion to table Consent Agenda Item 5b and**  
76 **Councilmember Straughan seconded the motion. The motion passed by a vote of 3 ayes,**  
77 **1 nay [Jones] and 3 absent [King, Cecil and Raulston].**  
78

79 **6. APPOINTMENTS**  
80

- 81 a. Appointment with Planning and Zoning Chairman to discuss and answer  
82 any questions regarding cases on the agenda and related issues and  
83 take any necessary action.

84 **Planning and Zoning Chairman Phillip Herbst came forward and discussed the planning**  
85 **and zoning items on tonight's agenda.**  
86

- 87 b. Appointment with Youth Advisory Council Members regarding Teen  
88 Center Survey and take any action necessary.

89 **Youth Advisory Council Members Meagan Wilson and Kachi Amajor gave a power point**  
90 **presentation on the survey the Youth Advisory Council Members completed with regard**  
91 **to the need for a teen center. Wilson advised that 300-400 teens completed the survey.**  
92

- 93 c. Appointment with Fox, Byrd & Company to consider annual audit for year  
94 ended September 30, 2004 and take any action necessary.

95 **Jeffrey Wyant of Fox, Byrd & Company presented their annual report and stated that they**  
96 **did not encounter any major problems with the City's funds. After discussion,**  
97 **Councilmember McCallum made a motion to accept the audit report and Councilmember**  
98 **Cotti seconded the motion. The motion passed by a vote of 4 ayes and 3 absent [King,**  
99 **Cecil and Raulston].**  
100

- d. Appointment with Joey Boyd for presentation of the Internal Operations Department business plan and take any action necessary.

**Joey Boyd presented the Internal Operations Department business plan.**

**7. PUBLIC HEARING ITEMS**

- a. Z2005-015 -- Hold a public hearing and consider approval of an **Ordinance** for a request by Donna Orr for a specific use permit (SUP) to allow for an accessory building not meeting the exterior materials requirements, exceeding the maximum 15-ft height requirement and exceeding the maximum square footage for two (2) accessory buildings on property zoned (SF-E/4) Single Family Estate district and located at 2625 Rolling Meadows, being Lot 4, Rolling Meadows Addition and take any action necessary. **(1<sup>st</sup> Reading)**

**Robert LaCroix discussed the background of the request and advised the Council that the Planning and Zoning Commission voted to approve the SUP. Mayor Jones opened the public hearing and the following persons came forward to address the Council:**

**Donna Orr, Applicant**  
**Ms. Orr requested that the Council approve the SUP.**

**Gary Evans**  
**2585 Rolling Meadows**  
**Rockwall, Texas**  
**Mr. Evans spoke in favor of Ms. Orr's request for the SUP.**

**C. F. Pratt**  
**2580 Rolling Meadows**  
**Rockwall, Texas**  
**Mr. Pratt lives across the street from Ms. Orr and has no objections to the building.**

**There being no one further to address the Council, Mayor Jones closed the public hearing.**

**Councilmember Cotti made a motion to approve the request with a maximum height of 18 feet and Councilmember Straughan seconded the motion. The ordinance was read as follows:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-E/4.0) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR AN ACCESSORY BUILDING NOT MEETING THE EXTERIOR MATERIALS REQUIREMENT, EXCEEDING THE MAXIMUM 15-FT HEIGHT REQUIREMENT AND EXCEEDING THE MAXIMUM SQUARE FOOTAGE FOR TWO (2) ACCESSORY BUILDINGS ON THE SAME LOT, ON A TRACT LOCATED AT 2625 ROLLING MEADOWS DRIVE, BEING LOT 4, ROLLING MEADOWS ESTATES ADDITION; 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.**

153  
154 **The motion passed by a vote of 4 ayes and 3 absent [King, Cecil and Raulston].**  
155

- 156       b.       Z2005-016 -- Hold a public hearing and consider approval of an  
157       **Ordinance** for a request by Lance Holland and Judy Clark (and others),  
158       for a change in zoning from (Ag) Agricultural district to (GR) General  
159       Retail district on approximately 16.2-acres (+/-) including Tracts 1 (3.2-  
160       ac), 9 and 9-1 (10.942-ac) and 10 (0.28-ac) of the M.B. Jones Survey,  
161       Abstract 122, and Tracts 29 (1.27-ac) and 29-1 (0.53-ac) of the S.S.  
162       McCurry Survey, Abstract 146. The subject properties are located along  
163       FM 1141 and the future SH 205 Bypass, north of SH 66 and east of  
164       Caruth Lakes Phase 6 and take any action necessary. **(1<sup>st</sup> Reading)**  
165

166 **Mayor Jones advised the Council that the applicant wants to withdraw his request.**  
167 **Mayor Jones then opened the public hearing and the following persons came forward to**  
168 **address the Council:**  
169

170       **B. T. Payne, Jr.**  
171       **P. O. Box 274**  
172       **Rockwall, Texas**  
173

174 | Mayor Jones closed the Public Hearing. Councilmember Straughan made a motion to  
175 | approve withdrawal of the request. Councilmember Cotti seconded Straughan's motion.  
176 | The motion passed by a vote of 3 ayes, 1 nay [Jones] and 3 absent [King, Cecil and  
177 | Raulston].  
178

- 179       c.       Z2005-017 -- Hold a public hearing and consider approval of an  
180       **Ordinance** for a request from Marlyn Roberts for approval of a Specific  
181       Use Permit to allow for an "Auto Repair Garage, Minor" (specifically a  
182       stand-alone quick lube business) within the (C) Commercial zoning  
183       district, on a +/- 1.0-acre tract being a part of Tract 2, Abstract 65, J.  
184       Cadle Survey, located along the east side of SH 205 south of SH 276 and  
185       across from Ralph Hall Parkway and take any action necessary.  
186       **(1<sup>st</sup> Reading)**  
187

188 **Robert LaCroix, Director of Planning and Zoning, discussed the background of the**  
189 **request. Mayor Jones opened the public hearing and the following persons came**  
190 **forward to address the Council:**  
191

192       **Marlyn Roberts (Applicant)**  
193       **Requested approval of his request.**  
194

195 **After lengthy discussion, Mayor Jones closed the public hearing.**  
196

197 **Councilmember Cotti made a motion to approve the SUP with the stipulations as**  
198 **discussed and Councilmember McCallum seconded the motion. The ordinance was read**  
199 **as follows:**  
200

201       **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING**  
202       **THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY**  
203       **AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW "AUTO REPAIR**

204 GARAGE, MINOR" (STAND ALONE QUICK LUBE BUSINESS) ON A TRACT OF LAND  
205 KNOWN AS PART OF TRACT 2, ABSTRACT NO. 65, J. CADLE SURVEY, LOCATED ALONG  
206 THE EAST SIDE OF SH 205, SOUTH OF SH 276 AND ACROSS FROM RAPLH HALL  
207 PARKWAY PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE  
208 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
209 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
210 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
211

212 **The motion passed by a vote of 4 ayes and 3 absent [King, Cecil and Raulston].**  
213

- 214 d. Z2005-018 -- Hold a public hearing and consider approval of an  
215 ordinance for a request by Austin Lewis of Lewis Real Estate Investments  
216 to amend (PD-8) Planned Development district, specifically on a vacant,  
217 6.889-acre tract comprised of Spyglass Hill #4 Addition (4.324-acres) and  
218 Tract 134-12, Abstract 207, E. Teal Survey (2.564-acres), located along  
219 the south side of Henry M. Chandler Drive and immediately east of the  
220 Chandler's Landing Marina and take any action necessary. **(1<sup>st</sup> Reading)**  
221

222 **Robert LaCroix discussed the background of the request. Mayor Jones opened the**  
223 **public hearing and the following persons came forward to address the Council:**  
224

225 **Austin Lewis**  
226 **510 Columbia Drive**  
227 **Rockwall, Texas**

228 **Mr. Lewis requested that this request be tabled until the June 6, 2005**  
229 **meeting.**  
230

231 **Jim Choate**  
232 **(did not give his address)**

233 **Mr. Choate stated that the residents of Chandlers Landing and adjoining**  
234 **property owners want the Council to deny applicant's request to table the**  
235 **issue. He wants the Council to hear from the public tonight and not wait.**  
236

237 **Greg Adams**  
238 **202 Harbor Landing**  
239 **Rockwall, Texas**

240 **Mr. Adams stated that it was his understanding that single family**  
241 **residential homes would be built in this area, he didn't know there would be**  
242 **dense, multifamily.**  
243

244 **Mr. Blassingame**  
245 **260 H.M. Chandler**  
246 **Rockwall, Texas**

247 **Mr. Blassingame stated he was the president of the Spyglass 3 HOA. He**  
248 **wants the Council to deny the request for multifamily or wants the Council**  
249 **to require a performance bond in case the development goes "belly-up".**  
250

251 **Mr. Lee Petersen**  
252 **203 Harbor Landing Dr.**  
253 **Rockwall, Texas**

254 **Mr. Petersen spoke against the development.**  
255

Discussion ensued among the Council regarding the development. City Attorney Eckert reminded them that the applicant had requested the case be tabled until the June 6, 2005, meeting and that the applicant need to be present his case before more discussion took place regarding the merits of the case.

Councilmember Cotti made a motion to continue the Public Hearing until June 6<sup>th</sup>. This motion died for lack of a second.

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The applicant advised the Council that he was not prepared to present his case tonight.

Councilmember McCallum advised the applicant that he should not have assumed that the Council would agree to table the issue and he should have come prepared to give a presentation tonight.

Mayor Jones asked if there were any additional citizens who wanted to address the Council.

Roy Kurkowski  
166 H. Chandlers Drive  
Rockwall, Texas

Mr. Kurkowski stated that the applicant has had plenty of time to prepare. There has not been open communication with the applicant. He is concerned about the problems such a development could cause, i.e., fire safety, narrow streets, safety of children (such as falling off the retaining wall). Feels like it is "high dollar public housing." Questions the saleability and market-ability of these proposed homes.

A Chandlers Landing HOA board member came forward and advised the Council that the HOA Environmental Committee approved the development and that the HOA is in agreement with the Environmental Committee approval.

Carly Ballard  
278 Henry M. Chandler  
Rockwall, Texas

Ms. Ballard is strongly opposed to the project.

Austin Lewis stated he would go forward with his presentation. Lewis stated that they had amended the plan and that this will be a luxury town home project and the quality will be comparable to units in Frisco, Southlake, etc. These units cannot be compared to a single family home. Lewis stated that he feels they have come up with an optimum, best plan. The Hometown 2000 plan shows this area as multi-family.

Jim Choate  
Again stated he was against this project and stated the cost to the RISD would be a loss of \$4,700 for every unit built.

306 Fire Chief Mark Poindexter addressed the parking issues and getting fire  
307 apparatus through the streets to a fire. Poindexter advised that there  
308 needed to be a 25 foot minimum of open area for the trucks, etc. to get by.  
309

310 Austin Lewis stated that the slope is steep and that is why the development  
311 costs are so high. All will have lake views because the development  
312 elevation is lower.  
313

314 There being no one further to address the Council, Mayor Jones closed the public  
315 hearing. Jones then made a motion to deny the request with implied prejudice.  
316 Councilmember McCallum seconded the motion. After discussion, the motion failed by a  
317 vote of 2 ayes, 2 nays [Cotti and Straughan] and 3 absent [Raulston, King and Cecil].  
318

319 Councilmember Cotti then made a motion to table the action until June 6, 2005 so that a  
320 full Council could hear the case. The motion died for lack of a second.  
321

322 Councilmember Straughan then made a motion to deny the request without prejudice  
323 and Councilmember Cotti seconded the motion. The motion passed by a vote of 3 ayes, 1  
324 nay [McCallum] and 3 absent [Raulston, King and Cecil].  
325

- 326 e. (1) Z2005-019 -- Hold a public hearing and consider approval of an  
327 **Ordinance** for a request by Doug Patton for a change in zoning from (Ag)  
328 Agricultural district to (LI) Light Industrial district on a 7.16-acre tract being  
329 Tracts 4-5 and 4-7, Abstract 24, N.M. Ballard Survey, located at the  
330 southeast corner of I-30 and Commerce Street (former Rockwall Church  
331 of Christ) and take any action necessary. (1<sup>st</sup> Reading)  
332

333 Robert LaCroix discussed the background of the request. Mayor Jones opened the  
334 public hearing and the following persons came forward to address the Council:  
335

336 Scott Self  
337 Spoke in favor of the request.  
338

339 Doug Patton, Applicant  
340 Request that the Council approve his request.  
341

342 There being no one further to address the Council, Mayor Jones closed the public  
343 hearing.  
344

345 Councilmember Straughan made a motion to approve the request and Councilmember  
346 Cotti seconded the motion. The ordinance was read as follows:  
347

348 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
349 THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY  
350 AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (AG) AGRICULTURAL  
351 DISTRICT TO (LI) LIGHT INDUSTRIAL DISTRICT, ON A TRACT OF LAND CONTAINING 7.16  
352 ACRES AND KNOWN AS TRACTS 4-5 AND 4-7, ABSTRACT 24, N.M. BALLARD SURVEY,  
353 AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR  
354 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM  
355 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
356 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN  
357 EFFECTIVE DATE.  
358

359 The motion passed by a vote of 4 ayes and 3 absent [Raulston, King and Cecil].

360  
361 (2) SP2005-011 -- Discuss and consider a request by Doug Patton for  
362 approval of a site plan for a boat and trailer dealership with outside  
363 display, on a 7.16-acre tract being Tracts 4-5 and 4-7, Abstract 24, N.M.  
364 Ballard Survey, located at the southeast corner of I-30 and Commerce  
365 Street (former Rockwall Church of Christ) and take any action necessary.  
366

367 Robert LaCroix discussed the background of the request. Councilmember Cotti made a  
368 motion to approve the request and Councilmember Straughan seconded the request.  
369 The motion passed by a vote of 4 ayes and 3 absent [Raulston, King and Cecil].  
370

- 371 f. (1) Z2005-020 -- Hold a public hearing and consider approval of an  
372 **Ordinance** for a request from Shirley Black for approval of a Specific Use  
373 Permit (with site plan) to allow for "Antiques / Collectable Sales" within  
374 (PD-50) Planned Development No. 50 district, specifically at 502 N.  
375 Goliad and take any action necessary. (1<sup>st</sup> Reading)  
376

377 Robert LaCroix discussed the background of the request. Mayor Jones opened the  
378 public hearing and the following persons came forward to address the Council:  
379

380 Ms. Shirley Black  
381 5704 Southern Cross  
382 Rockwall, Texas  
383 Ms. Black requested approval of her request.  
384

385 There being no one further to address the Council, Mayor Jones closed the public  
386 hearing.  
387

388 Councilmember McCallum made a motion to approve the request and Councilmember  
389 Cotti seconded the motion. The motion passed by a vote of 4 ayes and 3 absent  
390 [Raulston, King and Cecil].  
391

392 (2) P2005-017 -- Discuss and consider a request from Shirley Black for  
393 approval of a final plat of Lot 1, Block 1, Black's Collectables Addition,  
394 being a 0.37-acre tract zoned (PD-50) Planned Development No. 50  
395 district and located at 502 N. Goliad and take any action necessary.  
396

397 Robert LaCroix discussed the background of the request. Councilmember McCallum  
398 made a motion to approve the request and Councilmember Straughan seconded the  
399 motion. The motion passed by a vote of 4 ayes and 3 absent [Raulston, King and Cecil].  
400

- 401 g. Hold a public hearing regarding Charter Cable services in the City of  
402 Rockwall and take any action necessary.  
403

404 Cheryl Austin discussed the background of this matter. Mayor Jones opened the public  
405 hearing and the following persons came forward to address the Council:  
406

407 Diane Montgomery of Charter  
408 Ms. Montgomery stated that Charter will launch HDTV during the 4<sup>th</sup> quarter  
409 of 2005. DVR is not economically feasible at this time.



410 Mayor Jones asked City Attorney Eckert if we could honor the  
411 confidentiality agreement. Eckert stated that he has not approved the  
412 agreement and does not intend to do so.  
413

414 Councilmember Straughan asked why they could not provide DVR.  
415 Montgomery stated that the issues in Rockwall are different than those in  
416 Tarrant County. Straughan stated that there was a high demand for DVR  
417 and that HDTV was not the prevailing issue.  
418

419 Councilmember McCallum stated he was thrilled with HDTV, but agreed  
420 that we need DVR. McCallum asked the City Attorney what action the  
421 Council could take to let Charter know they are in breach of contract.  
422 Eckert advised the following:  
423

- 424 1. The City has to hold 2 public hearings (which the City has done).
- 425 2. The City must find that provisions of additional services are  
426 technologically feasible.
- 427 3. The City has to allow the company a significant margin of return on  
428 investment.
- 429 4. It has to serve a community need, which has been demonstrated.  
430

431 Right now we do not have sufficient data on the rate of return. Eckert stated that we  
432 want information straight from the company and advised the Council to seek a  
433 consultant to send a letter request the additional information needed from Charter and  
434 that the information should be provided within 15 days. If the information is not  
435 forthcoming, he will seek a violation of the franchise agreement under Section 26 of the  
436 franchise agreement.  
437

438 Councilmember McCallum made a motion instructing C2 Consulting to request the  
439 information needed to complete Eckert's findings, to be received within 15 days.  
440 Councilmember Straughan seconded the motion. The motion passed by a vote of 4 ayes  
441 and 3 absent [Raulston, King and Cecil].  
442

#### 443 8. ACTION ITEMS 444

- 445 a. Discuss and consider the 2005 Citizen Survey and take any action  
446 necessary.  
447

448 Julie Couch discussed the background of this item. After discussion, Councilmember  
449 McCallum made a motion to accept the survey, not including the boat houses and boat  
450 dock question. Councilmember Cotti seconded the motion and the motion passed by a  
451 vote of 4 ayes and 3 absent [Raulston, King and Cecil].  
452

- 453 b. Discuss and consider approval of an Ordinance amending the Sign  
454 Ordinance regarding pole signs on two-lane roads and take any action  
455 necessary.  
456

457 Jeffrey Widmer discussed the background of this request. Councilmember Cotti made a  
458 motion deny the approval of the proposed ordinance and Councilmember McCallum  
459

seconded the motion. The motion passed by a vote of 4 ayes and 3 absent [Raulston, King and Cecil].

- c. Discuss and consider approval of an Ordinance establishing an ad valorem tax limitation on residence homesteads of the disabled and those age 65 or over and their spouses and take any action necessary.

Mayor Jones stated that he had brought this matter before the Council encouraged the Council to approve the proposed ordinance. Jones then requested Steve Tuttle to come forward and address the Council. Tuttle encourage the Council to approve the ordinance.

Councilmember Cotti stated that the Council could hold off until as late as April 2006 to pass this ordinance. Cotti also stated that we don't know what the impact will be on the City and we do not know the impact of those decisions to be made by the 79<sup>th</sup> Legislative Session. Councilmember McCallum asked Mary Smith, the Finance Director, for her input regarding the financial impact. Smith advised that she had reviewed several years of historic data and looked at the average data on over-65 exemption accounts here over the last few years. It would mean about a \$49,000 a year loss of revenues for the city. Cotti remarked that in the out years (2020 and beyond) this would amount to far less than ½ of one percent of the budget.

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Mayor Jones made a motion to approve the ordinance and Councilmember Straughan seconded the motion. After discussion, the motion passed by a vote of 4 ayes and 3 absent [Raulston, King and Cecil].

- d. Discuss and consider approval of a contract with the North Texas Municipal Water District regarding construction of a ground storage facility and take any action necessary.

Julie Couch discussed the background of this request. Councilmember Cotti made a motion to authorize the City Manager to execute the agreement and Councilmember Straughan seconded the motion. The motion passed by a vote of 4 ayes and 3 absent [Raulston, King and Cecil].

There being no further business to come before the Council in regular session, Mayor Jones adjourned the meeting into Executive Session at 11:26 p.m.

**9. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters and evaluation of City Manager.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.



**MINUTES**  
**ROCKWALL CITY COUNCIL**  
May 16, 2005  
5:00 p.m. Pre-Council Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 5:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan and Tim McCallum. Councilmembers John King, Bill Cecil and Terry Raulston were absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Jones immediately adjourned the meeting into Executive Session.

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters and evaluation of City Manager.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**2. TAKE ACTION AS A RESULT OF EXECUTIVE SESSION.**

No action was taken as a result of Executive Session.

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 20<sup>th</sup> day of June. 2005.

\_\_\_\_\_  
Bob Cotti, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Dorothy Brooks, City Secretary

**MINUTES  
ROCKWALL CITY COUNCIL  
June 6, 2005  
4:30 p.m. Pre-Council Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

After being officially sworn-in by Dorothy Brooks, City Secretary, Mayor Cecil called the meeting to order at 4:30 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters; City Manager evaluation; appointment of Councilmember to fill vacancy in Place 6; appointment of Mayor Pro Tem.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**No action was taken as a result of Executive Session.**

**3. PRE-COUNCIL DINNER.**

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 20<sup>th</sup> day of June, 2005.

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**William R. Cecil, Mayor**

**ATTEST:**

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**Dorothy Brooks, City Secretary**

**MINUTES  
ROCKWALL CITY COUNCIL  
June 6, 2005  
6:00 p.m. Regular Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**1. NEWLY ELECTED MAYOR AND COUNCILMEMBERS TAKE THEIR OATH OF OFFICE.**

District Judge Brett Hall formally swore-in the newly elected Mayor and Councilmembers at 6:00 p.m. before the citizens in attendance at tonight's meeting.

**2. CALL TO ORDER**

Mayor Cecil called the meeting to order at 6:10 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert. [It should be noted that there is a vacancy on the Council at this time so there will only be 6 members voting].

**3. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TIM MCCALLUM**

**4. OPEN FORUM**

Mayor Cecil opened the floor to those citizens who wished to address the Council on any subject not on tonight's agenda. The following persons came forward to address the Council:

Travis Rhodes  
405 Coachlight Trail  
Rockwall, Texas

Rhodes congratulated the Mayor on his election and then presented his resignation from the Park Board effective the end of July. Rhodes will be moving to east Texas.

Mayor Cecil and Councilmembers Straughan, Cotti and King all thanked Rhodes for his hard work and dedication to the City.

Ruth Peck

Ms. Peck thanked the Council for their support of Music Fest and the new Rockwall Philharmonic Orchestra. Pecked invited everyone to come hear the new orchestra on October 8, 2005 at Rush Creek for a salute to Cole Porter.

**5. CONSENT AGENDA**

- a. **Z2005-014** -- Consider approval of an **Ordinance** for a request from Thomas P. Hughes for a zoning change from (MF-14) Multi-Family Residential district to (SF-7) Single Family Residential district for a 0.3-acre tract being Block 82, B.F. Boydston Addition, and including the property addressed as 306 South Fannin Street and take any action necessary. (2<sup>nd</sup> Reading)

- b. **Z2005-015** -- Consider approval of an **Ordinance** for a request by Donna Orr for a specific use permit (SUP) to allow for an accessory building not meeting the exterior materials requirements, exceeding the maximum 15-ft height requirement and exceeding the maximum square footage for two (2) accessory buildings on property zoned (SF-E/4) Single Family Estate district and located at 2625 Rolling Meadows, being Lot 4, Rolling Meadows Addition and take any action necessary. **(2<sup>nd</sup> Reading)**
- c. **Z2005-017** -- Consider approval of an **Ordinance** for a request from Marlyn Roberts for approval of a Specific Use Permit to allow for an "Auto Repair Garage, Minor" (specifically a stand-alone quick lube business) within the (C) Commercial zoning district, on a +/- 1.0-acre tract being a part of Tract 2, Abstract 65, J. Cadle Survey, located along the east side of SH 205 south of SH 276 and across from Ralph Hall Parkway and take any action necessary. **(2<sup>nd</sup> Reading)**
- d. **Z2005-019** -- Consider approval of an **Ordinance** for a request by Doug Patton for a change in zoning from (Ag) Agricultural district to (LI) Light Industrial district on a 7.16-acre tract being Tracts 4-5 and 4-7, Abstract 24, N.M. Ballard Survey, located at the southeast corner of I-30 and Commerce Street (former Rockwall Church of Christ) and take any action necessary. **(2<sup>nd</sup> Reading)**
- e. **Z2005-020** -- Consider approval of an **Ordinance** for a request from Shirley Black for approval of a Specific Use Permit (with site plan) to allow for "Antiques / Collectable Sales" within (PD-50) Planned Development No. 50 district, specifically at 502 N. Goliad and take any action necessary. **(2<sup>nd</sup> Reading)**
- f. **P2005-023** -- Discuss and consider a request by Don Dalton of The Woodmont Company for approval of a replat of Lot 3, Block A, Rockwall Crossing Addition, being a 1.41-acre tract zoned (C) Commercial and located along the south side of Interstate 30 and take any action necessary.
- g. Consider approval of the award of the bid for Fire Station #2 finish-out construction and take any action necessary.
- h. Consider approval of the award of the materials testing contract for The Harbor project and take any action necessary.

**Councilmember Straughan requested that Consent Agenda Item 5e be pulled. Councilmember Cotti made a motion to approve the remaining items on the Consent Agenda (5a, 5b, 5c, 5d, 5f, 5g and 5h). Councilmember McCallum seconded the motion and the ordinances were read as follows:**

**ORDINANCE NO. 05-22**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM "MF-14" MULTI-FAMILY RESIDENTIAL DISTRICT TO "SF-7"; SINGLE-FAMILY DISTRICT ON A 0.3-ACRE TRACT KNOWN AS BLOCK 82, B.F. BOYDSTUN ADDITION; 306 S. FANNIN AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**ORDINANCE NO. 05-23**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-E/4.0) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR AN ACCESSORY BUILDING NOT MEETING THE EXTERIOR MATERIALS REQUIREMENT, EXCEEDING THE MAXIMUM 15-FT HEIGHT REQUIREMENT AND EXCEEDING THE MAXIMUM SQUARE FOOTAGE FOR TWO (2) ACCESSORY BUILDINGS ON THE SAME LOT, ON A TRACT LOCATED AT 2625 ROLLING MEADOWS DRIVE, BEING LOT 4, ROLLING MEADOWS ESTATES ADDITION; 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.

**ORDINANCE NO. 05-24**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW "AUTO REPAIR GARAGE, MINOR" (STAND ALONE QUICK LUBE BUSINESS) ON A TRACT OF LAND KNOWN AS PART OF TRACT 2, ABSTRACT NO. 65, J. CADLE SURVEY, LOCATED ALONG THE EAST SIDE OF SH 205, SOUTH OF SH 276 AND ACROSS FROM RAPLH HALL PARKWAY 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.

**ORDINANCE NO. 05-25**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (LI) LIGHT INDUSTRIAL DISTRICT, ON A TRACT OF LAND CONTAINING 7.16 ACRES AND KNOWN AS TRACTS 4-5 AND 4-7, ABSTRACT 24, N.M. BALLARD SURVEY, AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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 unanimously by a vote of 6 ayes and 0 nays.**

**Councilmember Straughan then made a motion to approve Consent Agenda Item 5e and Councilmember Cotti seconded the motion. The ordinance was read as follows:**

**ORDINANCE NO. 05-26**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR ANTIQUE/COLLECTABLE SALES OF LESS THAN 2,000 SQUARE FEET WITHIN (PD-50) PLANNED DEVELOPMENT NO. 50 DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 1, BLOCK 1, BLACK'S COLLECTABLES ADDITION AND LOCATED AT 502 N. GOLIAD STREET; 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 unanimously by a vote of 6 ayes and 0 nays.**



**6. APPOINTMENTS**

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

**Phillip Herbst, Planning and Zoning Chairman, came forward and addressed the Council. Herbst discussed the planning and zoning items on tonight's agenda and stated he was there to answer any questions the Council might have with regard to those items.**

**7. PUBLIC HEARING ITEMS**

**a. A2005-01 (1<sup>st</sup> Public Hearing at 6:00pm)**

Hold a public hearing and consider a petition for annexation from Carl E. and Dixon A. Glaze, Loyd Acker Family Partnership, Ltd., Jack H. and Elizabeth W. Hittson, Randy and Beth Talley, C.N. and Christy Jones, Henry and Jana Rohrbaker, and Steven E. and Christine Rinner, to annex land of approximately 24.147 acres generally located north of F.M. 552 and east of Anna Cade Road, and contiguous to the existing City Limits line and take any action necessary.

**Robert LaCroix discussed the background of this annexation and advised the Council that no action would need to be taken tonight. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:**

**Christine Rinner  
414 Anna Cade Road  
Rockwall, Texas  
Ms. Rinner spoke in favor of the annexation**

**There being no one further to address the Council, Mayor Cecil closed the public hearing.**

**b. A2005-01 (2<sup>nd</sup> Public Hearing at 6:30pm)**

Hold a public hearing and consider a petition for annexation from Carl E. and Dixon A. Glaze, Loyd Acker Family Partnership, Ltd., Jack H. and Elizabeth W. Hittson, Randy and Beth Talley, C.N. and Christy Jones, Henry and Jana Rohrbaker, and Steven E. and Christine Rinner, to annex land of approximately 24.147 acres generally located north of F.M. 552 and east of Anna Cade Road, and contiguous to the existing City Limits line and take any action necessary.

**Robert LaCroix stated that this public hearing could go forward immediately because it was after 6:30 p.m. Mayor Cecil opened the public hearing, but no one came forward to address the Council, so the public hearing was closed. No action was taken at this time.**

- c. **P2005-018 --** Hold public hearing and consider a request from Scott Webb and Steve Boback for approval of a residential replat of Lots 24 and 25, Block C, Random Oaks at the Shores Addition, being a 0.53-acre tract zoned (PD-3) Planned Development No. 3 district and located at 1841 and 1835 Random Oaks Drive and take any action necessary.

Robert LaCroix discussed the background of this request for a replat. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

**Scott Webb (Applicant)**

**1835 Random Oaks**

**Rockwall, Texas**

**Mr. Webb requested approval of the replat.**

There being no one further to address the Council, Mayor Cecil closed the public hearing. Councilmember McCallum made a motion to approve the request and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 6 ayes and 0 nays.

#### **8. ACTION ITEMS**

- a. Discuss and consider a recommendation from the Historic Advisory Board for the creation of a new Historic District along north SH 205 (Goliad Street) corridor on both sides of the street from Interurban Street north to Live Oak Street, and take any action necessary.

Robert LaCroix discussed the background of this request and Mary Hanrahan of the Historic Advisory Board requested the Council to approve going forward with this recommendation. Councilmember Cotti made a motion instructing Staff to proceed with the creation of a new Historic District and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 6 ayes and 0 nays.

- b. Discuss and consider a recommendation from the Historic Advisory Board for the designation of 925 N. Goliad as an historic "landmark" and take any action necessary.

Robert LaCroix discussed the background of this request. LaCroix advised that it would take three public hearings and that the guidelines would be customized for this proposed landmark. Councilmember McCallum made a motion to instruct the Staff to start the procedure to make this property a landmark and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 6 ayes and 0 nays.

- c. Discuss and consider a recommendation from the Planning and Zoning Commission for the expansion of Planned Development No. 50 along the west side of SH 205 (N. Goliad Street) and take any action necessary.

Robert LaCroix discussed the recommendation for the expansion of Planned Development No. 50 and advised the Council that it would take 60 days to implement this PD. Councilmember Cotti made a motion directing Staff to expand PD50 and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 6 ayes and 0 nays.

- d. Discuss and consider approval of a **Resolution** of the City Council of the City of Rockwall, Texas, amending Resolution 98-17 revising the Planning and Zoning Department Application Fee Schedule as described in Exhibit "A" attached herein; providing for an applicant appearance fee; declaring an effective date and take any action necessary.

Robert LaCroix discussed the background of this request and explained that a survey of comparable cities had been performed that showed that our fees were extremely low.

This proposal will place our fees more in line with comparable cities. Councilmember Cotti made a motion to approve the Resolution and Councilmember Scott seconded the motion. After discussion, the motion passed unanimously by a vote of 6 ayes and 0 nays.

- e. Discuss and consider the 2004 Fire Prevention and Safety Grant award and take any action necessary.

Fire Chief Mark Poindexter discussed the grant and that it has a 10% match. This grant will purchase a fire/safety training trailer and Poindexter is requesting funds for the storage of trailer. We have to spend the grant within 12 months or lose it. Couch advised that the funds would show up in next year's budget. After discussion, Councilmember Straughan made a motion that we move forward with this grant and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 6 ayes and 0 nays.

- f. Discuss and consider setting dates for Council work sessions and take any action necessary.

After discussion, it was determined that the Council would provide dates they are available to meet, by June 13, 2005, to the City Manager, who will then schedule the meetings.

- g. Discuss and consider changes to the requirements of the SH205 overlay district and take any necessary action, including but not limited to a moratorium on development for non-residential properties pending study and revisions to said district and take any action necessary.

Councilmember McCallum discussed the background of this request. After lengthy discussion, Councilmember McCallum made a motion approving a 60-day moratorium on preliminary plats and signage approvals along south SH205 and instructed Staff to bring forward an amendment to the south SH205 overlay district with regard to signs and to require a  $\frac{3}{4}$  majority vote for approval of any variance. Councilmember Scott seconded the motion and the motion passed unanimously by a vote of 6 ayes and 0 nays.

- h. Discuss and consider approving an **Ordinance** authorizing and setting a date for a joint public hearing to be held with the Planning and Zoning Commission for consideration of a proposed planned development (PD) zoning district and take any action necessary.

Robert LaCroix discussed the background of the request and stated the meeting would take place on July 5, 2005. Councilmember Cotti made a motion to approve the Ordinance and Councilmember Straughan seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AUTHORIZING AND SETTING A DATE FOR A JOINT PUBLIC HEARING TO BE HELD WITH THE PLANNING AND ZONING COMMISSION FOR CONSIDERATION OF A PROPOSED PLANNED DEVELOPMENT (PD) ZONING DISTRICT; PRESCRIBING THE FORM OF NOTICE; AND PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously by a vote of 6 ayes and 0 nays.

- i. Discuss and consider approving a **Resolution** authorizing the City Manager to enter into an Extraterritorial Jurisdiction Release Agreement with the City of McLendon Chisholm and take any action necessary.

**Julie Couch discussed the background of the request. Councilmember Cotti made a motion to approve the Resolution and authorize the City Manager to execute the agreement. Councilmember Scott seconded the motion and the motion passed unanimously by a vote of 6 ayes and 0 nays.**

- j. Discuss and consider general Council policies and procedures and take any action necessary.**

**Julie Couch discussed the background of this item. After lengthy discussion, it was determined that each Council member would forward their changes to Couch and this item will be brought back to the Council at their next meeting.**

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

- a. Departmental Reports**
- b. City Manager's Report**

**Julie Couch reported that the cemetery dedication went well and that Mary Smith and Brad Griggs had done a great job. Couch also reported that the City's hazardous waste day was a great success.**

**Councilmember Cotti requested that Mary Smith provide the Council with a projection of the Administrative Contractual Obligations contained in the budget.**

**Councilmember Straughan congratulated Fire Chief Mark Poindexter for a great job with regard to the fire at Chandlers Landing.**

**There being no further business to come before the Council in regular session, Mayor Cecil adjourned the meeting into Executive Session at 9:05 p.m.**

**10. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.**
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters; City Manager evaluation; appointment of Councilmember to fill vacancy in Place 6; appointment of Mayor Pro Tem.**
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.**
- d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.**
- e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.**

**11. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

- a. Councilmember Cotti was unanimously elected as Mayor Pro Tem.
- b. The Council unanimously approved an increase of annual salary for the City Manager.
- c. The Council unanimously approved the Mediated Settlement Agreement with Blackland Water Supply Corporation.
- d. The Council appointed Stephen Straughan to the Airport Subcommittee to replace Bill Cecil.
- e. The Council appointed Tim McCallum and Matt Scott to the Hotel/Motel Tax Subcommittee to replace Ken Jones and Terry Raulston.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 12:00 a.m.

Approved by the City Council of the City of Rockwall, Texas, this 20<sup>th</sup> day of June, 2005.

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William R. Cecil, Mayor

ATTEST:

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Dorothy Brooks, City Secretary

# **MINUTES ROCKWALL CITY COUNCIL**

**June 13, 2005**

**6:00 p.m. Special Meeting**

**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

## **1. CALL TO ORDER**

**Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, John King and Matt Scott. Councilmember Tim McCallum was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.**

## **2. ACTION ITEMS**

- a. Consider approving an Ordinance authorizing and setting a date for a joint public hearing to be held with the Planning and Zoning Commission for consideration of a proposed planned development (PD) zoning district and take any action necessary. [2<sup>nd</sup> Reading]**

**Councilmember Cotti made a motion to approve the Ordinance and Councilmember Scott seconded the motion. The ordinance was read as follows:**

### **ORDINANCE NO. 05-27**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AUTHORIZING AND SETTING A DATE FOR A JOINT PUBLIC HEARING TO BE HELD WITH THE PLANNING AND ZONING COMMISSION FOR CONSIDERATION OF A PROPOSED PLANNED DEVELOPMENT (PD) ZONING DISTRICT; PRESCRIBING THE FORM OF NOTICE; AND PROVIDING AN EFFECTIVE DATE.**

**The motion passed by a vote of 5 ayes and 1 absent [McCallum].**

- b. Discuss and consider approving a Resolution appointing Directors and a Chairman for the Board of Directors of Tax Increment Financing Reinvestment Zone Number One, City of Rockwall, Texas and take any action necessary.**

**Councilmember Cotti made a motion to approve the Resolution and Councilmember Straughan seconded the motion. The motion passed by a vote of 5 ayes and 1 absent [McCallum].**

**Mayor Cecil recessed the meeting at 6:07 p.m. in order to go into the TIF Board meeting.**

**Mayor Cecil reconvened the City Council meeting at 6:35 p.m.**

- a. Discuss and consider approval of an Ordinance approving a project plan and financing plan for Tax Increment Reinvestment Zone Number One, City of Rockwall, Texas and take any action necessary. [1<sup>st</sup> Reading]**

**Councilmember Cotti made a motion to approve the Ordinance and Councilmember King seconded the motion. The ordinance was read as follows:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS  
APPROVING A PROJECT PLAN AND FINANCING PLAN FOR TAX INCREMENT  
REINVESTMENT ZONE NUMBER ONE, CITY OF ROCKWALL, TEXAS; AND PROVIDING  
AN EFFECTIVE DATE.**

**The motion passed by a vote of 5 ayes and 1 absent [McCallum].**

**There being no further business to come before the Council, the meeting was adjourned  
at 6:37 p.m.**

**Approved by the City Council of the City of Rockwall, Texas, this 20<sup>th</sup> day of June, 2005.**

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**William R. Cecil, Mayor**

**ATTEST:**

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**Dorothy Brooks, City Secretary**

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**MINUTES  
ROCKWALL CITY COUNCIL**

July 5, 2005

4:00 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

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**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

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- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
  - b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
  - c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
  - d. City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
  - e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
  - f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

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**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**No action was taken as a result of Executive Session.**

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**3. PRE-COUNCIL DINNER.**

**The pre-council meeting adjourned at 5:55 p.m.**

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**Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of August, 2005.**

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**ATTEST:**

\_\_\_\_\_  
William R. Cecil, Mayor

\_\_\_\_\_  
Dorothy Brooks, City Secretary



**MINUTES  
ROCKWALL CITY COUNCIL**

**July 5, 2005**

**6:00 p.m. Regular Meeting and Joint Meeting with  
the Planning and Zoning Commission  
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

***SWEARING-IN OF NEWLY APPOINTED COUNCILMEMBER***

**Margo Nielsen, newly appointed as Councilmember, Place 6, was sworn in by Dorothy Brooks, City Secretary.**

**1. CALL TO ORDER**

**Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert.**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR BILL CECIL**

**3. OPEN FORUM**

**Mayor Cecil opened the floor to those citizens who wished to address the Council on any subject not on tonight's agenda. The following persons came forward to address the Council:**

**Greg Hollon  
2778 S. FM-549  
Rockwall, Texas 75032  
Wants a fire hydrant.**

**There being no one further to address the Council, Mayor Cecil closed the Open Forum.**

**4. CONDUCT A JOINT PUBLIC HEARING WITH PLANNING AND ZONING COMMISSION**

**Chairman Herbst called the Planning and Zoning Commission meeting to order at 6:08 p.m. Present were Chairman Phillip Herbst and Commissioners Susan Langdon, Connie Jackson, Mike Lucas, Jeff Carroll and Greg Burgamy. Commissioner Glen Smith was absent.**

- a. Z2005-025 – Conduct a public hearing jointly with the Planning and Zoning Commission on a request by Miles Prestemon of Newland Communities for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 395.075-acres comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey. The subject property is located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run.**

Robert LaCroix, Director of Planning and Zoning, discussed the background of this request. For the record, the following is his staff report:

**BACKGROUND INFORMATION:**

The applicant, Miles Prestemon with Newland Communities, has submitted a zoning application to rezone approximately 395 acres of land from (Ag) Agricultural to a (PD) Planned Development District for a master planned community with a variety of housing and a mixed-use area that includes retail, public use, office, residential and a "village green" (public park). The property is located at the intersection of SH 205 and FM 552 north of Quail Run Road and west of Hays Road. The surrounding zoning includes single family development to the west across SH 205 with a variety of lot sizes ranging from 6,000 square feet in area to 10,000 square feet in area including large estate lots fronting SH 205 exceeding 1.5 acres in area; single family development to the south with the average lot size of 8,400 square feet in area; and large estate lots zoned agricultural to the east.

In conjunction with this application, the applicant has provided a conceptual drawing for a 405 acre tract directly north across FM 552 which lies in the Extraterritorial Jurisdiction (ETJ) of the City. In October of 2004, the City Council denied a preliminary plat of this property that contained 1,519 single family lots based on the inability of the applicant to provide sufficient information to indicate an adequate water and sewer system for the proposed subdivision. The current concept that the applicant has provided for the ETJ tract (annexation pending), indicates 1,210 single family lots, a density of approximately 3 units per acre.

The City's future land use planning for the area outside the City is for a density of less than 2 units per acre. The proposed PD within the City proposes a density of 3.7 units per acres. This area is indicated on the Future Land Plan for a density of 2-3 units per acre. Allowing a greater density for the proposed PD zoning within the City can only be considered in conjunction with the proposed development concept for the ETJ tract to ensure that the objectives of the Comprehensive Plan can be achieved. This is to ensure that the City has the ability to serve these properties with utilities and that adequate roadways can be provided to handle the extensive increase in traffic.

**Proposed PD General Requirements Submitted by Applicant**

The applicant has submitted PD Development Standards as a part of the PD Concept Plan affiliated with the zoning change request. These Development Standards state that the purpose of the "Heart Stone Development is to provide a variety of dwelling units and home prices that respond to a broad economic range of Rockwall families that weave a pattern of continuity". The general requirements include the following items:

- Flood Plain as Open Space maintained as private open space by the HOA
- Architectural review
- Site plan required for a building permit
- Conformity with other Ordinances (*the PD shall supersede the standards and procedures established by the City of Rockwall that are in effect at that time*)
- Streetscape Standards for Arterials & Non-Fronting Thoroughfares
- Buried Utilities
- Lighting, light shall not exceed 20' in height
- Parks
- Sidewalks
- Streetscape (Interior Lot) Landscape

- Streetscape (Corner Lot) Landscape
- Fencing

#### PD Land Use Standards

#### HeartStone Initial Single Family Lot Composition

Lot Size	Driveway Access	Units	Total Dwelling Units
40-45'	Rear/Courtyard	178	14.4%
50'	Front or Rear	457	37.1%
60'	Front or Rear	420	34.1%
65'	Front	140	11.4%
75'	Front	37	3.0%
Maximum Allowed Total Units		1232	100%

The proposed Mixed Use Area will include 8 acres of townhouse development and is proposed for 80 units. In addition to the townhouses there is 11.5 acres of Single Family Detached cluster type housing which is proposed to include 69 units. The total for the Mixed Use Area is 149 units. The Comprehensive Plan does not recommend higher density dwelling units for this area of the City.

The remaining land use includes 18 acres of retail/office development, 1 acre for a fire station and an area designated for a public school site. The following minimum dwelling unit sizes (air conditioned square footage) are indicated in the PD Standards:

Lot Sz	45'	50'	60'	65'	75'	Courtyard
SQ. FT.	1,000	1,200	1,400	1,800	2,100	1,000

We have included a copy of the proposed HeartStone Development Standards which describe the area requirements and other regulations in greater detail for Commission review.

#### Access and Roadways

The proposed concept plan indicates access into the subdivision from two entry roads off of SH 205, one access off of FM 552, one point of access off of the proposed 205 Bypass, two access points off of Hays Road and, finally, one access point off of Quail Run Road. These points of access are adequate for public safety and circulation of traffic in and out of the proposed subdivision. However, the City has planned for a roadway connection to Ridge Road West to create a major east/west arterial route to handle future traffic flows from the development occurring to the east of this area. The existing FM 552 and Quail Run roads will not handle the future traffic that is anticipated with the future development to the east as well as with this proposal. Roadways improvements should be considered for FM 552 and Hays Road if this development is approved. A traffic impact analysis should also be required prior to approval of this concept plan that takes into account any background traffic to be generated from development of the land that lies outside the city.

#### Land Use

The applicant has proposed a mix of land uses for the proposed Planned Development. These include single family residential, mixed use single family residential, town home development, retail/office development, public open space and recreational uses and public use for a school and potential fire station. The Future Land Use Plan indicates this area to be primarily single family residential with a density of 2-3 units per acre. At the

intersections of FM 552 and SH 205 and Quail Run Road and SH 205 commercial nodules are indicated on the Land Use Plan. However, the Plan does not indicate mixed use nor higher density residential use such as town home, apartment or attached single family use. The concept plan proposes a retail/office mixed use area at the FM 552 and SH 205 intersection which includes higher density residential use, including town home development.

### **Lotting Patterns**

The proposed concept plan indicates a variety of lot sizes ranging from 45' x 100' (4,500 sq. ft.) to 75' x 120' (9,000 sq. ft.). Approximately 66% of the proposed detached single family lots will have front access (no alley). The 65' and 75' lots are indicated to be "j" swing type garage entries while the remaining lots without alley access will have front entry garages facing the street. The applicant has established restrictions on garage doors that would face the streets. However, the City of Rockwall Subdivision Ordinance states that alleys are required for residential development unless an exception is granted by the City Council. This plan also presents other issues with regard to minimum lot size. The minimum lot size for detached single family development under the City's Development Code is 7,000 sq. ft. and the minimum lot width under the Code is 60' for conventional single family development.

### **Open Space**

There are two major drainage swales that bisect the property. The proposed concept plan indicates that these will be preserved as open space. In addition to these areas, the plan also indicates some smaller pocket park open space areas, green open space at intersections and subdivision entry areas and an 11.7 acre village green area with a public recreation center. The total open space area is indicated to be 53.2 acres. Based on the total area of the property being 394.4 acres, the open space area yields appropriately 13.4 percent. The Unified Development Code states that "unless otherwise provided by the PD Ordinance, a minimum of twenty percent (20%) of the gross land area within the entire PD District shall be devoted to open space, consistent with the open space requirements of the City's Parks and Open Space Plan. Open space for PD Districts may be satisfied by either public or by a combination of public and private open space." This project is not meeting the open space requirements as required by the Unified Development Code. The applicant, however, proposes to satisfy requirements for percentage of open space by considering the land outside the city together with the PD land. This would yield open space of 131.7 acres, or 17% of the area of the two properties combined.

### **Density**

The overall density for this area, as recommended by the City of Rockwall Comprehensive Plan, is a medium density of 2 to 3 units per acre. This proposed plan is yielding a density of approximately 3.7 units per acre exceeding the densities recommended by the Comprehensive Plan. In addition, alley lengths should not exceed 1,000' which will require shorter block lengths for this development and possibly change the overall design for any future proposed subdivision. The following is a breakdown of the proposed land use to illustrate the proposed density:

Single Family units = 1,232 units on 274.9 acres – 4.5 units/acre

Mixed Use P.D. single family units = 69 units on 11.5 acres – 6.0 units/acre

Mixed Use P.D. town home units = 80 units on 8.0 acres – 10.0 units/acre

Tract I sub total = 1,381 units on 294.4 acres – 4.7 units/acre

Total for Tract I = 1,381 units

**(Total Retail/Office = 18.0 acres)**

**Residential area – 294.4 ac**

**Open Space - 54.3 ac**

**Major R.O.W. - 20.1 ac**

**Total - 368.8 acres**

**1,381 units**

**368.8 ac = 3.7 units per acre for Tract I (inside the City)**

### **Overlay District Requirements**

The proposed concept plan abuts the North SH 205 Corridor Overlay District and a portion of the project abuts the 205 Bypass Corridor Overlay District. There are 205 Bypass Overlay requirements which require lots to front onto the Bypass with a 30' landscape buffer, without screening walls. If backing is allowed, a 50' landscape buffer is required which could result in some redesign to the plan. In addition these regulations, the North SH 205 Overlay District also requires residential lots to front on SH 205 without the use of screening walls or fences and if allowed, a 50' landscape buffer is required which could also result in some design changes for a proposed subdivision. Neither of these Overlay Districts has been fully addressed with the proposed concept plan or the proposed Planned Development Standards. The proposed PD Standards describe a minimum 15' "buffer-strip" that is required along all arterials and non-fronting collector streets however; this buffer does not necessarily meet the requirements of the overlay districts.

### **RECOMMENDATIONS:**

The analysis of this proposal begins with a comparison of the PD concept plan with the intent and recommendations of the Comprehensive Land Use Plan. To begin with, the Land Use Plan states that "a greater variety of housing should be provided in specific areas of the city to accommodate a broad range of individual and family demand, including more urban style housing within walking distance of services, *as well as lower density more rural style housing with a country atmosphere.*" Even though the proposed concept plan represents a variety of lot sizes, none of the proposed lot sizes approach a large or estate sized lot typical of the development patterns in the northern sections of the City. The variety of lot sizes in this development should not only include the smaller lot sizes but also include larger lots of over 16,000 square feet in addition to smaller percentages lots approaching the estate size of an acre or more. These larger lots should be located on the perimeters of the future subdivision there by providing a transition to the existing development patterns on the north and to the east.

The Plan states the "retail areas should be pedestrian-oriented and easily accessible to adjacent residential and commercial neighborhoods." The proposed concept plan indicates a mixed use retail and commercial area which offers easy accessibility to the proposed residential neighborhood.

The Plan continues to state that we should "encourage a blending of land uses that will result in a strong sense of community and neighborhood identity, and in efficient use of land." We should "encourage mixed use residential and commercial development and encourage the siting of new school facilities in areas where there will be open space and pedestrian trails." The proposed concept plan indicates mixed use residential and commercial development and has also provided for a school site, however, it is not clear

314 how the residential will intergrate with the retail/commercial. The proposed PD  
315 requirements indicate that the town homes may be developed up to a total of eighty (80)  
316 units or ten (10) units per acre gross acre. In addition the total number of units may  
317 have the flexibility to be increased by twenty percent (20%). Single family may be  
318 developed up to a total of sixty-nine (69) units. The total number of units may be built is  
319 limited to following: total units count can not exceed 149; commercial acreage must be  
320 least 15 acres; and no greater than 6 units per gross acre. Any allowance of high density  
321 zoning within this concept plan should indicate how the retail/commercial will actually  
322 coexist with the residential. At this point the plan is too generalized to be able to draw  
323 any conclusion as to the viability of allowing high density residential with  
324 retail/commercial development.

325  
326 The Comprehensive Plan states that we should "provide for clustering of development  
327 throughout the City that will result in the preservation of flood plains and the conservation  
328 of open space and natural areas." This plan is providing for the preservation of the  
329 natural floodplains however the plan does not meet our required 20% open space  
330 requirements for Planned Developments.

331  
332 The Comprehensive Plan states that for the purposes of establishing residential policies,  
333 low density is defined as less than 2 units per acre, medium density is 2-3 units per acre,  
334 and high density is more than 3 units per acre. This property is designated as medium  
335 density on the Land Use Plan.

336  
337 The Plan continues to state that "all residential lots which are 16,000 square feet of less  
338 should be served by an alley." This proposal does not meet those standards. It states  
339 further that "when residential properties abut a major collector or larger roadway, they  
340 should be designed in one of the following ways:

- 341
- 342       ▪ Lots facing the thoroughfare should be a minimum of ½ acre in size and
- 343       accommodate on-site parking for 5 vehicles and a turn-around;
- 344       ▪ Lots should face an "eyebrow" off the thoroughfare; or
- 345       ▪ The side of the lot should face onto the thoroughfare.
- 346

347 Long, tall fences against the roadway should be avoided.

348  
349 Medium density housing should generally be used where designated on the Land Use  
350 Plan, where it would be an extension or continuation of an existing medium density  
351 development, or as a buffer from commercial or higher density residential. Existing  
352 surrounding conditions such as lot size, house styles and existing development patterns  
353 should be considered in conjunction with the current comprehensive plan to determine  
354 appropriate zoning."

355  
356 The proposed HeartStone Planned Development constitutes a high density development  
357 and thus exceeds the density recommendations of the Comprehensive Plan and does not  
358 match the existing surrounding development patterns to the north, east and to a large  
359 degree, those to the south. There are some similarities to those patterns to the west,  
360 however the existing lot sizes to the west do not fall under 6,000 square feet. As  
361 previously stated, the Staff would recommend a variety of lot sizes however those lots  
362 should include larger sizes including 10,000 square feet, 16,000 square feet and lots of 1  
363 acre and greater approaching estate size. The plan is also too generalized to be able to  
364 draw any conclusion as to the viability of allowing high density residential with  
365 retail/commercial development.

366  
367 Additionally, Staff does not feel the concept plan adequately addresses the road and  
368 traffic issues including the exclusion of a large portion of alleys. The proposed plan does

not meet the minimum open space requirements as defined in the PD Section of the Unified Development Code. Finally, for consideration to be given to this request, there must be a balancing of density between the propose PD and the 405 acre ETJ tract north of FM 552. To adequately serve both properties, a density level should reflect the recommendations of the Future Land Use and the City's planning for utilities and roadways. For these reasons, this request can not be analyzed separately from the ETJ tract to the north.

With these concerns in mind, the Staff cannot support this application as submitted. However, the Staff recognizes that many of the elements of the proposal implement policies of the Comprehensive Plan and, if tailored to be consistent with other policies in the plan, could be a high quality development that would be an asset to the community. Compliance with the plan in this instance necessarily involves integrating the land now outside the City with the property that is the subject of the zoning amendment. It also requires resolution of the following outstanding issues:

- A Traffic Impact Analysis submitted for review that specifically takes into account traffic from the proposed 405-acre development in the ETJ
- Arterial roadway connection to Ridge Road West should be shown on plan
- Alley issues must be addressed
- Front facing garages must be addressed
- Density is greater than the Comprehensive Plan recommends and must be evaluated considering the applicant's land both inside and outside city limits
- 20% open space in required for Planned Development per the Unified Development Code
- Address compliance with Overlay Districts
- Amend Planned Development Standards to reflect changes to the amended concept plan

The Staff sent 40 notices to property owners within 200 feet of the subject property and at the time of preparation of this report 3 notices were returned in favor of the proposal and 1 notice was returned in opposition to the proposal.

**Mayor Cecil opened the public hearing and the following persons came forward to address the Council:**

**Misty Ventura  
Hughes & Luce  
1717 Main Street, Suite 2800  
Dallas, Texas 75201  
Attorneys for the Caruth Estate. She introduced Miles Prestemon of Newland Communities.**

**Miles Prestemon  
3429 Caleche Court  
Plano, Texas 75023  
Discussed the project, handed out brochures and gave power point presentation on the project.**

**Bob Richardson**  
**712 Congress Avenue, Suite 300**  
**Austin, Texas 78701**  
With RVI. They worked with Dell Webb and had projects like Sun City, Phoenix and Barton Springs, Austin. Stated they don't want an arterial road through their community.

**Joann Glover**  
**550 E. Quail Run Road**  
**Rockwall, Texas 75087**  
Has a 12-acre tract in this area. This area is flood plain and if you tighten the density you affect the flood plain. Don't allow the high density. Watch what you are doing – protect what we have. Protect what's here for the future.

**Thom Bouis**  
**P. O. Box 1614**  
**Rockwall, Texas 75087**  
The noise factor from 205 is growing. The density is too high. No to the townhomes. Let them mirror the Shores.

**Rick Dirkse**  
**3077 N. Goliad**  
**Rockwall, Texas 75087**  
Trusts the wisdom of the Council and Planning and Zoning Commission. His concerns are:

1. Traffic
2. There are 4500 homes proposed in the Garland/Lavon area.
3. Safety is a huge concern.
4. Lot size – 4500 SF is unacceptable – definitely not fair to him or his neighbors who have acreages.
5. Density is too high.
6. No alleys – is unacceptable. People need a place to park other than the streets!
7. Retail/Apartments – does not want these in the area.

This plan fails the urban life style test and will increase the already terrible traffic problems.

**Dennis Dayman**  
**519 Cellars Court**  
**Rockwall, Texas 75087**  
This plan seems out of place. It creates a city within a city and separates everyone. If the build out is 10-20 years, will they sell the land? What happens? Agrees with previous comments re: safety, fire and traffic.

**Sam Noel**  
**1305 Champion Drive**  
**Rockwall, Texas 75087**  
Agrees totally with comments made by others. A traffic survey was done for the Shores. Now we are looking at 6,000 more cars! People will look for



paths of least resistance with regard to travel through the Shores neighborhoods to avoid SH205 – too much traffic will damage the streets. The density is too high. Safety is a concern.

**Don French**  
**3079 N. Goliad**  
**Rockwall, Texas 75087**

This does not make sense – doesn't fit. The density is way too high for current traffic. Would like a moratorium on any new development until the traffic problem is fixed. Has safety concerns for children going to school. Until the core issues are fixed – traffic/density – this development doesn't need to happen. Caruth Estate doesn't need the money. Delay and re-think the project until the 205 Bypass is in and 205 is fixed.

**Dr. Mark Hazel**  
**3059 N. Goliad**  
**Rockwall, Texas 75087**

The rural community will no longer exist. It's all about money. Think hard about this. It would be terrible.

**Kerry Mason**  
**3069 N. Goliad**  
**Rockwall, Texas 75087**

Stated he did not mail in his opposition, but does oppose the development and wants his name put down as such. Owns 12 acres in the area. Agrees with other speakers against the development. This development does not fit. Traffic would be a nightmare.

There being no one further to address the Council and Planning and Zoning Commission, Mayor Cecil closed the public hearing. Cecil then announced that the Council would take a recess and that the Planning and Zoning Commission would act on the issue.

Commissioner Jackson stated that although there were a lot of nice things about the plan, there were a lot of negative things as well. Jackson stated she would not support doubling the density and that you don't do a development until you see how it is going to affect the City with regard to traffic. There must be alleys. The tracts are two separate areas and must be treated as such. There should not be any garages in the front. Jackson is not willing to reduce the open space percentage. Agrees with Staff and will not support the request.

Commissioner Burgamy stated that he echoed Commissioner Jackson's concerns and does not think that this development should happen.

Commissioner Langdon stated she is concerned with the density. We need to keep the country feel. Langdon stated she would not support this request.

Commissioner Carroll stated that he would like to see what it would look like if it followed all of our guidelines. Carroll stated that he agreed with the other Commissioners.

Commissioner Herbst stated that the development had good potential, but that all the items need to be addressed.

Commissioner Jackson made a motion to deny Z2005-025 and Commissioner Langdon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Smith].

Commissioner Herbst adjourned the Planning and Zoning Commission Session at 7:50 p.m.

Mayor Cecil reconvened the City Council meeting. Commissioner Herbst discussed the Planning and Zoning Commission's action on Z2005-025.

- b. Consider action on Z2005-025.

Councilmember Scott made a motion to table item Z2005-025 until the first meeting in August and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

## 5. CONSENT AGENDA

- a. Consider approval of the Minutes of the June 20, 2005, City Council meeting and take any action necessary.
- b. Consider approval of a Resolution amending the Bylaws and approving certain actions to be taken by the Tax Increment Reinvestment Zone Number One, City of Rockwall, Texas, and take any action necessary.
- c. **Z2005-021** – Consider approval of an **Ordinance** regarding a City-initiated request to rezone the following thirteen (13) tracts from (Ag) Agricultural district to (LI) Light Industrial district and take any action necessary: **[2<sup>nd</sup> Reading]**

**Tract 1:** Being Tract 2, Abstract No. 125, J B Jones, a 1-acre tract located along the east side of FM 549, south of I-30;

**Tract 2:** Being Tract 2-1, Abstract No. 125, J B Jones, a 51.5-acre tract located along the east side of FM 549, south of I-30;

**Tract 3:** Being Tract 3, Abstract No. 125, J B Jones, a 6.5-acre tract, located south of I-30;

**Tract 4:** Being Tract 5, Abstract No. 125, J B Jones, a 60.3-acre tract, located along the west side of Rochelle and south of I-30;

**Tract 5:** Being Tract 6, Abstract No. 125, J B Jones, a 78-acre tract located north of Springer Rd and south of I-30;

**Tract 6:** Being Tracts 25 and 25-1, Abstract No. 120, R B Irvine, a 22.24-acre tract located along the south side of I-30;

**Tract 7:** Being Tract 24-1, Abstract No. 120, R B Irvine, a 1.5-acre tract located along the south side of I-30;

566                   **Tract 8:**           Being Tract 10-1, Abstract No. 186, J A Ramsey, a 57.461-  
567   acre tract located along the north side of SH 276 and south  
568   of Springer Rd;

569                   **Tract 9:**           Being Tract 10-3, Abstract No. 186, J A Ramsey, a 1.928-  
570   acre tract located along the south side of Springer Rd;

571                   **Tract 10:**          Being Tract 14, Abstract No. 186, J A Ramsey, a 12-acre  
572   tract located along the north side of Springer Rd;

573                   **Tract 11:**          Being Tract 1, Abstract No. 16, R K Brisco, an 85.479-acre  
574   tract located east of Rochelle and south of I-30;

575                   **Tract 12:**          Being Tract 2, Abstract No. 16, R K Brisco, a 100-acre  
576   tract located east of Rochelle and south of I-30;

577                   **Tract 13:**          Being Tract 1, Abstract No. 100, M E Hawkins, a 208.52-  
578   acre tract located east of Rochelle and north of SH 276.

- 579           d.       **Z2005-023** – Consider approval of an **Ordinance** regarding a request by  
580   Kama Roux of Chandlers Landing Community Association for an  
581   amendment to (PD-8) Planned Development No. 8 district to allow for  
582   residential uses on a 1.21-acre tract being Lot 2, Scenic Estate  
583   Subdivision, located along the west side of Ridge Rd (FM 740) south of  
584   Chandlers Landing Phase 19 and take any action necessary. [2<sup>nd</sup>  
585   Reading]
- 586           e.       **Z2005-022** -- Consider approval of an **Ordinance** regarding a city-  
587   initiated request to amend the Unified Development Code (Ord. 04-38) of  
588   the City of Rockwall, specifically Article V, Section 6.15, Lake Ray  
589   Hubbard Takeline Overlay (TL OV) District and take any action  
590   necessary. [2<sup>nd</sup> Reading]
- 591           f.       Consider approval of a Change Order for the Amity Sewer Line Project  
592   and take any action necessary.
- 593           g.       Consider approval of a **Resolution** establishing a Council subcommittee  
594   for facility planning and take any action necessary.
- 595           h.       Consider approval of a **Resolution** delegating authority to the TIF Board  
596   and take any action necessary.
- 597           i.       Consider approval of a **Resolution** appointing Councilmember Margo  
598   Nielsen to the TIF Board and take any action necessary.

599   **Councilmember Nielsen requested that Consent Agenda Item 5a be pulled.**  
600   **Councilmember McCallum requested that Consent Agenda Item 5c be pulled.**  
601   **Councilmember McCallum then made a motion to approve Consent Agenda Items 5b, 5d,**  
602   **5e, 5f, 5g, 5h, and 5i. Councilmember Cotti seconded the motion. The ordinance was**  
603   **read as follows:**

604  
605   **ORDINANCE NO. 05-31**  
606

607                   **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
608                   **AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY**  
609                   **OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE V,**  
610                   **SECTION 6.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT,**  
611                   **SPECIFICALLY TO ALLOW FOR BOAT-RELATED USES; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Cotti made a motion to approve Consent Agenda Item 5a. Councilmember McCallum requested that a slight change be made to the June 20, 2005 minutes and seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Nielsen].

Councilmember Cotti made a motion to approve Consent Agenda Item 5c and Councilmember Straughan seconded the motion. The ordinance was read as follows:

**ORDINANCE NO. 05-29**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL SO AS TO CHANGE THE ZONING FROM (AG), AGRICULTURE DISTRICT TO (LI), LIGHT INDUSTRIAL DISTRICT ON APPROXIMATELY 687-ACRES OF LAND, MORE SPECIFICALLY DESCRIBED AS TRACTS 1 THRU 13 IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND EVERY DAY THE OFFENSE CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 nay [McCallum].

**6. APPOINTMENTS**

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

Planning and Zoning Chairman Phillip Herbst discussed the planning and zoning items on tonight's agenda.

- b. Appointment with Joann Glover of the Rockwall County Committee on Aging for annual report and take any action necessary.

Joann Glover gave her annual report on the services provided by the Rockwall County Committee on Aging. Glover stated she would need about \$2,000.00 to help her budget until her grants come through. Glover stated that she needed volunteers to deliver meals on wheels. Glover stated that she would be providing a budget to the Council in the near future. When asked if she was solvent, Glover stated she was fine until fall. Councilmember Cotti stated that he would volunteer to be a regular driver for the meals on wheels program.

- c. Appointment with the Airport Subcommittee to provide update and discuss recommendations and take any action necessary.

Joey Boyd, Internal Operations Manager, discussed the background of the Airport Subcommittee recommendations. After discussion, Councilmember Straughan made a

663 motion to spend the \$38,000 currently allocated and Councilmember Cotti seconded the  
664 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

665 d. Appointment with Omega Hawkins with KART.

667 Councilmember Nielsen recused herself from hearing or taking any action on this item.

668  
669 Omega Hawkins with Kart discussed KART's background and the services they would be  
670 providing in Rockwall County. They will be asking for the same amount of funds we pay  
671 our current provider. Sam Buffington of 509 Bourn Avenue, Rockwall, Texas, stated that  
672 we need a member on the KART Board. No action was required or taken by the Council  
673 on this matter.

674  
675 **7. PUBLIC HEARING ITEMS**

676  
677 a. **P2005-019** – Continue the public hearing and consider approval a  
678 request by Sergio Garcia for approval of a residential replat of Lot 5,  
679 Block B, Chandlers Landing Phase 4, being a 0.11-acre tract zoned (PD-  
680 8) Planned Development No. 8 district and located at 5453 Ranger Drive  
681 and take any action necessary.

682 This is a continuation of the public hearing from the June 20, 2005, City Council meeting.  
683 Robert LaCroix discussed the background of the request and the abandonment of the  
684 utility easement. The following persons came forward to address the Council:

685  
686 Sergio Garcia (Applicant)  
687 5453 Ranger Drive  
688 Rockwall, Texas  
689 Mr. Garcia asked that the Council approve his request.

690  
691 There being no one further to address the Council, Mayor Cecil closed the public  
692 hearing.

693  
694 Councilmember Straughan made a motion to approve the request and Councilmember  
695 Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0  
696 nays.

697  
698 b. **Z2005-024** -- Hold a public hearing and consider of an **Ordinance** for a  
699 request by David Arterburn of Digital Path Texas for approval of a  
700 Specific Use Permit to allow for two wireless communication towers,  
701 measuring 100-ft and 60-ft in height, within the (C) Commercial district on  
702 a 1.9195-acre tract known as Tract 2, Abstract 255, B.J.T. Lewis Survey,  
703 located at 1411 S. Goliad and take any action necessary. [1<sup>st</sup> Reading]

704 Robert LaCroix discussed the background of the request. The towers were installed in  
705 May 2004 without approval so the applicant is coming forward now to request approval.  
706 The applicant has received an approval letter from the FAA and the Planning and Zoning  
707 Commission recommends approval with conditions.

708  
709 Mayor Cecil opened the public hearing and the following persons came forward to  
710 address the Council:

Darrell Rogers  
1411 S. Goliad  
Rockwall, Texas 75087

Mr. Rogers asked for approval of his request and advised the Council that they are in the process of renovating the buildings.

There being no one further to address the Council, Mayor Cecil closed the public hearing.

Councilmember Cotti made a motion to approve Z2005-024 and Councilmember Straughan seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (C) COMMERCIAL DISTRICT ALLOWING FOR TWO (2) WIRELESS COMMUNICATION TOWERS WITH COMMERCIAL ANTENNAS, ON A 1.92-ACRE TRACT LOCATED AT 1411 S. GOLIAD AND KNOWN AS TRACT 2, ABSTRACT 255, B.J.T. LEWIS SURVEY; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

#### 8. ACTION ITEMS

- a. **P2005-010** -- Discuss and consider a request from Sean K. Guillory, of Sumner Homes, for a variance to the Southside Residential Neighborhood Overlay District for the Robbins Addition situated east of Peter's Colony, north of E. Ross Street and west of Lamar Street and any action necessary.

Robert LaCroix discussed the background of this request and advised the Council that the Planning and Zoning Commission had recommended approval by a vote of 5-0. Pastor Joe Robbins, 805 Peter's Colony, Rockwall, Texas, came forward and requested approval for this variance of 1 foot.

Councilmember Cotti made a motion to approve the request and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- b. Discuss and consider general Council policies and procedures and take any action necessary.

Julie Couch discussed the draft of the policy. After discussion, it was agreed that Couch and Councilmember Scott would work together to get a final document and hopefully bring it to the Council at the next meeting. City Attorney Pete Eckert advised the Council that this document is considered a work in progress and could be revised at any time.

- c. Discuss and consider amendments to the Sublease Agreement regarding the Takeline and take any action necessary.

Brad Griggs, Parks Director, discussed the changes that had been made to the Agreement per approval by the City Attorney. Councilmember Cotti made a motion to

763 approve the terminology changes and Councilmember McCallum seconded the motion.  
764 The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 765  
766 d. Discuss and consider Old Town Neighborhood Association recreation  
767 equipment in Lofland Park and take any action necessary.

768 Mayor Cecil made a motion to table this matter and Councilmember Straughan seconded  
769 the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 770  
771 e. Discuss and consider approval of a **Resolution** directing Staff to cause  
772 publication of an intention to issue certificates of obligation and take any  
773 action necessary.

774 Mary Smith, Finance Director, discussed the background of this item. Smith stated that  
775 at this time she is simply asking the Council to allow us to publish the notice of intention  
776 to issue debt. Councilmember Cotti made a motion to approve the Resolution and  
777 Councilmember Scott seconded the motion. The motion passed unanimously by a vote  
778 of 7 ayes and 0 nays.

- 779  
780 f. Discuss and consider an ordinance providing for the publishing of certain  
781 information concerning new and existing registered sex offenders moving  
782 and living within the City of Rockwall and take any action necessary.

783 Councilmembers McCallum and Scott discussed the background of this item. After  
784 lengthy discussion, Councilmember McCallum made a motion to instruct Staff to prepare  
785 an ordinance to publish the information on sex offenders and send out notices to  
786 neighbors of current sex offenders. Staff should also be prepared to state what the  
787 impact will be with regard to manpower and costs and the City Attorney should advise  
788 whether or not we can take these actions. Councilmember Scott seconded the motion  
789 and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- 790  
791 g. Discuss and consider a request to submit a site plan asking for a second  
792 directory sign at the Rockwall Crossing development at I-30 and take any  
793 action necessary.

794 Councilmember Cotti made a motion that this item be tabled until the July 18, 2005 City  
795 Council meeting and Councilmember Straughan seconded the motion. The motion  
796 passed unanimously by a vote of 7 ayes and 0 nays.

797  
798 9. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,  
799 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

- 800  
801 a. Departmental Reports

- 802 b. City Manager's Report

803 Julie Couch reminded the Council of the meetings scheduled for July 7, 2005 and July  
804 11, 2005.

805  
806 Councilmember Cotti requested a status update of the 205 Overlay ordinance. Robert  
807 LaCroix stated that the ARB had concerns regarding the masonry standards and  
808 variances. There is also a question with regard to timing. They are fully on board with  
809 monument signs and have some other recommendations.

Councilmember Straughan congratulated Fire Chief Mark Poindexter for the 100% page time. Chief Poindexter stated that Police Chief Mark Moeller's team should get the credit. Poindexter advised the Council that it was wonderful to have a radio system that works so well and Couch advised that the system was now fully rolled-out. There being no further business to come before the Council in regular session, Mayor Cecil adjourned the meeting into Executive Session at 11:08 p.m.

**10. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
- e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
- f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**11. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

As a result of Executive Session, Councilmember Straughan and Mayor Cecil were appointed to the Board of the Emergency Services Corporation by unanimous vote.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 11:30 p.m.

Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of August, 2005.

\_\_\_\_\_  
William R. Cecil, Mayor

ATTEST:

\_\_\_\_\_  
Dorothy Brooks, City Secretary



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# AGENDA ROCKWALL CITY COUNCIL

July 11, 2005

4:00 p.m. Special Meeting/Work Session  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

1. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

2. CONSENT ITEMS

a. Consider approval of an **Ordinance** amending the Sign Ordinance regarding directory signs and take any action necessary. [2<sup>nd</sup> Reading]

b. **A2005-01** – Discuss and consider approval of an **Ordinance** for a petition for annexation from Carl E. and Dixon A. Glaze, Loyd Acker Family Partnership, Ltd., Jack H. and Elizabeth W. Hittson, Randy and Beth Talley, C.N. and Christy Jones, Henry and Jana Rohrbaker, and Steven E. and Christine Rinner, to annex land of approximately 24.147 acres generally located north of F.M. 552 and east of Anna Cade Rd, and contiguous to the existing City Limits line. [1<sup>st</sup> Reading]

Councilmember Cotti made a motion to approve Consent Items 2a and 2b and Councilmember King seconded the motion. The ordinances were read as follows:

ORDINANCE NO. 05-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE SIGN ORDINANCE IN SECTION III, B. FUNCTIONAL STANDARDS, 8. DIRECTORY SIGNS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 24.147 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

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

3. APPOINTMENTS

a. Appointment with TxDOT representatives to review plans for reconstruction of SH-205.

Paul Williams of TxDot gave a brief overview of the reconstruction of SH-205. The project should go bid in the Summer of 2006 with construction to start in the Fall of 2006. Construction will take anywhere from 30 to 48 months to complete. The first project will

be the interchange at SH205 and I-30. There will be a public hearing on July 26, 2005, which will be the last step in the environmental process. With regard to right-of-way issues, TxDot normally requires a width of 15 feet, however, for the SH205 project they are only going to required a 10 ½ foot width. All bidders are prequalified. City Manager Julie Couch stated that TxDot will do the utility relocation, including water/sewer utilities. Mayor Cecil asked if there was anyway the process could be accelerated and Williams advised that it already had been – normally design projects take 24 months, they have already cut it to 8-9 months. No action was required or taken on this item.

Mayor Cecil adjourned the meeting into Executive Session at 5:12 p.m.

**4. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, AND 551.074 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- b. City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
- c. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
- d. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

Mayor Cecil reconvened the meeting at 7:49 p.m. No action was taken as a result of Executive Session.

**5. HOLD WORKSESSION TO DISCUSS THE COMPREHENSIVE PLAN AND RELATED PLANS, IMPLEMENTATION OF THOSE PLANS AND RELATED ISSUES, AND TAKE ANY NECESSARY ACTION.**

Robert LaCroix, Director of Planning and Zoning, gave a power point presentation on the Comprehensive Land Use Plan and, along with Plan-creator Dennis Wilson, opened the floor for discussion and deliberation. There was considerable conversation among all members of the Council with the following concerns and ideas being identified and addressed.

Councilmember McCallum expressed concerns about:

- Need to ensure additional park/recreational value during planning for development.
- Consider citizens desire for a rural get-away as we examine plans for urban housing.
- Examine possibilities for a true retirement community.
- Ensure that densities are appropriate and have adequate provision for alleys. We may want to lower densities to address school and traffic impacts, but ensure high value.

Councilmember Straughan discussed the following issues:

- With an aging population, people are down-sizing; smaller lots with high value. Our need is for high value homes.
- We need to look at urbanization of the downtown area. As regards RISD, we are only one part, with County and other cities also impacting the schools.

Councilmember King reminded the Council that as we have evolved, our formula for approval of development has become more complex. Density is only a tool and The Plan is an example of how to use these tools. We should re-evaluate The Plan and perhaps redefine the tools.

Councilmember Scott raised the following points for consideration:

- A need to talk with Custom Builders to learn what we can do to increase their work in Rockwall.
- A need to examine our densities because of the impact on schools. It also provides a means to control growth.
- A need to re-examine the fit in Rockwall for Urban Housing.

Councilmember Nielsen stated that congestion is what we don't like. Urbanization of the downtown area is appropriate. She likes diversity in development more than some of her colleagues.

Mayor Pro Tem Cotti raised the following points for consideration:

- Does the current plan generally address our long range planning needs (requiring only modification) or does it need major revision? The latter will require considerable Staff and Citizen Committee work.
- If we make major changes to density levels we'll need to consider the impact these changes may have on other aspects of the plan, such as funding for infrastructure needs.
- We need to revisit the software model developed for the city by Elizabeth Morris, plug in the new density values, and examine the long range impact of changes before we finalize any of the changes.

Mayor Cecil stated that before we have a lot of growth, the infrastructure needs to be there. All of our major thoroughfares are TxDOT. We need to build infrastructure along with the development. Let's update the plan and be sure we are all on the same page.

After ensuring that Staff had sufficient information to prepare for the next worksession and there being no further business to come before the Council, Mayor Cecil adjourned the meeting into Executive Session at 10:01 p.m.

Mayor Cecil reconvened the meeting at 10:30 p.m. No action was taken as a result of Executive Session. There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 10:30 p.m.

150 **Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of**  
151 **\_\_\_\_\_, 2005.**

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**William R. Cecil, Mayor**

155 **ATTEST:**

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159 **Dorothy Brooks, City Secretary**

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**MINUTES  
ROCKWALL CITY COUNCIL**

July 18, 2005

5:00 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Cecil called the meeting to order at 5:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen and John King. Councilmember Matt Scott was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
- e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
- f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.
- g. 1235 Ridge Road West – Order of Demolition

**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**No action was taken as a result of Executive Session.**

**3. PRE-COUNCIL DINNER.**

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of August, 2005.

\_\_\_\_\_  
William R. Cecil, Mayor

**ATTEST:**

\_\_\_\_\_  
Dorothy Brooks, City Secretary

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**MINUTES  
ROCKWALL CITY COUNCIL**

July 18, 2005

6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

55  
56

1. **CALL TO ORDER**

57 Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and  
58 Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen and John  
59 King. Councilmember Matt Scott was absent. Also present were City Manager Julie  
60 Couch and City Attorney Pete Eckert.

61  
62 Prior to the invocation, Mayor Cecil read a proclamation proclaiming July 18, 2005, as  
63 Dorothy Dunn Day in the City of Rockwall.

64  
65  
66

2. **INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TIM MCCALLUM**

67  
68

3. **CONSENT ITEMS**

69 a. Consider approval of the Minutes of the June 27, 2005 Special City  
70 Council meeting and take any action necessary.

71 b. Consider of an **Ordinance** for a request by David Arterburn of Digital  
72 Path Texas for approval of a Specific Use Permit to allow for two wireless  
73 communication towers, measuring 100-ft and 60-ft in height, within the  
74 (C) Commercial district on a 1.9195-acre tract known as Tract 2, Abstract  
75 255, B.J.T. Lewis Survey, located at 1411 S. Goliad and take any action  
76 necessary. [2<sup>nd</sup> Reading]

77 c. **P2005-025** -- Consider a request from Ron Ramirez of Wier &  
78 Associates, Inc., for approval of a replat of Lot 1, Block A, Whitmore  
79 Industrial Park Addition, being 24.323-acres zoned (LI) Light Industrial  
80 district and located at 930 Whitmore Drive and take any action necessary.

81 d. Consider approval of a Resolution authorizing execution of an Interlocal  
82 Cooperative Purchasing Agreement with the City of Plano and take any  
83 action necessary.

84 e. Consider approval of the annual concrete street maintenance contract  
85 and take any action necessary.

86  
87 Councilmember McCallum requested that Consent Agenda Item 5a be pulled.  
88 Councilmember Cotti made a motion to approve Consent Agenda Items 5b thru 5e and  
89 Councilmember King seconded the motion. The ordinance was read as follows:

90  
91  
92

**ORDINANCE NO. 05-34**

93 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
94 **AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,**  
95 **AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN**  
96 **THE (C) COMMERCIAL DISTRICT ALLOWING FOR TWO (2) WIRELESS**

97 COMMUNICATION TOWERS WITH COMMERCIAL ANTENNAS, ON A 1.92-ACRE  
98 TRACT LOCATED AT 1411 S. GOLIAD AND KNOWN AS TRACT 2, ABSTRACT 255,  
99 B.J.T. LEWIS SURVEY; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR  
100 A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
101 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;  
102 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
103

104 The motion passed by a vote of 6 ayes and 1 absent [Scott].  
105

106 Councilmember McCallum made a motion to approve Consent Agenda Item 5a and  
107 Councilmember Cotti seconded the motion. The motion passed by a vote of 5 ayes, 1  
108 abstain [Nielsen] and 1 absent [Scott].  
109

#### 110 4. APPOINTMENTS 111

- 112 a. Appointment with Planning and Zoning Chairman to discuss and answer  
113 any questions regarding cases on the agenda and related issues and  
114 take any necessary action.

115 Phillip Herbst, Chairman of the Planning and Zoning Commission, came forward and  
116 advised the Council of the Planning and Zoning Commission's recommendations  
117 regarding the planning and zoning items on tonight's agenda.  
118

#### 119 5. PUBLIC HEARING 120

- 121 a. **Z2005-026** – Hold a public hearing and consider approval of an  
122 **Ordinance** for a city-initiated zoning change from Single-Family  
123 Residential (SF-7) to Planned Development No. 50 (PD-50) for those lots  
124 along the west side of N. Goliad from 703 N. Goliad to 925 N. Goliad. The  
125 proposed Planned Development will have underlying Residential-Office  
126 (R-O) District zoning with site plan review requirements and take any  
127 action necessary. [1<sup>st</sup> Reading]

128 Robert LaCroix, Director of Planning and Zoning, discussed the background of this item.  
129 This is a city-initiated request to expand PD50 zoning to include 401 N. Goliad to 925 N.  
130 Goliad. The Planning and Zoning Commission recommended approval of this request.  
131

132 Mayor Cecil opened the public hearing and the following persons came forward to  
133 address the Council:  
134

135 Mayor Cecil advised that Mr. LaCroix had already stated his case since this  
136 was a city-initiated zoning change request.  
137

138 There being no one further to address the Council, Mayor Cecil closed the public  
139 hearing.  
140

141 Councilmember Cotti made a motion to approve the request and Councilmember  
142 McCallum seconded the motion. The ordinance was read as follows:  
143

144 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
145 THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY  
146 AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-7), SINGLE FAMILY  
147 RESIDENTIAL DISTRICT TO "PD-50", PLANNED DEVELOPMENT DISTRICT NO. 50 TO

148 AMENDED "PD-50" PLANNED DEVELOPMENT DISTRICT NO. 50; INCLUDING PROPERTIES  
149 ADDRESSED AS 401 N. GOLIAD TO 925 N. GOLIAD AND 406 N. ALAMO; MORE  
150 SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE  
151 OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE  
152 SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A  
153 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING AN  
154 EFFECTIVE DATE.  
155

156 The motion passed by a vote of 6 ayes and 1 absent [Scott].  
157

- 158 b. **Z2005-027** – Hold a public hearing and consider a city-initiated revision to  
159 the City of Rockwall Unified Development Code (Ord. No. 04-38),  
160 specifically an amendment to Article V, Section 6.7, SH 205 Overlay (SH  
161 205 OV) District and take any action necessary.

162 Robert LaCroix discussed the background of the request. This is a city-initiated request  
163 to amend the SH-205 Overlay District. Mayor Cecil opened the public hearing and the  
164 following persons came forward to address the Council:  
165

166 Mayor Cecil advised that Mr. LaCroix had already stated his case since this  
167 was a city-initiated zoning change request.  
168

169 There being no one further to address the Council, Mayor Cecil closed the public  
170 hearing.  
171

172 After lengthy discussion, Councilmember McCallum made a motion to instruct Staff to  
173 bring back an ordinance amending the SH-205 Overlay District which will amend section  
174 g regarding signs, provide that variances must be approved by a  $\frac{3}{4}$  majority vote of the  
175 members present or a minimum of 4 affirmative votes and that Staff shall bring back for  
176 approval architectural standards for masonry and articulation. Councilmember Cotti  
177 seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Scott].  
178

- 179 c. **Z2005-028** – Hold a public hearing and consider approval of an  
180 **Ordinance** a request by Kim Bihari of Greenpoint Capital, LP, for a  
181 change in zoning from (SF-7) Single Family Residential district to (GR)  
182 General Retail district on a 0.4293-acre tract known as Block 117, BF  
183 Boydston, located at 503 S. Goliad and take any action necessary. [1<sup>st</sup>  
184 Reading]

185 Robert LaCroix discussed the background of the request and advised the Council that  
186 the Planning & Zoning Commission had recommended approval. Mayor Cecil opened  
187 the public hearing and the following persons came forward to address the Council:  
188

189 Len Fountain (Applicant)  
190 Greenpoint Capital  
191 Rockwall, Texas

192 Mr. Fountain requested that the Council approve this change.  
193

194 There being no one further to address the Council, Mayor Cecil closed the public  
195 hearing. Councilmember Cotti made a motion to approve the request and  
196 Councilmember Straughan seconded the motion. The ordinance was read as follows:



197  
198 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
199 THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY  
200 AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-7), SINGLE FAMILY  
201 RESIDENTIAL DISTRICT TO (GR), TGENERAL RETAIL DISTRICT, ON A TRACT OF LAND  
202 CONTAINING 0.4293 ACRES AND KNOWN AS 503 S. GOLIAD, AND MORE SPECIFICALLY  
203 DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
204 FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
205 (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
206 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
207

208 The motion passed by a vote of 6 ayes and 1 absent [Scott].  
209

210 **6. SITE PLANS/PLATS**

- 211 a. **P2005-024** -- Discuss and consider a request by Scott Holden of  
212 Douphrate and Associates for approval of a final plat for Lakeview  
213 Summit Phase 3, being 84-lots on 29.125-acres zoned (PD-29) Planned  
214 Development No. 29 district and located along the east side of N.  
215 Lakeshore Blvd and west of Lakeview Summit Phase 1A and take any  
216 action necessary.

217 **Robert LaCroix discussed the back ground of the request for approval of the final plat for**  
218 **Lakeview Summit Phase 3. The applicant will be dedicating approximately 40 acres for a**  
219 **park adjacent to the sewer plant. LaCroix stated that the Planning and Zoning**  
220 **Commission recommended approval by a vote of 5-0.**  
221

222 **Councilmember Cotti made a motion to approve the request and Councilmember**  
223 **Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent**  
224 **[Scott].**  
225

- 226 b. **(1) P2005-026** -- Discuss and consider a request by Harold Fetty of  
227 Rockwall Surveying Co., Inc., for approval of a final plat of Lot 1, Block 1,  
228 Family Law Center Addition, being a 0.43-acre tract zoned (PD-50)  
229 Planned Development No. 50 district and located at 603 N. Goliad and  
230 take any action necessary.

231 **Robert LaCroix discussed the background of the request for a final plat. The applicant is**  
232 **requesting an access easement on the side instead of the back and a facilities agreement**  
233 **will be required. The Planning and Zoning Commission recommended approval by a**  
234 **vote of 4-0.**  
235

- 236 **(2) SP2005-016** -- Discuss and consider a request by Harold Fetty of  
237 Rockwall Surveying Co., Inc., for approval of a site plan for an 1,845-sf  
238 office use on Lot 1, Block 1, Family Law Center Addition, being a 0.43-  
239 acre tract zoned (PD-50) Planned Development No. 50 district and  
240 located at 603 N. Goliad and take any action necessary.

241 **Robert LaCroix discussed the background of the request for site plan approval. A**  
242 **variance will need to be granted for the asphalt paving. Additional landscaping and**  
243 **fencing will be required.**  
244

245 **Councilmember Cotti made a motion to approve Site Plans/Plats Items 6b(1) and 6b(2)**  
246 **and Councilmember King seconded the motion. The motion passed by a vote 6 ayes and**  
247 **1 absent [Scott].**

248 **7. ACTION ITEMS**

- 249 a. Discuss and consider a request to submit a site plan asking for a second  
250 directory sign at the Rockwall Crossing development at I-30 and take any  
251 action necessary.

252 **Jeffrey Widmer, Building Official, discussed the background of this request. Don Dalton**  
253 **of the Woodmont Company came forward and requested Council approval of this item.**  
254 **Widmer advised that the sign is in lieu of other signs that are allowed.**  
255

256 **Councilmember McCallum made a motion to approve the request and Councilmember**  
257 **Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Scott].**  
258

- 259 b. Consider on first reading an **Ordinance** authorizing the issuance and sale  
260 of Combination Tax and Limited Surplus Revenue Certificates of  
261 Obligation, Series 2005; levying an annual ad valorem tax and providing  
262 for the security for and payment of said certificates; approving the official  
263 statement; providing an effective date; and enacting other provisions  
264 relating to the subject and take any action necessary.

- 265 c. Consider on first reading an **Ordinance** authorizing the issuance and sale  
266 of General Obligation Refunding and Improvement Bonds, Series 2005;  
267 levying an annual ad valorem tax and providing for the security for and  
268 payment of said bonds; approving the official statement; providing an  
269 effective date; and enacting other provisions relating to the subject and  
270 take any action necessary.

- 271 d. Consider on first reading an **Ordinance** authorizing the issuance and sale  
272 of Waterworks and Sewer System Revenue Refunding and Improvement  
273 Bonds, Series 2005; providing for the security for and payment of said  
274 bonds; approving the official statement; providing an effective date; and  
275 enacting other provisions relating to the subject and take any action  
276 necessary.

277 **Mary Smith, Finance Director, discussed the background of Action Items 7b, 7c, and 7d.**  
278 **Smith advised the Council that no action or vote is required by the Council tonight, only**  
279 **the reading of the ordinances. The ordinances were read as follows:**  
280

- 281 7b. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF  
282 ROCKWALL, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE  
283 CERTIFICATES OF OBLIGATION, SERIES 2005; LEVYING AN ANNUAL AD  
284 VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID  
285 CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN  
286 EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE  
287 SUBJECT.  
288

289 **No action was taken.**  
290

- 291 7c. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF  
292 ROCKWALL, TEXAS, GENERAL OBLIGATION REFUNDING AND IMPROVEMENT  
293 BONDS, SERIES 2005; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING  
294 FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; APPROVING THE  
295 OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER  
296 PROVISIONS RELATING TO THE SUBJECT.  
297

298 **No action was taken.**

- 299  
300 7d. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF  
301 ROCKWALL, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING  
302 AND IMPROVEMENT BONDS, SERIES 2005; PROVIDING FOR THE SECURITY FOR  
303 AND PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT;  
304 PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS  
305 RELATING TO THE SUBJECT.  
306

307 **No action was taken.**  
308

- 309 e Discuss and consider amending the Sign Ordinance regarding  
310 architectural features on monument signs and take any action necessary.

311 **Jeffrey Widmer discussed the background of this item and gave a power point**  
312 **presentation of pictures of various monument signs in Rockwall, Southlake and other**  
313 **areas. After lengthy discussion by the Council and input from Mr. Perry of HiTech Signs,**  
314 **Councilmember McCallum made a motion instructing Staff to bring back an ordinance**  
315 **amending the Sign Ordinance which provides the following:**  
316

- 317 1. The maximum square foot of the sign itself shall be 60 square feet –  
318 and not taller than 5 feet. The overall size (which includes the  
319 masonry requirements) shall not exceed 7 feet tall x 14 feet wide (98  
320 square feet), if a 6" cap is included. If a masonry cap is not used,  
321 the height shall not exceed 6 feet.  
322  
323 2. Require architectural masonry features which include:  
324  
325 a. A minimum base of 12" (required)  
326 b. A minimum cap of 6" (not required)  
327 c. Sides that are a minimum of 6" (required)  
328  
329 3. These requirements shall apply to the whole city, not just the  
330 overlay districts.  
331  
332 4. Exceptions shall require a ¾ majority vote of the council in  
333 attendance or a minimum of 4 affirmative votes.  
334

335 **Councilmember Straughan seconded the motion and the motion passed by a vote of 6**  
336 **ayes and 1 absent [Scott].**  
337

- 338 f. Discuss and consider approval of a **Resolution** denying the Atmos  
339 Energy rate increase proposal and take any action necessary.

340 **Joey Boyd discussed the background of this item. Jeanne Hooker of Atmos Energy was**  
341 **introduced to the Council – she took the place of Shelton Cook, who recently died.**  
342

343 **Councilmember Cotti made a motion to approve the resolution and Councilmember**  
344 **McCallum seconded the motion. The motion passed by a vote of 6 ayes and 1 absent**  
345 **[Scott].**

- 346  
347           **g.     A-2005-002** – Discuss and consider a petition for annexation from Joe D.  
348                     and JoAnn Loftis to annex land of approximately 234.70 acres located  
349                     along the southside of Hwy 276 east of Rochelle Road and contiguous to  
350                     the existing city limits line and take any action necessary.

351     **Robert LaCroix discussed the background of this voluntary request for annexation. The**  
352     **acreage will increase to 247.73 acres because right-of-way is required by the state.**  
353     **LaCroix advised that Staff will be bringing this back to the Council in approximately 30**  
354     **days.**

355  
356     **Councilmember McCallum made a motion instructing Staff to begin the annexation**  
357     **proceedings and Councilmember Straughan seconded the motion. The motion passed**  
358     **by a vote of 6 ayes and 1 absent [Scott].**

- 359  
360           **h.     Discuss and consider designating the Rockwall Women's League**  
361                     **Cookbook as the official cookbook of the City of Rockwall and take any**  
362                     **action necessary.**

363     **Mayor Cecil made a motion to table this matter until the August 1, 2005 meeting and**  
364     **Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1**  
365     **absent [Scott].**

366  
367     **There being no further business to come before the Council in regular session, Mayor**  
368     **Cecil adjourned the meeting into Executive Session at 9:32 p.m.**

369  
370     **8.     HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS**  
371     **GOVERNMENT CODE TO DISCUSS:**

- 372           **a.     Deliberation regarding the purchase, exchange, lease, or value of real**  
373                     **property.**
- 374           **b.     Personnel Issues, including Board, Commission, and Committee**  
375                     **Appointments, and Related Matters.**
- 376           **c.     Commercial or financial information regarding business prospects that the**  
377                     **City seeks to have locate, stay, or expand in or near the territory of the**  
378                     **City of Rockwall and with which the Board is conducting economic**  
379                     **development negotiations.**
- 380           **d.     City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of**  
381                     **the Estate of W.W. Caruth, Jr., deceased.**
- 382           **e.     Liability arising out of actions taken on agenda items for which it is the**  
383                     **ethical duty of the City's attorneys to advise the Council.**
- 384           **f.     Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation**  
385                     **with attorney with regard to a matter that it is the duty of the attorney to**  
386                     **consult with the Council and falls under the attorney-client privilege.**
- 387           **g.     1235 Ridge Road West – Order of Demolition**

388  
389 **9. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**  
390

391 Councilmember Bob Cotti made a motion to appoint Pat Russell to the Parks and  
392 Recreation Board and Councilmember Stephen Straughan seconded the motion. The  
393 motion passed unanimously.  
394

395 There being no further business to come before the Council, Mayor Cecil adjourned the  
396 meeting at 10:30 p.m.  
397

398 Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of  
399 August, 2005.

400 \_\_\_\_\_  
401 William R. Cecil, Mayor

402 **ATTEST:**  
403  
404

405 \_\_\_\_\_  
406 Dorothy Brooks, City Secretary  
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**MINUTES  
ROCKWALL CITY COUNCIL**

August 1, 2005

4:00 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch, City Attorney Pete Eckert and Attorney Terry Morgan. Mayor Cecil immediately adjourned the meeting into Executive Session.

13  
14

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

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- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
  - b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
  - c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
  - d. City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
  - e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
  - f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.
  - g. 1235 Ridge Road West – Order of Demolition

31  
32

**No action was taken as a result of Executive Session.**

33  
34

**3. PRE-COUNCIL DINNER.**

35  
36

**The pre-council meeting adjourned at 5:55 p.m.**

37  
38

**Approved by the City Council of the City of Rockwall, Texas, this 6<sup>th</sup> day of September, 2005.**

39  
40

\_\_\_\_\_  
William R. Cecil, Mayor

41  
42  
43

**ATTEST:**

44  
45

\_\_\_\_\_  
**Dorothy Brooks, City Secretary**

46  
47  
48 **MINUTES**  
49 **ROCKWALL CITY COUNCIL**

50 August 1, 2005

51 6:00 p.m. Regular Meeting

52 City Hall, 385 S. Goliad, Rockwall, Texas 75087

53 Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and  
54 Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John  
55 King and Matt Scott. Also present were City Manager Julie Couch, City Attorney Pete  
56 Eckert and Attorney Terry Morgan.

57  
58 1. **CALL TO ORDER**

59  
60 2. **INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER STEPHEN STRAUGHAN**

61  
62 3. **PROCLAMATIONS**

63  
64 a. National Night Out – Sgt. Ed Fowler received the proclamation.

65  
66 4. **OPEN FORUM**

67  
68 Mayor Cecil opened the floor to those persons who wished to address the Council on  
69 any matter not on tonight's agenda. The following persons came forward to address the  
70 Council:

71  
72 **Barbara Montgomery**  
73 **509 St. Mary's**  
74 **Rockwall, Texas**

75 Ms. Montgomery requested that the Council cause automatic door openers  
76 to be installed at the Senior Citizen Center and at City facilities.

77  
**Mark Russo**  
**1000 W. Yellowjacket Lane #902**  
**Rockwall, Texas**

**Kenda Culpepper**  
**317 S. Lakeshore**  
**Rockwall, Texas**

78 Mr. Russo and Ms. Culpepper advised the Council that the Young  
79 Republicans Organization in Rockwall received the Grand Prize at the State  
80 convention for the political forum they hosted with the City's Youth  
81 Advisory Council for the May election. They also won for best new club.  
82 They thanked the Council for their support.

83  
84 **Sam Buffington**  
85 **509 Bourn St.**  
86 **Rockwall, Texas**

87 Mr. Buffington stated that there was need for a traffic light at SH205 and  
88 Lake Meadows. Agreed with Ms. Montgomery that there is a need for  
89 automatic doors at the Senior Citizens Center and City facilities.

Betty Weishaar

100 Lake Meadows

Rockwall, Texas

Ms. Weishaar stated that she agreed that there needs to be automatic doors at the Senior Citizens Center and City facilities.

Councilmember McCallum congratulated the Young Republicans and instructed the City Manager to cause an assessment of City facilities to take place with regard to automatic doors for the disabled and bring the results back at the next City Council meeting. Chuck Todd, City Engineer was instructed to research the feasibility for a traffic light at Lake Meadows.

## 5. CONSENT AGENDA

- a. Consider approval of the minutes from the July 5, 2005 City Council meeting and take any action necessary.
- b. Consider approval of the minutes from the July 11, 2005 City Council meeting and take any action necessary.
- c. Consider approval of the minutes from the July 18, 2005 City Council meeting and take any action necessary.
- d. Discuss and consider approval of an **Ordinance** denying the Atmos Energy rate increase proposal and take any action necessary.  
[2<sup>nd</sup> Reading]
- e. **Z2005-026** -- Consider approval of an **Ordinance** for a city-initiated zoning change from Single-Family Residential (SF-7) to Planned Development No. 50 (PD-50) for those lots along the west side of N. Goliad from 703 N. Goliad to 925 N. Goliad. The proposed Planned Development will have underlying Residential-Office (R-O) District zoning with site plan review requirements and take any action necessary.  
[2<sup>nd</sup> Reading]
- f. **Z2005-028** -- Consider approval of an **Ordinance** a request by Kim Bihari of Greenpoint Capital, LP, for a change in zoning from (SF-7) Single Family Residential district to (GR) General Retail district on a 0.4293-acre tract known as Block 117, BF Boydston, located at 503 S. Goliad and take any action necessary. [2<sup>nd</sup> Reading]
- g. Consider approval of a Facilities Agreement with Pulte Homes regarding N. Lakeshore in Lakeview Summit Phase 3 and take any action necessary.

Councilmember Scott requested that Consent Agenda Item 5c be pulled. Councilmember Cotti made a motion to approve Consent Agenda Items 5a, 5b and 5d through 5g and Councilmember McCallum seconded the motion. The ordinances were read as follows:

### ORDINANCE NO. 05-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, DENYING THE REQUEST OF ATMOS ENERGY CORP., MID-TEX DIVISION, FOR AN ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM (GRIP) RATE INCREASE IN THIS MUNICIPALITY, AS A PART OF THE COMPANY'S STATEWIDE GAS UTILITY DISTRIBUTION SYSTEM; APPROVING COOPERATION WITH OTHER CITIES WITHIN THE



ATMOS ENERGY CORP., MID-TEX DIVISION DISTRIBUTION SYSTEM AS PART OF THE ATMOS CITIES STEERING COMMITTEE (ACSC); AUTHORIZING ACSC TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION; AUTHORIZING INTERVENTION AS PART OF ACSC IN ANY APPEAL OF THE CITY'S ACTION TO THE RAILROAD COMMISSION; APPROVING COSTS INCURRED AS REASONABLE AND PROVIDING A REQUIREMENT FOR PROMPT REIMBURSEMENT OF COSTS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO ATMOS ENERGY CORP., MID-TEX DIVISION; PROVIDING AN EFFECTIVE DATE.

**ORDINANCE NO. 05-35**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM "SF-7" SINGLE FAMILY RESIDENTIAL AND "PD-50"; PLANNED DEVELOPMENT DISTRICT NO. 50 TO AMENDED "PD-50" PLANNED DEVELOPMENT DISTRICT NO. 50; INCLUDING PROPERTIES ADDRESSED AS 401 N. GOLIAD TO 925 N. GOLIAD AND 406 N. ALAMO; MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 05-36**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-7), SINGLE FAMILY RESIDENTIAL DISTRICT TO (GR), GENERAL RETAIL DISTRICT, ON A TRACT OF LAND CONTAINING 0.4293 ACRES AND KNOWN AS 503 S. GOLIAD, AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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 unanimously by a vote of 7 ayes and 0 nays.**

**Councilmember Cotti then made a motion to approve Consent Agenda 5c and Councilmember King seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Scott].**

**6. APPOINTMENTS**

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

**Phillip Herbst, Chairman of the Planning and Zoning Commission, addressed the Council regarding the planning items on tonight's agenda.**

- b. Appointment with Jean Allen for a report on 2005 Juneteenth Event and take any action necessary.

Jean Allen and Bobby Malone (President of the Bourn Avenue Alumni) came forward and addressed the Council regarding this year's Juneteenth celebration. This year is the last year that they will be putting on the event. Allen advised that the event is too much work for a small handful of people. Councilmember Cotti thanked them for their hard work.

- c. Appointment with Dan Petty, President of the North Texas Commission and board member of the North Texas Clean Air Coalition regarding the Clean Air Coalition and take any action necessary.

Dan Petty, President of the North Texas Commission, gave a short power point presentation on clean air and how Rockwall can make a difference. Councilmember Cotti thanked Mr. Petty for coming out and addressing the Council and instructed the City Manager to work with Mr. Petty and his staff to see what our City Staff can do to raise awareness of this issue in the community.

- d. Appointment with the Fine Arts Subcommittee for a status update on recent meetings and suggestions and take any action necessary.

Councilmember Cotti stated that the Fine Arts Subcommittee consists of himself, Tim McCallum and Stephen Straughan. Cotti discussed the background of the subcommittee and their recommendations. Councilmember McCallum stated that we need to take a leadership position and bring all the area entities together. Mayor Cecil made a motion to accept the Subcommittee's report and move forward with the recommendations. Councilmember Scott seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- e. Appointment with Ray and Associates regarding the compensation plan study and take any action necessary.

Katherine Ray of Ray and Associates addressed the Council and gave a power point presentation on the Compensation Classification Study. No action was taken on this matter.

## 7. ACTION ITEMS

- a. **Z2005-025** -- Consider approval of an **Ordinance** for a request by Miles Prestemon of Newland Communities for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 395.075-acres comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey. The subject property is located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run and take any action necessary.

Robert LaCroix, Planning Director, advised the Council that the applicant wished to have this matter tabled to the August 15, 2005 City Council meeting. Councilmember McCallum made a motion to table the matter until August 15, 2005, and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- b. Discuss and consider an **Ordinance** authorizing the issuance and sale of Combination Tax and Limited Surplus Revenue Certificates of Obligation,

244 Series 2005; levying an annual ad valorem tax and providing for the  
245 security for and payment of said certificates; approving the official  
246 statement; providing an effective date; and enacting other provisions  
247 relating to the subject and take any action necessary. [2<sup>nd</sup> Reading]

248 **Mary Smith, Finance Director, introduced David Medanich from First Southwest.**  
249 **Mr. Medanich discussed the issuance and sale of Combination Tax and Limited Surplus**  
250 **Revenue Certificates of Obligation, Series 2005. Councilmember Cotti made a motion to**  
251 **approve the Ordinance and Councilmember Straughan seconded the motion. The**  
252 **ordinance was read as follows:**

253  
254 **ORDINANCE NO. 05-38**  
255

256 **AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL,**  
257 **TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF**  
258 **OBLIGATION, SERIES 2005; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING**  
259 **FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE**  
260 **OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER**  
261 **PROVISIONS RELATING TO THE SUBJECT.**  
262

263 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**  
264

- 265 **c.** Discuss and consider an **Ordinance** authorizing the issuance and sale of  
266 General Obligation Refunding and Improvement Bonds, Series 2005;  
267 levying an annual ad valorem tax and providing for the security for and  
268 payment of said bonds; approving the official statement; providing an  
269 effective date; and enacting other provisions relating to the subject and  
270 take any action necessary. [2<sup>nd</sup> Reading]

271 **Mr. Medanich discussed the issuance and sale of General Obligation Refunding and**  
272 **Improvement Bonds, Series 2005. Councilmember Straughan made a motion to approve**  
273 **the Ordinance and Councilmember King seconded the motion. The ordinance was read**  
274 **as follows:**

275  
276 **ORDINANCE NO. 05-37**  
277

278 **AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL,**  
279 **TEXAS, GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES**  
280 **2005; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY**  
281 **FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT;**  
282 **PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO**  
283 **THE SUBJECT.**  
284

285 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**  
286

- 287 **d.** Discuss and consider an **Ordinance** authorizing the issuance and sale of  
288 Waterworks and Sewer System Revenue Refunding and Improvement  
289 Bonds, Series 2005; providing for the security for and payment of said  
290 bonds; approving the official statement; providing an effective date; and  
291 enacting other provisions relating to the subject and take any action  
292 necessary. [2<sup>nd</sup> Reading]

293 **Mr. Medanich discussed the issuance and sale of Waterworks and Sewer System**  
294 **Revenue Refunding and Improvement Bonds, Series 2005. Councilmember Cotti made a**

295 motion to approve the Ordinance and Councilmember Scott seconded the motion. The  
296 ordinance was read as follows:

297  
298 ORDINANCE NO. 05-39  
299

300 AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL,  
301 TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING AND  
302 IMPROVEMENT BONDS, SERIES 2005; LEVYING AN ANNUAL AD VALOREM TAX AND  
303 PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES;  
304 APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND  
305 ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.  
306

307 The motion passed unanimously by a vote of 7 ayes and 0 nays.  
308

- 309 e. **Z2005-027** -- Discuss and consider approval of an **Ordinance** for a city-  
310 initiated revision to the City of Rockwall Unified Development Code (Ord.  
311 No. 04-38), specifically an amendment to Article V, Section 6.7, SH 205  
312 Overlay (SH 205 OV) District and take any action necessary.  
313 [1<sup>st</sup> Reading]

314 Robert LaCroix discussed the background of this matter. After lengthy discussion,  
315 Councilmember Scott made a motion to increase the stone requirement to 50% and  
316 Councilmember McCallum seconded the motion. The motion failed by a vote of 2 ayes  
317 [Scott and McCallum] and 5 nays [Cotti, Straughan, Cecil, Nielsen and King].  
318

319 Councilmember McCallum then made a motion to approve the request with the exception  
320 that paragraph number 5 in C. Architectural Standards be removed. Councilmember  
321 Straughan seconded the motion and the ordinance was read as follows:

322  
323 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
324 AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY  
325 OF ROCKWALL AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE V,  
326 SECTION 6.7, SH 205 OVERLAY (SH 205 OV) DISTRICT, SPECIFICALLY TO  
327 REQUIRE MONUMENT SIGNS ONLY, APPROVAL OF ANY VARIANCE TO  
328 REQUIRE A THREE-QUARTER (3/4) MAJORITY VOTE OF THOSE CITY COUNCIL  
329 MEMBERS PRESENT WITH A MINIMUM OF FOUR (4) AFFIRMATIVE VOTES, AND  
330 AMENDING THE ARCHITECTURAL STANDARDS FOR ALL COMMERCIAL  
331 BUILDING FACADES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED  
332 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
333 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
334 CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.  
335

336 The motion passed unanimously by a vote of 7 ayes and 0 nays.  
337

- 338 f. Discuss and consider the designation of 506 Barnes Street as an historic  
339 "landmark" property and take any action necessary.

340 Robert LaCroix discussed the background and advised that the Historic Preservation  
341 Advisory Board had recommended this action. Councilmember Cotti made a motion  
342 authorizing Staff to proceed and Councilmember Straughan seconded the motion. The  
343 motion passed unanimously by a vote of 7 ayes and 0 nays.  
344

- 345 g. Discuss and consider the designation of 109 St. Mary's Street as an  
346 historic "landmark" property and take any action necessary.

Robert LaCroix discussed the background and advised that the Historic Preservation Advisory Board had recommended this action. Councilmember Cotti made a motion authorizing Staff to proceed and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- h. Discuss and consider approval of a **Resolution** regarding Charter Communications and take any action necessary.

Pete Eckert, City Attorney, discussed the background of this matter. Eckert advised that HDTV will be provided by the end of the year. The City Manager is to enter into negotiations with Charter regarding DVR and come back to the Council within 60 days. By approving this Resolution, we can thoroughly explore when DVR will be available to subscribers. This procedure follows the franchise as closely as possible. Julie Couch stated that once she brings back the results of the negotiations, the City Attorney will outline what actions are available under the franchise.

After discussion, Councilmember Straughan made a motion to approve the Resolution with the change instructing the City Manager to come back in thirty (30) days. Councilmember Cotti seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- i. Discuss and consider a sign variance request from Steak & Shake Restaurant and take any action necessary.

Robert LaCroix discussed the background of the request. Councilmember Cotti asked if there would be additional signage, such as a pole sign. LaCroix stated that there probably would be. Councilmember McCallum made a motion to approve the request and Councilmember King seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [Cotti].

- j. Discuss and consider approval of a policy regarding publication of sex offender information and take any action necessary.

Julie Couch discussed the background of this item. After lengthy discussion, Councilmember Scott made motion to approve the resolution adopting the policy with regard to sex offenders revised to read that notice will be sent out regarding all registered sex offenders and that a link regarding the list of local registered sex offenders will be on the front page of the website. Councilmember McCallum seconded the motion and the motion passed by a vote of 6 ayes and 1 nay [Nielsen].

- k. Discuss and consider setting the date for a public hearing on the 2005-2006 proposed tax rate and the proposed 2005-2006 budget, and take any action necessary.

Mary Smith discussed the background of this item. Councilmember Cotti made a motion instructing Staff to set the public hearing dates as August 15 and September 6, 2006. Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- l. Discuss and consider SH-205 Right-of-way Agreement and take any action necessary.

394 **Brag Griggs, Parks Director, discussed the background of this item. Councilmember**  
395 **McCallum made a motion to approve the agreement and Councilmember Cotti seconded**  
396 **the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**  
397

398  
399 **8. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**  
400 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**  
401

402 **a. Departmental Reports**

403 **b. City Manager's Report**

404 **Julie Couch reminded the Council of the upcoming meetings on Friday, August 5, 2005,**  
405 **and the quarterly work session on Monday, August 8, 2005. Couch advised the Council**  
406 **that there were items that need to be considered and recommended two additional**  
407 **meetings this month. After discussion, it was determined that the Council would meet**  
408 **on Tuesday, August 23, 2005, at 6:30 p.m. and Monday, August 29, 2005, at 6:00 p.m.**  
409

410 **There being no further business to come before the Council, Mayor Cecil adjourned the**  
411 **meeting into Executive Session at 11:09 p.m.**  
412

413 **9. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS**  
414 **GOVERNMENT CODE TO DISCUSS:**

415 **a. Deliberation regarding the purchase, exchange, lease, or value of real**  
416 **property.**

417 **b. Personnel Issues, including Board, Commission, and Committee**  
418 **Appointments, and Related Matters.**

419 **c. Commercial or financial information regarding business prospects that the**  
420 **City seeks to have locate, stay, or expand in or near the territory of the**  
421 **City of Rockwall and with which the Board is conducting economic**  
422 **development negotiations.**

423 **d. City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of**  
424 **the Estate of W.W. Caruth, Jr., deceased.**

425 **e. Liability arising out of actions taken on agenda items for which it is the**  
426 **ethical duty of the City's attorneys to advise the Council.**

427 **f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation**  
428 **with attorney with regard to a matter that it is the duty of the attorney to**  
429 **consult with the Council and falls under the attorney-client privilege.**

430 **g. 1235 Ridge Road West – Order of Demolition**

431  
432 **10. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**  
433

434 **Councilmember Cotti moved to approve the acquisition of 1.08 acres of land on Airport**  
435 **Road at a value of 75 cents a square foot. The motion was seconded by Councilmember**  
436 **Scott and approved unanimously.**  
437

Councilmember Cotti moved to approve the two year contract with Municipal Court Judge Kortemier. The motion was seconded by Councilmember Nielson and approved unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti moved to make the following appointment to the Planning and Zoning Commission – Bill Bricker to replace Susan Langdon. The motion was seconded by Councilmember King and approved by a vote of 5 ayes and 2 nays [McCallum and Scott].

Councilmember Scott moved to make the following appointments to the Historic Preservation Advisory Board – Mark Russo to replace Peg Pannell-Smith, Ross Ramsey to replace Daniel Demeyer and Lynn Davis to replace Kirk Ragsdale. The motion was seconded by Councilmember McCallum and approved unanimously by a vote of 7 ayes and 0 nays.

Councilmember Scott moved to make the following appointments to the Architectural Review Board – Jacine Robinson to replace David English and John Arbogast to replace Al Crump. The motion was seconded by Councilmember McCallum and approved unanimously by a vote of 7 ayes and 0 nays.

Councilmember McCallum moved to make the following appointments to the Building and Standards Commission – Larry Ewing to replace Margo Nielson and Ken Szolosi to replace David Burkhart. The motion was seconded by Councilmember Scott and approved unanimously by a vote of 7 ayes and 0 nays.

Councilmember Straughan moved to make the following appointment to the Board of Adjustments – John Floeter to replace Pat Russell who moved to the Park Board. The motion was seconded by Councilmember McCallum and approved unanimously by a vote of 7 ayes and 0 nays.

Councilmember McCallum moved to reappoint the following persons and the motion was seconded by Councilmember Nielson. The motion passed unanimously by a vote of 7 ayes and 0 nays.

ARCHITECTURAL REVIEW BOARD		2-year Terms
Commercial Builder	David English	Aug 2005 – July 2007
Architect**	Bill Hibbard	Aug 2005 – July 2007
BOARD OF ADJUSTMENTS		2-year Terms
Member 1	C. F. Pratt	Aug 2005 – July 2007
Member 2	Ted Sansom	Aug 2005 – July 2007
Member 3	David Sloane	Aug 2005 – July 2007
Alternate 4	Jeff Casey	Aug 2005 – July 2007
BUILDING & STANDARDS COMMISSION		2-year Terms
Member 4	Carol Crow	Aug 2005 – July 2007
Member 6	Earl Milner	Aug 2005 – July 2007
Member 7	David Burkhart	Aug 2005 – July 2007

<b>HISTORIC PRESERVATION ADVISORY BOARD</b>		<b>2 year terms</b>
Historic Foundation Member	Marge Holcomb	Aug 2005 – July 2007
<b>PARKS AND RECREATION BOARD</b>		<b>2 year terms</b>
Member 5	Pam Kitkoski	Aug 2005 – July 2007
Member 6	Dennis Lowry	Aug 2005 – July 2007
Member 7	Glenn Varner	Aug 2005 – July 2007
<b>PLANNING &amp; ZONING COMMISSION</b>		<b>2 year terms</b>
Member 1	Greg Burgamy	Aug 2005 – July 2007
Member 3	Mike Lucas	Aug 2005 – July 2007
Member 6	Connie Jackson	Aug 2005 – July 2007

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 12:30 a.m.

Approved by the City Council of the City of Rockwall, Texas, this 6<sup>th</sup> day of September, 2005.

\_\_\_\_\_  
William R. Cecil, Mayor

ATTEST:

\_\_\_\_\_  
Dorothy Brooks, City Secretary



**MINUTES  
CITY COUNCIL BUDGET RETREAT  
8:30 a.m., Friday, August 5, 2005  
Municipal Court Room  
205 W. Rusk, Rockwall, Texas 75087**

1. *Meet and discuss the City of Rockwall's proposed Operating Budget for the period October 1, 2005 through September 30, 2006, and the Amended Budget for October 1, 2004 through September 30, 2005, and take any action necessary.*

Mayor Cecil called the meeting to order at 8:30 a.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and various Staff members.

City Manager Julie Couch discussed personnel costs and how it compared to other cities.

Couch talked about sales taxes and our economy. Sales tax = 42% of our budget. Recognize that loss of sales tax would greatly impact the city if they drop. Fund balance policy is based on that possibility. 1.5 cents is what the city gets. We are primarily retail --- if we do have a turn down in the economy it will affect our budget. Ex: 9-11

Couch stated that because we are so dependent on sales tax – that it plays a large part in the way we budget. We are conservative on our expenditures. We now recognize vacant positions – and back out an amount of money each year based on these vacancies.

We do not budget a line item for a fund balance. If we get more revenue than planned, it goes in the fund balance.

It is a tough budget. We have not had to raise taxes in many years. It's been 36 cents since 1997. We have had some significant debt issues during that time. We were able to absorb the debt because of the increased ad valorem rate. This year we only have a 9% increase – in the past few years it has been 16%.

An increase of 2.13 cents is recommended this year. Couch stated that she believes we need to increase the rate this year and has recommended it in the budget.

Couch stated that the City had not done a compensation study in 10 years. Lengthy discussion ensued regarding compensation.

Elizabeth Morris made a presentation of a 5-year forecast.

Various Department Heads presented their departmental budgets to the Council.

2. *Hold Executive Session under Section 551.071 and 551.072 of the Texas Government Code to Discuss:*

- a. 1235 Ridge Road West – Order of Demolition

Mayor Cecil adjourned the meeting into Executive Session to discuss the action taken by the Court with regard to 1235 Ridge Road West. No action was taken as a result of Executive Session.

Mayor Cecil reconvened the budget meeting and discussions continued regarding the proposed budget.

It was determined that the Council would continue their budget discussion at the Quarterly Work Session scheduled for Monday, August 8, 2006. Mayor Cecil adjourned the meeting at 5:45 p.m.

Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of September, 2005.

\_\_\_\_\_  
William R. Cecil, Mayor

ATTEST:

\_\_\_\_\_  
Dorothy Brooks, City Secretary

# **MINUTES ROCKWALL CITY COUNCIL**

**August 8, 2005**

**6:00 p.m. Quarterly Work Session**

**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**1.     *CALL TO ORDER***

Mayor Cecil called the meeting to order at 6:04 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen and John King. Councilmembers Matt Scott was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

**2.     *CONTINUE DISCUSSION OF THE PROPOSED 2005-2006 OPERATING BUDGET AND THE AMENDED 2004-2005 BUDGET AND TAKE ANY ACTION NECESSARY.***

A continuation of the budget discussion ensued regarding the proposed 2005-2006 operating budget.

**3.     *HEAR PRESENTATION ON THE FIVE YEAR WATER AND SEWER RATE STUDY, INCLUDING THE WATER AND SEWER CAPITAL PLAN AND TAKE ANY ACTION NECESSARY.***

Mr. Bob McClain of Maximus, Inc. gave a power point presentation on the Water and Sewer Rates Report and advised the Council that they are recommending an increase in the rate of 4%.

**4.     *DISCUSS CAPITAL IMPROVEMENT PLAN INCLUDING PROJECTS, FINANCING ALTERNATIVES, AND BOND ELECTION MATTERS AND TAKE ANY ACTION NECESSARY.***

The various CIP projects were discussed and the propositions for the ballot were read. Revisions to the propositions will be brought back to the Council at the next regular meeting.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 1:03 a.m.

Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of September, 2005.

\_\_\_\_\_  
William R. Cecil, Mayor

**ATTEST:**

\_\_\_\_\_  
Dorothy Brooks, City Secretary

**MINUTES  
ROCKWALL CITY COUNCIL**

August 15, 2005

4:00 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen and Matt Scott. Councilmember John King was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters, including City Attorney.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
- e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
- f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**No action was taken as a result of Executive Session.**

**3. PRE-COUNCIL DINNER.**

**The pre-council meeting adjourned at 5:55 p.m.**

**Approved by the City Council of the City of Rockwall, Texas, this 6<sup>th</sup> day of September, 2005.**

**ATTEST:**

\_\_\_\_\_  
**William R. Cecil, Mayor**

\_\_\_\_\_  
**Dorothy Brooks, City Secretary**

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**MINUTES  
ROCKWALL CITY COUNCIL**

August 15, 2005

6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

55  
56

**1. CALL TO ORDER**

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59  
60  
61

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen and Matt Scott. Councilmember John King was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

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**2. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM BOB COTTI**

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**3. CONSENT ITEMS**

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- a. **Z2005-027** -- Consider approval of an **Ordinance** for a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically an amendment to Article V, Section 6.7, SH 205 Overlay (SH 205 OV) District. **[2<sup>nd</sup> Reading]**
  - b. Consider approval of a Resolution adopting NIMS and take any action necessary
  - c. Consider approval of an Ordinance amending the Sign Ordinance with regard to monument signs and take any action necessary. **[1<sup>st</sup> Reading]**
  - d. Consider approval of a contract for auto access doors at City facilities and take any action necessary.
  - e. Consider approval of the request by the Shores Country Club not to oversee the fairways this year and take any action necessary.
  - f. **P2005-027** -- Consider a request by Don Dalton of The Woodmont Company for approval of a replat of Lot 1, Block A, Rockwall Crossing Addition, being a 22.246-acre tract zoned (C) Commercial and located along the south side of Interstate 30 and take any action necessary.
  - g. **P2005-029** -- Consider a request by Craig Carpenter of S & C Development for approval of a replat for Lot 2-R, Block A, Rockwall Town Centre, being a 1.78-acre tract zoned (C) Commercial and located along the north side of Interstate 30, south of Ridge Road and west of White Hills Drive and take any action necessary.

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Councilmember Nielsen requested that Consent Agenda item 3e be pulled. Councilmember Straughan requested that Consent Agenda item 3d be pulled. Councilmember McCallum requested that Consent Agenda item 3b be pulled and then made a motion to approve the remaining Consent Agenda items (3a, 3c, 3f and 3g). Councilmember Cotti seconded the motion. The ordinances were read as follows:

ORDINANCE NO. 05-40

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE V, SECTION 6.7, SH 205 OVERLAY (SH 205 OV) DISTRICT, SPECIFICALLY TO REQUIRE MONUMENT SIGNS ONLY, APPROVAL OF ANY VARIANCE TO REQUIRE A THREE-QUARTER (3/4) MAJORITY VOTE OF THOSE CITY COUNCIL MEMBERS PRESENT WITH A MINIMUM OF FOUR (4) AFFIRMATIVE VOTES, AND AMENDING THE ARCHITECTURAL STANDARDS FOR ALL COMMERCIAL BUILDING FACADES; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE SIGN CODE, AS PREVIOUSLY AMENDED, IN SECTION IC DEFINITIONS, SECTION IIE SIGN BOARD OF REVIEW AND SECTION III SIGN STANDARDS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent [King].

Councilmember McCallum requested that the Council and citizens recognize Kevin Kelly who was in attendance at the meeting. Kelly is a former Youth Advisory Council member and is currently serving in the United States Navy.

Councilmember McCallum made a motion that Consent Agenda Item 3b be approved and Mayor Cecil seconded the motion. It was requested that Councilmembers be included in the NIMS training. The motion passed by a vote of 6 ayes and 1 absent [King].

Councilmember Straughan made a motion to approve Consent Agenda Item 3d with option 1 – push button doors – and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

Councilmember Nielsen made a motion to approve Consent Agenda Item 3e with the direction to the Country Club/IRI that whatever they save by not over-seeding the fairways be put back into the course for weed control. Councilmember Scott seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].

#### 4. APPOINTMENTS

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

Greg Burgamy, Vice Chairman of the Planning and Zoning Commission, discussed the planning and zoning items on tonight's agenda.

- b. Appointment with Ruth Peck regarding banner signage and take any action necessary.

Ruth Peck addressed the Council regarding the banner signage that is allowed in the right-of way. Peck stated that the banners look awful when they start sagging and asked if the Council would consider some form of monument signage. After discussion, Julie

Couch, City Manager, advised that Staff would look in to the various alternatives and would report back to the Council at a later date.

- c. Appointment with Tommy Stallings and Rando Ammons of Rockwall Ford regarding relaxing the restrictions pertaining to the use of electronic signs and take any action necessary.

Rando Ammons of Rockwall Ford addressed the Council and requested that he be allowed to scroll the messages on the electronic sign at the dealership. Jeffrey Widmer, Building Official, discussed what the Council had previously agreed to with regard to electronic signage. After discussion, Councilmember McCallum made a motion directing Staff to amend the electronic sign ordinance to allow for the scrolling message and vertical and horizontal movement. Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King]. Widmer advised that it would be brought back to the Council at the next regular meeting.

## 5. PUBLIC HEARING

- a. Hold a public hearing on the 2005-2006 proposed tax rate and take any action necessary.

Mary Smith discussed the background of the proposed tax rate of \$0.3776. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Shawn Junker  
1905 Lakeshore Drive  
Mr. Junker stated he is new to the area, but is very conservative and does not want an increase.

Ross Ramsay  
637 Stafford Circle  
Mr. Ross stated that we must improve our infrastructure. We should have a higher increase in order to get our services up. Cutting services is not the way to go.

Greg Hollon  
2778 S. FM549  
Mr. Hollon stated that he was annexed 8 years ago and they still do not have city services. He especially wants fire hydrants in the area. He wants basic services and wants the city to consider putting in a walking path and seawall for all the citizens to enjoy.

Sam Buffington  
509 Bourn  
Mr. Buffington stated that city services are not being addressed. A tax increase is ok if it helps the city services. When we pass a bond the citizens need to get ready to pay for it.

Kristin Bota  
2755 Green Gables

197 Ms. Bota stated that she is extremely fiscally conservative and does not  
198 want any increase.  
199

200 There being no one further to address the Council, Mayor Cecil closed the public  
201 hearing. No action was required or taken as a result of the public hearing.  
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- 203  
204 b. Discuss and hold a public hearing on the proposed 2005-2006 budget  
205 and take any action necessary.  
206

207 Mary Smith discussed the proposed budget of \$17.4 Million. Mayor Cecil opened the  
208 public hearing but no one came forward to address the Council, so Mayor Cecil closed  
209 the public hearing. No action was required or taken as a result of the public hearing.  
210

- 211 c. **Z2005-029** -- Hold a public hearing and consider approval of an  
212 **Ordinance** for a request by Austin Lewis of Lewis Real Estate  
213 Investments to amend (PD-8) Planned Development district, specifically  
214 on a vacant, 6.889-acre tract comprised of Spyglass Hill #4 Addition  
215 (4.324-acres) and Tract 134-12, Abstract 207, E. Teal Survey (2.564-  
216 acres), located along the south side of Henry M. Chandler Drive and  
217 immediately east of the Chandler's Landing Marina and take any action  
218 necessary. [1<sup>st</sup> Reading]  
219

220 Mayor Cecil requested that Austin Lewis come forward to discuss his request. Mr. Lewis  
221 gave a power point presentation on the proposed Catalina Cove project. At the  
222 conclusion of the presentation, Robert LaCroix, Planning Director, discussed the  
223 background of the request and discussed Staff and Planning and Zoning  
224 recommendations regarding the proposed project. LaCroix advised that since the  
225 Planning and Zoning Commission had denied the request by a vote of 4-0, it would take a  
226  $\frac{3}{4}$  majority vote by the Council tonight to approve the project. Mayor Cecil opened the  
227 public hearing and the following persons came forward to address the Council:  
228

229 Ron Coleson  
230 228 Sovereign Court  
231 Rockwall, Texas

232 Mr. Coleson stated that although he lives in Chandlers Landing, he is  
233 speaking as an individual, not for the HOA. Mr. Coleson is in favor of the  
234 project.  
235

236 Jim Choate  
237 5801 Yacht Club Drive  
238 Rockwall, Texas

239 Mr. Choate is against the project.  
240

241 Ken Blasingame  
242 268 Henry M. Chandler  
243 Rockwall, Texas

244 Mr. Blasingame is against the project.



245  
246 Ronald Wade  
247 5901 Volunteer Place  
248 Rockwall, Texas  
249 Mr. Wade is in favor of the project.

250  
251 Rod Miller  
252 428C Yacht Club Drive  
253 Rockwall, Texas  
254 Mr. Miller owns the property and is in favor of the project. Threatened a law  
255 suit if the project was not approved.  
256

257 Roy Kurkowski  
258 1666 Henry Chandler Drive  
259 Rockwall, Texas  
260 Mr. Kurkowski is against the project.  
261

262 Earl Milner  
263 240 Dartbrook  
264 Rockwall, Texas  
265 Mr. Milner stated that as a realtor he gets requests from people who want to  
266 buy a townhome here, but that there none in the city. His mother-in-law  
267 and sister-in-law live in Chandler's and they are in favor of the project.  
268

269 Bruce Frazier  
270 [No address given]  
271 Mr. Frazier is looking for a home in Rockwall and stated he feels that this is  
272 a good project.  
273

274 There being no one further to address the Council, Mayor Cecil closed the public  
275 hearing. After discussion, Councilmember Straughan made a motion to deny the request  
276 with prejudice and Councilmember McCallum seconded the motion. The motion passed  
277 by a vote of 5 ayes, 1 nay [Cotti], and 1 absent [King].  
278

- 279 d. **Z2005-030** -- Hold a public hearing and consider approval of an  
280 **Ordinance** for a request by Tim Thompson of Realty Capital Corporation  
281 for approval of a change in zoning from (Ag) Agricultural district to (PD)  
282 Planned Development district to accommodate development of a single-  
283 family residential community on 139.354-acres known as Tracts 1 and 7,  
284 Abstract 123, A. Johnson Survey, located along the north side of S FM  
285 549, east of SH 205 and west of Lofland Lake. [1<sup>st</sup> Reading]  
286

287 Robert LaCroix discussed the background of the request. LaCroix stated that the case  
288 was continued on the Planning and Zoning Commission level and recommended that the  
289 Council continue the public hearing until September 6, 2005. Mayor Cecil opened the  
290 public hearing. Councilmember Straughan made a motion to continue the public hearing  
291 until September 6, 2005 and Councilmember Scott seconded the motion. The motion  
292 passed by a vote of 6 ayes and 1 absent [King].  
293

- 294 e. **Z2005-031** -- Hold a public hearing and consider approval of an  
295 **Ordinance** for a request from Sam Canup for a change in zoning from

(SF-10) Single Family Residential district to (PD) Planned Development district for properties known as tracts 1, 10 and 11; Abstract No. 255, B J T Lewis Survey. The overall proposal is comprised of approximately 1.769-acres and includes the properties addressed as 902 & 906 S. Goliad Street and 903 S. Alamo Street; take any action necessary.  
[1<sup>st</sup> Reading]

Robert LaCroix discussed the background of the request. LaCroix stated that the change in zoning makes the property subject to site plan review and also takes care of signage. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Sam Canup [Applicant]  
834 Cypress Drive  
Uncertain, Texas

Mr. Canup requested that the Council approve his request.

There being no one further to address the Council, Mayor Cecil closed the public hearing. Councilmember Cotti made a motion to approve the request and Councilmember Nielsen seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-10) SINGLE FAMILY DISTRICT TO (PD) PLANNED DEVELOPMENT DISTRICT, ON A TRACT OF LAND CONTAINING 1.769-ACRES AND KNOWN AS TRACTS 1, 10 AND 11, ABSTRACT 255, B J T LEWIS SURVEY, AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent [King].

- f. **H2005-005** -- Hold a public hearing and consider approval of an **Ordinance** for a city initiated request for a Historic Landmark designation for the Cade House located at 925 N. Goliad. The tract is zoned (SF-7) Single Family and is located outside of the Old Rockwall Historic District and identified as a "High Contributing Property" within the Historic survey and take any action necessary. [1<sup>st</sup> Reading]

Robert LaCroix discussed the background of this request for the historic designation of the property at 925 N. Goliad, which will be known as the "Historic Cade Home". Mayor Cecil opened the public hearing but no one came forward to address the Council, so the public hearing was closed. Councilmember Cotti made a motion to approve the request and Councilmember Straughan seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE V, SECTION 6.2 HISTORIC OVERLAY DISTRICT TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR THE DESIGNATION OF A LANDMARK DISTRICT KNOWN AS THE HISTORIC "CADE HOME," BEING 925 N. GOLIAD, BLOCK PART 32, GARNER ADDITION; AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING

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

The motion passed by a vote of 6 ayes and 1 absent [King].

- g     **AM2005-003** -- Hold a public hearing and consider approval of an **Ordinance** for a city initiated amendment to the City of Rockwall Code of Ordinances – Subdivision Regulations – Chapter 24 – Amending Sections 24-5, 24-6, 24-9 and 24-19; adding new sections 24.9.7 and 24-9.8; modifying universal procedures for acceptance and processing of plat applications; modifying expiration provisions; amending dormant project provisions; adding a vested rights procedure; adding a procedure for determining proportionality of development exactions; establishing standards for adequate public facilities; and delegating responsibility for promulgation of design standards and take any action necessary.  
[1<sup>st</sup> Reading]

Robert LaCroix discussed the background of the request being brought forward to the Council because of state law revisions regarding plats. Councilmember Cotti asked City Attorney Eckert if this ordinance addressed the intent of SB-548. Eckert replied that did and that the effective date of the Bill is September 1, 2005. Mayor Cecil opened the public hearing but no one came forward to address the Council, so the public hearing was closed. Councilmember McCallum made a motion to approve the request and Councilmember Scott seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE SUBDIVISION REGULATIONS, CHAPTER 24 OF THE CITY CODE OF ORDINANCES, AMENDING SECTIONS 24-5, 24-6, 24-9 and 24-19; ADDING NEW SECTIONS 24-9.7 AND 24-9.8; MODIFYING UNIVERSAL PROCEDURES FOR ACCEPTANCE AND PROCESSING OF PLAT APPLICATIONS; MODIFYING EXPIRATION PROVISIONS; AMENDING DORMANT PROJECT PROVISIONS; ADDING A VESTED RIGHTS PROCEDURE; ADDING A PROCEDURE FOR DETERMINING PRORPORTIONALITY OF DEVELOPMENT EXACTIONS; ESTABLISHING STANDARDS FOR ADEQUATE PUBLIC FACILITIES; DELEGATING RESPONSIBILTY FOR PROMULGATION OF DESIGN STANDARDS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent [King].

## 6. ACTION ITEMS

- a.     **Z2005-025** – Discuss and consider approval of an **Ordinance** for a request by Miles Prestemon of Newland Communities for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 395.075-acres comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey. The subject property is located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run and take any action necessary.

Councilmember Scott made a motion to table this item until September 6, 2005, and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

- b. Discuss Capital Improvement Plan including projects, financing alternatives, and bond election matters and take any action necessary.

City Manager Julie Couch discussed the CIP projects and the proposed propositions. After discussion, the Council stated that they preferred the bonds to be placed on the ballot in the following order: Bypass, Other Roads, Fire Department, Parks, and Animal Shelter. After lengthy discussion, Mayor Cecil made a motion that the City move forward with the bond issues, including building the Bypass to State standards. Councilmember Scott seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].

There being no further business to come before the Council in regular session, Mayor Cecil adjourned the meeting into Executive Session at 11:26 p.m.

**7. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters, including City Attorney.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
- e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
- f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**8. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

Councilmember Scott made a motion to approve the increase of the City Attorney's hourly rate to \$125 per hour and a per Council meeting fee of \$325. Councilmember Straughan seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].

Councilmember Straughan made a motion to appoint Bob Jolley to the Architectural Review Board and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

Councilmember Cotti made a motion to rescind the previous action of the Council regarding the reappointment of Patricia May to the Board of Adjustments and to take

449 under advisement a replacement for May. Councilmember Nielsen seconded the motion  
450 and the motion passed by a vote of 6 ayes and 1 absent [King].

451  
452 There being no further business to come before the Council, Mayor Cecil adjourned the  
453 meeting at 11:31 p.m.

454  
455 Approved by the City Council of the City of Rockwall, Texas, this 6<sup>th</sup> day of September,  
456 2005.

457  
458  
459 \_\_\_\_\_  
460 William R. Cecil, Mayor

461 **ATTEST:**

462 \_\_\_\_\_  
463 Dorothy Brooks, City Secretary  
464

**MINUTES  
ROCKWALL CITY COUNCIL  
August 29, 2005  
6:00 p.m. Special Council Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

Before calling the special meeting to order, Mayor Cecil spoke about the loss of Officer Kevin Oblander in an off-duty accident over the weekend. Councilmember Cotti said a short prayer. City Manager Julie Couch and Police Chief Mark Moeller spoke about Officer Oblander's service to the City over the past 12 years and how much Officer Oblander would be missed.

**1. CALL TO ORDER**

Mayor Cecil called the special meeting to order at 6:10 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch, City Attorney Pete Eckert and bond attorney, Leroy Grawunder.

**2. ACTION ITEMS**

- a. Discuss and consider the proposition language for the bond election and take any action necessary.

Discussion ensued regarding the calling of the bond election prior to September 1, 2005 because of new law and how it will affect our election -- especially having to have 12 voting precincts, two of which are out of the City. The language in the propositions was discussed and the final figures were given for the cost of the bonds for each proposition.

**3. CONSENT ITEMS**

- a. Consider approval of a Resolution calling the November 8, 2005 bond election and take any action necessary.

Councilmember Scott made a motion to approve the Resolution, as amended, and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 6:53 p.m.

Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of September, 2005.

**ATTEST:**

\_\_\_\_\_  
William R. Cecil, Mayor

\_\_\_\_\_  
Dorothy Brooks, City Secretary

MINUTES  
ROCKWALL CITY COUNCIL

September 6, 2005

4:00 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen and Matt Scott. Councilmember John King arrived around 5:00 p.m. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel issues, including Board, Commission, and Committee Appointments, and Related Matters.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
- e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
- f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

3. PRE-COUNCIL DINNER.

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 3rd day of October, 2005.

ATTEST:

Dorothy Brooks  
Dorothy Brooks, City Secretary

William R. Cecil  
William R. Cecil, Mayor



**MINUTES  
ROCKWALL CITY COUNCIL**

September 6, 2005  
6:00 p.m. Regular Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

**1. CALL TO ORDER**

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER JOHN KING**

**3. PROCLAMATIONS**

**a. Presentation of a proclamation honoring Bill Proudfit.**

Mayor Cecil presented the proclamation to Bill Proudfit. Proudfit served his country during World War II as a member of the 6th Ranger Battalion and in 1945 was a member of the special group from the 6th Ranger Battalion which undertook a daring rescue mission thirty miles behind enemy lines to liberate more than 500 American prisoners-of-war from the Cabanatuan Japanese Prisoner of War Camp. For his part in the mission Proudfit received the United States Bronze Star and the Philippines Medal of Freedom.

**b. Presentation of awards to Rockwall TAAF Athletes of the Year.**

Mayor Cecil and Brad Griggs, Parks Director, presented awards to Clarissa Andrews for being the Texas Amateur Athlete Federation (TAAF) Rockwall Female Athlete of the Year and Durrell Coleman for being TAAF Rockwall Male Athlete of the Year and TAAF Region 7 Athlete of the Year.

Mayor Cecil presented a proclamation to Pay Jeray of the Daughters of the American Revolution proclaiming the week of September 17 – 24, 2005 as Constitution Week.

**4. OPEN FORUM**

Mayor Cecil opened the floor to those persons who wished to address the Council on any matter that is not on the agenda. The following persons came forward to address the Council:

Barb Coleson  
228 Sovereign Court  
Rockwall, Texas

Ms. Coleson requested funding to be returned to the budget for the Rockwall Pride Program/Downtown Merchants.

Earl Milner  
204 Dartbrook  
Rockwall, Texas

Spoke about the Katrina Hurricane victims that are in Rockwall and stated that there would be a picnic for them on Saturday, September 10, 2005.



from 4:00—7:00 p.m. The picnic will be held in the Utley Freshman Center parking lot.

Pastor Robbins  
805 Peters Colony  
Rockwall, Texas

Spoke about needing housing for Katrina evacuee families.

There being no one further to address the Council, Mayor Cecil closed the Open Forum.

## 5. CONSENT AGENDA

- a. Consider approval of the Minutes from the August 1, 2005, City Council meeting and take any action necessary.
- b. Consider approval of the Minutes from the August 15, 2005, City Council meeting and take any action necessary.
- c. Consider approval of an **Ordinance** for a request from Sam Canup for a change in zoning from (SF-10) Single Family Residential district to (PD) Planned Development district for properties known as tracts 1, 10 and 11, Abstract No. 255, B J T Lewis Survey. The overall proposal is comprised of approximately 1.769-acres and includes the properties addressed as 902 & 906 S. Goliad Street and 903 S. Alamo Street; take any action necessary. [2<sup>nd</sup> Reading]
- d. Consider approval of an **Ordinance** for a city initiated request for a Historic Landmark designation for the Cade House located at 925 N. Goliad. The tract is zoned (SF-7) Single Family and is located outside of the Old Rockwall Historic District and identified as a "High Contributing Property" within the Historic survey and take any action necessary [2<sup>nd</sup> Reading]
- e. **P2005-032** -- Consider a request by Kelly Kimberlin of GHA Architects for approval of a replat of Lot 5, Block A, Rockwall Crossing Addition, being a 1.41-acre tract zoned (C) Commercial and located along the south side of Interstate 30 and take any action necessary.
- f. Consider approval of the abandonment of a part of Whitmore Drive right-of-way and take any action necessary.
- g. Consider approval of the Engineering Contract for the extension of Summer Lee between FM740 and Oak Drive and take any action necessary.
- h. Consider approval to retain Fox, Byrd & Co., P.C. as the City auditors for the fiscal year ending September 30, 2006, and take any action necessary.
- i. Consider canceling the last meeting in December 2005 (December 19, 2005) and take any action necessary.

- j. **Z2005-025** – Consider continuing until September 19, 2005, the consideration of the approval of a request by Miles Prestemon of Newland Communities for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 395.075-acres comprised of Tracts 1 and 2, Abstract 71, W T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey. The subject property is located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run and take any action necessary.
- k. Consider approval of the award of a contract for the construction of a new fence at the Heath Street water yard and take any action necessary.
- l. Consider approval of amending the Resolution calling the November 8, 2005 bond election and take any action necessary.
- m. Consider approval of a Resolution regarding compliance with Chapter 395 of the Texas Local Government Code regarding impact fees and take any action necessary.

Councilmember Cotti requested that Consent Agenda items 5i and 5j be pulled. Councilmember King requested that Consent Agenda Item 5b be pulled. Councilmember Scott requested that Consent Agenda Item 5e be pulled. Councilmember Cotti then made a motion to approve the remaining Consent Agenda Items (5a, 5c, 5d, 5f, 5g, 5h, 5j, 5k, 5m) and Councilmember Scott seconded the motion. The ordinances were read as follows:

**ORDINANCE NO. 05-42**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-10) SINGLE FAMILY DISTRICT TO (PD) PLANNED DEVELOPMENT DISTRICT, ON A TRACT OF LAND CONTAINING 1.769-ACRES AND KNOWN AS TRACTS 1, 10 AND 11, ABSTRACT 255, B J T LEWIS SURVEY, AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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

**ORDINANCE NO. 05-43**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE V, SECTION 5.2 HISTORIC OVERLAY DISTRICT TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR THE DESIGNATION OF A LANDMARK DISTRICT KNOWN AS THE HISTORIC "CADE HOME", BEING 925 N. GOLIAD, BLOCK PART 32, GARNER ADDITION; AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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 unanimously by a vote of 7 ayes and 0 nays.

Councilmember McCallum made a motion to approve Consent Agenda Item 5b and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [King].

After clarification Councilmember Scott made a motion to approve Consent Agenda Item 5e and Councilmember King seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

After clarification Councilmember Cotti made a motion to approve Consent Agenda Item 5f and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

After clarification Councilmember Cotti made a motion to approve Consent Agenda Item 5f and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

#### 6. APPOINTMENTS

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

Phillip Herbst, Planning and Zoning Commission Chairman, appeared before the Council to discuss the planning and zoning items on tonight's agenda.

- b. Appointment with Richard Nielsen regarding Broadband over Power Lines

Richard Nielsen appeared before the Council and discussed broadband over power lines (BPL), which the FCC permitted in 2003. Nielsen stated that BPL will destroy amateur radio capabilities. Nielsen stated that police and fire may receive radio interference because of BPL. To learn more about BPL, Nielsen urged the Council to go the Amateur Radio League website, which is [www.arrl.org](http://www.arrl.org). It was noted that the local amateur radio operators are a part of our emergency management services.

#### 7. PUBLIC HEARING ITEMS

- a. Z2005-030 -- Hold a public hearing and consider approval of an Ordinance for a request by Tim Thompson of Realty Capital Corporation for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development district to accommodate development of a single-family residential community on 139.354-acres known as Tracts 1 and 7, Abstract 123, A. Johnson Survey, located along the north side of S FM 549, east of SH 205 and west of Lofland Lake and take any action necessary. [1<sup>st</sup> Reading] *[Public hearing was continued at the 8-15-05 City Council Meeting]*

Robert LaCroix, Planning Director, discussed the background of this item and noted that the public hearing had been continued from the last meeting. This item is still under consideration by the Planning and Zoning Commission. Councilmember Straughan made a motion to continue the public hearing to the next regular meeting date of September 19, 2005, and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- b. **FF2005-001 -- Hold a public hearing and consider a request from Paul and Loretta Linter to permit a front yard fence, including a variance to the maximum height requirement of 36-inches (proposed 48-inches), on Lot 23, Block J, Hillside Phase 5 at The Shores, located at 1561 Water Way Court and take any action necessary.**

**Robert LaCroix discussed the background of this request to permit a front yard fence. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:**

**Paul Linter (Applicant)  
1561 Water Way Court  
Rockwall, Texas**

**Mr. Linter described the area to be fenced and requested that the Council approve this request.**

**There being no one further to address the Council, Mayor Cecil closed the public hearing. Councilmember McCallum made a motion to approve the request and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- c. **A2005-002 (6:00 pm) -- Hold a public hearing and consider a petition for annexation from Joe D. and JoAnn Loftis to annex land of approximately 247.73 acres located along the south side of Hwy 276 east of Rochelle Rd., and contiguous to the existing City Limits line and take any action necessary.**

**Robert LaCroix discussed the voluntary annexation request by Mr. and Mrs. Joe Loftis and talked about the service plan. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:**

**Joe Loftis  
3331 Highway 276  
Rockwall, Texas**

**Mr. Loftis requested that the Council approve the petition for annexation.**

**There being no one further to address the Council, Mayor Cecil closed the public hearing. No action was required or taken by the Council at this time.**

- d. **A2005-002 (6:30 pm) -- Hold a public hearing and consider a petition for annexation from Joe D. and JoAnn Loftis to annex land of approximately 247.73 acres located along the south side of Hwy 276 east of Rochelle Rd., and contiguous to the existing City Limits line and take any action necessary.**

**Robert LaCroix stated that by law the second public hearing could be held immediately after the first in this annexation process. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:**

**Joe Loftis  
3331 Highway 276  
Rockwall, Texas**

Mr. Loftis requested that the Council approve the petition for annexation.

There being no one further to address the Council, Mayor Cecil closed the public hearing. No action was required or taken by the Council at this time.

- e. **Z2005-032** -- Hold a public hearing and consider approval of an Ordinance for a city-initiated revision to Article V, District Development Standards of the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically to amend Section 6.6, IH-30 Overlay (IH-30 OV) District; Section 6.8, Scenic Overlay (SOV) District; Section 6.9, SH 66 (SH 66 OV) District; Section 6.10, 205 By-Pass Corridor Overlay (205 BY-OV) District; Section 6.11, North SH 205 Corridor Overlay (N-SH 205 OV) District; Section 6.12, East SH 66 Corridor Overlay (E-SH 66 OV) District; Section 6.13, FM 549 Corridor Overlay (FM 549 OV) District; and Section 6.14, SH 276 Corridor Overlay (SH 276 OV) District and take any action necessary. **[1<sup>st</sup> Reading]**

Robert LaCroix discussed the background of this item and stated that the Planning and Zoning Commission unanimously recommended approval. Mayor Cecil opened the public hearing but no one came forward to address the Council, so Mayor Cecil closed the public hearing. Councilmember Cotti made a motion to approve the ordinance and Councilmember Straughan seconded the motion.

Councilmember Scott made a motion to amend the motion to change the percent of stone required to 50% but the motion failed for lack of a second.

The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE V, SECTION 6.6, IH-30 OVERLAY (IH-30 OV) DISTRICT; SECTION 6.8, SCENIC OVERLAY (SOV) DISTRICT; SECTION 6.9, SH 66 (SH 66 OV) DISTRICT; SECTION 6.10, 205 BY-PASS CORRIDOR OVERLAY (205 BY-OV) DISTRICT; SECTION 6.11, NORTH SH 205 CORRIDOR OVERLAY (N-SH 205 OV) DISTRICT; SECTION 6.12, EAST SH 66 CORRIDOR OVERLAY (E-SH 66 OV) DISTRICT; SECTION 6.13, FM 549 CORRIDOR OVERLAY (FM 549 OV) DISTRICT; AND SECTION 6.14, SH 276 CORRIDOR OVERLAY (SH 276 OV) DISTRICT; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- f. Hold a public hearing on the 2005-2006 proposed tax rate and take any action necessary

Mary Smith, Finance Director, discussed the background of this item. This is the second public hearing, which is required by law. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Kristin Bota  
2755 Green Gables Court  
Rockwall, Texas  
Ms. Bota stated that basic services are the primary goal of the City.

**Barb Coleson**  
**228 Sovereign Court**  
**Rockwall, Texas**

**Ms. Coleson asked the Council to put \$25,000 back in the budget and stated it was ok to raise the tax rate.**

**There being no one further to address the Council, Mayor Cecil closed the public hearing. No action was required or taken on this item.**

**8. ACTION ITEMS**

- a. Discuss and consider amending the Noise Ordinance (Ord. No. 03-19) to provide for no construction on federally recognized holidays and take any action necessary.**

**Councilmember Scott stated that he brought this item forward because of complaints he had received. After discussion, Councilmember Scott made a motion to amend the Noise Ordinance to provide that there would be no construction allowed on Thanksgiving Day, Christmas Day and New Year's Day. Councilmember King seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.**

- b. Discuss and consider the Hotel/Motel Subcommittee funding recommendations for the 2006 budget and take any action necessary.**

**Mary Smith discussed the background and stated that Councilmembers Cotti, McCallum and Scott are on the Subcommittee. Smith described what was funded the recommendations they made. State statutes have requirements on how these funds can be applied. Mayor Cecil made a motion to approve the Subcommittee's recommendations and Councilmember King seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- c. Discuss and consider the City of Rockwall's proposed Operating Budget for the period October 1, 2005 through September 30, 2006, and the Amended Budget for October 1, 2004 through September 30, 2005, and take any action necessary.**

**Mary Smith advised that this item was brought to the Council once again so that they could discuss any amendments to the budget prior to the adoption at the next meeting. Julie Couch discussed the changes she recommended. After a very lengthy discussion, Mayor Cecil made a motion to (1) not fund the "Pride Program"; (2) retain the Mayor/Council compensation at \$600 annually for the Mayor and \$90 annually for Councilmembers; (3) reduce the aging factor to .5%; implement the Ray Study, but not include the tenure steps; (4) reduce department head grades by 1 step at this time; (5) look at everything over the next six months. Councilmember Cotti seconded the motion and the motion passed by a vote of 6 ayes and 1 nay [McCallum].**

**Councilmember Scott requested that the motion be amended to include the Pride Program, but with no street sweeper and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [McCallum].**

- d. Discuss and consider Charter Cable services in the City of Rockwall and take any action necessary.**

Cheryl Austin discussed the background of this item. Austin stated that Charter requested an additional 30 days to determine whether or not it could launch HDTV and DVR in the first quarter of 2006. After discussion, Councilmember McCallum made a motion to approve the additional 30 days, but that there be a firm commitment that both HDTV and DVR would be available by the first quarter of 2006. Councilmember Straughan seconded the motion and the motion passed by a vote of 6 ayes and 1 nay [Scott].

- e. Discuss and consider a waiver request from Marlyn Roberts to allow for the construction of an overhead utility line on State Highway 205 and take any action necessary

Robert LaCroix discussed the background of this request. Marlyn Roberts came forward and addressed the Council and advised that if the waiver was not granted it would cost him an additional \$17,000. Councilmember Cotti made a motion to approve the waiver and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays

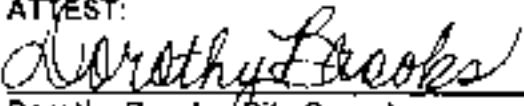
- f. Discuss emergency response to Katrina victims and take any action necessary

Mayor Cecil requested that Julie Couch discuss what actions have been taken to help the Katrina victims and the result of the meetings that have been held with the County. Couch advised that evacuees are in both motels and private homes. Eddie Walker has offered the use of Sabine Creek Ranch and he is meeting with FEMA and Dallas County. Helping Hands is the designated local provider for resources for the evacuees. The City's webpage has been updated to give the telephone numbers of people to contact. Margo Nielsen stated that there has been a tremendous outpouring of help from the community. There are currently 221 evacuees in Rockwall County.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 10:34 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 3rd day of October, 2005.

ATTEST:

  
Dorothy Brooks, City Secretary

  
William R. Cecil, Mayor

**MINUTES  
ROCKWALL CITY COUNCIL**

September 19, 2005

3:30 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

**1. TOUR CINEMARK AT THE HARBOR (3:30 p.m.)**

Mayor Cecil called the meeting to order at 4:30 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned into Executive Session.

**2. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters - including Youth Advisory Council and grant personnel.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. City of Rockwall vs. Voster T Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
- e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
- f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege

**3. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**


No action was taken as a result of Executive Session.

**4. PRE-COUNCIL DINNER.**

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 7<sup>th</sup> day of November, 2005.

ATTEST:

  
Dorothy Brooks, City Secretary





**MINUTES  
ROCKWALL CITY COUNCIL**

September 19, 2005

6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

**1. CALL TO ORDER**

Mayor Cecil called the meeting to order at 6:11 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MARGO NIELSEN**

**3. CONSENT ITEMS**

- a. Consider approval of the Minutes of the August 29, 2005, Special Meeting and take any action necessary.
- b. Consider approval of an **Ordinance** for a city-initiated revision to Article V, District Development Standards of the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically to amend Section 6.6, JH-30 Overlay (JH-30 OV) District; Section 6.8, Scenic Overlay (SOV) District; Section 6.9, SH 66 (SH 66 OV) District; Section 6.10, 205 By-Pass Corridor Overlay (205 BY-OV) District; Section 6.11, North SH 205 Corridor Overlay (N-SH 205 OV) District; Section 6.12, East SH 66 Corridor Overlay (E-SH 66 OV) District; Section 6.13, FM 549 Corridor Overlay (FM 549 OV) District; and Section 6.14, SH 276 Corridor Overlay (SH 276 OV) District and take any action necessary. [2<sup>nd</sup> Reading]
- c. Consider approval of an **Ordinance** amending the Sign Ordinance with regard to monument signs and take any action necessary [2<sup>nd</sup> Reading]
- d. Consider approval of an **Ordinance** amending the Code of Ordinances to provide that there shall be no construction on Thanksgiving Day and Christmas Day and take any action necessary. [1<sup>st</sup> Reading]
- e. Consider approval of an **Ordinance** amending the Sign Ordinance regarding electronic signs and take any action necessary [1<sup>st</sup> Reading]
- f. **Z2005-025** – Consider continuing until October 3, 2005, the consideration of the approval of a request by Miles Prestemon of Newland Communities for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 395.075-acres comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey. The subject property is located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quar Run and take any action necessary.
- g. Consider approval of the purchase of two new pumper trucks and take any action necessary.

Councilmember Cotti requested that Consent Agenda Items 3d and 3e be pulled and made a motion to approve the remaining items. Councilmember Straughan seconded the motion. The ordinances were read as follows:

**ORDINANCE NO. 05-43**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE V, SECTION 6.6, IH-30 OVERLAY (IH-30 OV) DISTRICT; SECTION 6.8, SCENIC OVERLAY (SOV) DISTRICT; SECTION 6.9, SH 66 (SH 66 OV) DISTRICT; SECTION 6.10, 205 BY-PASS CORRIDOR OVERLAY (205 BY-OV) DISTRICT; SECTION 6.11, NORTH SH 205 CORRIDOR OVERLAY (N-SH 205 OV) DISTRICT; SECTION 6.12, EAST SH 66 CORRIDOR OVERLAY (E-SH 66 OV) DISTRICT; SECTION 6.13, FM 549 CORRIDOR OVERLAY (FM 549 OV) DISTRICT; AND SECTION 6.14, SH 276 CORRIDOR OVERLAY (SH 276 OV) DISTRICT; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 05-44**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE SIGN CODE, AS PREVIOUSLY AMENDED, IN SECTION IC DEFINITIONS, SECTION IIE SIGN BOARD OF REVIEW AND SECTION III SIGN STANDARDS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

After clarification, Councilmember Scott made a motion to approve Consent Agenda Item 3d adding New Year's Day and Councilmember McCallum seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 18 OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CODE OF ORDINANCES IN SEC. 18-6 REGULATIONS OF SOUND AMPLIFICATION DEVICES; PROVIDING FOR HOURS OF ALLOWED CONSTRUCTION WORK AND NO CONSTRUCTION ALLOWED ON THANKSGIVING DAY AND CHRISTMAS DAY; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY A VIOLATION OCCURS, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

After clarification, Councilmember Cotti made a motion to approve Consent Agenda Item 3e and Councilmember Straughan seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE SIGN ORDINANCE IN SECTION III, B. FUNCTIONAL STANDARDS, 17. ELECTRONIC MESSAGE SIGNS AND SECTION IV B. PROHIBITED SIGNS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A

SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN  
EFFECTIVE DATE.

**The motion passed unanimously by a vote of 7 ayes and 0 nays.**

**4. APPOINTMENTS**

- a. Appointment with Bruce Paton representing the Chandler's Landing Home Owners Association regarding trees on the I-30 bridge and take any action necessary.

**Bruce Paton, 10 Intrepid Circle, Rockwall, Texas, came forward to address the Council. Mr. Paton discussed the proposed tree removal by TXDOT along the I-30 and SH-88 bridges. Ms. Judy Shoneman of 5554 Canada Court, discussed environmental standards and stated that the trees were doing their job by removing pollutants. Paton proposed (1) that there be minimal trimming of the trees for safety; and (2) trimming of vegetation as necessary on the southeast shore to create a view corridor for The Harbor project. Scott Self, 428D Yacht Club Drive, also came forward. Mr. Self stated that only a short area should be trimmed as a pilot project, so the impact could be determined. After discussion, Councilmember Straughan made a motion that the Council recommend to TXDOT the Chandler proposal and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

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

**Phillip Herbst discussed the various planning and zoning items on tonight's agenda.**

- c. Appointment with Sheri Fowler of Alliance for the Arts regarding status report on hotel/motel funds.

**Sheri Fowler, President of the Alliance for the Arts, gave a report on the hotel/motel funds the Alliance had received and thanked the Council for their contribution.**

- d. Appointment with Ray Turco regarding the 2005 Citizen Survey and take any action necessary.

**Ray Turco gave a brief overview of the results of the 2005 Citizen's Survey.**

**Appointment with Jeffrey Widmer to discuss potential amendments to the Sign Ordinance regarding signage in the Central Business District and take any action necessary.**

**Jeffrey Widmer gave a power point presentation on signage in the Central Business District and potential amendments to the sign ordinance. After discussion, Staff was directed to look into signage for the Central Business District and to bring back their recommendations.**

- e. Appointment with Shirley Black regarding signage and take any action necessary.

**Shirley Black of Green Cottage, 502 N. Goliad, came forward to request additional signage. After discussion, this matter was referred to Staff for action to be brought back to the Council for consideration.**

200  
201 5. PUBLIC HEARING  
202

- 203 a. Hold a public hearing and consider approval of an **Ordinance** providing  
204 for a teen curfew and take any action necessary. [1<sup>st</sup> Reading]

205 **Police Chief Mark Moeller discussed the curfew and stated that the ordinance protects**  
206 **Juveniles. Mayor Cecil opened the public hearing and the following persons came**  
207 **forward to address the Council:**  
208

209 **Thom Bouis**  
210 **7122 Hunters Lane**  
211 **Rockwall, Texas**  
212 **Mr. Bouis spoke in favor of the ordinance.**  
213

214 **Peg Pannell-Smith**  
215 **602 Williams**  
216 **Rockwall, Texas**  
217 **Ms. Smith spoke in favor of the ordinance.**  
218

219 **There being no one further to address the Council, Mayor Cecil closed the public**  
220 **hearing. Councilmember Cotti made a motion to approve the ordinance and**  
221 **Councilmember McCallum seconded the motion. Councilmember Scott made a motion**  
222 **to amend the motion to add an hour for holidays. The motion failed for lack of a second.**  
223 **Councilmember Cotti amended his motion to provide that the Youth Advisory Council**  
224 **will review the ordinance once it is passed as it is currently written. Councilmember**  
225 **McCallum seconded the motion. The ordinance was read as follows:**  
226

227 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL TEXAS, AMENDING**  
228 **THE CODE OF ORDINANCES BY ADOPTING ARTICLE 18-7 TEEN CURFEW TO PROHIBIT**  
229 **MINORS UNDER SEVENTEEN YEARS OF AGE FROM BEING IN ANY PUBLIC PLACE**  
230 **BETWEEN THE HOURS OF 11:01 P.M. AND 6:00 A.M. ON WEEKDAYS AND 12:01 A.M. AND**  
231 **6:00 A.M. ON WEEKENDS; PROVIDING FOR AN ENFORCEMENT PROVISION;**  
232 **ESTABLISHING A PENALTY OF A FINE NOT LESS THAN FIFTY DOLLARS (\$50.00) AND NOT**  
233 **MORE THAN FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR CERTAIN EXCEPTIONS,**  
234 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**  
235

236 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**  
237

- 238 b. **Z2005-030 -- Continue a public hearing and consider approval of an**  
239 **Ordinance** for a request by Tim Thompson of Realty Capital Corporation  
240 for approval of a change in zoning from (Ag) Agricultural district to (PD)  
241 Planned Development district to accommodate development of a single-  
242 family residential community on 139.354-acres known as Tracts 1 and 7,  
243 Abstract 123, A, Johnson Survey, located along the north side of S FM  
244 549, east of SH 205 and west of Lolland Lake and take any action  
245 necessary [1<sup>st</sup> Reading]

246 **Robert LaCroix, Planning Director, advised the Council that the public hearing on this**  
247 **item is continued from the previous meeting. LaCroix stated that the Planning and**  
248 **Zoning Commission recommended approval of this item by a vote of 6 ayes and 0 nays.**  
249 **Mayor Cecil opened the public hearing and the following persons came forward to**  
250 **address the Council:**

251  
252 **Tim Thompson (Applicant)**  
253 **Realty Capital Corporation**  
254 **99 Main Street**  
255 **Colleyville, Texas**  
256 **Mr. Thompson talked about the development and that they would be**  
257 **cleaning up the lake.**

258  
259 **Chris Dugan**  
260 **2548 S. FM549**  
261 **Mr. Dugan lives east of the development and is against it because all he**  
262 **would see is rooftops.**

263  
264 **Ross Ramsay**  
265 **637 Stafford Circle**  
266 **Mr. Ramsay spoke in favor of the development.**  
267

268 **There being no one further to address the Council, Mayor Cecil closed the public**  
269 **hearing. Councilmember Straughan made a motion to approve the request and**  
270 **Councilmember King seconded the motion. The ordinance was read as follows:**

271  
272 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
273 **AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,**  
274 **TEXAS AS PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM (AG)**  
275 **AGRICULTURAL DISTRICT TO (PD-63) PLANNED DEVELOPMENT NO. 63**  
276 **DISTRICT ON AN 139.354-ACRE TRACT KNOWN AS TRACTS 1 AND 7, ABSTRACT**  
277 **123, A JOHNSON SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT**  
278 **"A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP;**  
279 **PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO**  
280 **THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A**  
281 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND**  
282 **PROVIDING FOR AN EFFECTIVE DATE.**  
283

284 **The motion passed by a vote of 5 ayes and 2 nays [McCallum and Scott].**  
285

- 286 **c. H2005-008 – Hold a public hearing and consider approval of an**  
287 ***Ordinance* for a city initiated request for a Historic Landmark designation**  
288 **for the Jordan House located at 109 St. Marys Street. The tract is zoned**  
289 **(SF-7) Single Family and is located outside of the Old Rockwall Historic**  
290 **District and identified as a "High Contributing Property" within the Historic**  
291 **survey and take any action necessary. [1<sup>st</sup> Reading]**

292 **Robert LaCroix discussed the background of this item. This is a "significant property."**  
293 **The homeowner opposes the designation so it will take a ¾ majority vote to pass. This**  
294 **matter failed at the Planning and Zoning Commission level by a vote of 3 ayes and 3**  
295 **nays. Mayor Cecil opened the public hearing and the following persons came forward to**  
296 **address the Council:**  
297

298 **Ross Ramsay, Vice Chairman**  
299 **Historic Preservation Advisory Board**  
300 **Mr. Ramsay stated that the HPAB recommends approval of this designation**  
301 **and perhaps extending the boundaries of the Historic District.**  
302

Wilma Jordan (Home Owner)  
109 St. Mary's  
Ms. Jordan spoke against the designation as a landmark.

Carol Crow  
504 Williams  
Spoke in favor of the designation.

Peg Pannell-Smith  
602 Williams  
Spoke in favor of the designation.

Todd White, Esquire  
Mr. White represents the Jordan's. Mr. White stated that Ms. Jordan has no intention of knocking the house down or selling it to someone who will. She has spent 4 decades preserving and protecting the property.

Mark Russo  
1000 Yellowjacket Lane  
Rockwall, Texas  
Is in favor of the designation.

Thom Bouis  
Rockwall, Texas  
Stated that Ms. Jordan is a senior citizen and should be given some leeway – table the designation until she sells the property.

There being no one further to address the Council, Mayor Cecil closed the public hearing. After lengthy discussion, Councilmember Cotti made a motion to deny the request. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- d. 2005-009 – Hold a public hearing and consider approval of an **Ordinance** for a city initiated request for a Historic Landmark designation for the Migneault House located at 506 Barnes. The tract is zoned (SF-7) Single Family and is located outside of the Old Rockwall Historic District and identified as a "High Contributing Property" with in the Historic survey and take any action necessary. **[1<sup>st</sup> Reading]**

Robert LaCroix discussed the background of this matter. Mayor Cecil opened the public hearing but no one came forward to address the Council, so Mayor Cecil closed the public hearing. Councilmember Scott made a motion to approve the request and Councilmember McCallum seconded the motion. Councilmember Cotti asked that they amend the motion to instruct Staff to make sure that the owner gets all the information he needs with regard to the designation. Scott and McCallum agreed to the amendment. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE V, SECTION 6.2 HISTORIC OVERLAY DISTRICT TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR THE DESIGNATION OF A LANDMARK DISTRICT KNOWN AS THE HISTORIC "UNDERWOOD HOUSE", BEING 506 BARNES, BLOCK 79, BF

BOYDSTON ADDITION; AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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 unanimously by a vote of 7 ayes and 0 nays.**

- e. **Z2005-034 --** Hold a public hearing and consider approval of a request from Annette Lall for approval of a Specific Use Permit to allow for a "Social Service Provider" (specifically a Children's Emergency Shelter) within the (GR) General Retail district, located at 102 North Fannin and 303 East Rusk and take any action necessary.

**Robert LaCroix discussed the background of the request. LaCroix stated that they did not receive enough information to be able to recommend this request. There is no adequate site/floor plan or fire safety plan. The Planning and Zoning Commission recommended denial by a vote of 6 ayes and 0 nays and stated that the use is not appropriate for the Downtown area. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:**

**Vicki Lovitt (Applicant)**

**303 E. Rusk**

**Ms. Lovitt stated that she is working with an architect and will be meeting him on Wednesday and that she has nothing to bring to the Council tonight. She has no experience in this type of service – she is an RN. When questioned by Councilmember Nielsen, Lovitt stated that she is unaware of any laws regarding the services she wishes to provide.**

**Roxanne Langley**

**Owns the daycare behind the church. Ms. Langley is concerned about the children who would be housed there – will it be safe for the children she looks after.**

**Robert Cook**

**218 E. Rusk**

**Mr. Cook stated that this is not a proper use for this property. Downtown needs revitalized – this would be a step back. He is against the request.**

**Janice Hill**

**532 Anna Cade**

**Ms. Hill has a business on the Square and is against the request. Downtown is not an area conducive to children. She does not feel that this has been investigated enough – this is not the place for this type of center/shelter.**

**Mary Hanrahan**

**201 S. Clark**

**She is Mayor of Old Town. No one has approached them regarding putting in such a shelter. This is not a good location and there is not enough information to go forward with this request.**

**Peg Pannell-Smith**  
**602 Williams**  
Is against the request.

**Lynn Davis**  
**942 Bluffview Drive**  
Is against the request. This "Landmark" structure is not the place for such a business.

There being no one further to address the Council, Mayor Cecil closed the public hearing. Councilmember Scott made a motion to deny the request and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- f. **Z2005-035** -- Hold a public hearing and consider approval of an **Ordinance** for a request by Jeff Linder of Kimley-Horn and Associates, Inc. for a specific use permit (SUP) allowing for a drive-through window as an accessory to a restaurant (Panda Express) on Lot 4, Block A, Horizon Ridge Addition, being a 0.7890-acre tract zoned (PD-9) Planned Development No. 9 district allowing for "GR" General Retail uses and located at the southeast corner of the Ridge Road and Horizon Road Intersection and take any action necessary. [1<sup>st</sup> Reading]

Robert LaCroix stated that this item needed to be tabled to the next meeting. Mayor Cecil opened the public hearing and Councilmember McCallum made a motion to continue the public hearing to the next meeting. Councilmember Scott seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

**6. SITE PLANS / PLATS**

- a. **P2005-028** -- Discuss and consider a request by Dub Doupbrate of Doupbrate & Associates for approval of a preliminary plat for Lakeview Summit Phase IV, being a 38.056-acre tract zoned (PD-29) Planned Development No. 29 district and situated along the north side of North Lakeshore Drive and take any action necessary.

Robert LaCroix discussed the background of the request. The applicant has requested that this item be tabled until the next meeting. Councilmember Cotti made a motion to table the matter until the next meeting and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- b. **P2005-030** -- Discuss and consider a request by Richard Hovas of Tipton Engineering, for approval of a master plat for Castle Ridge Estates, being a 72.7396-acre, 194-lot Single Family development. The subject tract is zoned (SF-10) Single Family district situated West of SH 205 and North of Dalton Road (FM 552) and the existing Heritage Heights Single Family subdivision and take any action necessary.

Robert LaCroix discussed the background of the request. Richard Hovas of Tipton Engineering appeared before the Council to answer any questions that they might have. After lengthy discussion, Councilmember McCallum made a motion to approve the request with Staff recommendations, but not approving the variance to the 50 foot buffer. No alleys on Lots A, E, F and G and there must be a water feature at the 205 entrance,



which will be shown on the final plat. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- c. **P2005-031** -- Discuss and consider a request by Richard Hovas of Tipton Engineering, for approval of a preliminary plat for Castle Ridge Estates, being a 72.7396-acre, 194-lot Single Family development. The subject tract is zoned (SF-10) Single Family district situated West of SH 205 and North of Dalton Road (FM 552) and the existing Heritage Heights Single Family subdivision and take any action necessary.

Robert LaCroix discussed the background of this request. Councilmember McCallum made a motion to approve the request with Staff recommendations but no variance to the 50 foot buffer; no alleys on Lots A, E, F and G and there must be a water feature at the 205 entrance; and the homes must have J-swing garages. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

## **7. ACTION ITEMS**

- a. Discuss and consider approval of a contract with Dennis Wilson for implementation of the downtown plan and take any action necessary

City Manager Julie Couch discussed the background of the request. Councilmember Cotti made a motion to approve the request and Councilmember King seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- b. Discuss and consider requiring a Special Use Permit for any free standing restaurant of 2000 square feet or less with a drive thru within any overlay district and take any action necessary

Councilmember Straughan stated that he brought this matter forward for action by the Council. After discussion, Councilmember Straughan made a motion to require a Special Use Permit (SUP) for any free standing restaurant of 2000 square feet or less with a drive thru in all commercial districts and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- c. Discuss and consider plans for Fannin Street improvements and take any action necessary.

City Engineer Chuck Todd stated that the street would be asphalt with curb and gutter. He is ready to start meeting with the homeowners along Fannin to discuss the construction of the improvements. No motion was necessary, but Todd was given the authority to move ahead with this project.

- d. Discuss and consider the City of Rockwall's proposed Operating Budget for the period October 1, 2005 through September 30, 2006, and the Amended Budget for October 1, 2004 through September 30, 2005, and take any action necessary.

Finance Director Mary Smith discussed the proposed budget. Councilmember Cotti made a motion to approve the budget and Councilmember Nielsen seconded the motion. The motion passed by a vote of 5 ayes and 2 nays [McCallum and Straughan].

- e. Discuss and consider approval of the Rockwall Economic Development Corporation budget for fiscal year 2005-2006 and take any action necessary.

Councilmember Nielsen recused herself from listening to or taking any action on this item. Greg Nixon, President and CEO of the Rockwall Economic Development Corporation discussed the budget. Councilmember Cotti made a motion to approve the budget and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Nielsen].

- f. Discuss and consider approval of the Tech Park Association budget for fiscal year 2005-2006 and take any action necessary.

Councilmember Nielsen recused herself from listening to or taking any action on this item. Greg Nixon, President and CEO of the Rockwall Economic Development Corporation discussed the budget. Councilmember McCallum made a motion to approve the budget and Councilmember King seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Nielsen].

- g. Discuss and consider approval of an **Ordinance** levying the ad valorem taxes for the year 2005 on all taxable property within the corporate limits of the City as of January 1, 2005 and take any action necessary.

Mary Smith discussed the background of this item and stated that the motion need to be exactly as it was set out in her memo to the Council. Councilmember Nielsen made a motion to approve the ad valorem taxes by stating: "I move that property taxes be increased by the adoption of a tax rate of 36.89 cents." Councilmember Cotti seconded the motion and the motion passed by a vote of 5 ayes and 2 nays [McCallum and Straughan].

- h. Discuss and consider approval of an **Ordinance** amending the budget of the City for the fiscal year October 1, 2004 through September 30, 2005 and take any action necessary.

Mary Smith discussed the amended budget. Councilmember Cotti made a motion to approve the amended budget and Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [Straughan].

- i. Discuss and consider approval of an **Ordinance** adopting a budget for the City for the fiscal year October 1, 2004 through September 30, 2005 and take any action necessary.

Mary Smith discussed the budget. Councilmember Cotti made a motion to approve the budget and Councilmember Nielsen seconded the motion. The motion passed by a vote of 5 ayes and 2 nays [McCallum and Straughan].

- j. Discuss and consider elimination of all compensation for the Mayor and Councilmembers and take any action necessary.

Councilmember McCallum stated that he had brought this item forward for action by the Council. After discussion, Councilmember McCallum made a motion to approve the ordinance and to form a subcommittee to study the matter and bring it back to the

Council at the Council/Staff Retreat for further action. Councilmember Cotti seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, SETTING COUNCIL COMPENSATION, PURSUANT TO SECTION 3.03 OF THE CHARTER; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

There being no further business to come before the Council, Mayor Cecil adjourned the meeting into Executive Session at 12:07 a.m.

**8. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters – including Youth Advisory Council and grant personnel.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
- e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
- f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**9. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

Councilmember Cotti made a motion to appoint Steve Markee to the Building and Standards Commission to replace Carol Hawkins. Mayor Cecil seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti made a motion to appoint Jason Potts to the Historic Preservation Advisory Board and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Cecil made a motion to appointment Councilmembers McCallum and King and himself to a subcommittee to research ways to streamline our council meetings and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

596 Mayor Cecil made a motion to appoint Councilmembers Nielsen, Cotti and Scott to a  
597 subcommittee to research council compensation and bring a report back to the full  
598 council within six months and Councilmember Scott seconded the motion. The motion  
599 passed unanimously by a vote of 7 ayes and 0 nays.

600  
601 There being no further business to come before the Council, Mayor Cecil adjourned the  
602 meeting at 2:00 a.m.

603  
604 Approved by the City Council of the City of Rockwall, Texas, this 7<sup>th</sup> day of November,  
605 2005.

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608 ATTEST:

609 Dorothy Brooks  
610 Dorothy Brooks, City Secretary  
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William R. Cecil  
William R. Cecil, Mayor



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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**October 3, 2005**

4:30 p.m. Pre-Council Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Cecil called the meeting to order at 4:30 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Also present was Attorney Terry Morgan. Mayor Cecil immediately adjourned the meeting into Executive Session.

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**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

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- a. Deliberation regarding the purchase, exchange, lease, or value of real property
  - b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters – including Youth Advisory Council and grant personnel.
  - c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
  - d. City of Rockwall vs. Vester T. Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
  - e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
  - f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege

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No action was taken as a result of Executive Session.

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**2. PRE-COUNCIL DINNER.**

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The pre-council meeting adjourned at 5:55 p.m.

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Approved by the City Council of the City of Rockwall, Texas, this 5<sup>th</sup> day of December, 2005.

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**ATTEST:**

*Dorothy Brooks*  
Dorothy Brooks, City Secretary

*William R. Cecil*  
William R. Cecil, Mayor



**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**October 3, 2005**  
**6:00 p.m. Regular Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**1. CALL TO ORDER**

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR BILL CECIL**

**3. PROCLAMATIONS**

**a. Fire Prevention Month**

Fire Chief Mark Poindexter, Fire Marshall Ariana Adair and Tony Santore and Flash received the proclamation.

**b. Rockwall Women's League Month**

Mayor Cecil presented the proclamation to Leigh Wilcoxson, Suzanne Talley, Joanne Glover, Vickie Alexander, Mary Kay Griffen, Annie Cornelius, Kathleen Evans and Catherine Wright. Mayor Cecil then bought the first "official cookbook."

**4. OPEN FORUM**

Mayor Cecil then proceeded with the Open Forum part of the meeting. Any person wishing to address the Council on any item not on tonight's agenda was asked to come forward. The following persons addressed the Council:

Dr. Barbara Montgomery  
509 St. Mary's  
Rockwall, Texas 75087

Dr. Montgomery stated she had a problem with a pond behind her house and stated that there had been no response from the City. Because the person whose property the pond is on has dogs, there is no access to the easement. Mayor Cecil requested that the City Manager call Ms. Montgomery and get the problem taken care of.

There being no one further to address the Council, Mayor Cecil closed the Open Forum.

**5. CONSENT AGENDA**

- a. Consider approval of the Minutes of the September 6, 2005, City Council meeting and take any action necessary.
- b. Consider approval of an **Ordinance** amending the Code of Ordinances to provide that there shall be no construction on Thanksgiving Day.

Christmas Day and New Year's Day and take any action necessary.  
[2<sup>nd</sup> Reading]

c. Consider approval of an **Ordinance** amending the Sign Ordinance regarding electronic signs and take any action necessary [2<sup>nd</sup> Reading]

d. Consider approval of an **Ordinance** providing for a teen curfew and take any action necessary [2<sup>nd</sup> Reading]

e. Consider approval of an **Ordinance** for a request by Tim Thompson of Really Capital Corporation for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development district to accommodate development of a single-family residential community on 139.354-acres known as Tracts 1 and 7, Abstract 123, A. Johnson Survey, located along the north side of S FM 549, east of SH 205 and west of Lofland Lake and take any action necessary. [2<sup>nd</sup> Reading]

f. Consider approval of an **Ordinance** for a city initiated request for a Historic Landmark designation for the Migneault House located at 506 Barnes. The tract is zoned (SF-7) Single Family and is located outside of the Old Rockwall Historic District and identified as a "High Contributing Property" within the Historic survey and take any action necessary. [2<sup>nd</sup> Reading]

g. **Z2005-025** -- Consider continuing until October 17, 2005, the consideration of the approval of a request by Miles Preston of Newland Communities for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 385.075-acres comprised of Tracts 1 and 2, Abstract 71, W T DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey. The subject property is located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run and take any action necessary.

h. **A2005-01** -- Consider approval of an **Ordinance** for a petition for annexation from Carl E. and Dixon A. Glaze, Loyd Acker Family Partnership, Ltd., Jack H. and Elizabeth W. Hittson, Randy and Beth Talley, C N. and Christy Jones, Henry and Jana Rohrbaker, and Steven E. and Christine Rinner, to annex land of approximately 24.147 acres generally located north of F.M. 552 and east of Anna Cade Rd. and contiguous to the existing City Limits line and take any action necessary. [2<sup>nd</sup> Reading]

i. Consider authorizing the City Manager to execute an agreement with Rockwall County Committee on Aging and take any action necessary

j. Consider approval of the purchase of a Fast/Attack Brush Truck and take any action necessary.

k. Consider approval of the purchase of the Fire Safety House and take any action necessary.

1. Consider approval of the Engineering Services Contract for the design of storm sewer and paving improvements on Yellow Jacket from SH205 to Townsend Drive and take any action necessary

Councilmember McCallum requested that Consent Item 5a be pulled and then made a motion to approve the remaining items. Councilmember Cotti requested that Consent Item 5l be pulled and then made a motion to second McCallum's motion if amended to remove 5l. McCallum so amended. The ordinance was read as follows:

ORDINANCE NO. 05-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 18 OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CODE OF ORDINANCES IN SEC. 18-3 REGULATIONS OF SOUND AMPLIFICATION DEVICES; PROVIDING FOR HOURS OF ALLOWED CONSTRUCTION WORK AND NO CONSTRUCTION ALLOWED ON THANKSGIVING DAY, CHRISTMAS DAY AND NEW YEAR'S DAY; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY A VIOLATION OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 05-51

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE SIGN ORDINANCE IN SECTION III, B. FUNCTIONAL STANDARDS, 17. ELECTRONIC MESSAGE SIGNS AND SECTION IV B. PROHIBITED SIGNS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 05-52

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE V, SECTION 5.2 HISTORIC OVERLAY DISTRICT TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR THE DESIGNATION OF A LANDMARK DISTRICT KNOWN AS THE HISTORIC "UNDERWOOD HOUSE", BEING 506 BARNES, BLOCK 79, BF BOYDSTON ADDITION; AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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

ORDINANCE NO. 05-53

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 24.147 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember McCallum stated that he pulled Consent Item 5e because he did not previously support the matter. Councilmember Cotti made a motion to approve the ordinance and Councilmember Straughan seconded the motion. The ordinance was read as follows:



ORDINANCE NO. 05-51

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS AS PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-63) PLANNED DEVELOPMENT NO. 63 DISTRICT ON AN 139.354-ACRE TRACT KNOWN AS TRACTS 1 AND 7, ABSTRACT 123, A. JOHNSON SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes and 2 nays [McCallum and Scott].

Councilmember Cotti stated that he pulled Consent Item 5I for clarification. After clarification, Councilmember Cotti made a motion to approve the contract and Councilmember Straughan seconded the motion. Councilmember McCallum made a motion to amend the motion to table the matter until the next meeting. Councilmember Scott seconded the motion and the motion passed by a vote of 5 ayes and 2 nays [Cecil and Cotti].

6. APPOINTMENTS

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

Greg Burgamy appeared on behalf of the Planning and Zoning Commission and discussed the Commissions actions and recommendations on the various planning and zoning items on tonight's agenda.

- b. Appointment with Boys & Girls Club of Rockwall and take any action necessary.

No one appeared.

- c. Appointment with Jacque Roy regarding non permanent boat docks with boat lift for the Taxeline area and take any action necessary.

Jacque Roy gave a presentation on non-permanent boat docks. After discussion, Councilmember Scott made a motion to allow the subleases to go the Planning and Zoning Commission with a plan for non-permanent boat docks. Councilmember Nielsen seconded the motion. The motion failed by a vote of 2 ayes [Scott and Nielsen] and 5 nays [Cecil, Cotti, King, Straughan and McCallum].

- d. Appointment with Facilities Subcommittee regarding recommendations and take any action necessary.

The Council approved the subcommittee's recommendation to proceed with contract negotiations with Brown Reynolds Watford (BRW) for architectural services for Fire Stations #3 and #4; that we use a construction manager at risk for the Fire Station #3 and #4 projects; and that the staff proceed with contract negotiations with Hill-Wilkinson for construction management services for Fire Stations #3 and #4.

- e. Appointment with Kelly Kemp regarding a variance for a railroad tie retaining wall and take any action necessary.

Mr. Kelly Kemp, 334 Trailridge Drive, Garland, Texas, came forward to address the Council. Mr. Kemp requested that the Council approve the variance for a railroad tie retaining wall. Jeffrey Widmer discussed the background of the request and current requirements. After discussion, Councilmember Straughan made a motion to deny the request and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- f. Appointment with Bevin Brock to discuss Shores HOA parking regulations and enforcement and take any action necessary.

City Attorney Pete Eckert discussed the background of this matter. Eckert advised that he discussed the matter with Mayor Cecil and Mr. Brock and other homeowners. Eckert advised that the City does have the ability to review CCR's with regard to public areas, however, tonight the City can make no recommendation nor can it take any action. This is a private matter between the homeowners and the HOA. Eckert stated that exclusive dominion over the streets lies with the municipality. Mr. Bevin Brock, 1185 Atterding Lane, Rockwall, Texas came forward to address the Council. Mr. Brock asked who had jurisdiction over the streets. His HOA thinks they can regulate parking his vehicle on the street overnight. Mayor Cecil advised Mr. Brock that the Council could not answer his questions or adjudicate this issue. After lengthy discussion, Mayor Cecil asked that the City Attorney provide a written opinion on what authority the City has in this issue.

## 7. PUBLIC HEARING ITEMS

- a. **Z2005-035 (Continued from 9-19-05)** – Hold a public hearing and consider approval of an **Ordinance** for a request by Jeff Linder of Kimley-Horn and Associates, Inc., for a specific use permit (SUP) allowing for a drive-through window as an accessory to a restaurant (Panda Express) on Lot 4, Block A, Horizon Ridge Addition, being a 0.7893-acre tract zoned (PD-9) Planned Development No. 9 district allowing for "GR" General Retail uses and located at the southeast corner of the Ridge Road and Horizon Road Intersection and take any action necessary [1<sup>st</sup> Reading]

Robert LaCroix, Direction of Planning & Zoning, discussed the background of the request and stated that the Planning and Zoning Commission had recommended approval. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Jeff Linder  
Kimley-Horn and Associates  
801 Cherry Street  
Ft. Worth, Texas

Mr. Linder stated that this site is very challenging and requested approval of the SUP.

There being no one further to address the Council, Mayor Cecil closed the public hearing. Councilmember McCallum made a motion to approve the request and Councilmember Cotti seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A DRIVE-THROUGH WINDOW AS AN ACCESSORY TO A RESTAURANT ON A TRACT OF LAND KNOWN AS LOT 4, BLOCK A, HORIZON RIDGE ADDITION; 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 unanimously by a vote of 7 ayes and 0 nays.

#### 8. SITE PLANS/PLATS

- a. **P2005-028** -- Discuss and consider a request by Dub Douphrate of Douphrate & Associates for approval of a preliminary plat for Lakeview Summit Phase IV, being a 38.056-acre tract zoned (PD-29) Planned Development No. 29 district and situated along the north side of North Lakeshore Drive and take any action necessary

Robert LaCroix discussed the background of this matter and stated that the applicant had requested that this matter be tabled so that they could work on tree mitigation. Councilmember Scott made a motion to table the matter to the next meeting and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

#### 9. ACTION ITEMS

- a. **A2005-002** -- Discuss and consider approval of an **Ordinance** for a petition for annexation from Joe D. and JoAnn Loftis to annex land of approximately 247.73 acres located along the southside of Hwy 276 east of Roche le Road and contiguous to the existing City Limits line and take any action necessary. **[1<sup>st</sup> Reading]**

Robert LaCroix discussed the background of this item. Councilmember McCallum made a motion to approve the ordinance and Councilmember Cotti seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 247.73 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS. PROVIDING FOR AN EFFECTIVE DATE.

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

- b. Discuss and consider a request by Shirley Black for a setback variance at 504 N. Gohad and take any action necessary.

Jeffrey Widmer discussed the background of this request. Mr. Black came forward, on behalf of Ms. Black, to address the Council. After discussion, Councilmember McCallum made a motion to approve a setback variance of 5 feet from the property line and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- c. Discuss and consider Charter Cable services in the City of Rockwall and take any action necessary.

Cheryl Austin, Director of Administrative Services, discussed the background and stated that Charter will provide HDTV/DVR during the first quarter of 2006 and that she would be meeting with Charter representatives to make plans to launch the service. Diane Montgomery of Charter Cable addressed the Council and stated that Charter's cost will be comparable and that the DVR will be similar to what is currently offered. It won't be exactly the same because technology is changing.

- d. Discuss and consider and community complaints regarding oppressive DCCR's and take any action necessary

Councilmember Scott discussed this issue and stated that HOA's had gone too far and that he wants to pass an ordinance to regulate HOA's. After lengthy discussion, Councilmember Scott made a motion to obtain a legal opinion from the City Attorney with regard to the action that the Council can take and that an ordinance be prepared stating what HOA's can and cannot do. Councilmember King seconded the motion and The motion passed unanimously by a vote of 7 ayes and 0 nays.

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

- a. Departmental Reports
- b. City Manager's Report

There being no further action to come before the Council in regular session, Mayor Cecil adjourned the meeting into Executive Session at 10:40 p.m.

**11. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters – including Youth Advisory Council and grant personnel
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation

- e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and fall's under the attorney-client privilege

**12. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

No action was taken as a result of Executive Session.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 12:03 a.m.

Approved by the City Council of the City of Rockwall, Texas, this 5<sup>th</sup> day of December, 2005.

ATTEST:

Dorothy Brooks  
Dorothy Brooks, City Secretary

William R. Cecil  
William R. Cecil, Mayor



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**MINUTES  
ROCKWALL CITY COUNCIL**

**October 10, 2005**

**6:00 p.m. Special Meeting**

**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**1. CALL TO ORDER.**

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

**2. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. City of Rockwall vs. Vester T. Hughes, Jr. as sole independent Executor of the Estate of W.W. Canuth, Jr., deceased
- e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council
- f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

**3. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**


Councilmember Bob Cotti made a motion to approve the revised contract with Rob Whittle with regard to The Harbor Project and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

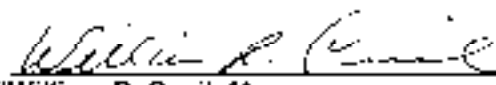
Councilmember Bob Cotti made a motion authorizing the acquisition of 10 acres land on Airport Road for \$150,000 and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 7:00 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 5<sup>th</sup> day of December, 2005.

ATTEST:

  
Dorothy Brooks, City Secretary

  
William R. Cecil, Mayor



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**MINUTES  
ROCKWALL CITY COUNCIL**

October 17, 2005

4:30 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Cecil called the meeting to order at 4:30 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters – appointment of CAD Board member.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. City of Rockwall vs. Vester T. Hughes, Jr., as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased
- e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
- f. Pursuant to Section 551.071(2) of the Open Meetings Act. Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege
- g. Update on 1235 Ridge Road West.
- h. Pettigrew v. City – Status.

**2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

No action was taken as a result of Executive Session.

**3. PRE-COUNCIL DINNER.**

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 5<sup>th</sup> day of December, 2005.

ATTEST:

*Dorothy Brooks*  
Dorothy Brooks, City Secretary

*William R. Cecil*  
William R. Cecil, Mayor



**MINUTES  
ROCKWALL CITY COUNCIL**

October 17, 2006

6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

**1. CALL TO ORDER**

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TIM MCCALLUM**

**3. APPRECIATION AWARDS**

Mayor Cecil and Tony Santoro presented appreciation awards to John Floeter and wife for the donation of Flash and Dr. Banfield of Banfield Veterinarian Hospital and Pet's Mart for the donation of services and food for Flash's upkeep.

**SWEARING-IN OF YOUTH ADVISORY COUNCIL MEMBERS**

Mayor Cecil swore in the following new Youth Advisory Council members: Ellen Morgan, Courtney Powell, Austin Staubus, Justin Corneau and Sean Mehl. Newly appointed member Annmarie Olind was unable to attend this meeting.

**PROCLAMATION FOR RED RIBBON WEEK**

Mayor Cecil presented the Red Ribbon Week Proclamation to Rockwall High School D-FY-IT President Durell Coleman and Co-Vice President Taylor Trammel and Sponsor Nancy Farrar.

**4. CONSENT ITEMS**

- a. Consider approval of an **Ordinance** for a request by Jeff Linder of Kimley-Horn and Associates, Inc., for a specific use permit (SUP) allowing for a drive-through window as an accessory to a restaurant (Panda Express) on Lot 4, Block A, Horizon Ridge Addition, being a 0.7890-acre tract zoned (PD-9) Planned Development No. 9 district allowing for "GR" General Retail uses and located at the southeast corner of the Ridge Road and Horizon Road Intersection and take any action necessary. [2<sup>nd</sup> Reading]
- b. Consider approval and award for the purchase of digital audio/visual recording systems for Police vehicles and take any action necessary.
- c. Consider approval of an **Ordinance** for a petition for annexation from Joe D. and JoAnn Loftis to annex land of approximately 247.73 acres located along the southside of Hwy 275 east of Rochelle Road and contiguous to the existing City Limits line and take any action necessary. [2<sup>nd</sup> Reading]



- d. Consider approval of the Engineering Services Contract for the design of storm sewer and paving improvements on Yellow Jacket from SH205 to Townsend Drive and take any action necessary. (Tabled at the 10-3-05 meeting)
- e. **Z2005-025** – Consider continuing until November 7, 2005, the consideration of the approval of a request by Miles Prestemon of Newland Communities for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 395.075-acres comprised of Tracts 1 and 2, Abstract 71, W T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S King Survey. The subject property is located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run and take any action necessary.
- f. Consider approval of the purchase of the 2-Way PASS System for Firefighters and take any action necessary.

**Councilmember Cotti requested that Consent Agenda Item 4d be pulled. Councilmember Straughan requested that Consent Agenda Item 4f be pulled. Councilmember McCallum made a motion approving the remaining Consent Agenda Items and Councilmember Straughan seconded the motion. The ordinances were read as follows:**

**ORDINANCE NO. 05-55**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A DRIVE-THROUGH WINDOW AS AN ACCESSORY TO A RESTAURANT ON A TRACT OF LAND KNOWN AS LOT 4, BLOCK A, HORIZON RIDGE ADDITION; 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.**

**ORDINANCE NO. 05-56**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 247.73 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.**

**The motion passed unanimously by a vote of 7 ayes and 0 nays.**

**After clarification, Councilmember Cotti made a motion to approve Consent Agenda Item 4d and Councilmember King seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

**Councilmember Straughan made a motion to approve Consent Agenda Item 4f and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

149 5. APPOINTMENTS

- 150  
151 a. Appointment with Planning and Zoning Chairman to discuss and answer  
152 any questions regarding cases on the agenda and related issues and  
153 take any necessary action.

154 **Planning and Zoning Chairman Phillip Herbst discussed the planning and zoning**  
155 **items on tonight's agenda.**

- 156  
157 b. Appointment with Jim Parks and Denise Hickey of the North Texas  
158 Municipal Water District regarding wetlands and take any action  
159 necessary.

160 **Denise Hickey and Mike Rickman presented a video on the East Fork Reuse**  
161 **wetlands.**

- 162  
163 c. Appointment with Michael Kitkoski of Rockwall Yes! Regarding upcoming  
164 bond election.

165 **Michael Kitkoski previewed the television commercials that are due to air on**  
166 **Charter Cable next week.**

- 167  
168 d. Appointment with Jeff Ryan regarding his ability to comply with the  
169 current RV/Boat ordinance and take any action necessary.

170 **Jeff Ryan, 1705 Bayhill, Rockwall, Texas, appeared before the Council regarding**  
171 **compliance with the RV/Boat ordinance. Councilmember Scott made a motion to**  
172 **grant Mr. Ryan a variance to the ordinance, but it died for lack of a second. After**  
173 **lengthy discussion, it was determined that Mr. Ryan needed to plant 6 foot shrubs**  
174 **or build a fence to be in compliance with the ordinance. The Council took no**  
175 **action.**

- 176  
177 e. Appointment with Marly and Kathleen Ingram regarding the current  
178 RV/Boat ordinance and take any action necessary

179 **The Ingrams did not appear.**

180  
181 6. PUBLIC HEARING

- 182  
183 a. **Z2005-036 -- Hold a public hearing and consider an ordinance for a**  
184 **request by Chris Cury of F.C. Cury Corporation for a change in zoning**  
185 **from (Ag) Agricultural district to (PD) Planned Development district on an**  
186 **83.30-acre tract being a part of Lot 2 and all of Lot 1, The McLendon**  
187 **Companies Addition, and Tracts 4 and 5, Abstract 186, J.A. Ramsey**  
188 **Survey. The subject property is located along the east side of FM 549**  
189 **south of SH 276 [1st Reading]**

190 **Robert LaCroix discussed the background of this request. Mayor Cecil opened the**  
191 **public hearing and the following persons came forward to address the Council:**

192  
193 **Dr. Jack Rambo**  
194 **RISD**

Dr. Rambo stated that he has met with the developer and that the RISD needs another school in this area. This elementary school will be on the RISD's bond election in February.

**Chris Cuny (Applicant)**

Mr. Cuny discussed the various amenities and house sizes of the development.

**Mark Sorrells**

2844 S. FM549

Rockwall, Texas

Mr. Sorrells spoke against the development.

**Melba Jeffus**

1903 S. FM549

Rockwall, Texas

Ms. Jeffus spoke against the development.

**Chris Duggan**

2548 S. FM549

Rockwall, Texas

Spoke against the development.

**Jason Fry**

2424 S. FM549

Rockwall, Texas

Spoke against the development.

**Issac Levy**

1777 S. FM549

Rockwall, Texas

Spoke against the development.

**Ed Hale**

2676 S. FM549

Rockwall, Texas

Spoke against the development.

**Chuck Shaw**

275 Pheasant Run

McLendon-Chisholm, Texas

Spoke against the development.

**Ken Ingram**

1957 S. FM549

Rockwall, Texas

Spoke in favor of the development.

There being no one further to address the Council, Mayor Cecil closed the public hearing. Councilmember Cotti made a motion to approve the ordinance and adopt the fencing standards and Councilmember McCallum seconded the motion, but requested

Cotti to amend his motion to include requiring columns for front entry garages, a landscape buffer between adjacent homeowners, and a minimum house size of 2250 square feet. Cotti agreed to amend his motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-64) PLANNED DEVELOPMENT NO. 64 DISTRICT ON AN 83.30-ACRE TRACT KNOWN AS A PART OF LOT 2 AND ALL OF LOT 1, THE MCLENDON COMPANIES ADDITION, AND TRACTS 4 AND 5, ABSTRACT 186, J.A. RAMSEY SURVEY, BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE. PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 nay [Scott].

#### 7. SITE PLANS/PLATS

- a. P2005-028 -- Discuss and consider a request by Dub Douphrate of Douphrate & Associates for approval of a preliminary plat for Lakeview Summit Phase IV, being a 38.056-acre tract zoned (PD 29) Planned Development No. 29 district and situated along the north side of North Lakeshore Drive and take any action necessary. [Tables at the 10-3-05 meeting]

Robert LaCroix discussed the background of this request. Dub Douphrate requested that the Council approve this preliminary plat. After discussion, Councilmember Straughan made a motion to approve the preliminary plat and requiring the developer to fence the cemetery and have an entrance from the green area and hold a minimum of three (3) weeks of transplant days. Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [McCallum].

Due to a family emergency, Councilmember McCallum left the meeting.

#### 8. ACTION ITEMS

- a. Discuss and consider the Facilities Subcommittee's recommendations with regard to the future facility expansion study and take any action necessary

Internal Operations Manager Joey Boyd discussed the Subcommittee's recommendations. Councilmember Nielsen made a motion to contract with Brinkley Sargent and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].

- b. Discuss and consider approval of an engineering agreement/change order for the Amity sewer project regarding driveways and take any action necessary.

Chuck Todd, City Engineer, discussed the background of this item. Councilmember Cotti made a motion to approve the request and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].

- c. Discuss and consider action on roadways for submission to NCTCOG under the 2005 call for projects and take any action necessary

**City Manager Julie Couch discussed the background of this item. Councilmember Cotti made a motion to proceed with the submission to NCTCOG and Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].**

- d. Discuss and consider general Council policies and procedures and take any action necessary.

**City Manager Julie Couch discussed this item. Councilmember Scott made a motion to table this matter until the next meeting and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].**

- e. Discuss and consider authorizing the City Manager to execute an agreement with the Rockwall County Election Administrator for November 8, 2005, election day services and take any action necessary

**City Manager Julie Couch discussed this item. Councilmember Cotti made a motion authorizing the City Manager to execute the agreement and Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].**

- f. Discuss and consider approval of a Resolution naming the election officials for the November 8, 2005 election and take any action necessary.

**No action was necessary on this item.**

**There being no further business to come before the Council in regular session, Mayor Cecil adjourned the meeting into Executive Session at 9:18 p.m.**

**9. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS.**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters – appointment of CAD Board member
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. City of Rockwall vs. Vester T. Hughes, Jr., as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
- e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
- f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

- g. Update on 1235 Ridge Road West.  
h. Pelligrew v. City - Status

10. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Cotti made a motion to approve the purchase of the Tomino land and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].

Councilmember Cotti made a motion to form a new subcommittee to be known as the Customer Centered Government Committee and Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 11:00 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 5<sup>th</sup> day of December, 2005.

ATTEST:

Dorothy Brooks  
Dorothy Brooks, City Secretary

William R. Cecil  
William R. Cecil, Mayor



**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**November 7, 2005**  
**3:30 p.m. Pre-Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**1. GROUP PHOTO SESSION**

**2. CALL TO ORDER**

Mayor Cecil called the meeting to order at 4:30 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

**3. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS.**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel issues, including Board, Commission, and Committee Appointments, and Related Matters
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. City of Rockwall vs. Vesler T. Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr. deceased.
- e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council
- f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege
- g. Update on 1235 Ridge Road West.

**3. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

No action was taken as a result of Executive Session.

**2. PRE-COUNCIL DINNER.**

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 5<sup>th</sup> day of December 2005.

ATTEST:

*Dorothy Brooks*  
Dorothy Brooks, City Secretary

*William R. Cecil*  
William R. Cecil, Mayor



**AGENDA  
ROCKWALL CITY COUNCIL**

November 7, 2005

6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

**1. CALL TO ORDER**

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER STEPHEN STRAUGHAN**

**3. OPEN FORUM**

Mayor Cecil then proceeded with the Open Forum part of the meeting. Any person wishing to address the Council on any item not on tonight's agenda was asked to come forward. The following persons addressed the Council:

**Dianne Sanchez**

**2035 Hillcroft**

**Rockwall, Texas**

**Ms. Sanchez is from The Shores and spoke in favor of the HOA restrictions.**

**There being no one further to address the Council, Mayor Cecil closed the Open Forum.**

**4. CONSENT AGENDA**

- a. Consider approval of the Minutes of the September 19, 2005 City Council meeting and take any action necessary.
- b. Consider approval of an **Ordinance** for a request by Chns Cuny of F.C. Cuny Corporation for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on an 83.30-acre tract being a part of Lot 2 and all of Lot 1, The McLendon Companies Addition, and Tracts 4 and 5, Abstract 186, J.A. Ramsey Survey. The subject property is located along the east side of FM 549 south of SH 276. **[2<sup>nd</sup> Reading]**
- c. **Z2005-025** – Consider continuing until November 21, 2005, the consideration of the approval of a request by Miles Prestemon of New and Communities for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 395.075-acres comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey. The subject property is located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run and take any action necessary.



d. Discuss and consider approval of an **Ordinance** denying the request of Atmos Energy Corp. for an annual Gas Reliability Infrastructure Program (GRIP) rate increase and take any action necessary.

e. Discuss and consider approval of a **Resolution** ordering Atmos Energy Corp. to show cause regarding the reasonableness of its existing natural gas distribution rates within the city and take any action necessary.

Councilmember Scott requested that Consent Agenda Item 4b be pulled. Councilmember Straughan made a motion to approve the remaining Consent Agenda items and Councilmember Cotti seconded the motion. The ordinance was read as follows:

**ORDINANCE NO. 05-59**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, DENYING THE REQUEST OF ATMOS ENERGY CORP., MID-TEX DIVISION, FOR AN ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM (GRIP) RATE INCREASE IN THIS MUNICIPALITY, AS A PART OF THE COMPANY'S STATEWIDE GAS UTILITY DISTRIBUTION SYSTEM; APPROVING COOPERATION WITH OTHER CITIES WITHIN THE ATMOS ENERGY CORP., MID-TEX DIVISION DISTRIBUTION SYSTEM AS PART OF THE ATMOS CITIES STEERING COMMITTEE (ACSC); AUTHORIZING ACSC TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION; AUTHORIZING INTERVENTION AS PART OF ACSC IN ANY APPEAL OF THE CITY'S ACTION TO THE RAILROAD COMMISSION; PROVIDING A REQUIREMENT FOR A PROMPT REIMBURSEMENT OF COSTS INCURRED BY THE CITY; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO ATMOS ENERGY CORP., MID-TEX DIVISION; PROVIDING AN EFFECTIVE DATE.

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

Councilmember Cotti made a motion to approve Consent Agenda Item 4b and Councilmember McCallum seconded the motion. The ordinance was read as follows:

**ORDINANCE NO. 05-58**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-64) PLANNED DEVELOPMENT NO. 64 DISTRICT ON AN 83.30-ACRE TRACT KNOWN AS A PART OF LOT 2 AND ALL OF LOT 1, THE MCLENDON COMPANIES ADDITION, AND TRACTS 4 AND 5, ABSTRACT 186, J.A. RAMSEY SURVEY, BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 nay [Scott].

**5. APPOINTMENTS**

a. Appointment with Dennis Wilson, with Townscape, Inc., to discuss the form based zoning project for the proposed expanded CBD (Central

Business District) and the formation of a working committee to assist with this project, and take any action necessary.

**Dennis Wilson addressed the Council and recommended that a committee of 8-10 people be appointed to work with the City on the form based zoning. Mayor Cecil stated that the Council would look to form the committee per his recommendation.**

- b. Appointment with Vickie Lovett, with His Covenant Children, to appeal the decision to deny their request for a Certificate of Appropriateness by the Historic Advisory Board for the renovation/restoration to exterior doors and windows for the building located at 303 East Rusk Street, and take any action necessary.

**Sherry Pittman, Chairman of the Historic Preservation Advisory Board, came forward to address the Council. Ms. Pittman advised that the HPAB did not feel there was enough information to move forward with the applicant's request. Mr. Ralston, Architect for the Church, also addressed the Council. Mr. Ralston stated that they were not prepared to replace stained glass with stained glass at this time. The building has more critical preservation needs at this time. There is no ceiling, no plumbing and no mechanical – the building is not useable. A preservation plan still needs to be prepared and that could take from 4 to 12 months. After lengthy discuss and input by Jeffrey Widmer, Building Official, Councilmember Cotti made a motion to deny the variance and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- c. Appointment with Rick Dirkse regarding the north corridor into Rockwall and the development of the Caruth property.

**Rick Dirkse came forward and addressed the Council. Mr. Dirkse stated that he is against the Newland development and that it had been four months since the public hearing and people in the area would like to know what is going on. Mayor Cecil advised that the matter is under litigation at this time and no comment could be made.**

## **6. ACTION ITEMS**

- a. Discuss and consider a request by Kroger's for a sign variance and take any action necessary.

**Jeffrey Widmer discussed the background of the request. The applicant Craig Winkler of Kroger's came forward to address the Council and request approval of the variance. Councilmember Nielsen made a motion to approve the variance and Councilmember King seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- b. Discuss and consider general Council policies and procedures and take any action necessary.

**City Manager Julie Couch discussed the background of this item. Councilmember Scott made a motion to approve the policies and procedures and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- c. Discuss and consider authorizing the City Manager to enter into an Interlocal Agreement with Rockwall County regarding the City's Extra Territorial Jurisdiction and take any action necessary.

City Manager Julie Couch discussed the background of this item. Couch advised that the document before the Council tonight was a draft and that the final agreement would be brought to them at the next meeting for final approval. Councilmember Cotti made a motion to authorize the City Manager to enter into an interlocal agreement with Rockwall County and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- d. Discuss and consider authorizing the City Manager to enter into an Interlocal Agreement with the City of Heath regarding wholesale water services and take any action necessary.

City Manager Julie Couch discussed the background of this item. Councilmember Cotti made a motion authorizing the City Manager to enter into an interlocal agreement with the City of Heath and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

7. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

- a. Departmental Reports  
b. City Manager's Report

City Manager Julie Couch reminded the Council of the Council/Staff Retreat to be held on November 13-14, 2005 in Tlaga, Texas. Councilmember Cotti requested that Staff provide the costs incurred by the City when answering false fire and police alarms.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting into Executive Session at 7:42 p.m.

8. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.  
b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters  
c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.  
d. City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.  
e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.

- f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege
- g. Update on 1235 Ridge Road West.

**9. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**No action was taken as a result of Executive Session.**

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 8:30 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 5<sup>th</sup> day of December, 2005.

**ATTEST:**

Dorothy Brooks  
Dorothy Brooks, City Secretary

William R. Cecil  
William R. Cecil, Mayor



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**MINUTES**  
**ROCKWALL CITY COUNCIL**

November 21, 2005

4:00 p.m. Pre-Council Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

1. **CALL TO ORDER**

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

2. **HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. City of Rockwall vs. Wesley T. Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
- e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
- f. Pursuant to Section 551.071(2) of the Open Meetings Act. Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

3. **TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

No action was taken as a result of Executive Session.

2. **PRE-COUNCIL DINNER WITH CITIZEN'S ACADEMY MEMBERS.**

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 5<sup>th</sup> day of December, 2005.

ATTEST:

Dorothy Brooks  
Dorothy Brooks, City Secretary

William R. Cecil  
William R. Cecil, Mayor



**MINUTES  
ROCKWALL CITY COUNCIL**

November 21, 2005  
6:00 p.m. Regular Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

**1. CALL TO ORDER**

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielson, John King and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM BOB COTTI**

**3. RECOGNITION**

- a. Presentation of certificates to the graduates of the Rockwall Citizen's Academy.

Mayor Cecil presented the Rockwall Citizen's Academy Members certificates of Achievement.

- b. Presentation by John Harris, CEO of Lake Pointe Hospital and representing Tenet Health, to the Police Department of a check in the amount of \$7,500 to be used for the purchase of Automatic Electronic Defibrillators ("AED's").

John Harris presented Police Chief Mark Moeller with a check for \$7,500 for the purchase of Automatic Electronic Defibrillators.

- c. Presentation to Ash Christian.

Mayor Cecil presented a Key to the City to Ash Christian.

Fire Chief Mark Poindexter announced that the 2<sup>nd</sup> Annual Battle of the Badges football game is scheduled for Saturday, December 3, 2005, at 1:00 p.m. The game will be played at the high school stadium near Utley Freshman Center.

**4. CONSENT ITEMS**

- a. Consider adoption of a **Resolution** expressing official intent to reimburse costs of projects and take any action necessary.
- b. Consider approval of an Engineering Services Contract for the 205 Bypass from I-30 to Airport Road and take any action necessary.
- c. Consider approval of an Engineering Services Contract for the 205 Bypass from SH276 south to SH205 and take any action necessary.
- d. Consider approval of an Engineering Services Contract for the Country Lane elevated water storage tank and take any action necessary.

- e. Consider approval of an Engineering Services Contract for FM740 utilities relocation and take any action necessary.
- f. Consider approval of the Design and Engineering Contract for the neighborhood park located at The Shores and take any action necessary.
- g. Consider approval of the Design and Engineering Contract for the neighborhood park located at Foxchase and take any action necessary.
- h. **Z2005-025** -- Consider continuing until December 5, 2005, the consideration of the approval of a request by Miles Prestemon of Newland Communities for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 385.075-acres comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey. The subject property is located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run and take any action necessary.
- i. **P2005-034** -- Discuss and consider a request by Kyung Hwan In and Joe Hyung Chung for approval of a preliminary plat for Lot 1, Block A, Gadel Addition, being a 1.129-acre tract zoned (C) Commercial district located within the Scenic Overlay district and situated at the northeast corner of Ridge Road and Yellow Jacket Lane and take any action necessary.
- j. **P2005-039** -- Discuss and consider a request by Heather Cullins for approval of a replat of Lot 1, Block A, Rock Ridge Office Plaza Addition being a 0.48-acre tract zoned (PD-53) Planned Development No. 53 district and designated for (R-O) Residential-Office district uses, and located at 1014 Ridge Road and take any action necessary.
- k. **P2005-040** -- Discuss and consider a request by Misty Phillips for approval of a final plat of Lot 1, Block A, Phillips Office Addition, being a 0.19-acre tract zoned (PD-50) Planned Development No. 50 district and designated for (RO) Residential-Office uses, located at 705 N. Goliad and currently described as Lot 27, Block 22, Arnick Addition and take any action necessary.
- l. **P2005-041** -- Discuss and consider a request by Robbie Lee Hale of Shepherd Place Homes, Inc., for approval of a final plat for Westview Addition Phase 3, being 36-lots on 71.07-acres located south of Hwy 276 and west of FM 550 within the City of Rockwall extraterritorial jurisdiction (ETJ) and take any action necessary.
- m. Consider approval of the purchase of 2006 model police pursuit vehicles and take any action necessary.
- n. Consider authorizing the City Manager to enter into an Interlocal Agreement with Rockwall County regarding the City's Extra Territorial Jurisdiction and take any action necessary.
- o. Consider adoption of a **Resolution** canvassing the returns, including the returns of the recount of Proposition 5 of all of the ballots cast which was

held on November 19, 2005, and declaring the results of the Bond Election held November 8, 2005, and take any action necessary.

Councilmember Cotti requested that Consent Agenda Item 4a be pulled. Councilmember Scott requested that Consent Agenda Items 4b, 4c, 4d, 4e, 4f, and 4g be pulled. Councilmember Straughan made a motion to approve the remaining Consent Agenda Items (4a, 4h, 4i, 4j, 4k, 4l, 4m, and 4n). Councilmember McCallum seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Scott stated that he pulled the various Consent Agenda Items because they were on the bond and offered his congratulations to Staff for getting these done so quickly. Scott then made a motion to approve Consent Agenda Items 4b, 4c, 4d, 4e, 4f, and 4g. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

After clarifying that the recount was done of Proposition No. 5, Councilmember Cotti made a motion to approve Consent Agenda Item 4o and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

## 5. APPOINTMENTS

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

Planning and Zoning Chairman Phillip Herbst discussed the planning and zoning items on tonight's agenda.

- b. Appointment with Old Town Rockwall Neighborhood Association to discuss and consider acquisition and installation of interurban railroad playground equipment at Lofland Park and take any action necessary.

Marilyn Smith representing the Old Town Rockwall Neighborhood Association requested funding for acquisition and installation of interurban railroad playground equipment at Lofland Park. Councilmember McCallum made a motion to accept the proposal and fund the Lofland Park playground equipment and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- c. Appointment with Mary Smith, Finance Director, to discuss and consider approval of the garbage contract and take any action necessary.

Councilmember Matt Scott recused himself from hearing or taking action on this matter. Finance Director Mary Smith discussed the garbage contract bidding process and the recommendations of Staff. After lengthy discussion, Mayor Cecil made a motion to reject all bids and request that Staff send a request to the two lowest bidders for a best and final offer in order to get the lowest possible bid. Councilmember King seconded the motion. The motion passed by a vote of 6 ayes and 1 recusal [Scott]. Smith advised that they would bring the results back to the Council at the next meeting.

Councilmember Scott returned to the meeting.



- d. Appointment with Hotel/Motel Subcommittee to consider approval of additional funding for Old Town Rockwall Neighborhood Association and take any action necessary.

Finance Director Mary Smith discussed the Hotel/Motel Subcommittee's recommendation for funding for the Old Town Rockwall Neighborhood Association's Christmas Activities in the amount of \$2,000.00. Councilmember Straughan made a motion to approve the funding and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

## 6. PUBLIC HEARING

- a. Z2005-038 -- Hold a public hearing and consider a city-initiated revision to Article V (District Development Standards), Section 6.2, Historic Overlay (HO) District, of the City of Rockwall Unified Development Code (Ord. No. 04-38) and take any action necessary.

Planning Director Robert LaCroix discussed the background of this item. Mayor Cecil opened the public hearing but no one came forward to address the Council, so Mayor Cecil closed the public hearing. Councilmember Cotti made a motion to approve the request and Councilmember Straughan seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE V, SECTION 6.2, HISTORIC OVERLAY (HO) DISTRICT; DISTRICT; 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, AND PROVIDING FOR AN EFFECTIVE DATE.

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

- b. Z2005-039 (To be continued) -- Hold a public hearing and consider a request by Jean Voltz of Arkoma Development, LLC, for a change in zoning from (SF-10) Single-family Residential district and (Ag) Agricultural district to (PD) Planned Development district on a 49.35-acre tract situated along the west side of SH 205 (N. Goliad) south of Quail Run Rd and north of the Lakeview Summit subdivision, along the future extension of N. Lakeshore Drive and take any action necessary.

Robert LaCroix stated that the Planning and Zoning Commission had continued this matter and advised that although the Council would not take action on this matter tonight, they need to open and continue this public hearing. Mayor Cecil opened the public hearing. Councilmember Straughan made a motion to continue the public hearing to the next meeting and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

## 7. SITE PLANS / PLATS

- a. FF2005-002 -- Discuss and consider a request from Cody Guest to permit a front yard fence on Lot 6, Block 8, Northshore Phase 1A, located at 107 Teakwood, and take any action necessary.

Cody Guest, 107 Toakwood, came forward and requested that the Council approve the permit for a front yard fence. Councilmember Cotti made a motion to approve the request and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- b. SP2005-023 -- Discuss and consider a request by Gerald Houser for approval of a site plan for an office/retail development located on Lot 2R, Block 1, Highway 276 Self Storage Addition, being a 1.243-acre tract zoned (LI) Light Industrial District and situated within the SH 276 Corridor Overlay district along the north side of SH 276 east of FM 549 and take any action necessary.

Robert LaCroix discussed the background of this item. Councilmember Scott made a motion to approve the request and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

#### B. ACTION ITEMS

- a. Discuss and consider approval of a *Resolution* establishing a CBD form-based zoning citizen's advisory committee, and take any action necessary.

Robert LaCroix discussed the background of this item and recommended a committee of 7 members plus the Council liaisons. After discussion, Councilmember Straughan made a motion that there be 8 members and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- b. Discuss and consider amending the 2005-2006 Budget to allow for implementation of the tenure element of employee compensation and take any action necessary.

Councilmember Straughan made a motion to approve the implementation of the tenure element of employee compensation and Councilmember Cotti seconded the motion. The motion passed by a vote of 5 ayes and 2 nays [Cecil and McCallum].

- c. Discuss and consider approval of a *Resolution* electing to participate in a firearms training facility project and take any action necessary.

Police Chief Mark Moeller discussed the background of this request. Councilmember Straughan made a motion to approve the Resolution and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- d. Discuss and consider adopting revised Focus Areas for the City's Balance Scorecard and take any action necessary.

City Manager Julie Couch discussed the background of this item. Councilmember Cotti made a motion to replace Higher Education in the Focus Area with Customer Centered Government. Councilmember McCallum seconded the motion but requested that Cotti amend his motion to leave higher education in the Balanced Scorecard, but reassign it to the strategic level. Cotti agreed to the amendment. The motion passed unanimously by a vote of 7 ayes and 0 nays.

287 9. **HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF**  
288 **TEXAS GOVERNMENT CODE TO DISCUSS:**

- 289 a. Deliberation regarding the purchase, exchange, lease, or value of real  
290 property
- 291 b. Personnel Issues including Board, Commission, and Committee  
292 Appointments, and Related Matters.
- 293 c. Commercial or financial information regarding business prospects that the  
294 City seeks to have locate, stay, or expand in or near the territory of the  
295 City of Rockwall and with which the Board is conducting economic  
296 development negotiations
- 297 d. City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of  
298 the Estate of W W. Caruth, Jr., deceased.
- 299 e. Liability arising out of actions taken on agenda items for which it is the  
300 ethical duty of the City's attorneys to advise the Council.
- 301 f. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation  
302 with attorney with regard to a matter that it is the duty of the attorney to  
303 consult with the Council and falls under the attorney-client privilege

304 **There being no further business to come before the Council in regular session, Mayor**  
305 **Cecil adjourned the meeting into Executive Session at 8:30 p.m.**

307 **10. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

309 **No action was taken as a result of Executive Session.**

311 **There being no further business to come before the Council, Mayor Cecil adjourned the**  
312 **meeting at 9:30 p.m.**

313  
314 Approved by the City Council of the City of Rockwall, Texas, this 5<sup>th</sup> day of  
315 December, 2005.

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318 **ATTEST:**

319 Dorothy Brooks  
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321 **Dorothy Brooks, City Secretary**  
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William R. Cecil  
**William R. Cecil, Mayor**



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**MINUTES**  
**ROCKWALL CITY COUNCIL**

December 5, 2005  
3:00 p.m. Pre-Council Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

1. **CALL TO ORDER**

Mayor Cecil called the meeting to order at 3:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Tim McCallum, Margo Nielsen, John King and Malt Scott. Councilmember Stephen Straughan was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckerl. Mayor Cecil immediately adjourned the meeting into Executive Session.

2. **WORK SESSION TO DISCUSS DRAINAGE AND DETENTION ISSUES.**

3. **HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease or value of real property.
- b. Personnel Issues, including Board, Commission and Committee Appointments, and Related Matters
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. City of Rockwall vs. Vester T. Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
- e. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Council.
- f. Pursuant to Section 551.071(2) of the Open Meetings Act. Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

4. **TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

No action was taken as a result of Executive Session.

5. **PRE-COUNCIL DINNER WITH YOUTH ADVISORY COUNCIL MEMBERS**

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 3rd day of January, 2006.

ATTEST:

Dorothy Brooks  
Dorothy Brooks, City Secretary

William R. Cecil  
William R. Cecil, Mayor



**MINUTES  
ROCKWALL CITY COUNCIL**

December 5, 2005

6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

**1. CALL TO ORDER**

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Tim McCallum, Margo Nielsen, John King and Matt Scott. Councilmember Stephen Straughan was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER JOHN KING**

**3. PROCLAMATIONS/RECOGNITIONS**

- a. The Youth Advisory Council will be 'shadowing' the Council tonight.

Mayor Cecil recognized Youth Advisory Council members Sabrina Rasor, Kachi Amajor, Ellen Morgan, Courtney Powell, Annmarie Olind, Austin Staubus, Tommy Griswold, Justin Corneau and Sean Mehl.

**4. OPEN FORUM**

Mayor Cecil then proceeded with the Open Forum part of the meeting. Any person wishing to address the Council on any non-public hearing item was asked to come forward. The following persons addressed the Council:

**Nell Welborn**

810 Lake Meadows Circle

Rockwall, Texas

Ms. Welborn spoke in favor of retaining Trinity (Allied Waste) as our solid waste service provider.

**Al Crump**

520 Shoreview

Rockwall, Texas

Mr. Crump spoke in favor of retaining Trinity as our solid waste service provider.

**Pastor Joe Robbins**

805 Peters Colony

Rockwall, Texas

Pastor Robbins stated that he had drainage/sewage problems in his neighborhood that needed to be taken care of.

**John Browning**

213 Glenn Avenue

Rockwall, Texas

Mr. Browning spoke about the need for an Animal Shelter Advisory committee.

There being no one further to address the Council, Mayor Cocil closed the Open Forum segment of the meeting.

**5. CONSENT AGENDA**

- a. Consider approval of the Minutes from the October 3, 2005, City Council Meeting and take any action necessary.
- b. Consider approval of the Minutes from the October 10, 2005, Special City Council Meeting and take any action necessary.
- c. Consider approval of the Minutes from the October 17, 2005, City Council Meeting and take any action necessary.
- d. Consider approval of a contract with Brown Reynolds Watford for architectural services for the design of Rockwall Fire Stations #3 and #4 and take any action necessary.
- e. Consider approval of the Minutes from the November 7, 2005, City Council Meeting and take any action necessary.
- f. Consider approval of the Minutes from the November 21, 2005, City Council Meeting and take any action necessary.
- g. Consider approval of a Resolution supporting Cities Aggregate Power Project's effort to pursue a long-term coal option for providing electric services for its members and take any action necessary.
- h. Consider approval of the purchase of portable radios and accessories approved in the 2005-2006 Budget and take any action necessary.
- i. **Z2005-038 --** Consider approval of an ordinance for a city-initiated revision to Article V (District Development Standards), Section 6.2, Historic Overlay (HO) District, of the City of Rockwall Unified Development Code (Ord. No. 04-38) and take any action necessary. **[2<sup>nd</sup> Reading]**
- j. **P2005-035 --** Discuss and consider a request by Gerald Houser for approval of a replat of Lot 2, Block 1, Highway 276 Self Storage Addition, being a 1.24-acre tract zoned (LI) Light Industrial District and located along the north side of SH 276 east of FM 549 and take any action necessary.
- k. **P2005-042 --** Discuss and consider a request by Harold Ferty of Rockwall Surveying Co., Inc., for approval of a final plat of Lot 1, Block A, Horizon Ridge Center Phase 2, being a 1.55-acre tract zoned (PD-9) Planned Development No. 9 District and located at the southwest corner of FM 3097 and Rockwall Pkwy and take any action necessary.
- l. **P2005-045 --** Discuss and consider a request from Marc Bentley of Bentley Engineering, Inc. for approval of an amended preliminary plat for Meadowcreek Business Center Addition, being a 19.84-acre tract zoned (C) Commercial district and located along the east side of SH 205, south of SH 276 and across from Ralph Hall Pkwy and take any action necessary.

- m. **P2005-047** -- Discuss and consider a request from Marilyn Roberts for approval of a final plat for Meadowcreek Business Center Addition, being a 10.1-acre tract zoned (C) Commercial district and located along the east side of SH 205, south of SH 276 and across from Ralph Hall Pkwy and take any action necessary
- n. **Z2005-025** -- Consider continuing until January 3, 2006, the consideration of the approval of a request by Miles Preston of Newland Communities for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 305.075-acres comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey. The subject property is located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run and take any action necessary.
- o. Consider approval of a **Resolution** approving the financing by the North Central Texas Health Facilities Development Corporation of a health facility located within the City of Rockwall, Texas, and take any action necessary.
- p. Consider approval of a contract with Brinkley Sargent Architects for professional services related to future facilities expansion and planning study and take any action necessary.

Councilmember McCallum requested that Consent Agenda Items 5c and 5g be pulled and then made motion to approve the remaining items. Councilmember Cotti seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 05-60

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE V, SECTION 5.2, HISTORIC OVERLAY (HO) DISTRICT; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent [Straughan].

With regard to Consent Agenda Item 5c, Councilmember McCallum requested that the Minutes from the October 17, 2005, City Council Meeting be amended to show that he had to leave the meeting "due to a family emergency" and then made a motion to approve the Minutes as corrected. Councilmember Cotti seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [Straughan].

Councilmember McCallum made a motion to approve Consent Agenda Item 5g and Councilmember King seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Straughan].

**6. APPOINTMENTS**

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

199 **Phillip Herbst and Greg Burgamy of the Planning and Zoning Commission discussed the**  
200 **various planning and zoning items on tonight's agenda.**

- 201  
202       b.       **Appointment with Nancy Beaty for a report on the Pumpkin Patch.**

203 **Nancy Beaty came forward and gave her report on the 17<sup>th</sup> Annual Pumpkin Patch. Beaty**  
204 **advised that the Pumpkin Patch drew record-breaking crowds once again and that their**  
205 **records reflected visitors from 60 communities outside of Rockwall County, including**  
206 **foreign visitors. The Pumpkin Patch sold almost 110,000 pounds of carving pumpkins**  
207 **and edible squash, more than 4,800 pie pumpkins, nearly 1,000 chrysanthemums and**  
208 **over 2,000 pieces of decorative corn, mini pumpkins and gourds. They also sold 768 jars**  
209 **of homemade jellies, pickles, jalapeno surprises and pumpkin butters. Beaty stated that**  
210 **the Pumpkin Patch is proud to be one of the recipients of the City's generosity and to**  
211 **show that they are good stewards, presented a check to the City in the amount of**  
212 **\$760.39, which is the remainder of the Hotel/Motel Tax Distribution that they did not use.**

- 213  
214       c.       **Appointment with Rob Whittle regarding a variance for the number of**  
215 **directory signs and the size of the directory signs for The Harbor Project and**  
216 **take any action necessary.**

217 **Rob Whittle came forward and requested the Council approve the variances requested**  
218 **regarding signage at The Harbor Project. Councilmember Cotti made a motion to**  
219 **approve the variances and Councilmember Scott seconded the motion. The motion**  
220 **passed by a vote of 6 ayes and 1 absent [Straughan].**

- 221  
222       d.       **Appointment with Mary Smith, Finance Director, to discuss solid waste**  
223 **program and continue discussion regarding the solid waste contract and take**  
224 **any action necessary.**

225 **Finance Director Mary Smith discussed the solid waste contract. City Attorney Eckert**  
226 **stated that Councilmember Scott could stay and discuss the solid waste bulk program**  
227 **but would have to recuse himself from discussing the contract award. After lengthy**  
228 **discussion, Councilmember Scott made a motion to continue the current service of**  
229 **unlimited bulk pickup and Councilmember McCallum seconded the motion. The motion**  
230 **passed by a vote of 6 ayes and 1 absent [Straughan].**

231  
232 **Councilmember Scott recused himself from taking part in the discussion or vote on the**  
233 **award of the solid waste services contract.**

234  
235 **City Attorney Eckert advised that because IESI had offered a roll-off cart to Helping**  
236 **Hands at no charge, Councilmember Nielsen would need to recuse herself from taking**  
237 **part in the discussion or voting on the award of the solid waste services contract.**  
238 **Councilmember Nielsen recused herself. Eckert then advised the Council what actions**  
239 **were available to them with regard to the contract award.**

240  
241 **Councilmember McCallum made a motion to reject IESI's proposal for "No charge roll off**  
242 **service one time per month for Helping Hands" and Councilmember Cotti seconded the**  
243 **motion. The motion passed by a vote of 4 ayes, 2 recusals [Scott and Nielsen] and 1**  
244 **absent [Straughan].**

245  
246 **Councilmember Nielsen returned to the meeting.**  
247



Councilmember Cotti made a motion to recess the meeting in order to allow Staff to talk with the providers regarding the bulk services. Councilmember Nielsen seconded the motion and the motion passed by a vote of 5 ayes, 1 refusal (Scott) and 1 absent (Straughan). City Attorney Eckert advised that Mayor Cecil, City Manager Julie Couch and Mary Smith should talk with the vendors.

After reconvening and lengthy discussion, Councilmember Cotti made a motion naming Allied Waste as the preferred provider for solid waste services and instructing Staff to work with Allied on the cost for bulk services. Councilmember King seconded the motion and the motion passed by a vote of 3 ayes, 2 nays (Cecil and McCallum), 1 refusal (Scott) and 1 absent (Straughan).

Councilmember Scott returned to the meeting.

- e. Appointment with Birkhoff, Hendricks & Conway, L.L.P. regarding Fannin Street Improvements and take any action necessary

Gary Hendricks of Birkhoff, Hendricks & Company came forward and gave a power point presentation of the Fannin Street Project overview.

## 7. PUBLIC HEARING ITEMS

- a. Z2005-037 -- Hold a public hearing and consider approval of an *Ordinance* for a city-initiated revision to Article IV, Permissible Uses, Table 1, Land Use Tables, of the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically to require a Specific Use Permit (SUP) for "Restaurant, Less than 2000 sq. ft., w/ Drive-Thru or Drive-in," and take any action necessary. [1<sup>st</sup> Reading]

Robert LaCroix, Director of Planning and Zoning, discussed the background of this item and stated that the Planning and Zoning Commission recommended approval of the changes. Mayor Cecil opened the public hearing but no one came forward to address the Council so the public hearing was closed. Councilmember McCallum made a motion to approve the ordinance and Mayor Cecil seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE IV, PERMISSIBLE USES, TABLE 1, LAND USE TABLES, SPECIFICALLY TO REQUIRE A SPECIFIC USE PERMIT (SUP) FOR "RESTAURANT, LESS THAN 2000 SQ. FT., W/ DRIVE-THRU OR DRIVE-IN", MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent (Straughan).

- b. Z2005-039 -- Hold a public hearing and consider approval of an *Ordinance* for a request by Jean Veltz of Arkoma Development, LLC, for a change in zoning from (SF-10) Single-family Residential district and (Ag) Agricultural district to (PD) Planned Development district on a 49.35-acre tract situated along the west side of SH 205 (N. Goliad) south of Qva I Run Rd and north of

the Lakeview Summit subdivision, along N Lakeshore Drive and take any action necessary. [1<sup>st</sup> Reading]

Robert LaCroix discussed the background of this item and stated that the applicant had requested that the matter be tabled to the next meeting. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

**Peter Kessels of Kimley-Horn**

Mr. Kessels represented the owner and discussed the project.

**Don Watson**

1877 Random Oaks

Rockwall, Texas

Mr. Watson stated he was concerned about traffic coming through the Random Oaks neighborhood, but with the changes made to the project, he does not have any objections so long as traffic does not increase through the neighborhood.

**Michael Hunter**

2220 W. Quail Run Road

Rockwall, Texas

Mr. Hunter stated he was in favor of this project.

There being no one further to address the Council, Mayor Cecil closed the public hearing.

Councilmember McCallum made a motion to approve the request with the stipulation that no exterior merchandising of products will be allowed at the gas station/convenience store and Councilmember Scott seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM {SF-10} SINGLE FAMILY RESIDENTIAL DISTRICT AND {AG} AGRICULTURE DISTRICT TO PLANNED DEVELOPMENT NO. 65 DISTRICT FOR A 49.35-ACRE TRACT OF LAND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETOFORE AND MADE A PART HEREOF; 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 6 ayes and 1 absent [Straughan].

#### **B. ACTION ITEMS**

- a. Discuss and consider approval of a *Resolution* adopting garbage rates and take any action necessary.

Councilmember Cotti made a motion to table this item until the next meeting. Councilmember McCallum seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [Straughan].

- b. Discuss and consider traffic issues concerning Lakeshore Drive south of SH-66, Summit Ridge, Lakohill and Lakedale Streets and take any action necessary.

Mayor Cecil proposed and discussed the need to reduce the speed limit in this entire area to 25 mph, except for those areas already marked at 20 mph. After lengthy discussion, Councilmember King made a motion to reduce the speed limit to 25 miles per hour, including Becky Lane and excluding the areas already marked at 20 mph. Councilmember Scott seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [Straughan].

- c. Discuss and consider the creation of an animal shelter advisory committee and take any action necessary.

City Manager Julie Couch discussed this matter and stated that the committee should consist of 7 members – a local vet, an Animal Control Staff member, a City Official and a representative from an Animal Rights Group. After discussion, Council instructed Staff to move forward with the research on, requirements of and how to form the advisory committee.

- d. Discuss and consider approval of an *Ordinance* giving Code Enforcement Officers the authority to write citations and take any action necessary. [1<sup>st</sup> Reading]

Jeffrey Widmer discussed the background of this request and stated that the ordinance would be amended before second reading to include the failure to appear language found in the Health and Safety Code. Councilmember McCallum made a motion to approve the Ordinance with the addition of the failure to appear language and Councilmember Nielsen seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 2 ADMINISTRATION, ARTICLE II OFFICERS AND EMPLOYEES, DIVISION J, GENERALLY, TO PROVIDE THAT CODE ENFORCEMENT OFFICERS HAVE THE AUTHORITY TO ISSUE CITATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent [Straughan].

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

- a. Departmental Reports  
b. City Manager's Report

Fire Chief Mark Poindexter gave a report on the Battle of the Badges Football game. The Fire Department defeated the Police Department by a score of 48 to 21.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting into Executive Session at 10:39 p.m.

10. **HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations
- d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

11. **TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

**Councilmember McCallum made a motion to reappoint the following persons to the Rockwall Economic Development Corporation and Councilmember King seconded the motion:**

**Carl Jackson  
Ron Coleson  
George Hatfield  
Gary Martin  
Martin Musser  
Nell Welborn**

**The motion passed by a vote of 6 ayes and 1 absent [Straughan].**

**Councilmember Cotti made a motion to appoint Michael Hunter to the Planning and Zoning Commission and Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Straughan].**

**Councilmember Cotti made a motion to reappoint Frank Miller to the Central Appraisal District Board and Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Straughan].**

**Councilmember Cotti made a motion to appoint Ray Harton and Melba Jeffus to the Architectural Review Board and Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Straughan].**

**Mayor Cecil made a motion to appoint the following persons to the Downtown Committee and Councilmember King seconded the motion.**

**Jerry Wimpee  
Connie Jackson**

444 Ross Ramsay  
445 Sherry Pittman  
446 Lynn Davis  
447 Darrell McCallum  
448 Joe Wimpee  
449 Stephen Straughan will be the Council liaison to the Committee.  
450

451 The motion passed by a vote of 6 ayes and 1 absent [Straughan].  
452

453 There being no further business to come before the Council, Mayor Cecil adjourned the  
454 meeting at 11:45 p.m.  
455

456 Approved by the City Council of the City of Rockwall, Texas, this 3rd day of  
457 January, 2006.  
458

459  
460 ATTEST:  
461 Dorothy Brooks  
462  
463 Dorothy Brooks, City Secretary

William R. Cecil  
William R. Cecil, Mayor

