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MINUTES
ROCKWALL CITY COUNCIL

January 3, 2006

4:00 p.m. Pre-Council Meeting

City Hall, 385 S. Gollad, 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. Vester T Hughes, Jr. as sole independent Executor of the Estate of W.W. Caruth, Jr., deceased.
- 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.

Approved by the City Council of the City of Rockwall, Texas, this 17th day of January, 2006.

ATTEST:


Dorothy Brooks, City Secretary


William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

January 3, 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 MARGO NIELSEN

3. PROCLAMATIONS/RECOGNITIONS

a. Recognition of the CIP Committee and Rockwall Yes Committee

Mayor Cecil presented proclamations to the following CIP Committee members: Phillip Herbst, Sam Noel, Kirt Kinser, Mark Born, Dennis Dayman and Mike Kitkoski. CIP Committee Members Barbara Coleson, Darlene Bealmear and Peg Pannell-Smith were unable to attend the meeting. Mayor Cecil then presented a proclamation to Pam and Michael Kitkoski for all their hard work on the recent bond election.

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 as a public hearing item. The following persons came forward to address the Council:

Sam Noel
1305 Champions Drive
Rockwall, Texas

Mr. Noel spoke about the vandalism of holiday decorations and the need to educate people about not destroying other people's property.

Mark Schellhammer
2280 Waterway
Mr. Schellhammer spoke in favor of IESL.

Derrick Elledge
663 Turtle Cove
Mr. Elledge stated that the Council should re-open the bid on solid waste.

Mark Bridges
2305 Falls View
Mr. Bridges spoke in support of reconsidering the solid waste contract.

Jay James
1940 Club Lake Drive
Mr. James spoke about the trash contract and stated we need to save money.

Brian Andrews
2530 Shorecrest Drive
Mr. Andrews spoke about the trash contract and stated we need to save money.

Art Ruff
1175 Ridge Road West
Mr. Ruff urged the Council to reconsider the large item pickup. Mr. Ruff stated that people abuse the process and that a size should be implemented and if a person goes over that size, they should be charged extra.

Nell Welborn
810 Lake Meadows
Ms. Welborn spoke in favor of keeping the service we have with regard to unlimited bulk pickup. This keeps the neighborhoods clean. Ms. Welborn stated that we should keep Trinity as our provider.

Billy Morris
1102 Vall Court
Mr. Morris stated that we should keep Trinity as our provider. Business taught him to be wary of the low bidder. We should decide based on past performance.

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

5. CONSENT AGENDA

- a. 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. [2nd Reading]
- b. Consider approval of an **Ordinance** for 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 N. Lakeshore Drive and take any action necessary. [2nd Reading]
- c. Consider approval of an **Ordinance** giving Code Enforcement Officers the authority to write citations and take any action necessary. [2nd Reading]

- d. Consider authorizing the City Manager to sign an agreement with Metro PCS for lease of space on the City's communication tower located on Boydston Street and take any action necessary.
- e. Consider approval of a **Resolution** designating the City Secretary as the public information officer for the purpose of receiving faxed and e-mailed public information requests and as the public information officer for the purposes of receiving training on the responsibilities of the City of Rockwall concerning the Public Information Act and take any action necessary.
- f. Consider authorizing the City Manager to enter into an agreement with Hill-Wilkinson for construction management services for the Fire Station #3 and Fire Station #4 projects and take any action necessary.
- g. **P2005-043** -- Discuss and consider a request by Randell Curington of Spring Haven Investments, Inc., for approval of a master plat for Fontana Ranch, being an 83.30-acre tract zoned (PD-64) Planned Development No. 64 District. The subject property is located along the east side of FM 549 south of SH 276 and take any action necessary.
- h. **P2005-044** -- Discuss and consider a request by Randell Curington of Spring Haven Investments, Inc., for approval of a preliminary plat for Fontana Ranch, being an 83.30-acre tract zoned (PD-64) Planned Development No. 64 District. The subject property is located along the east side of FM 549 south of SH 276 and take any action necessary.
- i. Consider approval of the purchase of 2006 model vehicles for various departments and take any action necessary.
- j. Consider approval of the Minutes from the December 5, 2005 City Council meeting and take any action necessary.

Councilmember Straughan requested that Consent Agenda Item 5j be pulled. Councilmember Scott requested that Consent Agenda Items 5g and 5h be pulled. Councilmember McCallum requested that Consent Agenda Item 5d be pulled and then made a motion to approving the remaining Consent Agenda Items. Councilmember Cotti seconded the motion and the ordinance was read as follows:

ORDINANCE NO. 06-01

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

ORDINANCE NO. 06-02

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 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.

ORDINANCE NO. 06-03

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 I, 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 unanimously by a vote of 7 ayes and 0 nays.

Mayor Cecil made a motion to table Consent Agenda Item 5d to the next meeting and Councilmember Straughan 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 Items 5g and 5h and Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [Scott].

Councilmember Cotti made a motion to approve Consent Agenda Item 5j and Councilmember King seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [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.

Phillip Herbst, Planning and Zoning Chairman, discussed the planning and zoning items on tonight's agenda.

- b. Left blank on purpose.

- c. Appointment with Mary Smith, Finance Director, regarding the solid waste contract and take any action necessary.

Mary Smith discussed the solid waste contract and stated that they had received the final pricing. The new rate will be \$12.39 per month. Councilmember Cotti made a motion to approve the contract and Councilmember King seconded the motion. The motion passed by a vote of 4 ayes and 3 nays [Scott, McCallum and Cecil].

7. PUBLIC HEARING ITEMS

- a. FF2005-003 -- Hold a public hearing and consider a request from Don and Christine Teague for approval of a front yard fence, including a variance to the maximum height requirement of 36-inches (proposed 60-

inches). at their property located at 2460 Rolling Meadows Drive being Lot 11, Rolling Meadows Estates, zoned (SF-E/4.0) Single Family Estate district and take any action necessary.

Robert LaCroix, Director of Planning and Zoning, discussed the background of the request from Don and Christine Teague for approval of a front yard fence, including a variance to the maximum height requirement of 36-inches (proposed 60-inches). LaCroix stated no opposition had been received regarding this request. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

**Christine Teague
2460 Rolling Meadows Drive
Ms. Teague is the applicant and she asked the Council to approve the request.**

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

Councilmember Straughan made a motion to approve the request and Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

8. SITE PLANS/PLATS

- a. SP2005-019 -- Discuss and consider a request by Eric Flag of W D Partners, for approval of site plan for a restaurant (La Madeleine) on Lot 2, Block A Rockwall Crossing Addition, being a 1.42-acre tract zoned (C) Commercial district and along the south service road of I-30 and immediately east of the TGI Fridays and take any action necessary.**

Robert LaCroix discussed the background of the request. LaCroix stated that the Architectural Review Board had approved the design and architecture and that the Planning and Zoning Commission has also recommended approval. 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. P2005-046 -- Discuss and consider a request by Ross Ramsay for approval of a preliminary plat of Lots 1 and 2, Block A, Tropical John's Addition, being a 0.66-acre tract zoned (PD-55) Planned Development No. 55 district and (GR) General Retail district, located at the southeast corner of N. Fannin St and Williams St (SH 55), comprised of properties addressed as 308 and 402 N. Fannin St (both demolished) and 302 Williams (existing Tropical John's nursery) and take any action necessary.**

Robert LaCroix discussed the background of the request and stated that the Planning and Zoning recommended approval. Ross Ramsay (representing the owners), 637 Stafford Circle, came forward and addressed the Council regarding this request. 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.

- c. SP2005-031 -- Discuss and consider a request by Ross Ramsay for approval of a site plan for Smitty's Roadhouse Grill, located on the proposed Lot 2, Block A, Tropical John's Addition, being a 0.29-acre tract zoned (GR) General Retail district and located at 308 North Fannin Street and take any action necessary.

Robert LaCroix discussed the background of this request and stated that the Planning and Zoning Commission recommended approval of the request. Councilmember Cotti made a motion to approve the request with the condition that the applicant come back to the Council at final plat with the parking details. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

9. ACTION ITEMS

- a. Discuss and consider approval of a *Resolution* adopting garbage rates 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 2 nays [McCallum and Scott].

- b. Discuss and consider approval of an *Ordinance* amending the Code of Ordinances in Chapter 5 Animals to provide for failure to appear language for citations and making registrations valid for one year after date of registration and take any action necessary. [1st Reading]

Jeffrey Widmer discussed the background of this request. 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, AMENDING THE CODE OF ORDINANCES IN CHAPTER 5 ANIMALS, SEC. 5-2 ENFORCEMENT TO PROVIDE FOR THE ISSUANCE OF CITATIONS AND IN SEC. 5-5 DOG/CAT PERMITS AND TAGS - GENERALLY TO PROVIDE FOR ANNUAL REGISTRATIONS; 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.

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

- c. Z2005-025 -- Discuss and consider approval of an *Ordinance* for a request by Miles Preston 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. [1st Reading]

Councilmember Scott made a motion to table this matter to the next meeting and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- d. Discuss and consider a request by Jerry Sylo of Jones & Boyd, Inc., for approval of a special exception from the front yard setback requirements

- 393 I. Discuss and consider approval of an Ordinance amending the Code of
394 Ordinances in Chapter 16 Motor Vehicles and Traffic in Division 6 Speed
395 by providing for a maximum speed in an area south of SH-66 and east of
396 Goliad and including, but not limited to Lakeshore Drive, Lakedale,
397 Lakohill, Lake Meadows, Becky Lane and Summit Ridge and take any
398 action necessary

399 Mayor Cecil discussed the background of this item and made a motion to approve the
400 ordinance. Councilmember Cotti seconded the motion and the ordinance was read as
401 follows:

402 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
403 THE CODE OF ORDINANCES IN CHAPTER 16 MOTOR VEHICLES AND TRAFFIC IN DIVISION
404 6 SPEED BY ADDITION OF SEC. 16.207 MAXIMUM SPEED LIMITS IN A RESIDENTIAL AREA;
405 PROVIDING FOR THE POSTING OF SIGNS; PROVIDING FOR A PENALTY OF A FINE NOT TO
406 EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY
407 CLAUSE; PROVIDING AN EFFECTIVE DATE.
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409

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

411
412 10. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
413 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

- 414
415 a. Departmental Reports
416 b. City Manager's Report

417 Julie Couch stated that fire safety was of high concern with the drought conditions we
418 are currently experiencing. We are waiting on direction from the North Texas Municipal
419 Water District on water rationing.

420 Councilmember Straughan stated that he was concerned that the fire stations are not
421 manned between 6:00 a.m. – 8:00 a.m. and 5:00 p.m. – 6:00 p.m. We need to address this
422 problem soon, especially with Fire Station #3 and Fire Station #4 coming up in
423 approximately 18 months.

424 There being no further business to come before the Council in regular session, Mayor
425 Cecil adjourned the meeting into Executive Session at 8:32 p.m.
426

427 11. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF
428 TEXAS GOVERNMENT CODE TO DISCUSS:

- 429 a. Deliberation regarding the purchase, exchange, lease, or value of real
430 property.
431 b. Personnel Issues, including Board, Commission, and Committee
432 Appointments, and Related Matters.
433 c. Commercial or financial information regarding business prospects that the
434 City seeks to have locate, stay, or expand in or near the territory of the
435 City of Rockwall and with which the Board is conducting economic
436 development negotiations
437 d. City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of
438 the Estate of W.W. Caruth, Jr., deceased.

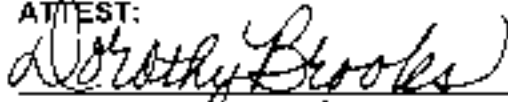
- e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

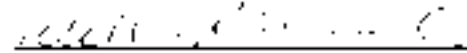
A Land Use Subcommittee was formed and will consist of Councilmember Nielsen, Councilmember Cotti and Mayor Cecil.

There being nothing further to come before the Council, Mayor Cecil adjourned the meeting at 9:30 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 17th day of January, 2006.

ATTEST:


Dorothy Brooks, City Secretary


William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

January 17, 2006

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 Pato 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, Staff 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. 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**

4. **PRE-COUNCIL DINNER**

No action was taken as a result of Executive Session.

Approved by the City Council of the City of Rockwall, Texas, this 6th day of February, 2006.

ATTEST:


Dorothy Brooks, City Secretary


William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

January 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 – MAYOR BILL CECIL

3. PROCLAMATIONS/RECOGNITIONS

a. None for this meeting.

4. CONSENT ITEMS

a. Consider approval of the Minutes from the January 3, 2006 City Council meeting and take any action necessary.

b. Consider approval of a Resolution thanking various cities and entities for their support and take any action necessary.

c. Consider approval of an **Ordinance** amending the Code of Ordinances in Chapter 5 Animals to provide for failure to appear language for citations and making registrations valid for one year after date of registration and take any action necessary. [2nd Reading]

d. Consider approval of an Ordinance amending the Sign Code regarding signage downtown and take any action necessary. [2nd Reading]

e. Consider approval of an Ordinance amending the Code of Ordinances in Chapter 16 Motor Vehicles and Traffic in Division 6 Speed by providing for a maximum speed in an area south of SH-66 and east of Goliad and take any action necessary [2nd Reading]

f. P2005-048 – Consider approval of a request by Jeff Linder of Kimley-Horn and Associates, Inc., for approval of a replat of Lot 4, Block A, Horizon Ridge Addition, being a 0.789-acre tract zoned (PD-9) Planned Development No. 9 district and situated along the southwest side of FM 3097 (Horizon Road) southeast of FM 740 (Ridge Road) and take any action necessary.

- 90 g. Consider authorizing the City Manager to sign an agreement with
91 Metro PCS for lease of space on the City's communication tower
92 located on Boydston Street and take any action necessary.
- 93 h. Consider approval of a recommendation from the Parks &
94 Recreation Board naming the neighborhood park in Park District #2
95 as Shores Park and take any action necessary.
- 96 i. Consider approval of a Facility Agreement with Park Place West for
97 Washington Street improvements and take any action necessary.
- 98 j. Consider approval of an Ordinance amending the Sign Code with
99 regard to political signs and take any action necessary.

100 **Councilmember Cotti requested that Consent Agenda Items 4e, 4i and 4j be**
101 **pulled. Councilmember McCallum requested that Consent Agenda Item 4g be**
102 **pulled and then made a motion to approve the remaining items. Councilmember**
103 **Scott requested that Consent Agenda Item 4h be pulled and seconded**
104 **McCallum's motion if 4h was not included. McCallum agreed to the amendment**
105 **and the ordinances were read as follows:**

106
107 **ORDINANCE NO. 06-05**

108
109 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
110 **AMENDING THE CODE OF ORDINANCES IN CHAPTER 5 ANIMALS, SEC. 5-2**
111 **ENFORCEMENT TO PROVIDE FOR THE ISSUANCE OF CITATIONS AND IN SEC. 5-**
112 **5 DOG/CAT PERMITS AND TAGS - GENERALLY TO PROVIDE FOR ANNUAL**
113 **REGISTRATIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE**
114 **SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY**
115 **CLAUSE; PROVIDING AN EFFECTIVE DATE.**

116
117 **ORDINANCE NO. 06-04**

118
119 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
120 **AMENDING THE SIGN CODE, AS PREVIOUSLY AMENDED, IN SECTION III SIGN**
121 **STANDARDS, B. FUNCTIONAL STANDARDS; PROVIDING FOR A PENALTY OF A**
122 **FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000);**
123 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE**
124 **DATE.**

125
126 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**

127
128 **Councilmember Cotti requested clarification regarding Consent Agenda Item 4e,**
129 **which is the Ordinance amending the Code of Ordinances In Chapter 16 Motor**
130 **Vehicles and Traffic in Division 6 Speed by providing for a maximum speed in an**
131 **area south of SH-66 and east of Goliad. After discussion, Cotti made a motion**
132 **approving the ordinance on the condition that it will be in the form as presented**
133 **at first reading. Mayor Cecil seconded the motion and the ordinance was read as**
134 **follows:**

ORDINANCE NO. 06-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 16 MOTOR VEHICLES AND TRAFFIC IN DIVISION 6 SPEED BY ADDITION OF SEC. 16-207 MAXIMUM SPEED LIMITS IN A RESIDENTIAL AREA; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING FOR 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 unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti asked for clarification on Consent Agenda item 4i regarding which bonds the funds would come from to fund the project. City Manager Julie Couch stated that the funding would come from the 2002 Bonds. Cotti then made a motion to approve Consent Agenda item 4i and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

With regard to Consent Agenda Item 4j, Councilmember Cotti asked for clarification from City Attorney Pate regarding the language in the proposed ordinance and if it followed state law. Eckert stated that the ordinance was in accordance with HB212. Cotti then made a motion to approve the ordinance 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 SIGN ORDINANCE IN SECTION III, B. FUNCTIONAL STANDARDS, 13. POLITICAL SIGNS AND TABLE II FUNCTIONAL STANDARDS; 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. *[1st Reading]*

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

Councilmember McCallum stated that due to business relations, he would be abstaining from participating or taking in action on Consent Agenda item 4g. Councilmember Scott asked for confirmation that the Metro PCS service was just for cell phones and then made a motion to approve the contract. Councilmember Straughan seconded the motion and the motion passed by a vote of 6 ayes and 1 abstain [McCallum].

With regard to Consent Agenda item 4h, Councilmember Scott questioned the naming of the neighborhood park in The Shores, Shores Park and suggested naming the park after either Margo Nielsen or Julie Couch. After lengthy discussion culminating in an agreement to reactivate the Council Subcommittee on Facilities Naming, Councilmember Scott made a motion to remand the matter back to the Park Board and ask them to consider alternative names 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.

Planning and Zoning Chairman Phillip Herbst discussed the planning and zoning items on tonight's agenda.

6. PUBLIC HEARING

- a. **Z2005-041** -- Hold a public hearing and consider a request by Scott and Andrea Gunderson for approval of a Specific Use Permit (SUP) allowing for an accessory building/detached garage exceeding the maximum size requirement of 1250-sf at their property at 241 Willowcrest Lane, located on Lot 26, Block A, Willowcrest Estates and zoned (SF-E/1.5) Single Family Estate district and take any action necessary.

Robert LaCroix, Director of Planning, discussed the background of this item. LaCroix stated there was no opposition to the request and 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:

Scott Gunderson (Applicant)

241 Willowcrest

Mr. Gunderson asked for approval of his request.

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

Councilmember Straughan 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, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-E/1.5) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR A DETACHED GARAGE EXCEEDING THE MAXIMUM SIZE REQUIREMENT, ON A TRACT LOCATED AT 241 WILLOWCREST LANE, BEING LOT 26, BLOCK A, WILLOWCREST ESTATES ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. *[1st Reading]*

232
233 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**
234

- 235 **b. P2005-049 --** Hold a public hearing and consider a request by Dan
236 Ramsey of Jones & Boyd, Inc. for approval of a residential replat of
237 Lots 8-11, Promenade Harbor II, specifically to provide a 20-ft front
238 yard setback on the subject lots. The subject property is zoned (SF-
239 10) Single Family Residential district and take any action
240 necessary.
241

242 **Robert LaCroix discussed the background of this request and stated that the**
243 **Planning and Zoning Commission had recommended approval. Mayor Cecil**
244 **opened the public hearing and the following persons came forward to address**
245 **the Council:**
246

247 **Jeff Miles of Jones & Boyd (Applicant)**
248 **Mr. Miles asked that the Council approve the request.**
249

250 **There being no one further to address the Council, Mayor Cecil closed the public**
251 **hearing.**
252

253 **Councilmember Cotti made a motion to approve the request and Councilmember**
254 **McCallum seconded the motion. The motion passed unanimously by a vote of 7**
255 **ayes and 0 nays.**
256

- 257 **c. AM2006-001 --** Hold a public hearing and consider approval of an
258 ordinance for a city initiated amendment to the City of Rockwall
259 Code of Ordinances – Subdivision Regulations – Chapter 24 –
260 Amending Section 24-10 Miscellaneous Requirements, specifically
261 to add a new Subsection (p), Review of Homeowners Association
262 (HOA) documents and take any action necessary.
263

264 **Robert LaCroix discussed the background of this item. Mayor Cecil opened the**
265 **public hearing and the following persons came forward to address the Council:**
266

267 **James Pulatie**
268 **1554 Champions Court**
269 **Mr. Pulatie stated that he is in favor of The Shore's HOA regulations.**
270

271 **Bob Amick**
272 **1431 Strawberry Lane**
273 **Mr. Amick stated that most people never see the restrictive**
274 **covenants before they close on a home. There is no communication**
275 **between the HOA and residents or builders and buyers and urged**
276 **the Council to be specific as they possibly can be with regard to**
277 **HOA's.**

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

Councilmember Scott made a motion to approve the ordinance, with the addition of the two requirements he had proposed (See Action Item 8j). After lengthy discussion, Councilmember Cotti seconded the motion, with the change in the language regarding political signs. City Attorney Eckert had advised that the language regarding "time before and after" an election must be removed. Councilmember Scott stated that he would amend his motion. Mayor Cecil requested that the motion be amended to also include the formation of a Subcommittee to explore the aspect of ensuring that potential citizens know what they are getting into before the sales closing. Councilmember Scott so amended his motion and Councilmember Cotti amended his second. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE SUBDIVISION REGULATIONS, CHAPTER 24 OF THE CITY OF ROCKWALL CODE OF ORDINANCES, SECTION 24-10 MISCELLANEOUS REQUIREMENTS, SPECIFICALLY TO ADD A NEW SUBSECTION (p) REVIEW OF HOMEOWNERS ASSOCIATION (HOA) DOCUMENTS; 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. *{1st Reading}*

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

7. SITE PLANS / PLATS

a. No Items.

8. ACTION ITEMS

a. **Z2005-025** – Take public input and 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.

Robert LaCroix discussed the background of this request. Terry Morgan, attorney for the City on this project, also addressed the Council. Mayor Cecil announced that although this is not a public hearing, he would allow input from the applicant and interested citizens. The following persons came forward to address the Council:

326
327 **Miles Prestemon (Applicant)**

328 **Mr. Prestemon gave a power point presentation and discussed their**
329 **changes to the plan.**

330
331 **Mark Hazel**

332 **3059 N. Goliad**

333 **Mr. Hazel spoke against the project.**

334
335 **David Stone**

336 **3053 N. Goliad**

337 **Mr. Stone spoke against the project.**

338
339 **Carey Mason**

340 **3069 N. Goliad**

341 **Mr. Mason spoke against the project.**

342
343 **Don French**

344 **3079 N. Goliad**

345 **Mr. French spoke against the project.**

346
347 **Rick Dirkse**

348 **3077 N. Goliad**

349 **Spoke against the project.**

350
351 **Ross Ramsay**

352 **637 Stafford Circle**

353 **Spoke against the project.**

354
355 **There being no one further to address the Council, Mayor Cecil opened the floor**
356 **to Council discussion. After lengthy discussion, Mayor Cecil made a motion to**
357 **deny the rezoning from AG to PD and Councilmember McCallum seconded the**
358 **motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- 359
360 **b. Discuss and consider approval of a Development Agreement**
361 **proposed by Miles Prestemon of Newland Communities**
362 **incorporating a development plan, specifying development**
363 **regulations and making provision for public facilities and services**
364 **for approximately 405 acres of land lying and being situated in parts**
365 **of the J. Strickland Survey, Abstract Number 187, T.R. Bailey**
366 **Survey, Abstract Number 30 and the J. Simmons Survey, Abstract**
367 **Number 190 of Rockwall County, Texas, located within the City's**
368 **extraterritorial jurisdiction. The area generally is located north of FM**
369 **552 and east of SH 205. Take any action necessary.**

Councilmember Scott made a motion to deny approval of the Development Agreement and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- c. Discuss and consider approval of an amendment to the Interlocal Agreement with Rockwall County regarding the housing of prisoners and take any action necessary.

Police Chief Mark Moeller discussed the background of this item. Councilmember Cotti made a motion to approve the amendment to the Interlocal Agreement and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- d. Discuss and consider approval of a design concept and construction budget for the SH-205 and I-30 bridges and take any action necessary.

Julie Couch discussed the background of this item. The Subcommittee worked with Parsons Brinkerhoff to come up with a design to enhance the entryways at SH205 and I-30 and the SH-205 Railroad Bridge. The Parsons Brinkerhoff representative gave a power point presentation showing the recommended designs. Couch advised that the total cost of the project would be \$315,000 and recommended paying it out of the 2005 bond funds. Councilmember Scott made a motion to approve the designs and authorize the City Manager to sign the contract for the construction design. Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- e. Discuss and consider approval of the 205 Bypass Design and Construction Manager contract and take any action necessary.

Julie Couch discussed the background of this item. Couch introduced Bob Reach of Turner Collie and Braden [TCB]. Couch advised that TCB would prepare the balance of the engineering plans and perform construction management services. After a short discussion, Councilmember Cotti made a motion to approve the contract and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- f. Discuss and consider approval of an agreement with the North Texas Municipal Water District for funding of the Eastside Pump Station and take any action necessary.

Julie Couch discussed the background of this item. Councilmember Scott made a motion to approve the agreement and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- g. Presentation of the Engineering Department Business Plan and take any action necessary.

Chuck Todd presented the Engineering Department's Business Plan.

- 414
415 h. Discuss and consider Animal Adoption Center and Shelter planning
416 and take any action necessary.

417 Julie Couch discussed the background of this item and stated that there would be
418 a cost of approximately \$15,000 - \$21,000 for redesigning the proposed animal
419 adoption center. Couch also stated that the Emergency Services Corporation is
420 looking at joint projects and has determined that this might be a project they
421 would like to review. After lengthy discussion, Councilmember Straughan made
422 a motion directing Staff to work with Quorum Architects for a schematic for a \$1.3
423 million animal adoption center, not to exceed \$21,000. Councilmember Scott
424 seconded the motion and the motion passed unanimously by a vote of 7 ayes and
425 0 nays.

426
427 Councilmember Scott then made a motion authorizing the City's Emergency
428 Services Corporation liaisons to work with the Emergency Services Corporation
429 in its research/discovery stage regarding a joint partnership in an animal
430 adoption center, but that City will not spend more than \$1.3 million. Mayor Cecil
431 requested that the motion include that the city will not provide a design.
432 Councilmember Straughan seconded the motion. The motion passed by a vote of
433 6 ayes and 1 nay [Cotti].

- 434
435 i. Discuss and consider a proposed ordinance regarding homeowner
436 association rules and regulations and take any action necessary.

437 See discussion under Public Hearing Item 6a.

438
439 There being no further business to come before Council in regular session,
440 Mayor Cecil adjourned the meeting into Executive Session at 11:10 p.m.

441
442 9. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND
443 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- 444 a. Deliberation regarding the purchase, exchange, lease, or value of
445 real property.
- 446 b. Personnel Issues, including Board, Commission, and Committee
447 Appointments, Staff and Related Matters.
- 448 c. Commercial or financial information regarding business prospects
449 that the City seeks to have locate, stay, or expand in or near the
450 territory of the City of Rockwall and with which the Board is
451 conducting economic development negotiations.
- 452 d. City of Rockwall vs. Vester T Hughes, Jr. as sole independent
453 Executor of the Estate of W.W. Caruth, Jr., deceased.
- 454 e. Pursuant to Section 551.071(2) of the Open Meetings Act:
455 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.

ACTION AS RESULT OF EXECUTIVE SESSION


Councilmember McCallum made a motion to amend the budget to add an Assistant Police Chief position and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Scott made a motion appointing Councilmember Straughan to the Fire Pension Board and Councilmember King 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 11:45 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 6th day of February, 2006.

ATTEST:


Dorothy Brooks, City Secretary


William R. Cecil, Mayor



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**MINUTES
ROCKWALL CITY COUNCIL**

February 6, 2006

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, 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. Councilmember McCallum joined the meeting at approximately 5:00 p.m.

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, Staff 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. 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. 605 Stonebridge Circle.

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

No action was taken as a result of Executive Session.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 20th day of February, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

February 6, 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 Corti, Stephen Straughan, Margo Nielsen, John King and Matt Scott. Councilmember Tim McCallum was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER STEPHEN STRAUGHAN

3. PROCLAMATIONS/RECOGNITIONS

- a. Mayor Cecil read the Black History Month proclamation that he will present at the Rosa Parks event later in the month.

4. OPEN FORUM

Mayor Cecil opened the floor to the public and the following persons came forward to address the Council:

Thomas Conley

806 E. Heath

Spoke about the construction and problem with traffic on Clark Street at Dobbs Elementary and requested that the police be there to direct traffic and ease the congestion caused by the construction.

Rick Crowley and Julie Couch discussed the actions being taken to help the traffic at Dobbs.

Terry Raulston

141 Summerhill

Spoke regarding political signs. Raulston stated that the candidates need to follow the rules and that the City needs to maintain the rules – not change them.

Thom Bouis

P. O. Box 1614

Stated that there are too many political signs and that the City looks trashy.

There being no one further to address the Council, Mayor Cecil closed the Open Forum portion of the meeting.

94
95 5. CONSENT AGENDA
96

- 97 a. Consider approval of the Minutes from the January 17, 2006 City Council
98 Meeting and take any action necessary.
- 99 b. Consider approval of an **Ordinance** amending the Sign Code with regard
100 to political signs and take any action necessary. **[2nd Reading]**
- 101 c. **Z2005-041** -- Consider approval of an **Ordinance** for a request by Scott
102 and Andrea Gunderson for approval of a Specific Use Permit (SUP)
103 allowing for an accessory building/detached garage exceeding the
104 maximum size requirement of 1250-sf at their property at 241 Willowcrest
105 Lane, located on Lot 26, Block A, Willowcrest Estates and zoned (SF-
106 E1.5) Single Family Estate district and take any action necessary.
107 **[2nd Reading]**
- 108
- 109 d. **AM2006-001** -- Consider approval of an **Ordinance** for a city initiated
110 amendment to the City of Rockwall Code of Ordinances -- Subdivision
111 Regulations -- Chapter 24 - Amending Section 24-10 Miscellaneous
112 Requirements, specifically to add a new Subsection (p), Review of
113 Homeowners Association (HOA) documents and take any action
114 necessary. **[2nd Reading]**
- 115
- 116 e. Consider approval of a **Resolution** further abating the show cause action
117 and ratifying the settlement agreement between the Steering Committee
118 of Cities Served by TXU and TXU Electric Delivery and take any action
119 necessary.
- 120
- 121 f. Consider approval of a **Resolution** calling a General Election to be held
122 on Saturday, May 13, 2006, for the purpose of electing three (3)
123 Councilmembers, one (1) each for Places 2, 4, and 6 and take any action
124 necessary.
- 125
- 126 g. Consider approval of the purchase of Sky Watch and Truck and take any
127 action necessary.
- 128
- 129 h. **P2006-001** -- Consider a request by Sean Flaherty of The Wallace Group,
130 Inc., for approval of a replat of Lots 1 and 4, Block A, Rockwall Crossing
131 Addition, being a 23.454-acre tract zoned (C) Commercial and located
132 along the south side of Interstate 30, and take any action necessary.
- 133
- 134 i. **P2006-004** -- Consider a request by Stacy Standridge of Quail Run
135 Partners, Ltd. for approval of a final plat of Lots 1 and 2, Block 1, Snops
136 at Ridge Creek Addition, being 3.41-acres zoned (PD-3) Planned
137 Development No. 3 District and designated for General Retail uses, and
138 situated at the northwest corner of Ridge Road West and SH 205 (N.
139 Goliad), and take any action necessary.
- 140
- 141 j. Consider approval of a Resolution authorizing the Mayor to execute the
142 North Texas Municipal Water District Water Facilities Installment Sale

Contract (City of Rockwall Pump Station Project) and take any action necessary.

- k. Consider approval of the award of the bid for White Hills Drive Reconstruction and take any action necessary.
- l. Consider approval of the award of the bid for Summer Lee Extension East and take any action necessary.
- m. Consider approval of the award of the bid for the FM-3097 Sanitary Sewer Improvements and take any action necessary.
- n. Consider approval of the award of the bid for reconstruction of Townsend Drive Phase 1 from Ili-30 service road to Justin and Yellow Jacket from SH205 to Townsend Drive and take any action necessary.

Councilmember Scott requested that Consent Agenda Items 5d and 5e be pulled. Councilmember Straughan made a motion to approve the remaining items and Councilmember Nielsen seconded the motion. The ordinances were read as follows:

ORDINANCE NO. 06-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE SIGN ORDINANCE IN SECTION III, B. FUNCTIONAL STANDARDS, 13. POLITICAL SIGNS AND TABLE II FUNCTIONAL STANDARDS, 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 *(2nd Reading)*

ORDINANCE NO. 06-07

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 WITHIN THE (SF-E/1.5) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR A DETACHED GARAGE EXCEEDING THE MAXIMUM SIZE REQUIREMENT, ON A TRACT LOCATED AT 241 WILLOWCREST LANE, BEING LOT 26, BLOCK A, WILLOWCREST 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. *(2nd Reading)*

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

Councilmember Scott stated that he pulled Consent Agenda Item 5d so that the ordinance could be amended to provide that citizens are made aware of an HOA before the close on the property. Councilmember Nielsen seconded the motion. City Attorney Eckert requested that they just table the matter for two weeks so that the change could be made. It would not be considered a substantial change, so the second reading of the ordinance can take place at the next meeting. Councilmember Scott amended his motion to table the matter to the next meeting and Councilmember Nielsen amended her second. The motion passed by a vote of 6 ayes and 1 absent [McCallum]

Councilmember Scott asked for more information with regard to Consent Agenda Item 5e. Joey Boyd, Assistant to the City Manager, discussed the background. City Attorney Pete Eckert discussed the franchise fees and other items in the settlement. Councilmember Scott made a motion to approve the Resolution and Councilmember

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

Greg Burgamy of the Planning and Zoning Commission discussed the planning and zoning items on tonight's agenda.

- b. Consider a request from Michael Baldwin with TXU Electric Delivery for a request for the extension of overhead distribution lines in certain areas of the City of Rockwall and take any action necessary

Michael Baldwin, Area Manager with TXU, discussed the variances he was requesting. After discussion, Councilmember Scott made a motion to table the matter to the next meeting to allow Baldwin more time to bring the back the figures on how much it would cost to place the utilities underground. Councilmember Straughan seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [McCallum].

- c. Appointment with Omega Hawkins of Kaufman Area Rural Transit and take any action necessary.

Omega Hawkins addressed the Council and requested funding. After discussion, Councilmember Cotti made a motion that the City enter into a contract with KART not to exceed the sum of \$20,000 per year. Councilmember Straughan seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [McCallum].

- d. Appointment with Kevin Allen of Charter regarding status of HDTV and DVR services.

Diane Montgomery and Kevin Allen of Charter addressed the Council regarding HDTV and DVR services that will be available to Rockwall customers beginning March 27, 2008.

- e. Appointment with Margie Hooper of The Chamber regarding hotel/motel tax.

Margie Hooper of The Chamber gave a status report on the hotel/motel funds the Chamber received.

- f. Consider a request from Carol Crow for approval of a waiver of sidewalk requirements for 506 Kernocle Street and take any action necessary.

James Crow addressed the Council and requested a waiver of the sidewalk requirement and escrow of funds. Robert LaCroix discussed the background of the request and stated that Staff recommended that the escrow funds be paid. After short discussion, Councilmember Cotti made a motion to waive the sidewalk requirements and the escrow of funds. Councilmember Straughan seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [McCallum].

7. SITE PLANS/PLATS

- a. P2005-011 -- Discuss and consider a request from Jason Fagle of Kimley-Horn & Associates for approval of a preliminary plat of Nelson Lake Addition, a 121.2-acre tract comprised of 106 single-family residential lots (104.8-acres) and one lot designated for "NS" Neighborhood Services uses (16.4-acres). 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.

Robert LaCroix discussed the background of this item. The owner of the property, Rob Whittle, addressed the Council and requested that the Council approve the preliminary plat. Councilmember Straughan made a motion to approve the request and instructed Staff to work with Whittle and enter into a facilities contract. Councilmember Cotti seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [McCallum].

8. ACTION ITEMS

- a. Discuss and consider proposed public information program and take any action necessary.

Rick Crowley, Assistant City Manager, discussed the program to improve communication with the citizens and talked about what the City has done in the past. Judy Evans gave a brief report on the public information plan and stated that it needed to be consistent. Mary Smith gave a report on the website. Shari Callahan discussed the newsletter/brochure. Julie Couch talked about the logo and the updating of the logo. Councilmember Cotti made a motion to move forward with this project and Mayor Cecil seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].

- b. Discuss and consider approval of a resolution amending the City's Annexation Plan in accordance with Section 43.052 of the Texas Local Government Code and take any action necessary.

Julie Couch discussed the background of Lake Rockwall estates. Robert LaCroix talked about the plan and schedule. Mary Smith talked about the costs involved. Jeffrey Widmer talked about Code Enforcement oversight of the area. Councilmember Tim McCallum joined the meeting. After lengthy discussion, Councilmember Nielsen made a motion to accept the annexation plan for both pieces of Lake Rockwall Estates and that a Subcommittee be formed to work with other organizations to address the problems in the area. Nielsen stated that this is truly a "neighborhood revitalization" in the grandest sense and we should find funding to mitigate the \$16 million+ it is going to take to bring the area up to City standards. Councilmember Cotti seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- c. Discuss and consider adopting an ordinance that (a) provides the Rockwall Police Department the authority, and/or (b) expresses the policy of the City of Rockwall to tow any automobile driven by an individual who is unable to provide proof of insurance according to state law and take any action necessary.

Councilmember Scott stated that he had placed this item on the agenda and had spoken to Police Chief Mark Moeller about it. Chief Moeller talked about the need for officer

discretion and that in order for this type of policy to work, officer discretion is absolutely necessary. After discussion, Councilmember Scott made a motion that a resolution be brought back to the Council at the next meeting to approve a policy that will be prepared by Chief Moeller on the towing of vehicles if the owners do not have insurance. The policy will provide that the officer will have final discretion without review. Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- d. Hear Council Subcommittee report on agenda management and take any action necessary.

Each member of the Subcommittee spoke regarding the management of the agenda. After discussion, Councilmember Cotti made a motion to accept the Subcommittee's recommendations and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- e. Discuss and consider optional funding scenarios for completion of the 205 Bypass overpass and take any action necessary

Julie Couch discussed the various funding options and stated that the County needed to act next week. After discussion, Mayor Cecil made a motion to ask the County to reallocate funds from FM549 to this project and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- f. Discuss status of the I-30 overpass design and take any action necessary.

Julie Couch discussed the design and the molds. Councilmember Cotti stated that we should have a consistent theme and made a motion to accept the design so that the molds could be ordered now. Councilmember Nielsen seconded the motion. The motion passed by a vote of 5 ayes and 2 nays [Straughan and Scott].

- g. Discuss and Consider the Purchase of Centralized Irrigation Management System and take any action necessary.

Brad Griggs, Parks Director, discussed the irrigation system and stated that it would save 35% of the water we currently use. This is a water conservation effort and payment for it would come from the water fund. Councilmember Cotti made a motion to approve the preparation of the bid documents. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- h. Discuss and consider adopting an ordinance or resolution, whichever is appropriate, that sets forth the policy that the City of Rockwall's code enforcement officers will not remove political yard signs from an individual's yard if the sign is in the City's right-of-way and take any action necessary

Councilmember Scott stated that he had placed this item on the agenda. After discussion, Councilmember Cotti made a motion to direct staff to implement a departmental policy to place door hangers on residential properties notifying them of the City's requirements with respect to the placement of signs [this is not limited to political signs]. The sign will not be removed so long as it is not creating a public hazard.

Councilmember Scott seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

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) Police Chief Mark Moeller will report on:

♦ The Holiday Crime Initiative

♦ The 3-year Index Crime Comparison


Police Chief Mark Moeller gave his reports on the Holiday Crime Initiative and the 3-year Index Crime Comparison. Fire Chief Mark Poindexter gave an update on recruitment. Councilmember Straughan requested that Fire Department Volunteers and Staffing be placed on the next executive session meeting.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 11:21 p.m.

APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 20th day of February, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
February 20, 2006
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 Margo Nielsen, John King and Matt Scott. Councilmembers Bob Cotti, Stephen Straughan and Tim McCallum were absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

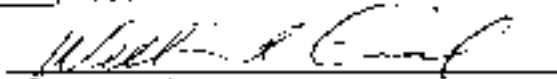
2. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS.

- 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. 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. 605 Stonebridge Circle

3. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as result of Executive Session.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of March, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

February 20, 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 Margo Nielsen, John King and Matt Scott. Councilmembers Bob Cotti, Stephen Straughan and Tim McCallum were absent. Also present were City Manager Julie Couch and City Attorney Pate Eckert.

2. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR BILL CECIL

3. PROCLAMATIONS/RECOGNITIONS

a. Youth Council Week

The following Youth Advisory Council Members were present to receive the proclamation: Sabrina Rasor, Tommy Griswold, Kachi Amajor, Ellen Morgan, Courtney Powell, Annmarie Olind, Austin Staubus, and Justin Corneau. Sean Mehl was unable to attend tonight's meeting.

b. Presentation by Laura Lantrip of TML Risk Pool

Laura Lantrip of the Texas Municipal League Risk Pool presented the City with a check for over \$12,000 as a refund of contributions.

4. CONSENT ITEMS

- a. Consider approval of the *Minutes* from the February 6, 2006 City Council Meeting and take any action necessary
- b. **AM2006-001** – Consider approval of an **Ordinance** for a city initiated amendment to the City of Rockwall Code of Ordinances - Subdivision Regulations – Chapter 24 – Amending Section 24-10 Miscellaneous Requirements, specifically to add a new Subsection (p), Review of Homeowners Association (HOA) documents and take any action necessary. [2nd Reading]
- c. Consider adopting a **Resolution** approving a policy by the Rockwall Police Department to tow any automobile driven by an individual who is unable to provide proof of insurance according to state law and take any action necessary
- d. Consider approval of a **Resolution** supporting public transportation in the City of Rockwall, requesting the release of funds appropriated for transportation services in the City of Rockwall and take any action necessary

- e. Consider approval of the recommendation from the Park Board to authorize the City Manager to enter into an agreement with the Dallas Off-Road Bike Association (DOBRA) and take any action necessary.
- f. Consider approval of the recommendation from the Park Board to authorize the City Manager to enter into an agreement with Youth Sport Organizations and take any action necessary.
- g. Consider approval of the recommendation from the Park Board regarding eligibility criteria for participation in Youth Sports programs and take any action necessary.
- h. Consider authorizing the City Manager to execute a contract for lighting on North Lakeshore and take any action necessary.
- i. Consider approval of the contract for the 2006 Hazardous Waste Day and take any action necessary.
- j. Consider authorizing the City to join the Public Employee Benefit Alliance and take any action necessary.
- k. Consider approval of a **Resolution** approving the Local Transportation Project Advance Funding Agreement and take any action necessary.
- l. Consider approval of the purchase of the centralized irrigation equipment through the buy board and take any action necessary.
- m. Consider approval of the renewal of the contract with TIBH for litter pick up in the right of way and take any action necessary.
- n. Consider approval of the renewal of the contract with Three D Mowing for right of way mowing services and take any action necessary.
- o. Consider approval of the renewal of the grounds maintenance contract with Lakeshore Lawn and take any action necessary.

Councilmember Nielsen requested that Consent Agenda item 4b be pulled. Councilmember Scott requested that Consent Agenda item 4c be pulled and Mayor Cecil requested that Consent Agenda item 4m be pulled. Councilmember King made a motion to approve the remaining items (a, d, e, f, g, h, i, j, k, l, n, and o) and Councilmember Scott seconded the motion. The motion passed by a vote of 4 ayes and 3 absent [Cotti, Straughan and McCallum].

Councilmember Nielsen stated that she pulled Consent Agenda item 4b because she wants more language regarding the posting of signs for all subdivisions with regard to HOA's. Councilmember King made a motion to table the item to the next meeting and Councilmember Scott seconded the motion. The motion passed by a vote of 4 ayes and 3 absent [Cotti, Straughan and McCallum].

Councilmember Scott stated that he pulled Consent Agenda item 4c to request that Chief Moeller make some minor revisions to the policy and so that Chief Moeller could discuss for public edification what the policy entails. Chief Moeller discussed the details of the new policy for towing if insurance coverage could not be proved. Councilmember Scott then made a motion to approve the Resolution and Councilmember Nielsen seconded the motion. The motion passed by a vote of 4 ayes and 3 absent [Cotti, Straughan and McCallum].

137
138 Mayor Cecil stated that he was in favor of the contract the contract with TIBH for litter
139 pick up in the right of way, but wanted to know if it included the entire downtown area.
140 Assistant City Manager Rick Crowley stated that the contract did not include the entire
141 downtown area, but that he would work with the contractor to on a price for this service.
142 Mayor Cecil then made a motion to approve the contract with the understanding that the
143 Council will review later the cost to include the entire downtown area. Councilmember
144 Scott seconded the motion and the motion passed by a vote of 4 ayes and 3 absent
145 [Cotti, Straughan and McCallum].
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147 **5. APPOINTMENTS**
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- 149 a. Appointment with Planning and Zoning Chairman to discuss and answer
150 any questions regarding cases on the agenda and related issues and
151 take any necessary action.

152 Greg Burgamy of the Planning and Zoning Commission came forward to address the
153 Council. Burgamy stated that he had no remarks on tonight's planning and zoning items.
154

- 155 b. Appointment with Mark Spencer of MHS Planning and Design to discuss
156 and consider neighborhood park designs for the neighborhood park
157 located in Park District #2 and the park at Fox Chase and take any action
158 necessary.

159 Mark Spencer of MHS Planning and Design gave a power point presentation on the plans
160 for the neighborhood park located in Park District #2 and the park at Fox Chase.
161 Councilmember Stephen Straughan joined the meeting during the presentation. After a
162 short discussion, Councilmember Scott made a motion to proceed with the design and
163 construction of both parks and Councilmember King seconded the motion. The motion
164 passed by a vote of 5 ayes and 2 absent [Cotti and McCallum].
165

- 166 c. Appointment with representatives from the North Texas Municipal Water
167 District to discuss water conservation measures and with Tony Santoro to
168 discuss the City's drought management/water conservation plan and take
169 any action necessary.

170 Mike Brickman of the North Texas Municipal Water District gave a power point
171 presentation on Drought Contingency and Water Supply. Councilmember Scott
172 requested that once the NTMDW completes its model on worse case scenarios, that they
173 come back and give a presentation to the Council on those scenarios. Tony Santoro of
174 the Rockwall Fire Department then gave an update on the local efforts toward water
175 conservation.
176

- 177 d. Appointment with Police Chief Mark Moeller to discuss racial profiling
178 report and take any action necessary.

179 Chief Moeller presented his racial profiling report and stated that there had been no
180 complaints received regarding racial profiling.
181

- 182 e. Appointment with Mary Smith regarding an additional funding request by
183 Margie Hooper of The Chamber and take any action necessary.

184 Mary Smith discussed the request by The Chamber for additional funds and stated that
185 the hotel/motel fund subcommittee had reviewed the requested and makes a positive

recommendation to approve the funding. Councilmember Nielsen made a motion to approve the funding of \$10,508 and Councilmember Straughan seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Cotti and McCallum].

6. PUBLIC HEARING

- a. P2006-002 -- Hold a public hearing and consider a request by John Burpee for approval of a residential replat of Lots 3 and 4, Block A, The Oaks of Buffalo Way Phase II, being 3.62-acres zoned (PD-51) Planned Development No. 51 District and located at 1865 Broken Lance Lane, and take any action necessary.

Robert LaCroix, Planning Director, discussed the background of this item 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:

John Burpee, Applicant

Mr. Burpee requested that the Council approve his request.

There being no one further to address the Council, Mayor Cecil closed the public hearing. Councilmember Scott made a motion to approve the request and Mayor Cecil seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Cotti and McCallum].

7. SITE PLANS / PLATS

- a. P2006-003 -- Discuss a request by Norma Morris of Country Day Montessori School for approval of a preliminary plat of Lot 1, Block 1, Country Day School Addition, being 1.10-acres zoned (PD-60) Planned Development No. 60 District and located along the northeast side of Mims Rd southeast of Ralph Hall Parkway and take any action necessary.

Robert LaCroix discussed the request by Norma Morris for approval of a preliminary plat and advised that the Planning and Zoning Commission had recommended approval with the condition that the dumpster be moved to the back. Councilmember King made a motion to approve the request with Staff conditions and Councilmember Straughan seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Cotti and McCallum].

8. ACTION ITEMS

- a. Discuss and consider a request from Michael Baldwin with TXU Electric Delivery for a request for the extension of overhead distribution lines in certain areas of the City of Rockwall and take any action necessary

Julie Couch discussed the background of this item. Couch met with the TXU representative and identified what they think is a better solution to the I-30 location. The City owns property that extends from Lakefront Trail to the public street that provides access to the Cedar Grove church off of Horizon Road. If the lines are run overhead along this road and through the City's property, the lines could be placed underground at the time the City or others develop the property. Because of easement issues, it is not recommended that the lines along White Road be placed underground. Councilmember Straughan made a motion to approve the plan as presented and Councilmember Nielsen

seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Cotti and McCallum].

- b. Consider a request from Tony Sisk to discuss and present the Evergreen at Rockwall project and discuss the City resolution regarding the project financing, and for approval of a **Resolution** for Rockwall Senior Community, L.P. to act on behalf of the City of Rockwall in applying for TDHCA HOME funds for Evergreen at Rockwall Senior Apartment Community and take any action necessary.

Tony Sisk of Churchill Residential located in Las Colinas gave a power point presentation on the proposed Evergreen project. This request is strictly to allow them to apply for financing; it is not a development request. Sisk advised that it will not be subsidized housing. City Attorney Eckert suggested that language be added to the Resolution stating that adoption of this resolution is not to be considered or construed as a waiver of the requirements of the Unified Development Code for any purpose. Councilmember Scott requested that the Council break for a short Executive Session discussion. After clarifying with the City Attorney that said discussion was authorized, Mayor Cecil adjourned the meeting into Executive Session at 8:19 p.m.

Mayor Cecil adjourned the meeting back into regular session at approximately 8:23 p.m. Councilmember Nielsen made a motion to approve the Resolution with the recommended revision and Councilmember King seconded the motion. The motion failed by a vote of 2 ayes [King and Nielsen] and 3 nays [Scott, Cecil and Straughan].

- c. Discuss and consider the Park Board recommendation regarding the naming the park within Park District #2 and take any action necessary

Brad Griggs, Parks Director, discussed the background of this item. Councilmember Scott made a motion to table the item until the Councilmember Facilities Naming Subcommittee could be formed and meet to make recommendations. Mayor Cecil seconded the motion and the motion passed by a vote of 5 ayes and 2 absent [Cotti and McCallum].

- d. Status update regarding the animal adoption center redesign and take any action necessary.

Jeffrey Widmer, Director of Animal Services, discussed the status of the redesign and status of the ECS subcommittee of which we are a member. No Council discussion ensued.

- e. Discuss and consider authorizing the City Manager to enter into a contract with Atmos Gas for the relocation of a gas pipeline for the 205 Bypass and take any action necessary.

Julie Couch discussed the background of this item. The relocation will be paid for as follows: 1/3 by the City; 1/3 by Cambridge Properties; and 1/3 by Atmos. Atmos does not want a three-party agreement, so the City will obtain the funds from Cambridge and then enter into an agreement with Atmos. Councilmember King made a motion authorizing the City Manager to enter into an agreement with Atmos Gas and Councilmember Nielsen seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Cotti and McCallum].

There being no further business to come before the Council in regular session, Mayor Cecil adjourned the meeting into Executive Session at 8:41 p.m.

9. 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. 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. 605 Stonebridge Circle.

10. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

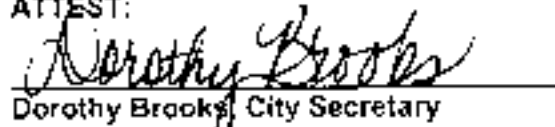
A Facilities Naming Subcommittee was formed and will consist of John King, Bill Cecil and Matt Scott.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6th day of March, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



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AGENDA
ROCKWALL CITY COUNCIL

March 6, 2006

4:00 p.m. Pre-Council Meeting

City Hall, 385 S. Gollad, 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, Margo Nielsen, John King and Matt Scott. Councilmember Tim McCallum was absent. 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. 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**

The Council unanimously approved a resolution authorizing the City Manager and City Attorney to initiate the process to acquire the right of way for essential road construction along T.L. Townsend Drive and Justin Road.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 20th day of March, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



- g. **P2006-005** -- Consider a request by George Schuler of Schuler Development for approval of an amended preliminary plat of Horizon Ridge Center-North, being a 38.16-acre tract zoned (PD-9) Planned Development No. 9 District and located along Horizon Rd (FM 3397) south of Rockwall Parkway and east of Summer Lee Drive, and take any action necessary.
- h. **P2006-006** -- Consider a request by George Schuler of Schuler Development for approval of a preliminary plat of Horizon Ridge Center-South, being a 35.86-acre tract zoned (PD-9) Planned Development No. 9 District and located along the southwest side of Horizon Rd (FM 3397) south of Tubbs Rd, and take any action necessary.
- i. Discuss and consider approval of an **Ordinance** amending the Code of Ordinance regarding display of house numbers on residential property and take any action necessary. **[1st Reading]**
- j. Consider approval of a **Resolution** requiring the use of at least one accessible voting system in each polling place and take any action necessary.
- k. Consider approval of the purchase of a Motor Grader and take any action necessary.

Councilmember Cotti requested that Consent Agenda Items 5a and 5i be pulled. Councilmember Nielsen requested that Consent Agenda Item 5d be pulled. Councilmember Scott requested that Consent Agenda Items 5g and 5h be pulled. Councilmember Cotti then made a motion to approve the remaining Consent Agenda Items (b, c, e, f, j and k) and Councilmember King seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 06-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE SUBDIVISION REGULATIONS, CHAPTER 24 OF THE CITY OF ROCKWALL CODE OF ORDINANCES, SECTION 24.10 MISCELLANEOUS REQUIREMENTS, SPECIFICALLY TO ADD A NEW SUBSECTION (p) REVIEW OF HOMEOWNERS ASSOCIATION (HOA) DOCUMENTS AND SUBSECTION (q) REQUIREMENT FOR DEVELOPMENT SIGN DISPLAYING AVAILABILITY OF HOMEOWNER'S ASSOCIATION DOCUMENTS; 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. *[2nd Reading]*

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

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

Councilmember Cotti stated that he pulled Consent Agenda Item 5i because he could not support it. Jeffrey Widmer, Building Official, discussed the background of the request. After a short discussion, Councilmember Scott made a motion to deny the request and

Councilmember Straughan seconded the motion. The motion to deny passed by a vote of 6 ayes and 1 absent [McCallum].

Councilmember Nielsen asked for clarification with regard to Consent Agenda Item 5d. Jeffrey Widmer discussed the background of the request. Councilmember Nielsen then 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, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS; ARTICLE IX, FENCES; PROVIDING FOR A PENALTY OF A FINE 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 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
(1st Reading)

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

With regard to Consent Agenda Items 5g and 5h, Councilmember Scott stated that he pulled those items so he could let the public know that the Council has been working on the project for some time, but certain restrictions were in place where it could not be announced to the public. Scott stated that he wanted the public to know that the Council is not rushing this project through. Councilmember Scott then made a motion to approve Consent Agenda Items 5g and 5h and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [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.

Phillip Herbst, Planning and Zoning Chairman, addressed the Council on the planning and zoning items on tonight's agenda.

- b. Appointment with Raymond Turco & Associates for final report on citizen's survey.

Ray Turco gave a short power point presentation on the 2005 Citizen's Survey.

7. SITE PLANS/PLATS

- a. SP2006-001-- Discuss and consider a request by Elizabeth Holser of F & S Partners Architects for approval of building elevations for Phase 2 of the First United Methodist Church, including a request for special exceptions to the Unified Development Code's requirements for building articulation (Article V, Section 4.1 C) and mechanical equipment screening (Article V, Section 1.5), and take any action necessary.

Robert LaCroix, Planning Director, discussed the background of this item. Councilmember Cotti made a motion to approve the request and Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].

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245 8. ACTION ITEMS
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247 a. No items.

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

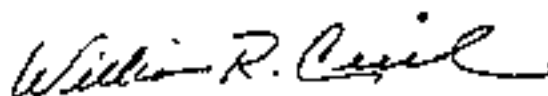
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252 a. Departmental Reports

253 b. City Manager's Report

254 Julie Couch gave a short status report on the radio system.

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256 There being no further action to come before the Council, Mayor Cecil adjourned the
257 meeting at 7:12 p.m.

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259 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
260 TEXAS, this 20th day of March, 2006.

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265 William R. Cecil, Mayor

266 ATTEST:

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

March 20, 2006

3:00 p.m. Work Session

City Hall, 385 S. Gollad, 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, Stephen Straughan, Margo Nielsen, and Matt Scott. Councilmembers John King and Tim McCallum were absent. Also present were City Manager Julia Couch and City Attorney Pete Eckert.

2. **HOLD WORK SESSION TO DISCUSS:**

A. **STORM WATER DETENTION POLICIES**

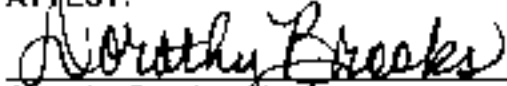
B. **ARCHITECTURAL STANDARDS**

No action was taken by the Council during this work session. The work session adjourned at 4:00 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 3rd day of April, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



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38 **MINUTES**
39 **ROCKWALL CITY COUNCIL**

40 **March 20, 2006**

41 **4:00 p.m. Pre-Council Meeting**

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

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44 **1. CALL TO ORDER**

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46 Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and
47 Councilmembers Bob Cotti, Stephen Straughan, Margo Nielsen, and Matt Scott.
48 Councilmembers John King and Tim McCallum were absent. Also present were City
49 Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned
50 the meeting into Executive Session.

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52 **2. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF**
53 **TEXAS GOVERNMENT CODE TO DISCUSS.**

- 54 **a.** Deliberation regarding the purchase, exchange, lease, or value of real
55 property.
- 56 **b.** Personnel Issues, including Board, Commission, and Committee
57 Appointments, and Related Matters.
- 58 **c.** Commercial or financial information regarding business prospects that the
59 City seeks to have locate, stay, or expand in or near the territory of the
60 City of Rockwall and with which the Board is conducting economic
61 development negotiations.
- 62 **d.** City of Rockwall vs. Vester T Hughes, Jr. as sole independent Executor of
63 the Estate of W.W. Canuth, Jr., deceased.
- 64 **e.** Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
65 with attorney with regard to a matter that it is the duty of the attorney to
66 consult with the Council and falls under the attorney-client privilege.

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68 **3. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

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70 No action was taken as a result of Executive Session. Mayor Cecil adjourned the Executive
71 Session at 5:55 p.m.

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73 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
74 **TEXAS, this 3rd day of April, 2006.**

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77 **William R. Cecil, Mayor**

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79 **ATTEST:**

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

March 20, 2006

6:00 p.m. Regular Meeting

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

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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, 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. PROCLAMATIONS/RECOGNITIONS

Mayor Cecil read a proclamation declaring the week of March 19-25, 2006 as Poison Prevention Week.

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4. CONSENT ITEMS

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- a. Consider approval of the Minutes from the March 6, 2006 City Council meeting and take any action necessary.
 - b. **P2006-008** – Discuss and consider approval of a Facility Agreement for future paving requirements for access purposes and a request by Michael Goodman for approval of a final plat for a 0.331-acre tract located at 1008 Ridge Road, currently described as Tract 20, Abstract 255, BJT Lewis Survey, which is zoned (PD-53) Planned Development No. 53 District and designated for (RO) Residential-Office district uses, and take any action necessary.
 - c. **P2006-009** – Discuss and consider a request by Richard Hovas of Tipton Engineering, Inc., for approval of a final plat for Castle Ridge Estates Phase 1, being 53 lots on 23.957-acres, zoned (SF-10) Single Family district and situated west of SH 205 and north of Dalton Road (FM 552), and take any action necessary.
 - d. Consider approval of the proposed cost for construction of the railroad crossing and railroad signals at Industrial Boulevard and authorize the City Manager to execute a contract with DGNO Railroad for the construction of same and take any action necessary.
 - e. Consider approval of a Resolution authorizing the City Manager to execute the Crossing Agreement with Union Pacific Railroad and take any action necessary.
 - f. Consider approval of an **Ordinance** amending the Code of Ordinances regarding fences and take any action necessary [2nd Reading]
 - g. Consider approval of the bids for the renovation of the Myers Park Pavilion and take any action necessary.

Councilmember McCallum requested that Consent Agenda Item 4a be pulled and then made a motion to approve the remaining items (b, c, d, e, f and g). Councilmember Scott seconded the motion and the ordinance was read as follows:

ORDINANCE NO. 06-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS; ARTICLE IX, FENCES; PROVIDING FOR A PENALTY OF A FINE 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 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

(2nd Reading)

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

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

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, Planning and Zoning Chairman, discussed the planning and zoning items on tonight's agenda.

- b. Appointment with Terry Bomar of Hair Motion regarding a sign setback variance request and take any action necessary.

Jeffrey Widmer, Building Official, discussed the background of the setback variance request. Councilmember Cotti made a motion to approve the setback variance and Councilmember Nielsen seconded the motion. The motion passed by a vote of 5 ayes and 1 absent [King].

- c. Appointment with Shari Callahan to discuss and consider updated city logo and tag line options and take any action necessary.

Shari Callahan discussed refining the City's logo and tag line options. After a lengthy discussion, the Council chose the round logo and instructed Callahan to revise it to make it appear more hill-like and to add a flag to the sailboat. The Council then discussed the tag line options. Mayor Cecil made a motion that the revised logo be put on the website along with the tagline options: Proud Past / Bright Future, The New Horizon and Hometown by the Lake for the citizens to choose which tagline they prefer. Councilmember Scott seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].

Shari Callahan then asked the Council reconsider putting the logo on the website so that an unveiling could take place later. Mayor Cecil then made a motion to amend the previously approved motion to not include the new logo on the website with the tagline

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

- d. Appointment with Airport Subcommittee for update on municipal airport planning activities.

Joey Boyd discussed the background of the Subcommittee's report. Councilmember Cottl stated that although John King will be leaving the Council in May due to term limits, he would like for him to remain on the Subcommittee as a citizen liaison. After lengthy discussion, Councilmember Nielsen made a motion to approve the report and Councilmember Straughan seconded the motion. The motion passed by a vote of 5 ayes, 1 nay [McCallum] and 1 absent [King].

6. PUBLIC HEARING

- a. Z2006-002 -- Hold a public hearing and consider approval of an **Ordinance** for a request from Billy and Glenda Bradshaw for a Specific Use Permit (SUP) to allow for a temporary portable beverage service facility within the (C) Commercial zoning district, on a 0.25-acre tract located at the northeast corner of SH 205 and Emma Jane (907 S. Goliad), and take any action necessary. [1st Reading]

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

Bill Bradshaw
149 Skyview
Point, Texas

Mr. Bradshaw asked for the Council's approval of his request.

Tom Bouls
P.O. 1614
Rockwall, Texas

Mr. Bouls spoke in favor of the SUP.

There being no one further to address the Council, Mayor Cecil closed the public hearing. Councilmember Scott 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 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 A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. [1st Reading]

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

- b. Z2006-003 -- Hold a public hearing and consider approval of an **Ordinance** for a request by Mike and Paige Brown for approval of a Specific Use Permit (SUP) allowing for a deck/patio within the Lake Ray

Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1160 Crestcove Drive, being Lot 21, Block B, Hillcrest Shores Phase 3 Addition, and take any action necessary. [1st Reading]

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

Mike Brown
1160 Crestcove Drive
Rockwall, Texas

Mr. Brown asked the Council to 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 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 ALLOWING FOR DECK/PATIO OF LESS THAN 1,000 SQUARE FEET WITHIN THE TAKELINE OVERLAY, ON A TRACT OF LAND ADJACENT TO LOT 21, BLOCK B, HILLCREST SHORES PHASE THREE AND LOCATED AT 1160 CRESTCOVE DRIVE, AND MORE SPECIFICALLY DESCRIBED IN "EXHIBIT A;" 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. [1st Reading]

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

7. ACTION ITEMS

- a. Hear recommendations from the Compensation Subcommittee and discuss and consider approval of an **Ordinance** establishing compensation for Mayor and Councilmembers and take any action necessary

Councilmember Cotti discussed the background of the recommendations. Councilmember Nielsen made a motion to approve the recommendations and Councilmember Straughan seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ESTABLISHING AN ANNUAL COMPENSATION PACKAGE FOR THE MAYOR AND EACH CITY COUNCILMEMBER IN OFFICE AS OF JUNE 5, 2006, AND UNTIL SUCH TIME AS THE MAJORITY OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, SHALL AMEND OR RESCIND THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE. [1st Reading]

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

There being no further business to come before the Council in regular session, Mayor Cecil adjourned the meeting in to Executive Session at 7:39 p.m.

279 8. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF
280 TEXAS GOVERNMENT CODE TO DISCUSS:

- 281 a. Deliberation regarding the purchase, exchange, lease, or value of real
282 property.
- 283 b. Personnel Issues, including Board, Commission, and Committee
284 Appointments, and Related Matters.
- 285 c. Commercial or financial information regarding business prospects that the
286 City seeks to have locate, stay, or expand in or near the territory of the
287 City of Rockwall and with which the Board is conducting economic
288 development negotiations.
- 289 d. Pursuant to Section 551.071(2) of the Open Meetings Act. Consultation
290 with attorney with regard to a matter that it is the duty of the attorney to
291 consult with the Council and falls under the attorney-client privilege

292 9. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

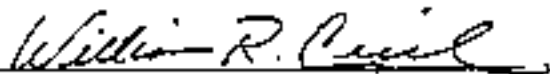
293
294 The following actions were taken as a result of Executive Session:


295
296 Mayor Cecil made a motion to appoint Councilmember Cotti to serve on the Finance
297 Subcommittee and Councilmember McCallum seconded the motion. The motion passed
298 by a vote of 6 ayes and 1 absent [King].

299
300 Councilmember Cotti made a motion to approve the settlement proposal for the Carson
301 Anderson tract on Summer Lee Drive at \$3.65 per square foot and Councilmember
302 Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent
303 [King].

304
305 There being no further business to come before the Council, Mayor Cecil adjourned the
306 meeting at 8:30 p.m.

307
308 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
309 TEXAS, this 3rd day of April, 2006.

310
311
312 
313 William R. Cecil, Mayor

314 ATTEST:
315 
316 Dorothy Brooks, City Secretary
317



MINUTES
ROCKWALL CITY COUNCIL

April 3, 2006

3:00 p.m. Work Session

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

1. CALL TO ORDER

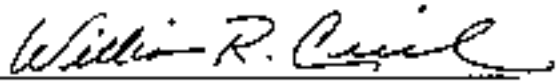
Mayor Cecil called the meeting to order at 3:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen and John King. Councilmember Matt Scott was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

2. HOLD WORK SESSION TO DISCUSS:

A. ARCHITECTURAL STANDARDS

No action was taken by the Council during this work session. The work session adjourned at 4:00 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 17th day of April, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



MINUTES
ROCKWALL CITY COUNCIL

April 3, 2006

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 and John King. Councilmember Matt Scott joined the meeting at approximately 5:48 p.m. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

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. 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. Mayor Cecil adjourned the Executive Session at 5:58 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 17th day of April, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

April 3, 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 6:06 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/RECOGNITIONS

- a. Prom Promise Month
- b. Rockwall Community Playhouse Week
- c. Lady Jackets Basketball Team
- d. Regional Young Talent Art Competition Winners
- e. Texas Visual Arts Competition Winners
- f. Rockwall High School Academic Decathlon Team
- g. Happy Birthday Rockwall Month
- h. Alcohol Abuse Awareness Month

4. OPEN FORUM

Mayor Cecil opened the floor to anyone in the audience who wished to address the Council on any subject not scheduled for a public hearing on tonight's agenda. The following persons came forward to address the Council:

Pastor Joe Robbins
805 Peter's Colony
Rockwall, Texas

Pastor Robbins invited the Council to a dedication ceremony for the houses recently constructed on Peter's Colony.

Marlyn Roberts
323 Julian Drive
Rockwall, Texas

Mr. Roberts discussed some problems he is having with his development and stated that he needed some waivers. Mr. Roberts was advised that he need to work through the appropriate channels and if he was not satisfied he could make an appointment with the City Secretary to be on the next agenda as an appointment item.

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

126
127 **5. CONSENT AGENDA**
128

- 129 a. Consider approval of the Minutes from the March 20, 2006 City Council
130 meeting and take any action necessary.
- 131 b. **Z2006-002** -- Consider approval of an **Ordinance** for a request from Billy
132 and Glenda Bradshaw for a Specific Use Permit (SUP) to allow for a
133 temporary portable beverage service facility within the (C) Commercial
134 zoning district, on a 0.25-acre tract located at the northeast corner of SH
135 205 and Emma Jane (907 S. Goliad), and take any action necessary.
136 **[2nd Reading]**
- 137 c. **Z2006-003** -- Consider approval of an **Ordinance** for a request by Mike
138 and Pargo Brown for approval of a Specific Use Permit (SUP) allowing for
139 a deck/patio within the Lake Ray Hubbard Lakefront Overlay (TL OV)
140 District, in the lake area adjacent to their property at 1160 Crestcove
141 Drive, being Lot 21, Block B, Hillcrest Shores Phase 3 Addition, and take
142 any action necessary **[2nd Reading]**
- 143 d. **P2006-012** -- Consider a request by Terri Webb for approval of a replat of
144 Lot 5, Block A, Rockwall Market Center East, being a 0.554-acre tract
145 zoned (C) Commercial district and located at the southwest corner of
146 IH-30 and Mims Road, and take any action necessary.
- 147 e. Consider approval of an **Ordinance** establishing compensation for Mayor
148 and Councilmembers and take any action necessary. **[2nd Reading]**
- 149 f. Consider approval of a Resolution authorizing the City Manager to sign
150 agreements with City's depository, American National Bank, for wire
151 services and take any action necessary.
- 152 g. Consider authorizing the City Manager to execute an agreement with the
153 Central Appraisal District for the assessment and collection of ad valorem
154 taxes and take any action necessary.
- 155 h. Consider approval of the purchase of the Reverse 911 System and take
156 any action necessary.
- 157 i. Consider approval of the repairs to the Fire Department Ladder Truck and
158 take any action necessary.
- 159 j. Consider approval of the participation in the creation of a Gas Standing
160 Steering Committee for Cities Served by Atmos Energy and take any
161 action necessary.

162
163 Councilmember King requested that Consent Agenda item 5a be pulled. Councilmember
164 McCallum requested that Consent Agenda items 5e and 5j be pulled. Mayor Cecil
165 requested that Consent Agenda item 5h be pulled. Councilmember McCallum made a
166 motion to approve the remaining Consent Agenda items (b, c, d, f, g, and i) and
167 Councilmember Cotti seconded the motion. The ordinances were read as follows:

ORDINANCE NO. 06-11

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 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 A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. (2nd Reading)

ORDINANCE NO. 06-12

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 DECK/PATIO OF LESS THAN 1,000 SQUARE FEET WITHIN THE TAKELINE OVERLAY, ON A TRACT OF LAND ADJACENT TO LOT 21, BLOCK B, HILLCREST SHORES PHASE THREE AND LOCATED AT 1160 CRESTCOVE DRIVE, AND MORE SPECIFICALLY DESCRIBED IN "EXHIBIT A;" 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. (2nd Reading)

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

Councilmember Scott made a motion to approve Consent Agenda item 5a and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [King].

Councilmember Straughan made a motion to approve Consent Agenda item 5e and Councilmember Scott seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 06-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ESTABLISHING AN ANNUAL COMPENSATION PACKAGE FOR THE MAYOR AND EACH CITY COUNCILMEMBER IN OFFICE AS OF JUNE 5, 2006, AND UNTIL SUCH TIME AS THE MAJORITY OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, SHALL AMEND OR RESCIND THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE. (2nd Reading)

The motion passed by a vote of 6 ayes and 1 nay [McCallum].

With regard to Consent Agenda Item 5h, Mayor Cecil requested some additional information about the Reverse 911 System. Julie Couch and Fire Chief Mark Poindexter discussed the background of the request. Mayor Cecil then made a motion to approve Consent Agenda Item 5h and Councilmember Nielsen 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, Chairman of the Planning and Zoning Commission talked about the amendments to the Unified Development Code and advised that the Commission had approved the changes.

- b. Appointment with Fox, Byrd & Company to present the City's Comprehensive Annual Financial Report and take any action necessary.

Jeff Wyatt of Fox, Byrd discussed the audit report. Councilmember Cotti made a motion to accept the report and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- c. Appointment with Judge Kortemier to give annual report.

Judge Kortemier, assisted by Deborah Waters, gave his 20th annual report to the Council. Councilmember McCallum asked about the feasibility of a Teen Court. City Attorney Pete Eckert stated that he would bring back in about 30 days a summary of what can be done.

- d. Appointment with James K. Alves regarding free use of City conference rooms by a Homeowner's Association.

Mr. Alves appeared before the Council and stated that free use of Community Center was not an answer to his request because it only holds 99 people. After discussion, the Council stated that they would not change the policy at this time.

- e. Appointment with Hotel/Motel Subcommittee to receive supplemental funding recommendation for Cystic Fibrosis Walk-A-Thon and take any action necessary.

Julie Couch discussed the background of this request. 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.

7. PUBLIC HEARING ITEMS

- a. **Z2006-001** -- Hold a Public Hearing and consider an **Ordinance** for a city-initiated request to amend the Unified Development Code (Ord. No. 04-38), specifically Article II. Administrative Procedures; Article III. Zoning District and Maps; Article IV. Permissible Uses, Article V. District Development Standards; Article VI. Parking and Loading; Article VII. Environmental Performance; Article VIII. Landscape Standards; Article X. Planned Development Regulations; Article XI. Zoning-Related Applications; and Article XIII. Definitions; and take any action necessary. [1st Reading]

Robert LaCroix discussed the background of the request and stated that this was mainly just a clean-up of the ordinance. Mayor Cecil opened the public hearing but no one came forward to address the Council, so the public hearing was closed. Councilmember Straughan 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, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE II. ADMINISTRATIVE PROCEDURES;

ARTICLE III. ZONING DISTRICT AND MAPS; ARTICLE IV. PERMISSIBLE USES; ARTICLE V. DISTRICT DEVELOPMENT STANDARDS; ARTICLE VI. PARKING AND LOADING; ARTICLE VII. ENVIRONMENTAL PERFORMANCE; ARTICLE VIII. LANDSCAPE STANDARDS; ARTICLE X. PLANNED DEVELOPMENT REGULATIONS; ARTICLE XI. ZONING-RELATED APPLICATIONS; AND ARTICLE XIII. DEFINITIONS. 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. *[1st Reading]*

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

8. ACTION ITEMS

- a. Discuss and consider the concept of a joint animal adoption center from the Emergency Services Corporation and take any action necessary

Julie Couch talked about this item. After a short discussion by the Council, Councilmember Cotti made a motion to move forward with this proposal, but that the decision needs to be brought back to the Council at the May 1, 2006 meeting. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- b. Discuss and consider the concept of joint emergency management coordination functioning from the Emergency Services Corporation and take any action necessary.

Julie Couch discussed the proposal by the ESC. Councilmember Nielsen made a motion to proceed with the proposal by the ESC and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- c. Discuss and consider a rate resolution increasing water and sewer rates and take any action necessary.

Assistant City Manager Rick Crowley discussed the proposed rate increase. Councilmember Cotti made a motion to approve the Resolution and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [McCallum].

- d. Discuss and consider cancelling the July 3, 2006, City Council meeting and take any action necessary.

Councilmember Cotti stated that he brought this forward for Council discussion. After a short discussion, Councilmember Cotti made a motion to amend the Council's Policies and Procedures to note that the Council will not meet on the first Monday in July and the second Monday in December, starting in July 2006. Councilmember Straughan seconded the motion and the motion passed by a vote of 6 ayes and 1 nay [Cecil].

- e. Discuss and consider authorizing the City Manager to expend funds for the Design of the Joint Law Enforcement Gun Range and take any action necessary.

Julie Couch discussed the background of this item. After a short discussion, Councilmember Straughan made a motion to approve authorizing the City Manager to expend funds for the Design of the Joint Law Enforcement Gun Range and

Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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

Joey Boyd gave a report on the problems with the radio system and Councilmember Cotti requested that the Council be updated frequently in this regard.

Julie Couch advised the Council that we would be starting the C3 process by meeting with the person responsible for the C3 process, Robert Lawton on April 17 and 18, 2006.

There being no further business to come before the Council in regular session, Mayor Cecil adjourned the meeting into Executive Session at 8:51 p.m.

10. 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. 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

Mayor Cecil made a motion to reappoint Larry Parks to the North Texas Municipal Water District Board and Councilmember King seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember King made a motion to appoint Joe Witcraft to the Parks and Recreation Board and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Straughan made a motion to appoint Bill Wilson as an alternate member of the Board of Adjustments and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Straughan made a motion to appoint the following persons to the Animal Adoption Center/Shelter Advisory Board and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Member #1 [Rockwall Citizen]

Mike Kitkoski

Term Expires: 8/2008

Member #4 [Rockwall Citizen]

Judy Schoeneman

Term Expires: 8/2008

Member #2 [Licensed Local Vet]

Davic Loftis

Term Expires: 8/2007

Member #5 [Animal Welfare Organization]

Sandra Solomon

Term Expires: 8/2007

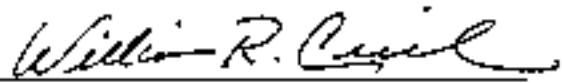
Member #3 [Rockwall Citizen]

Mike Sealock

Term Expires: 8/2007

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 17th day of April, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



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**MINUTES
ROCKWALL CITY COUNCIL**

April 17, 2006

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, 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. Councilmember Tim McCallum joined the meeting at approximately 4:51 p.m.

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. 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 Cotti made a motion to approve the Resolution appointing Deborah Waters as associate judge and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

There being no further business to come before the Council in Executive Session, Mayor Cecil adjourned the meeting at 6:00 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 1st day of May, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

April 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 6:03 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.

2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MARGO NIELSEN

3. PROCLAMATIONS/RECOGNITIONS

- a. Rockwall Children's Choir
- b. Rockwall Environmental Action Day 2006
- c. National Red Hat Society Day

Mayor Cecil also recognized Troop 989 who were in attendance at tonight's meeting working on their "Citizenship in the Community Badge."

4. CONSENT ITEMS

- a. **Z2006-001** -- Consider an **Ordinance** for a city-initiated request to amend the Unified Development Code (Ord. No. 04-38), specifically Article II. Administrative Procedures; Article III. Zoning District and Maps; Article IV. Permissible Uses; Article V. District Development Standards; Article VI. Parking and Loading; Article VII. Environmental Performance; Article VIII. Landscape Standards; Article X. Planned Development Regulations; Article XI. Zoning-Related Applications; and Article XIII. Definitions; and take any action necessary. [**2nd Reading**]
- b. **P2006-011** -- Discuss and consider a request by Randall Pogue of Pogue Engineering & Development Co. for approval of a final plat of Lot 2, Block A, Burks Addition, being a 1.07-acre tract zoned (PD-56) Planned Development No. 56 district and situated along the west side of SH 205 (N. Goliad) south of Los Altos Drive and north of the future extension of N. Alamo Rd. and take any action necessary.
- c. **P2006-013** -- Discuss and consider a request from Heritage Christian Academy for approval of a final plat of Heritage Christian Academy Phase Two Addition, being a 11.44-acre tract zoned (MF-14) Multi-family District, (C) Commercial district and (PD-27) Planned Development No. 27 District, and located southwest of S. Goliad St (SH 205) along Damascus Rd. and take any action necessary.

- d. Consider approval of a **Resolution** suspending the May 30, 2006, effective date of the proposal by Atmos Energy Corp., Mid-Tex Division to implement interim grip rate adjustment for gas utility investment in 2005 and take any action necessary.
- e. Consider approval of a **Resolution** amending Resolution No. 05-04 which called the General Election for May 13, 2006, in order to provide for a new Saturday early voting location and take any action necessary.
- f. Consider approval of the Minutes from the April 3, 2006 City Council meeting and take any action necessary.

Councilmember Straughan requested that Consent Agenda Item 4c be pulled. Councilmember Cotti made a motion to approve the remaining Consent Agenda items (a, b, d, e, and f) and Councilmember Scott seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 05-14

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 II. ADMINISTRATIVE PROCEDURES; ARTICLE III. ZONING DISTRICT AND MAPS; ARTICLE IV. PERMISSIBLE USES; ARTICLE V. DISTRICT DEVELOPMENT STANDARDS; ARTICLE VI. PARKING AND LOADING; ARTICLE VII. ENVIRONMENTAL PERFORMANCE; ARTICLE VIII. LANDSCAPE STANDARDS; ARTICLE X. PLANNED DEVELOPMENT REGULATIONS; ARTICLE XI. ZONING-RELATED APPLICATIONS; AND ARTICLE XIII. DEFINITIONS; 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. (Z" Hearing)

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

With regard to Consent Agenda item 4c, Councilmember Straughan requested additional information. Robert LaCroix, Planning Director, discussed the background and status of the emergency exit that Councilmember Straughan had inquired about. Councilmember Straughan then made a motion to approve Consent Agenda item 4c and Mayor Cecil seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

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 appeared before the Council and discussed the planning and zoning items on tonight's agenda.

- b. Appointment with Shari Callahan regarding approval of new logo and slogan and take any action necessary.

Shari Callahan appeared before the Council and showed the renderings of the new logo and slogans. After discussion, Councilmember Cotti made a motion to approve the proposed logo and the slogan – City of Rockwall "The New Horizon." Councilmember Scott seconded the motion and the motion passed by a vote of 6 ayes and 1 absent

[King]. Ms. Callahan will be preparing a guideline book for the use of the logo and slogan. City Attorney Eckert will work with the City Secretary on obtaining the information and application on obtaining a trademark for the logo.

- c. Appointment with Roger Nielsen regarding participation on a housing rehabilitation grant through TDHCA and take any action necessary.

Councilmember Margo Nielsen recused herself from hearing or taking any action on this item. Roger Nielsen appeared before the Council and discussed the request for the City to participate on a housing rehabilitation grant through TDHCA. After discussion and clarification from Jeffrey Widmer on the source of funding, Councilmember Cotti made a motion to approve expending up to \$7,000 for the demolition and the waiver of permit fees in the amount of approximately \$780 per house and Councilmember Scott seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [Nielsen] and 1 absent [King].

6. PUBLIC HEARING

- a. **Z2006-005** -- Hold a public hearing and consider approval of an *Ordinance* for a request by Brent Lemmond of Dallas Cowboys for approval of a Specific Use Permit (SUP) to allow for a "Towing and Impound Yard" within the (HC) Heavy Commercial district, on property described as Lot 4, Block A, Rockwall 205 Business Park (unrecorded) and located at 291 National Drive, and take any action necessary. [1st Reading]

Robert LaCroix discussed the background of this 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:

Harold Fetty (Representing Brent Lemmond)
Mr. Fetty requested the Council's approval of this project.

After discussion, Councilmember McCallum made a motion to continue the public hearing to the next meeting (May 1, 2006) and requested that Mr. Lemmond be available to answer questions that the Council has with regard to this project. Councilmember Scott seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].

- b. **P2006-010** -- Hold a public hearing and consider approval for a request by Teresa Dabney for approval of the Dabney Addition, being a residential replat of a part of Lot 1, Block G, Sanger Brothers Addition, a 0.22-acre tract located at 801 and 803 Peters Colony, which is zoned SF-7 District and located within the (SO) Southside Residential Neighborhood Overlay District, and take any action necessary.

Robert LaCroix discussed the background of this request for a replat plus waivers for street and sidewalk improvements and the setback on the garage. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Harold Fetty (Representing Ms. Teresa Dabney)
Mr. Fetty requested the Council's approval of this project.

There being no one else to appear before the Council on this matter, Mayor Cecil closed the public hearing.

Councilmember Cotti made a motion to approve the replat and garage setback, but retain the requirements for the collection of the pro rata cost for curbs and gutters and the sidewalk escrow. Councilmember McCallum seconded the motion. Councilmember Nielsen requested that Ms. Dabney come forward to address the Council on her ability to pay the cost for curb and gutter (approximately \$3,500). Ms. Dabney stated that it would be tough, but they could pay the escrow.

Councilmember Scott then made a motion to amend Councilmember Cotti's motion to include the waiver of the curb and gutter fees. Councilmember Straughan seconded the motion. After very lengthy discussion, the motion failed by a vote of 3 ayes [Scott, Nielsen and Straughan], 3 nays [Cecil, McCallum and Cotti] and 1 absent [King].

Mayor Cecil requested that Councilmember Cotti restate his motion. Councilmember Cotti stated his motion is to approve the replat and garage setback, but retain the requirements for the collection of the cost for curbs and gutters and the sidewalk escrow. Councilmember McCallum once again seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

7. SITE PLANS / PLATS

- a. **SP2006-007** – Discuss and consider a request by Ross Morris of Country Day Montessori School for approval of a variance for building materials being less than 90% masonry in conjunction with a site plan on Lot 1, Block 1, Country Day School Addition, being 1.08-acres zoned (PD-60) Planned Development No. 60 District and located along the northeast side of Mims Rd southeast of Ralph Hail Pkwy, and take any action necessary.

Robert LaCroix discussed the background of the request. This request was approved by the Planning and Zoning Commission and the Architectural Review Board. Councilmember Scott made a motion to approve the variance and Councilmember McCallum seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

8. ACTION ITEMS

- a. Discuss and consider the need for ways to attract, and possible location, of affordable senior housing in the City of Rockwall and take any action necessary.

Councilmember Scott discussed the background of his request to have this item on tonight's agenda. After considerable discussion, Councilmember Cotti made a motion to authorize the Land Use Subcommittee to undertake the objective of identifying areas that would support senior housing and Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

- b. Discuss and consider setting a date for a work session to discuss review of the Comprehensive Plan and Subcommittee Report and take any action necessary

Julie Couch discussed the reason for setting a date for a ½ day work session. The Council appeared to agree that Friday, May 26, 2006, would be the best day, but the City Secretary will send out dates in late May to the Council in order to determine a date that will work best for such a work session.

- c. Discuss and consider the City's policy on construction of structures in utility easements and take any necessary action.

Councilmember Straughan discussed his objectives on bringing this matter before the Council. Julie Couch discussed some of the background of the construction in utility easements. After discussion, Councilmember Cotti made a motion to retain the City's policy regarding building in easements and Mayor Cecil seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [Scott] and 1 absent [King].

- d. Discuss and consider approval of various activities related to the implementation of the Downtown Plan and take any action necessary.

Julie Couch opened the discussion with a few comments. Rick Crowley, Assistant City Manager, then discussed with the Council the implementation of the Downtown Plan. No action by the Council was required.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 8:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 1st day of May, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

May 1, 2006

4:00 p.m. Pre-Council Meeting

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

1. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:20 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Margo Nielsen and Matt Scott. Councilmembers Tim McCallum and Stephen Straughan were absent. Also present were City Manager Julie Couch and City Attorney Pete Eckart. Mayor Cecil immediately adjourned the meeting into Executive Session. Councilmember John King joined the meeting at approximately 4:50 p.m.

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; City Manager Evaluation.
- 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. 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. Vester T. Hughes, Jr., as sole Independent Executor of the Estate of W.W. Caruth, Jr., Deceased vs. City of Rockwall, Cause No. 1-06-350, in the 382nd District Court of Rockwall County, Texas.

3. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken by the Council during Executive Session. Mayor Cecil adjourned the Executive Session at 5:58 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 15th day of May, 2006.

ATTEST:


Dorothy Brooks, City Secretary


William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

May 1, 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, Margo Nielsen, John King and Matt Scott. Councilmember Stephen Straughan was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Tim McCallum joined the meeting at approximately 6:10 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR BILL CECIL

3. PROCLAMATIONS/RECOGNITIONS

- a. Cinco de Mayo
- b. Older Americans Month

4. OPEN FORUM

Mayor Cecil opened the floor to those persons who wished to address the Council during the Open Forum Session. The following persons came forward to address the Council:

Ruth Peck

Ms. Peck thanked the Council for their support of Music Fest and invited them to attend Music Fest on Sunday, May 14, 2006. Ms. Peck advised the Council that Robert LaCroix (Planning Director) and Friends would be playing during the Fest.

Debbie Henderson

2060 Aberdeen Lane
Rockwall, Texas

Ms. Henderson thanked Julie Couch, Pete Eckert, Bob Cotti and Robert LaCroix for their help in her class project on the Caruth annexation.

Pastor Joe Robbins

805 Peter's Colony

Pastor Robbins expressed his thanks to the Council for the upcoming improvements to Ross Street.

Albert Bennett

Stated that he had signage issues for his new business and that he needed a waiver. Mr. Bennett was asked to come in during working hours and that the Planning and Zoning Department and Code Enforcement Department would assist him in preparing a request to be on the agenda to ask the Council for a waiver.

Kachi Amajor

Thanked the Council and the public for their generosity on Founder's Day, which helped her to raise funds for the Boys & Girls Club.

Nancy Peterson

1841 Isle Royale

Ms. Peterson told the Council that they needed to be sure that they were looking in the right place when observing the condition of the drainage area behind her house and others on her street.

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

5. CONSENT AGENDA

- a. Consider approval of the Minutes from the April 17, 2006 City Council meeting and take any action necessary.
- b. Consider approval of the renewal of the water meter supply contract and take any action necessary.
- c. Consider approval of the award of an Engineering Contract for the Nelson Lake Lift Station and take any action necessary.
- d. Consider approval of the award of the contract for Ross Street Improvements and take any action necessary.

Councilmember King requested that Consent Agenda Item 5a be pulled. Councilmember Scott made a motion to approve the remaining Consent Agenda Items (b, c, and d) and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Straughan].

Councilmember Nielsen 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 [King], and 1 absent [Straughan].

6. APPOINTMENTS

- a. Appointment with the Youth Advisory Council regarding recommendations on revisions to the Teen Curfew Ordinance.

Justin Corneau of the Youth Advisory Council gave a power point presentation on the Youth Advisory Council's recommendations for changes to the Teen Curfew Ordinance. After discussion, Councilmember Scott made a motion to approve the recommended changes and bring back an ordinance at the next meeting. Councilmember McCallum seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [Straughan].

- b. Appointment with Glen Smith of Smitty's Grill regarding approval of a waiver request to allow for an overhead utility line at 308 N. Fannin and take any action necessary.

Glen Smith appeared before the Council to request a waiver for an overhead utility line at 308 N. Fannin. Councilmember Cotti made a motion to approve the request and Councilmember King seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [Scott], and 1 absent [Straughan].

- c. Appointment with Hotel/Motel Subcommittee to hear recommendation for additional funding request for Breakfast Rotary and take any action necessary.

Mary Smith, Finance Director, discussed the Hotel/Motel Subcommittee's recommendation of providing \$5,000 to the Breakfast Rotary, pursuant to Breakfast Rotary's request for funding for Dallas Race Week. Councilmember Nielsen made a motion to approve the funding request and Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Straughan].

7. PUBLIC HEARING ITEMS

- a. **Z2006-005** – Continuation of a public hearing and consider approval of an *Ordinance* for a request by Brent Lemmond of Dallas Towboys for approval of a Specific Use Permit (SUP) to allow for a "Towing and Impound Yard" within the (HC) Heavy Commercial district, on property described as Lot 4, Block A, Rockwall 205 Business Park (unrecorded) and located at 291 National Drive, and take any action necessary {1st Reading}

Mayor Cecil advised that this was a continuation of the public hearing regarding the request by Brent Lemmond of Dallas Towboys for a Specific Use Permit. The Council had continued the public hearing at the previous meeting so that Mr. Lemmond could be available to answer questions. Mr. Lemmond was not present at tonight's meeting. There being no one further to address the Council, Mayor Cecil closed the public hearing. Councilmember Scott made a motion to deny the request without prejudice and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Straughan].

8. ACTION ITEMS

- a. Discuss and consider City policy of imposing fees on residential homeowners for reconstructing City sidewalks, curbs, and gutters and take any action necessary.

Councilmember Scott discussed the background of this item. Scott then made a motion that the City will not seek reimbursement for curb, gutter, street or sidewalk improvements for residential property only. After lengthy discussion, Councilmember Nielsen seconded the motion. The motion failed by a vote of 2 ayes [Scott and Nielsen], 4 nays [Cecil, Cotti, McCallum and King], and 1 absent [Straughan].

- b. Discuss and consider approval to purchase court software and electronic ticket writing system and take any action necessary.

Mary Smith discussed the background of this request. After short discussion, Councilmember Cotti made a motion to approve purchasing both the court software and

the electronic ticket writing system and Councilmember King seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Straughan].

- c. Discuss and consider a Teen Court and take any action necessary.

Mary Smith discussed the background of this item and the information that had been gathered in this regard. After lengthy discussion, Councilmember McCallum made a motion to instruct Staff to spend 60 days to conduct a full review to determine how to implement a Teen Court, which would include assessing community services, costs, interviewing teens already in juvenile court, and having the City Attorney look at other Teen Courts around the state. Councilmember Scott seconded the motion. The motion failed by a vote of 3 ayes [McCallum, Scott and King], 3 nays [Nielsen, Cecil and Cotti] and 1 absent [Straughan].

- d. Discuss and consider water meter deposits and take any action necessary.

Mary Smith discussed the background of this item. After discussion, Councilmember McCallum made a motion to direct Staff to come back with a resolution setting out a policy for the refund of water deposits after 36 months for residential customers only, so long as they have had no late payments and no insufficient check payments. If no deposit is on hand and they have a disconnect, a deposit will be required in addition to the reconnection fee. Councilmember Cotti seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [Straughan].

- e. Status update on the Roadway and Drainage Capital Improvement Plan.

Julie Couch discussed the background of this item and a lengthy discussion ensued. No action was required or taken by the Council on this item.

- f. Status update on Park upgrades funded by the Recreation Development Fund and take any action necessary.

Brad Griggs, Parks Director, gave a power point presentation on the Park upgrades funded by the Recreation Development Fund. No action was required or taken by the Council.

- g. Discuss and consider the process by which the City Council will select the final route for SH66 and take any action necessary.

Rick Crowley discussed the background of this item. After discussion, Councilmember Scott made a motion to put this matter on the next agenda as an action item for final approval by the Council. Councilmember McCallum seconded the motion. The motion passed by a vote of 5 ayes, 1 nay [Cotti], and 1 absent [Straughan].

- h. Discuss and consider approval of a Change Order for The Harbor Project and take any action necessary.

Julie Couch discussed the background of this item. Councilmember Cotti made a motion to approve the Change Order and Councilmember Scott seconded the motion. 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

Julie Couch advised the Council that the Coffey Dam at The Harbor Project will be removed on June 1 and that there will be a celebratory function for that event. She will provide the information regarding the event to the Council at a later date.

Councilmember Cotti requested that a report be available at the June 5, 2006, meeting that details the corrective actions taken with regard to false alarms.

Rick Crowley discussed the Stage 3 Drought notification we received from North Texas Municipal Water District and stated that he will bring an ordinance forward at the next meeting revising the existing plan for severe drought conditions.

There being no further business to come before the Council in regular session, Mayor Cecil adjourned the meeting into Executive Session at 10:01 p.m.

10. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

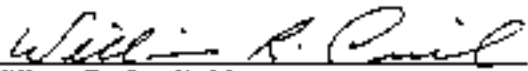
- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters: City Manager Evaluation.
- c. Commercial or financial information regarding business prospects that the City seeks 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. 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. Vester T. Hughes, Jr., as sole Independent Executor of the Estate of W.W. Caruth, Jr., Deceased vs. City of Rockwall, Cause No. 1-06-350, in the 382nd District Court of Rockwall County, Texas.

11. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Upon motion duly made and seconded, the Council authorized the City Attorney to file suit to obtain right-of-way along the SH-205 Bypass Route. The motion passed by a vote of 6 ayes and 1 absent (Straughan).

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 11:45 p.m.

281 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
282 TEXAS, this 15th day of May, 2006.
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286 William R. Cecil, Mayor
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288 ATTEST:

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290 Dorothy Brooks, City Secretary
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MINUTES
ROCKWALL CITY COUNCIL

May 15, 2006

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 Colti, Stephen Straughan, Margo Nielsen and Matt Scott. Councilmember John King joined the meeting at approximately 4:30 p.m. and Councilmember Tim McCallum joined the meeting at approximately 5:00 p.m. 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; City Manager Evaluation.
- 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. 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. Vester T. Hughes, Jr., as sole Independent Executor of the Estate of W.W. Caruth, Jr. Deceased vs. City of Rockwall, Cause No. 04-06-350, in the 382nd District Court of Rockwall County, Texas

3. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

4. PRE-COUNCIL DINNER

No action was taken by the Council during Executive Session. Mayor Cecil adjourned the Executive Session at 5:58 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 19th day of June, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

May 15, 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

At this time, Mayor Cecil advised the audience that this was the last meeting for John King. Each Councilmember spoke about John and his service to the community. Everyone agreed that John would be greatly missed. John thanked the Council for their kind words and introduced newly elected Councilmember Cliff Sevier. Mr. Sevier will be sworn-in during the June 5, 2006 meeting.

3. PROCLAMATIONS

a. Motorcycle Safety and Awareness Month

Several members of the Wolverine Motorcycle Club were present to receive the proclamation.

4. CONSENT AGENDA

- a. Consider approval of the Minutes from the May 1, 2006, City Council Meeting and take any action necessary.
- b. Consider approval of a **Resolution** requesting Non-primary Entitlement Grant Funds from TXDOT Aviation and authorizing the City Manager to execute contracts in connection therewith and take any action necessary.
- c. Consider approval of a contract with Jamail Construction for repairs and painting to facilities at Ralph M. Hall Municipal airport as part of the Routine Airport Maintenance Program and take any action necessary.
- d. Consider approval of a **Resolution** amending the Water Rate Resolution by setting policy for the refunding of certain meter deposits and take any action necessary.
- e. Consider approval of an **Ordinance** amending the Code of Ordinances in Article 18-7 Teen Curfew, Section 18-7-2 Offenses to prohibit minors under seventeen years of age from being in any public place between the hours of 12:01 a.m. and 6:00 a.m. from June 1 through August 15 and take any action necessary **[1st Reading]**
- f. **P2006-015** – Discuss and consider a request by Norma Morris of Country Day Montessori School for approval of a final plat of Lot 1, Block 1.

Country Day School Addition, being 1.08-acres zoned (PD-60) Planned Development No. 60 district and located along the northeast side of Mims Rd southeast of Ralph Hall Pkwy, and take any action necessary.

g. P2006-014 – Discuss and consider a request by Amy Miller of Doughrte & Associates, Inc., for approval of a final plat of Lakeview Summit Phase IV Addition, 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.

h. Consider approval of the contract for the Squabble Creek Sewer Line Emergency Repairs and take any action necessary.

i. Consider approval of an Engineering Services Agreement for the Southern Area Waterline Improvements and take any action necessary.

j. P2006-016 – Discuss and consider a request by Glen and Peg Smith for approval of a final plat of Lots 1 and 2, Block A, Tropical John's Addition, being a 0.66-acre tract zoned (PD-55) Planned Development No. 55 district and (GR) General Retail district, located at the southeast corner of N. Fannin St and Williams St (SH 66), and take any action necessary.

Councilmember McCallum requested that Consent Agenda Items 4a, 4d, 4e and 4f be pulled. McCallum then made a motion approving the remaining Consent Agenda Items (b, c, h, i, and j). Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember McCallum made a motion to approve Consent Agenda Item 4a and Councilmember King seconded the motion. The motion passed by a vote of 6 ayes, 1 abstain [Straughan] and 0 nays.

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

Councilmember McCallum made a motion to approve Consent Agenda Item 4e 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 CODE OF ORDINANCES IN ARTICLE 18-7 TEEN CURFEW, SECTION 18-7-2 OFFENSES TO PROHIBIT MINORS UNDER SEVENTEEN YEARS OF AGE FROM BEING IN ANY PUBLIC PLACE BETWEEN THE HOURS OF 12:01 A.M. AND 6:00 A.M. FROM JUNE 1 THROUGH AUGUST 15; PROVIDING FOR AN ENFORCEMENT PROVISION; ESTABLISHING A PENALTY OF A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE *1st Reading*

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

Councilmember Nielsen made a motion to approve Consent Agenda Item 4g and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [McCallum].

144 5. APPOINTMENTS

- 145
146 a. Appointment with Planning and Zoning Chairman to discuss and answer
147 any questions regarding cases on the agenda and related issues and
148 take any necessary action.

149 **Planning and Zoning Chairman Phillip Herbst addressed the Council regarding the**
150 **planning and zoning items on tonight's agenda.**

- 151
152 b. Appointment with Rachel Bryson regarding People to People Student
153 Ambassador Program and upcoming trip to Japan and take any action
154 necessary.

155 **Councilmember Cotti introduced Rachel Bryson. Ms. Bryson addressed the Council and**
156 **advised that the People to People Student Ambassador Program had been formed by**
157 **President Eisenhower and talked about the itinerary for her upcoming trip to Japan.**

- 158
159 c. Appointment with Hotel/Motel Subcommittee to hear recommendations
160 and consider a request for additional from Musicfest and take any action
161 necessary.

162 **Mary Smith discussed the Hotel/Motel Subcommittee's recommendations and stated that**
163 **the funds would come from the Cultural Arts funds. Councilmember Cotti made a motion**
164 **to approve the request and Councilmember Straughan seconded the motion. The motion**
165 **passed unanimously by a vote of 7 ayes and 0 nays.**

- 166
167 d. Appointment with Mary Hanrahan regarding the SH66 preferred route and
168 take any action necessary.

169 **Mary Hanrahan talked about the SH66 preferred route and stated that property owners**
170 **were not notified individually regarding the route. Ms. Hanrahan preferred the northern**
171 **route.**

172
173 6. PUBLIC HEARING ITEMS

- 174
175 a. Hold a public hearing and consider approval of an **Ordinance** finding that
176 the existing natural gas distribution rates of Atmos Energy Corp., Mid-Tex
177 Division should be reduced and take any action necessary

178 **City Attorney Pete Eckert discussed the background of this matter. Mayor Cecil opened**
179 **the public hearing and the following persons came forward to address the Council:**

180
181 **Jeanne Hooker**
182 **14032 Distribution Way**
183 **Farmers Branch, Texas**

184 **Ms. Hooker is the Atmos Energy representative. She requested that the**
185 **Council deny approval of the proposed ordinance.**

186
187 **There being no one further to address the Council, Mayor Cecil closed the public**
188 **hearing. Councilmember Cotti made a motion to approve the Ordinance and**
189 **Councilmember McCallum seconded the motion. The ordinance was read as follows:**
190

ORDINANCE NO. 06-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, FINDING THAT THE EXISTING NATURAL GAS DISTRIBUTION RATES OF ATMOS MID-TEX SHOULD BE REDUCED; ORDERING ATMOS ENERGY CORP., MID-TEX DIVISION, TO REDUCE ITS EXISTING RATES WITHIN THE CITY; ADOPTING SPECIFIC NEW RATES R, T & C AND ORDERING ALL RATES, SERVICE CHARGES AND TARIFF LANGUAGE NOT INCONSISTENT WITH ATTACHMENT 1 TO REMAIN OPERATIVE EXCEPT THAT ALL GRIP SURCHARGES SHALL IMMEDIATELY CEASE; ORDERING ATMOS MID-TEX TO REIMBURSE THE CITY FOR ITS REASONABLE COSTS INCURRED IN THIS SHOW CAUSE AND ANY RELATED RATEMAKING PROCEEDINGS OR APPEALS OF SAID PROCEEDINGS; AUTHORIZING THE ATMOS CITIES STEERING COMMITTEE TO ACT ON BEHALF OF CITY AND INTERVENE IN ANY PROCEEDINGS BEFORE ADMINISTRATIVE OR JUDICIAL BODIES; REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

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

Councilmember Scott left the meeting and the Mayor advised that he would be returning later.

- b. Z2006-006 -- Hold a public hearing and consider approval of an *Ordinance* for a request by Heath Middleton of Enterprise Rent-A-Car for approval of a Specific Use Permit (SUP) to allow for "Automobile Rental" within the (C) Commercial district on Lot 13B1, Block A, Rockwall Towne Centre Addition, located at 700 E IH-30, and take any action necessary.
[1st Reading]

Robert LaCroix discussed the background of the proposed ordinance and advised that the Planning and Zoning Commission had recommended approval by a vote of 7-0. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Heath Middleton (Applicant)
Mr. Middleton requested approval of the SUP.

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 Councilmember Nielsen seconded the motion. The ordinance was read as follows:

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 AN AUTOMOBILE RENTAL FACILITY ON LOT 13B1, BLOCK A, ROCKWALL TOWNE CENTRE ADDITION, LOCATED AT 700 EAST INTERSTATE 30; 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. 1st Reading

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

- c. Z2006-007 -- Hold a public hearing and consider approval of an *Ordinance* for a request by Salehoun Family Ltd. Ptnr. For approval of a change in zoning from (Ag) Agricultural district to (LI) Light Industrial district, on a 6.0-acre tract currently known as Tract 8, Abstract 134, J.

Lockhart Survey, located at 1790 Interstate 30, and take any action necessary. [1st Reading]

Robert LaCroix discussed the background of the proposed change in zoning for a Kia dealership and stated that the Planning and Zoning by a vote of 6-1. LaCroix advised that this property is in the I-30 Overlay District. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Bill Dickason – Owner

Mr. Dickason currently owns a Kia dealership in south Dallas and stated that they will comply with all the regulations and will do what it takes to run a business here.

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 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 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 8.0 ACRES AND KNOWN AS TRACT 8, ABSTRACT 134, J. LOCKHART 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.

1st Reading

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

d. Z2006-008 – Hold a public hearing and consider approval of an Ordinance for a request by Randell Curington of Spring Haven Investments, Inc., for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development district to accommodate a single-family residential development on a 234.70-acre tract known as Tracts 1-1, 2, and 2-1, Abstract 182, J.H. Robnett Survey, located along the south side of SH 276 east of Rochelle Rd. and take any action necessary. [1st Reading]

Robert LaCroix discussed the background of the proposed ordinance for a change in zoning on the Loftis property and advised that the Planning and Zoning Commission had recommended approval by a vote of 7-0. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Chris Cuny (Representing the Owner)

Mr. Cuny showed the proposed development and requested approval of the change in zoning.

Stan Jeffus

1903 S. FM 549

Mr. Jeffus stated that he and his wife had grave concerns about the development causing an increase in the traffic along SH276 and SH205.

Joe Loftis

Mr. Loftis owns the property and requested that the Council approve the change in zoning.

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 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 CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-66) PLANNED DEVELOPMENT NO. 66 DISTRICT ON A 234.70-ACRE TRACT KNOWN AS TRACTS 1-1, 2 AND 2-1, ABSTRACT 182, J.H. ROBNETT 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. *1st Reading*

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

- e. **Z2006-009** -- Hold a public hearing and consider approval of an **Ordinance** for a request by Randell Curington of Spring Haven Investments, Inc. for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on a 27.89-acre tract known as Tract 19, Abstract 186, J.A. Ramsey Survey, located on the east side of F.M. 549 immediately south of (PD-64) Planned Development district No. 64, and take any action necessary. [*1st Reading*]

Robert LaCroix discussed the background of the proposed ordinance for a change in zoning and advised that the Planning and Zoning Commission had recommended approval by a vote of 7-0. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Chris Cuny (Representing the Owner)

Mr. Cuny showed the proposed development and requested approval of the change in zoning.

Melba Jeffus

1903 S. FM 549

Ms. Jeffus stated she does not want the development because of the addition traffic on FM 549.

There being no one further to address the Council, Mayor Cecil closed the public hearing. Councilmember McCallum made a motion to approve the ordinance and Councilmember Cotti seconded the motion. Councilmember Scott returned to the meeting at this time. 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 CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-67) PLANNED DEVELOPMENT NO. 67 DISTRICT ON A 27.939-ACRE TRACT KNOWN AS TRACT 19, ABSTRACT 186, J.A. RAMSEY SURVEY, BEING MORE SPECIFICALLY

DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; 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. *1st Reading*

The motion passed by a vote of 6 ayes and 1 abstain [Scott].

7. SITE PLANS / PLATS

- a. **SP2006-013** -- Discuss and consider a request by Matthew King for approval of variances associated with an amended site plan for the Lighthouse Private School located on Lot 1, Block A, Lighthouse Addition, being 2.21-acres zoned "GR" - General Retail Zoning District and located at 951 North Lakeshore Drive, and take any action necessary.

Robert LaCroix discussed the background of this request. LaCroix stated that the Planning and Zoning Commission approved the site plan pending approval of the requested variances by the Council. Councilmember Scott made a motion to approve the variances and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

8. ACTION ITEMS

- a. Discuss and consider approval of an **Ordinance** amending the Code of Ordinances in Chapter 23 by creating an Arts in Public Places Master Plan and take any action necessary. *[1st Reading]*

Jeffrey Widmer discussed the background of the ordinance. After discussion regarding funding, Councilmember Cotti made a motion to approve the Ordinance and ask the Subcommittee to review ways to have funding available. Councilmember Straughan 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 23 STREETS, SIDEWALKS AND PUBLIC PLACES, BY ADDING ARTICLE IV ART IN PUBLIC PLACES; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE. *1st Reading*

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

- b. Discuss and consider finalizing the designation of the preferred route of SH66 through downtown Rockwall and take any action necessary.

Robert LaCroix discussed the background of this matter. To his knowledge, no notices have ever been sent to individual property owners along the proposed routes. Julie Couch also addressed the background of this matter and stated that in the past no notices or information was sent out with regard to the Thoroughfare Plan. After short discussion, Councilmember Nielsen made a motion that the Rusk/Washington Street route will be the preferred route for SH66. Councilmember Cotti seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- c. Discuss and consider approval of an **Ordinance** revising the Drought Contingency Plan and take any action necessary. [1st Reading]

Rick Crowley discussed the background of the need for this ordinance. The drought program will begin June 1, 2006. After extensive discussion, Mayor Cecil 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, ADOPTING A DROUGHT CONTINGENCY PLAN FOR THE CITY OF ROCKWALL TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN; PROVIDING AN EFFECTIVE DATE. 1st Reading

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

- d. Consider approval of a contract with Lakeside Village Homeowner's Association for mowing services within the Takeline at Lakeside Village and take any action necessary

Brad Griggs discussed the background of this item. Councilmember Cotti made a motion to enter into a contract that would be at no cost to the City and directed Staff to make revisions to the Takeline Overlay District to allow homeowner associations to lease the Takeline. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- e. Discuss and consider approving a plan for implementation of C3 program and take any action necessary.

Julie Couch discussed the plan for the implementation of C3 program. Councilmember Cotti made a motion to approve the plan as outlined and Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [McCallum].

- f. Discuss and consider status of the Animal Adoption Center and take any action necessary.

Julie Couch advised the Council that the Emergency Services Corporation had considered participating in the animal adoption center, but that there was no interest from any of its members, with the exception of Heath. The Council advised Staff to start work on this project as quickly as possible.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting into Executive Session at 9:53 p.m.

9. 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; City Manager Evaluation
- 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. 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. Vester T. Hughes, Jr., as sole Independent Executor of the Estate of W.W. Caruth, Jr., Deceased vs. City of Rockwall. Cause No. 1-06-350, in the 382nd District Court of Rockwall County, Texas.

10. 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 11:00 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 19th day of June, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

June 5, 2006

3:00 p.m. Work Session and 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, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott, and Cliff Savier. 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; 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. 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. Vester T. Hughes, Jr., as sole Independent Executor of the Estate of W.W. Caruth, Jr., Deceased vs. City of Rockwall, Cause No. 1-06-350, in the 382nd District Court of Rockwall County, Texas.
- f. Springer Road Elevated Tank – Potential Litigation.

3. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Cecil made a motion to accept the amended contract for Presbyterian Hospital and Councilmember Scott seconded the motion. The motion passed by a vote of 5 ayes and 2 nays (Nielsen and McCallum).

4. WORK SESSION TO DISCUSS:

- a. City Newsletter
- b. Annual Report

42 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
43 TEXAS, this 19th day of June, 2006.
44
45

46 William R. Cecil
47 William R. Cecil, Mayor
48

49 ATTEST:

50 Dorothy Brooks
51 Dorothy Brooks, City Secretary
52



**MINUTES
ROCKWALL CITY COUNCIL**

June 5, 2006

6:00 p.m. Regular Meeting

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

NEWLY ELECTED COUNCILMEMBERS TAKE OATHS OF OFFICE

Judge David Bridges swore-in Councilmember Cliff Sevier. City Secretary Dorothy Brooks swore-in Councilmembers Margo Nielsen and Stephen Straughan.

1. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:19 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott, and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER BOB COTTI

3. PROCLAMATIONS / RECOGNITIONS

- a. Juneteenth Proclamation
- b. Recognition of long-time resident Harold Evans' contributions to the community
- c. Presentation by Rockwall Breakfast Rotary of a check to the City's Recreation Development Fund

4. OPEN FORUM

Mayor Cecil opened the floor to anyone who wished to address the Council about any subject not set for public hearing on tonight's agenda. The following persons came forward to address the Council:

**Sam Buffington
509 Bourn Avenue
Rockwall, Texas**

Mr. Buffington stated he was a representative from the Southside Coalition and that they had several issues he wanted to discuss. First was the speeding on Sam Houston. Second he was concerned about young men in the neighborhood being given jaywalking tickets. Buffington invited the Councilmembers to attend Juneteenth.

**Roscoe Brown
Rockwall, Texas**

Mr. Brown asked the Council what could be done about the jaywalking tickets and why are they being given. He also stated he was concerned about the speeding along Sam Houston.

**Pastor Joe Robbins
St. Paul A.M.E. Church
805 Peter's Colony
Rockwall, Texas**

Pastor Robbins thanked Staff for holding a meeting regarding the construction of Ross Avenue.

Mayor Cecil asked the City Manager to have Staff hold another Town Hall meeting for the area.

**Mr. Joe Kulik
1311 Shores Circle
Rockwall, Texas**

Mr. Kulik stated he had concerns regarding the Level 3 watering regulations. Kulik stated that we need to change the program to keep Rockwall beautiful. We need to stop building – he opposes high density. We should impose an immediate moratorium on construction.

City Attorney Pete Eckert stated that the Legislature has made it difficult for cities to impose a moratorium on residential and commercial building. It can last no longer than 60 days and it there cannot be consecutive moratoriums.

**Ruth Peck
108 Lakedale
Rockwall, Texas**

Ms. Peck stated that developers need to follow the watering rules. Kroger's was watering and so was Albertsons.

**Mary Puckett
1605 Plummer
Rockwall, Texas**

Ms. Puckett wanted to know how the watering regulations were going to be policed.

**Sheri Fowler
2974 SH-66
Rockwall, Texas**

Ms. Fowler gave a statement in support of art in public places.

**Joetta Currie
5446 Ranger
Rockwall, Texas**

Ms. Currie also spoke in support of art in public places.

**Terri Nevitt
201 Becky Lane
Rockwall, Texas**

Ms. Nevitt talked about the new city newsletter – she did not like the letter and felt the money spent on it could be put to better use – like on the arts. She wants more content and fewer pictures.

Claudette Johnson
1402 Lakeshore
Rockwall, Texas

Ms. Johnson stated that she does not like the new brochure – it is too big and too costly.

Councilmember Scott advised that the Council is currently working on the brochure. Councilmember McCallum stated that the next version will be done differently.

Phillip Herbst
148 Westwood Drive
Rockwall, Texas

Stated he was out of town on his watering days and wanted to know if there was any possibility of watering at a different time.

Lee Gilbert
2010 Industrial Boulevard
Rockwall, Texas

Mr. Gilbert stated that he understood that the City was implementing C3 for better citizen communications. Gilbert advised that the trunk line on Industrial had been cut on two different occasions and left the businesses along Industrial without phone – something that is vital to all their businesses. The second cut was only 75 feet from where the line was cut the first time. More care needs to be taken by construction crews.

Councilmember Nielsen stated that the businesses could file a claim with the insurance company for the contractors to recoup any losses that might have occurred.

There being no one further to address the Council, Mayor Cecil closed the public forum session of the meeting.

5. CONSENT AGENDA

- a. Consider approval of an **Ordinance** amending the Code of Ordinances in Article 18-7 Teen Curfew, Section 18-7-2 Offenses to prohibit minors under seventeen years of age from being in any public place between the hours of 12:01 a.m. and 6:00 a.m. from June 1 through August 15 and take any action necessary. **[2nd Reading]**
- b. **Z2006-006 --** Consider approval of an **Ordinance** for a request by Heath Middleton of Enterprise Rent-A-Car for approval of a Specific Use Permit (SUP) to allow for "Automobile Rental" within the (C) Commercial district on Lot 13B1, Block A, Rockwall Towne Centre Addition, located at 700 E IH-30, and take any action necessary. **[2nd Reading]**
- c. **Z2006-007 --** Consider approval of an **Ordinance** for a request by Salehoun Family Ltd. Ptnr. for approval of a change in zoning from (Ag) Agricultural district to (LI) Light Industrial district, on a 60-acre tract currently known as Tract 8, Abstract 134, J. Lockhart Survey, located at 1790 Interstate 30, and take any action necessary. **[2nd Reading]**

- d. **Z2006-008** -- Consider approval of an **Ordinance** for a request by Rancell Curington of Spring Haven Investments, Inc., for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development district to accommodate a single-family residential development on a 234.70-acre tract known as Tracts 1, 2, and 2-1, Abstract 182, J.H. Robnett Survey, located along the south side of SH 276 east of Rochelle Rd. and take any action necessary. [2nd Reading]
- e. **Z2006-009** -- Consider approval of an **Ordinance** for a request by Randall Curington of Spring Haven Investments, Inc. for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on a 27.89-acre tract known as Tract 19, Abstract 186, J.A. Ramsey Survey, located on the east side of F.M. 549 immediately south of (PD-64) Planned Development district No. 64, and take any action necessary. [2nd Reading]
- f. Consider approval of an **Ordinance** revising the Drought Contingency Plan and take any action necessary. [2nd Reading]
- g. Consider approving purchase of new public safety radios budgeted in the 2005-2006 operating budget and take any action necessary.
- h. Consider approval of the award of the bid for the Chandler's Marina Lift Station Reconstruction and take any action necessary.
- i. Consider authorizing the City Manager to execute a Pre-Construction Services Contract for the SH-66 Boat Ramp Project and the Shores Neighborhood Park project and take any action necessary
- j. Consider approval of the Engineering Contract amendment for the Squabble Creek Drainage Area Sanitary Sewer Investigation and take any action necessary
- k. Consider approval of an Ordinance amending Chapter 15, Article IV, §15-81 of the Code of Ordinances to provide for the definition of solicitation and take any action necessary.

Councilmember Straughan requested that Consent Agenda Item 5k be pulled.
 Councilmember Scott requested that Consent Agenda Items 5d and 5e be pulled.
 Councilmember McCallum requested that Consent Agenda Item 5g be pulled.
 Councilmember Scott then made a motion to approve the remaining items (a, b, c, h, i and j). Councilmember Straughan seconded the motion and the ordinances were read as follows:

ORDINANCE NO. 06-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN ARTICLE 18-7 TEEN CURFEW, SECTION 18-7-2 OFFENSES TO PROHIBIT MINORS UNDER SEVENTEEN YEARS OF AGE FROM BEING IN ANY PUBLIC PLACE BETWEEN THE HOURS OF 12:01 A.M. AND 6:00 A.M. FROM JUNE 1 THROUGH AUGUST 15; PROVIDING FOR AN ENFORCEMENT PROVISION; ESTABLISHING A PENALTY OF A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. 2nd Reading

ORDINANCE NO. 06-18

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 AN AUTOMOBILE RENTAL FACILITY ON LOT 13B1, BLOCK A, ROCKWALL TOWNE CENTRE ADDITION, LOCATED AT 700 EAST INTERSTATE 30; 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. 2nd Reading

ORDINANCE NO. 06-19

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 6.0 ACRES AND KNOWN AS TRACT 8, ABSTRACT 134, J. LOCKHART 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. 2nd Reading

ORDINANCE NO. 16-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING A DROUGHT CONTINGENCY PLAN FOR THE CITY OF ROCKWALL TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN; PROVIDING AN EFFECTIVE DATE. 2nd Reading

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

With respect to Consent Agenda Item 5k, Councilmember Straughan asked Chief Moeller about badges for door-to-door solicitors. Moeller advised that this would increase the work load and more people will have to get permits. After lengthy discussion, Mayor Cecil made a motion to deny approval of the ordinance and Councilmember McCallum seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [Scott].

Councilmember Cotti made a motion to approve Consent Agenda Items 5d and 5e and Councilmember McCallum seconded the motion. The ordinances were read as follows:

ORDINANCE NO. 06-20

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 (AG) AGRICULTURAL DISTRICT TO (PD-66) PLANNED DEVELOPMENT NO. 66 DISTRICT ON A 234.70-ACRE TRACT KNOWN AS TRACTS 1-1, 2 AND 2-1, ABSTRACT 182, J.H. ROBBETT 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. 2nd Reading

ORDINANCE NO. 06-21

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 (AG) AGRICULTURAL DISTRICT TO (PD-67) PLANNED DEVELOPMENT NO. 67 DISTRICT ON A 27.938-ACRE TRACT KNOWN AS TRACT 19, ABSTRACT 186, J.A. RAMSEY SURVEY, BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS: 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. 2nd Reading

The motion passed by a vote of 6 ayes and 1 nay [Scott].

With regard to Consent Agenda Item 5g which is to consider approving purchase of new public safety radios Councilmember McCallum asked for clarification on whether the cost is provided for in the current budget. McCallum then made a motion to approve Consent Agenda Item 5g and Councilmember Cotti 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 Chairman discussed the planning and zoning items on tonight's agenda.

- b. Appointment with Scott Self to discuss sailboat tours at The Harbor and take any action necessary.

Scott Self addressed the Council regarding sailboat tours at The Harbor. Self stated that he had recently his Coast Guard Sailing License which would allow him to have passengers. Julie Couch stated that Mr. Self was only asking the Council to look at the concept tonight. There will be a concession fee. After discussion, Councilmember Nielsen made a motion to instruct Staff to prepare a contract between the City and Mr. Self and bring it back to the Council for approval. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays. The contract will not be exclusive.

- c. Appointment with Michael Baldwin of TXU Electric Delivery regarding a request for a variance to install an overhead distribution line along FM549 to serve the proposed RSID Fontanna School and take any action necessary.

Michael Baldwin of TXU Electric Delivery appeared before the Council to discuss the requested variance. Putting in the overhead distribution line will save the School District between \$600,000 to \$1,000,000. 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.

7. PUBLIC HEARING ITEMS

- a. **AM2006-002** -- Hold a public hearing and consider approval of an **Ordinance** of a city initiated amendment to the City of Rockwall Code of Ordinances - Subdivision Regulations - Chapter 24 - Amending the following sections: Section 24-7, Master Plat, subsections (a) and (b); Section 24-8, Preliminary Plats, adding a new subsection (a) and renumbering succeeding subsections; and Section 24-9, Fina. Plat, subsection (a), and take any action necessary. **[1st Reading]**

Robert LaCroix, Planning Director, discussed the background of this item. Mayor Cecil opened the public hearing but no one appeared to address the Council, so the public hearing was closed. Councilmember Straughan made a motion to approve the ordinance 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 SUBDIVISION REGULATIONS, AS PREVIOUSLY AMENDED, IN CHAPTER 24 OF THE CITY CODE OF ORDINANCES, AMENDING SECTIONS 24-7, 24-8 AND 24-9; MODIFYING PROCEDURES FOR ACCEPTANCE AND PROCESSING OF PLAT APPLICATIONS; 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. 1st Reading

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

8. SITE PLANS / PLATS

- a. **SP2006-015** -- Discuss and consider a request for special exceptions to the Unified Development Code's requirements for construction materials (Article V, Section 4.1 A) and building articulation (Article V, Section 4.1 C) by Andrew Bocher of BMA Architects for the First Baptist Church Children's Building, and take any action necessary.

Robert LaCroix discussed the background of this request and advised the Council that the Planning and Zoning Commission had recommended approval of the elevations and special exceptions by a vote of 6-0. Councilmember Straughan made a motion to approve the request and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

9. ACTION ITEMS

- a. Consider approval of an **Ordinance** amending the Code of Ordinances in Chapter 23 by creating an Arts in Public Places Master Plan and take any action necessary. **[2nd Reading]**
- b. Discuss and consider recommending an appropriate funding source for Art in Public Places and take any action necessary

Action Items 9a and 9b were discussed as one item. Mayor Cecil discussed the background for the funding source. Councilmember Straughan made a motion to approve the funding recommendation and Mayor Cecil seconded the motion. After lengthy discussion Councilmember Scott made a motion to amend the motion to approve the ordinance and approve \$30,000 from the hotel/motel fund. The amended motion failed for lack of a second. The ordinance was read as follows:

ORDINANCE NO. 06-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 23 STREETS, SIDEWALKS AND PUBLIC PLACES, BY ADDING ARTICLE IV ART IN PUBLIC PLACES; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion failed by a vote of 3 ayes [Cotti, Straughan and Cecil] and 4 nays [McCallum, Scott, Nielsen and Sevier].

Councilmember McCallum then made a motion to approve the ordinance, fund \$30,000 for the Founder's statue and instruct Staff to bring back to the Council at the next meeting recommendations for fees for funding. Councilmember Scott seconded the motion. The City Attorney stated that it was not necessary to re-read the ordinance. The motion passed by a vote of 5 ayes and 2 nays [Cecil and Cotti].

- c. Discuss and consider the procedure for the reduction of the speed limits within a subdivision and take any action necessary.

Assistant City Manager Rick Crowley discussed the background of this item. After lengthy discussion, Councilmember Straughan made a motion to direct Staff to develop reducing speed limits to 25 mph within neighborhoods, but not the collector streets. Councilmember Cotti seconded the motion. 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

Julie Couch advised the Council that the target-date for complete of the public side of the Improvements at The Harbor is September. Couch reminded the Council that we would be meeting at 2:00 p.m. on June 19, 2006, to discuss budget priorities.

There being no further business to come before the Council in regular session, Mayor Cecil adjourned the meeting into Executive Session at 9:41 p.m.

11. 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; 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. 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. Vester T. Hughes, Jr., as sole Independent Executor of the Estate of W.W. Caruth, Jr., Deceased vs. City of Rockwall, Cause No. 1-06-350, in the 382nd District Court of Rockwall County, Texas.
- f. Springer Road Elevated Tank – Potential Litigation.

12. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


Councilmember Cotti made a motion to accept the settlement agreement with Chicago Bridge and Iron and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember McCallum made a motion to appoint Councilmember Scott as Mayor Pro Tem and Councilmember Sevier seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti made a motion to appoint Councilmember Straughan to the Facilities Subcommittee and Councilmember McCallum 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 11:10 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 19th day of June, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**Minutes
Rockwall City Council**

June 19, 2006

2:00 p.m. Budget Work Session and Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

1. CALL TO ORDER

Mayor Cecil called the meeting to order at 2:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott, and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

2. WORK SESSION TO DISCUSS:

- a. Budget priorities.

After discussing their budget priorities, Mayor Cecil adjourned the meeting into Executive Session at 4:00 p.m.

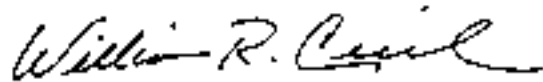
3. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- 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. 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

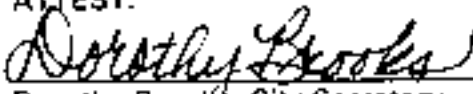
4. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 17th day of July, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**Minutes
Rockwall City Council
June 19, 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 Cottl, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott, and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER CLIFF SEVIER

3. PROCLAMATIONS / RECOGNITIONS

4. CONSENT ITEMS

- a. Consider approval of the Minutes from the May 15, 2006 City Council meeting and take any action necessary.
- b. **AM2006-002** -- Consider approval of an **Ordinance** of a city initiated amendment to the City of Rockwall Code of Ordinances - Subdivision Regulations - Chapter 24 - Amending the following sections: Section 24-7, Master Plat, subsections (a) and (b); Section 24-8, Preliminary Plats, adding a new subsection (a) and renumbering succeeding subsections; and Section 24-9, Final Plat, subsection (a), and take any action necessary [2nd Reading]
- c. Consider approval of a Change Order on The Harbor Project Phase 1 and take any action necessary.
- d. Consider approval of a **Resolution** authorizing the City Manager to enter into an agreement with TxDOT for the purchase of right of way along SH-205 from north of SH-66 to SH-276 (Parcel 86) and take any action necessary.
- e. Consider approval of a **Resolution** authorizing the City Manager to enter into an agreement with TxDOT for the purchase of right of way along SH-205 from north of SH-66 to SH-276 (Parcel 88) and take any action necessary.
- f. Consider approval of a **Resolution** denying Atmos Energy Corp., Mid-Tex Division's Statement of Intent to increase the gas utility rates in this municipality and take any action necessary.
- g. Consider approval of an **Ordinance** denying the request of Atmos Energy Corp., Mid-Texas Division, for an annual gas reliability infrastructure program (GRIP) rate increase in this municipality and take any action necessary.

- b. Appointment with David Howerton of Rainbow End Day Care regarding amendments to the Fire and Building Codes and take any action necessary.

Fire Chief Mark Poindexter discussed the background of this matter and the requested Fire and Building Code amendments. Poindexter advised that the International Code adopted by the City requires that fire alarms be monitored. David Howerton came forward and addressed the Council and talked about the various codes and why he feels they should be changed. He stated he has put in an alarm system but is asking for a variance to not have his fire alarm monitored. After a short discussion, Councilmember Straughan made a motion to deny Mr. Howerton's request and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- c. Appointment with Naming Sub-Committee for status report and take any action necessary.

Councilmember Scott discussed the status of the review of the naming guidelines by the Naming Subcommittee. The Subcommittee feels that the current guidelines are ok and recommends approving the recommendation by the Park Board for the naming of the park at the Shores "The Shores Park." The Subcommittee does feel that language needs to be added to the policy regarding how we name parks and buildings. Councilmembers Cotti and Straughan recommended that the policy be revised and brought back to the Council for approval. No other action was taken on this matter.

- d. Appointment with Marilyn Roberts to regarding stockpiling dirt and take any action necessary.

Marilyn Roberts came forward to address the Council regarding a stockpile of dirt on his property. Roberts wants to leave the dirt where it is until the project is complete and then he will spread it out. The dirt will not be stockpiled permanently. Roberts stated that he talked to FEMA and they said it could be in the flood plain so long as it is not in the flood area. City Engineer Chuck Todd discussed the City ordinance prohibiting stockpiling of dirt in the flood plain or on an easement. After discussion, Roberts was asked if he would promise to get the dirt out in six months and he did so promise. Councilmember Scott then made a motion to approve the variance and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

6. PUBLIC HEARING

- a. Z2006-010 -- Hold a public hearing and consider approval of an Ordinance for a request by Brian Walker for approval of a Specific Use Permit (SUP) allowing for a deck/patio within the Lake Ray Hubbard Takeline Overlay (TL, OV) District, in the lake area adjacent to their property at 1170 Crestcove Drive, being Lot 22, Block B Hillcrest Shores Phase 3 Addition, and take any action necessary. [1st Reading]

Robert LaCroix discussed the background of this request. LaCroix stated that Staff recommended approval with conditions and that the Planning & Zoning Commission recommended approval as presented by Staff. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Applicant was not present and did not appear

Councilmember Cotti made a motion to continue the public hearing until the July 17, 2006 meeting and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- b. Z2006-011 -- Hold a public hearing and consider approval of an *Ordinance* for a request by Brent Lemmond of Dallas Towboys for approval of a Specific Use Permit (SUP) to allow for a "Towing and Impound Yard" within the (C) Heavy Commercial district, on property described as Lot 4, Block A, Rockwall 205 Business Park (unrecorded) and located at 281 National Drive, and take any action necessary. [1st Reading]

Robert LaCroix discussed the background of this request. LaCroix stated that Staff recommended approval with conditions and that the Planning & Zoning Commission recommended approval as presented by Staff. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Brent Lemmond
10349 SH205
Rockwall, Texas
Mr. Lemmond asked for approval of his request.

There being no one further to address the Council, Mayor Cecil closed the public hearing. After short discussion, Councilmember Scott stated he would approve the request so long as the cost of non-consent tows and impound fees would be a part of the ordinance. City Attorney Eckert stated that the language should read "*to the extent permitted by law only for non-consent tows from and within the city, the cost shall be limited to \$_____.*" Councilmember Scott made a motion to approve the SUP with the additional language for nonconsent tows and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

7. SITE PLANS / PLATS

- a. SP2006-010 -- Discuss and consider a variance request for the requirement of cross access by Don Dalton of The Woodmont Company in association with a site plan for Rockwall Crossing Phase 2, being a 509,000 (+/-) sq ft commercial development located on approximately 45.72-acres currently described as Rockwall Business Park East. The subject property is zoned (PD-14) Planned Development No. 14 district and (C) Commercial district, is situated within the I-30 Corridor Overlay District and SH 205 Corridor Overlay district, and located along the south side of I-30, north side of Ralph Hall Pkwy, west of SH 205 and immediately east of Rockwall Crossing Phase 1. (3/4 vote required for approval)

Robert LaCroix discussed the background of the request for approval of the variance to the site plan in order use 9 x 18 parking spaces. The Planning and Zoning Commission approved the site plan, but required the use of 9 x 20 parking spaces. The applicant, Don Dalton came forward to address the Council. Mr. Dalton stated he was seeking a variance for the parking spaces and the cross access from the adjoining shopping center. After discussion, Councilmember Straughan made a motion to deny the

requested variances and Councilmember Scott seconded the motion. The motion to deny passed unanimously by a vote of 7 ayes and 0 nays.

- b. **SP2006-004** – Discuss and consider a request by Donald Freeman of Perkins + Will for approval of a PD Site Plan for the Presbyterian Hospital of Rockwall, located on a 13.49-acre tract zoned (PD-9) Planned Development No. 9 district and situated west of Horizon Rd (FM 3097), south of Rockwall Pkwy. east of Summer Lee Drive and north of Tubbs Road, and take any action necessary

Robert LaCroix discussed the background of this request for site plan approval, including a waiver for stone on the façade, vertical articulation standards, directional signs and metal screening for the air conditioning units. The Planning and Zoning Commission recommended approval by a vote of 6 – 1. The PD requires that the Council approve the site plan. Ken Teel came forward to address the Council and requested approval of the variances. Councilmember Scott 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.

8. ACTION ITEMS

- a. Discuss and consider a moratorium on residential construction, and take any action necessary

Councilmember Scott stated that he brought this matter forward for Council discussion. After a short discussion, no action was taken.

- b. Discuss and consider funding for Art in Public Places and take any action necessary.

City Manager Julie Couch and City Attorney Pete Eckart discussed the funding options. After a short discussion, Councilmember McCallum made a motion directing Staff to bring back an ordinance requiring a \$30 fee on new construction permits for residential homes and commercial businesses. This does not affect governmental permits. Councilmember Scott seconded the motion. After additional discussion, Councilmember McCallum amended his motion to include the proposal for rounding up on water bills and Councilmember Scott seconded the amended motion. The motion passed by a vote of 4 ayes [McCallum, Scott, Sevier and Cecil] and 3 nays [Nilsen, Cotti and Straughan].

- c. Discuss and consider approval of an Ordinance amending Chapter 5 of the Code of Ordinances regarding rabies vaccination requirements and fees and take any action necessary

Jeffrey Widmer 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, AMENDING THE CODE OF ORDINANCES IN CHAPTER 5 ANIMALS IN SECTIONS 5-1 DEFINITIONS, 5-6 DOG-CAT PERMITS AND TAGS-GENERALLY, 5-9 VACCINATION OF ANIMALS CAPABLE OF TRANSMITTING RABIES; 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. *1st Reading*

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

- d. Consider and take action on adoption of a *Resolution* directing publication of notice of intention to issue certificates of obligation; and resolving other matters relating to the subject.

Mary Smith, Finance Director, discussed the background of this item. Councilmember Cotti made a motion to approve the Resolution and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- e. Consider and take action on adoption of a *Resolution* calling a public hearing regarding amending the project plan and financing plan for Tax Increment Reinvestment Zone Number 1, City of Rockwall, Texas; preliminary approval of amendments to the project and financing plan; authorizing publication of notice and notice to taxing units; and resolving other matters related thereto.

Mary Smith discussed the background of this item. Councilmember Cotti made a motion to approve the Resolution and Councilmember Nielsen 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 at this time, Mayor Cecil adjourned the meeting into Executive Session at 10:10 p.m.

11. 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. 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.

12. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Cecil made a motion to approve the REDC contract regarding the Justin Road right-of-way and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Cecil made a motion to approve a mandatory injunction on the Hoenshalt property and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Nielsen made a motion that the Blackland termination date be set and Councilmember Sevier seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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341 There being no further business to come before the Council, Mayor Cecil adjourned the
342 meeting at 11: 55 p.m.

343
344 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
345 TEXAS, this 17th day of July, 2006.

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348 William R. Cecil
349 William R. Cecil, Mayor

350
351 ATTEST:
352 Dorothy Brooks
353 Dorothy Brooks, City Secretary



Minutes
Rockwall City Council
June 26, 2008
5:45 p.m. Joint Work Session with the
Planning and Zoning Commission
City Hall, 385 S. Goliad, Rockwall, Texas 75087

1. CALL TO ORDER

Mayor Cecil called the meeting to order at 5:45 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott and Cliff Sevier. Also present were Planning and Zoning Commission Members Greg Burgamy, Susan Langdon, Mike Lucas, Glenn Smith, Jeff Carroll, Connie Jackson and Phillip Herbst. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

2. HOLD WORK SESSION TO DISCUSS:

- A. Updating the comprehensive land use plan and other matters of joint interest and take any action necessary.

Robert LaCroix discussed the background of this matter. After lengthy discussion, Staff was instructed to proceed with the comprehensive land use plan update.

3. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- a. 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.

No action was taken as a result of Executive Session.

4. ACTION ITEM

- a. Discuss and consider approval of a revised interlocal agreement with Rockwall County regarding subdivision regulations within the ETJ and take any action necessary.

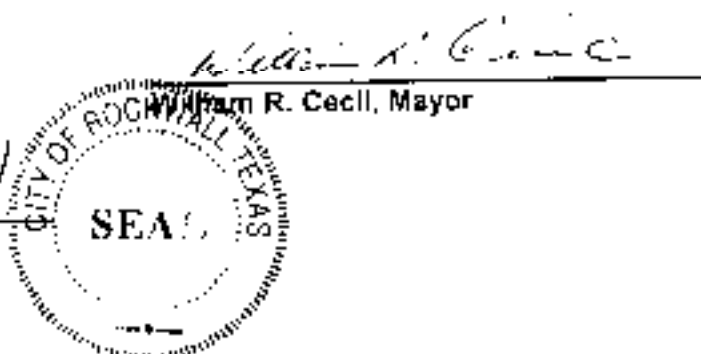
Robert LaCroix and Julie Couch discussed the revisions to subdivision regulations within the ETJ. After a short discussion, no action was taken.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 7:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 11 day of December, 2008.

ATTEST:


Dorothy Brooks, City Secretary



Minutes
Rockwall City Council
July 3, 2006
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, Matt Scott and Cliff Sevier. Also present was City Manager Julie Couch.

2. ACTION ITEMS

- a. Discuss and consider approval of a **Resolution** providing for reconnection fees for water disconnected pursuant to the Drought Contingency Plan Ordinance (Ordinance No. 08-16) and take any action necessary.

After discussion, upon motion duly made and seconded, the Resolution passed.

- b. Discuss and consider approval of a revised interlocal agreement with Rockwall County regarding subdivision regulations within the ETJ and take any action necessary.

After discussion, upon motion duly made and seconded the Interlocal Agreement was approved.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 6:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 11 day of December, 2006.

ATTEST:

Dorothy Brooks
Dorothy Brooks, City Secretary

William R. Cecil
William R. Cecil, Mayor



**Minutes
Rockwall City Council
July 17, 2006**

**3:00 p.m. Work Session and Pre-Council Meeting
City Hall, 385 S. Gollad, Rockwall, Texas 75087**

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 3:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielson, Matt Scott and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. HOLD WORK SESSION TO DISCUSS:

(1) ARCHITECTURAL STANDARDS

III. ADJOURNMENT

After discussing Architectural Standards, Mayor Cecil adjourned the meeting into Executive Session at 4:00 p.m.

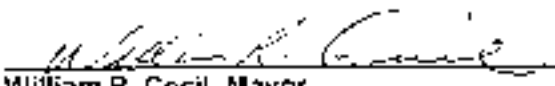
IV. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- (1) Deliberation regarding the purchase, exchange, lease, or value of real property.
- (2) Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- (3) 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.
- (4) 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.

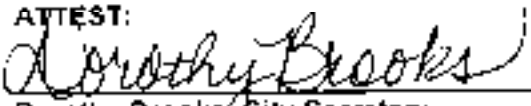
V. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken by the Council during Executive Session. Mayor Cecil adjourned the Executive Session at 5:56 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 7th day of August, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



Minutes
Rockwall City Council
July 17, 2006
6:00 p.m. Regular Meeting
City Hall, 385 S. Gollad, Rockwall, Texas 75087

I. 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, Matt Scott and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MARGO NIELSEN

III. PROCLAMATIONS / RECOGNITIONS

(1) National Night Out Officer David Andrews received the Proclamation.

IV. OPEN FORUM

Mayor Cecil opened the floor to those persons who wished to address the Council during the Open Forum Session. The following persons came forward to address the Council:

Ruth Peck

108 Lakedale

Rockwall, Texas

Ms. Peck stated that a water hotline could promote "meanness" among neighbors and the Council should consider a better way for reporting watering violations.

Ms. Lynn Browning

108 Lake Meadows

Rockwall, Texas

Ms. Browning stated that we needed a new housing building and a new nursing home.

Pastor Joe Robins

805 Peter's Colony

Rockwall, Texas

Pastor Robbins thanked the Council for their attendance at Juneteenth and stated that the Southside had nothing to do with Channel 8 showing up to do a story on police harassment of youth in the neighborhood. Pastor Robbins also asked the Council to consider changing the name of the Southside Park to "Lorie Williams Park."

Joann Glover

950 Williams

Rockwall, Texas

Thanked the Council for their support of Rockwall Aging and advised the Council that there is a growing population of seniors in our community.

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

V. CONSENT AGENDA

- (1) Consider approval of the Minutes from the June 19, 2006. City Council meeting and take any action necessary.
- (2) Consider approval of a **Resolution** naming the neighborhood park at The Shores "Shores Park" and take any action necessary.
- (3) Consider approval of an **Ordinance** amending Chapter 5 of the Code of Ordinances regarding rabies vaccination requirements and fees and take any action necessary **[2nd Reading]**
- (4) Consider authorizing the City Manager to enter into a contract with Landscapes Unlimited, LLC for construction manager services for the Shores Neighborhood Park Project and take any action necessary
- (5) Consider authorizing the City Manager to enter into a contract with Schuler Project Management Team for construction manager services for the Park at Foxchase Project and take any action necessary.
- (6) Consider approval of the award of the bid for the spray ground equipment for the Fox Chase Park spray ground and take any action necessary
- (7) Consider approval of the award of the bid for the Industrial Boulevard Improvements Project and take any action necessary.
- (8) Consider authorizing the City Manager to execute a Facility Agreement for collection of the pro rata costs for the off-site sanitary sewer line installed by the Highway 276 Retail Center and take any action necessary.
- (9) Consider approval of the award of the Engineering Agreement with Birkhoff, Hendricks & Conway for the design of the 16-inch water line along FM-552 and take any action necessary.
- (10) **Z2006-011** – Consider approval of an **Ordinance** for a request by Brent Lemmond of Dallas Cowboys for approval of a Specific Use Permit (SUP) to allow for a "Towing and Impound Yard" within the (HC) Heavy Commercial district, on property described as Lot 4, Block A, Rockwall 205 Business Park (unrecorded) and located at 291 National Drive, and take any action necessary. **[2nd Reading]**
- (11) Consider authorizing the City Manager to enter into a contract with the City of Heath regarding the Public Safety Radio System and take any action necessary
- (12) Consider approval of an **Ordinance** amending the Code of Ordinances in Chapter 10 Fire Code with regard to the turning radius of a fire apparatus access road and take any action necessary **[1st Reading]**
- (13) Consider approval of the revisions to the Parks, Recreation and Municipal Naming Policy and take any action necessary.
- (14) Left blank on purpose.

- (15) Consider approval of a **Resolution** authorizing the Mayor to execute a Quitclaim Deed abandoning right-of-way that is no longer needed to the abutting land owner and take any action necessary.
- (16) Consider approval of the bid ward for a secondary fuel source with the Fleet Card Program and take any action necessary
- (17) **P2006-020** – Consider a request from First Baptist Church for approval of a replat of Lot 1, Block A, First Baptist Church Addition, being a 7.52-acre tract zoned (GR) General Retail district, (SF-10) Single Family Residential district and (SF-7) Single Family Residential district and located at the northwest corner of Golad (SH 205) and Boydstun Drive, and take any action necessary.
- (18) **P2006-021** – Consider a request by Randall Curington of Spring Haven Investments, Inc. for approval of a preliminary plat for Fontanna Ranch Phase III, being a 27.89-acre tract zoned (PD-67) Planned Development No. 67 district and located on the east side of FM 549, directly south of Fontanna Ranch Phase I, and take any action necessary.
- (19) **P2006-023** – Consider a request by Sean Flaherty of The Wallace Group, Inc., for approval of a replat of Lot 2, Block A, Rockwall Crossing Addition, being a 1.42-acre tract zoned © Commercial and located along the south side of Interstate 30, and take any action necessary.
- (20) **P2006-024** – Consider a request by Kyung Hwan In and Jee Hyung Chung for approval of a final plat for Lot 1, Block A, Yellow Jacket Addition, being a 1.129-acre tract zoned © Commercial district and situated at the northeast corner of Ridge Road and Yellow Jacket Lane, and take any action necessary.
- (21) **P2006-025** – Consider a request from Pat Grady of Lakeside Chevrolet Co. for approval of a replat of Lakeside Chevrolet Addition, located at 2005 S. Golad, being a 8.692-acre tract zoned © Commercial district and situated within the SH 205 Overlay District and IH-30 Overlay District, and take any action necessary
- (22) Consider and take action on adoption of a **Resolution** calling for a public hearing regarding amending the project plan and financing plan for Tax Increment Reinvestment Zone Number 1, City of Rockwall, Texas; preliminary approval of amendments to the project and financing plan, authorizing publication of notice and notice to taxing units; and resolving other matters related thereto.
- (23) Consider approving a Resolution authorizing Cities Aggregation Power Project, Inc. (CAPP) to act as an agent on behalf of the City to enter into a contract for electricity and take any action necessary

Councilmember Scott requested that Consent Agenda Items 10 and 13 be pulled. Mayor Cecil requested that item 12 be pulled and Councilmember McCallum requested that items 6 and 17 be pulled. McCallum then made a motion to approve the remaining items and Councilmember Straughan seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 06-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 5 ANIMALS IN SECTIONS 5-1 DEFINITIONS, 5-5 DOG/CAT PERMITS AND TAGS-GENERALLY, 5-9 VACCINATION OF ANIMALS CAPABLE OF TRANSMITTING RABIES; 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.
(2nd Reading)

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

After clarification regarding the re-use of water for the sprayground, Councilmember McCallum made a motion to approve Consent Agenda Item 6 and Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

With regard to Consent Agenda Item 10, Councilmember Scott requested that paragraph 5 in Section 2. of the ordinance be amended to state: *"That the City Council shall review and approve the applicant's rates for non-consent tows originating within the City of Rockwall to the extent permitted by law. Any inability to agree on rates for non-consent tows shall allow the City Council to rescind the SUP without further recourse."* Mayor Cecil seconded the motion and the ordinance was read as follows:

ORDINANCE NO. 06-28

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 FOR A TOWING AND IMPOUND YARD, ON A TRACT OF LAND KNOWN AS TRACT 2-9, J R JOHNSON SURVEY, ABSTRACT NO. 128, LOCATED AT 291 NATIONAL DRIVE; 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. (2nd Reading)

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

With regard to Consent Agenda Item 13, Councilmember Scott requested a clarification on the policy and then made a motion to approve the item. Mayor Cecil seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

With regard to Consent Agenda Item 17 after a clarification regarding trees, Councilmember McCallum made a motion to approve the item and Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

With regarding to Consent Agenda Item 12, Mayor Cecil requested clarification on why the change was needed. Fire Chief Mark Polindexter explained the reason behind the request. Mayor Cecil then 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, AMENDING THE CODE OF ORDINANCES IN CHAPTER 10 FIRE PREVENTION AND PROTECTION REGARDING THE TURNING RADIUS OF A FIRE APPARATUS ACCESS ROAD; 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. [1st Reading]

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

VI. APPOINTMENTS

- (1) 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. Councilmember Cotti recognized Mr. Herbst work on the Planning and Zoning Commission. Mr. Herbst has reached his term limits on the Commission and will be stepping down from the Commission in August.

- (2) Appointment with Gary Trotter, a representative from the Coastal Drive neighborhood, and take any action necessary.

Gary Trotter and other representatives from the Coastal Drive neighborhood gave a short power point presentation on their recent block party and then presented Councilmember Margo Nielsen with a check in the amount of \$350.00, which represents the funds they raised during the block party for Helping Hands.

- (3) Appointment with David Duhman of Quorum Architects regarding status of the Animal Adoption Center and take any action necessary.

David Duhman and Jeffrey Widmer discussed the site plan and building design of the proposed Animal Adoption Center. After a short discussion, Councilmember Straughan made a motion to refer the matter to the Facilities Subcommittee and Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

VII. PUBLIC HEARING ITEMS

- (1) **Z2006-010** – Continuation of the public hearing on this matter and consider approval of an **Ordinance** for a request by Brian Walker for approval of a Specific Use Permit (SUP) allowing for a development within the Lake Ray Hubbard Lakefront Overlay (TL OV) District in the lake area adjacent to their property at 1170 Crestcove Drive, being Lot 22, Block B, Hillcrest Shores Phase 3 Addition, and take any action necessary.
[1st Reading]

Robert LaCroix, Planning Director, advised that this is a continuation of the public hearing from the last meeting and gave a short update of the matter. The following persons appeared before the Council:

Brian Walker [Applicant]
1170 Crestcove Drive
Rockwall, Texas
Mr. Walker asked the Council for their approval.

There being no one further to address the Council on this matter, Mayor Cecil closed the public hearing. Councilmember McCallum 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, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A DECK / PATIO WITHIN LAKE RAY HUBBARD TAKELINE OVERLAY DISTRICT, ON A TRACT OF LAND ADJACENT TO LOT 22, BLOCK B, HILLCREST SHORES PHASE THREE AND LOCATED AT 1170 CRESTCOVE DRIVE, AND MORE SPECIFICALLY DESCRIBED IN "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. *{1st Reading}*

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

(2) **Z2006-013** -- Hold a public hearing and consider approval of an ordinance for a request by Brad Forslund of Churchill Residential, Inc., for a change in zoning from (C) Commercial district to (PD) Planned Development district, specifically to accommodate an independent/active senior living community and commercial uses on a 25.45-acre tract known as Tract 18, Abstract No. 255, B.J.T. Lewis Survey, situated along the east side of S. Golad south of the railroad and north of Justin Dr, and take any action necessary. *{1st Reading}*

Robert LaCroix discussed the background of this request and the requirements for the project. Mayor Cecil opened the public hearing and the following persons appeared before the Council:

Tony Sisk and Joan Monette of Churchill Residential [Applicants]
Mr. Sisk gave a power point presentation on the project and answered questions by the Council.

Ruth Peck
Ms. Peck read an e-mail from Claudette Jones in favor of the project.

Karen Birkenbach
337 Valiant Drive
Rockwall, Texas
Ms. Birkenbach is in favor of the project.

Leon Tuttle
603 Stonebridge Drive
Rockwall, Texas
Mr. Tuttle spoke against the project.

Ken Dickson
205 Meadowdale
Rockwall, Texas
Mr. Dickson spoke against the project.

Sam Buffington

509 Bourn Avenue
Rockwall, Texas
Mr. Buffington spoke in favor of the project.

Peg Pannell-Smith
602 Williams
Rockwall, Texas
Ms. Smith spoke in favor of the project.

Frank Childs
Evergreen Mesquite
Spoke in favor of the project.

Gary Turner
Fire Sprinkler Association
Mr. Turner wanted to clarify that there has never been "multiple loss" in any building that has sprinklers.

Joann Glover
550 E. Quail Run Road
Rockwall, Texas
Spoke in favor of the project.

Tony Rios
Rockwall Housing Authority
Spoke in favor of affordable senior housing and stated that the issue is "what is affordable." Mr. Rios felt that the applicant should set aside a certain portion of the facility for lower income persons.

Marcia Gilbert
205 Woodpark Lane
Rockwall, Texas
Ms. Gilbert spoke in favor of the project.

There being no one further to address the Council on this matter, Mayor Cecil closed the public hearing. After a very lengthy discussion, Councilmember Scott made a motion to approve the request with the following conditions: (1) The applicant will establish rear access; (2) the deed restrictions will last for 50 years; (3) the tax credits have to be awarded; and (4) the restriction for 55 and over has an exception for the spouse of a person 55 or over, but no children are allowed. 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 APPROVE A CHANGE IN ZONING FROM (C) COMMERCIAL DISTRICT TO (PD-___) PLANNED DEVELOPMENT NO. ___ DISTRICT, SPECIFICALLY TO ALLOW FOR AGE-RESTRICTED SENIOR HOUSING AND COMMERCIAL USES ON A 24.45 ACRE TRACT KNOWN AS TRACT 18, ABSTRACT 255, B.J.T. LEWIS SURVEY, AND MORE FULLY 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 3 ayes [Nielsen, Scott and Straughan] and 4 nays [Cotti, McCallum, Cecil and Sevier].

VIII. SITE PLANS / PLATS

- (1) **SP2003-020** -- Discuss and consider a request from Rob Whittle for approval of a special exception to the Unified Development Code's requirements for construction materials (Article V, Section 4.1 A) for the amended building elevations of The Harbor Hilton Hotel and Conference Center, located on Lot 2, Block A, The Harbor - Rockwall Addition, a 19.93-acre site zoned (PD-7) Planned Development No. 7 District and situated along the Lake Ray Hubbard shoreline south of I-30 and west of Summer Lee Drive, and take any action necessary.

Robert LaCroix discussed the background of the requested change. Rob Whittle appeared and stated that the change is a requirement by Hilton and discussed the improvement in the EFUS. Councilmember Cotti made a motion to approve the request and Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- (2) **SP2005-031** -- Discuss and consider a request by Peg Smith for approval of a special exception to the Unified Development Code's requirements for (Article V, Section 4.1 A) for the amended building elevations for Smitty's Roadhouse Grill, located on the proposed Lot 2, Thomas and Smith Addition, being a 0.29-acre tract zoned (GR) General Retail district and located at 308 North Fannin St, and take any action necessary.

Robert LaCroix discussed the background of this request. Peg Pannell-Smith appeared and requested the Council's approval to use EFUS. Councilmember Nielsen 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.

- (3) **SP2006-022** -- Discuss and consider a request by Robert A. Howman of Glenn Engineering for approval of a special exception to the Unified Development Code's requirements for fencing (Article V, Section 1.7 A) concerning the PD Site Plan for Rockwall Elementary School #12 (Fontanna Ranch), located on a 10.0-acre site within (PD-54) Planned Development No. 64 district and situated on the proposed Fontanna Blvd east of FM 549 and south of SH 275, and take any action necessary.

Robert LaCroix discussed the background of the request. Councilmember Straughan 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.

IX. ACTION ITEMS

- (1) Discuss and consider on first reading an ordinance authorizing the issuance and sale of the City's Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2006; levying an annual ad valorem tax and providing for the security for and payment of said certificates, approving the official statement; providing an effective date, and enacting other provisions relating to the subject. - **No other action can be taken at this time.**

Mary Smith, Finance Director, discussed the need for the reading of the ordinance. The ordinance was read as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2006; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

No action was taken by the Council at this time.

- (2) Discuss and consider on first reading an ordinance authorizing the issuance and sale of the City's General Obligation Bonds, Series 2006; levying an annual ad valorem tax and providing for the security for and payment of said bonds, approving the official statement; providing an effective date, and enacting other provisions relating to the subject. – No other action can be taken at this time.

Mary Smith, Finance Director, discussed the need for the reading of the ordinance. The ordinance was read as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2006; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS, APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

No action was taken by the Council at this time.

- (3) Discuss and consider status of construction on the Farrin Street improvements and take any action necessary

Julie Couch and Chuck Todd, City Engineer, discussed the background of this matter. No action was taken by the Council on this matter.

- (4) Discuss and consider action on the FM-3097 Sewer project for a change order and take any action necessary.

Chuck Todd discussed the background of this matter – whether we need to re-bid the project or approve a Change Order. Councilmember Cotti made a motion to approve a Change Order and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- (5) Discuss and consider water conservation measures, including establishment of a violator hotline for citizens to call and report violators, and discuss whether additional part-time staff to assist with code enforcement is necessary and take any action necessary.

Councilmember Scot discussed why he brought this matter forward for discussion by the Council. Assistant City Manager Rick Crowley discussed the actions currently being taken by the City. No action was taken by the Council on this matter.

- (6) Discuss and consider approval of a **Resolution** establishing fees for permits, licenses, certificates, contractors and certain construction within the City of Rockwall and take any action necessary.

Pete Eckert discussed this matter. Councilmember McCallum made a motion to approve the Resolution and Councilmember Scott seconded the motion. The motion failed by a vote of 3 ayes [McCallum, Scott and Sevier] and 4 nays [Cotti, Straughan, Cecil and Nielsen].

- (7) Discuss and consider internet hotspots throughout Rockwall provided by Netport USA and take any action necessary.

Councilmember Scott stated that he had requested this item be put on the agenda, but that he had not had a chance to talk with the Netport representative and requested that this item be removed from the agenda.

- (8) Discuss and consider participating in the Texas Cities for Climate Protection group with regard to proposed new Texas coal plants and take any action necessary.

Mayor Cecil brought this matter forward and stated he thinks we should participate. Councilmember Nielsen made a motion to support this cause and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- (9) Discuss and consider approval of an **Ordinance** amending the Code of Ordinances in Chapter 18 by adding Article V. Regular of Sex Offender Residency and take any action necessary. *{1st Reading}*

This item was pulled forward during the meeting for action. Councilmember McCallum discussed the background and Kathy Penn from the District Attorney's office offered a minor change to the ordinance – change the word "minor" to "juvenile." Police Chief Mark Moeller showed a map of sex offender residences within the city. Parents were told to "not rely on someone else to do your job." Councilmember Scott made a motion to approve the ordinance with the minor change 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 CODE OF ORDINANCES IN CHAPTER 18 OFFENSES AND MISCELLANEOUS PROVISIONS BY ADDING ARTICLE V. REGULATION OF SEX OFFENDER RESIDENCY, MAKING IT UNLAWFUL FOR CERTAIN SEX OFFENDERS TO RESIDE WITHIN ONE THOUSAND FEET (1,000') OF PREMISES WHERE CHILDREN GATHER; PROVIDING THAT A CULPABLE MENTAL STATE IS NOT REQUIRED FOR COMMITTING AN OFFENSE UNDER THIS ORDINANCE; PROVIDING FOR AFFIRMATIVE DEFENSES; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE; PROVIDING AND EFFECTIVE DATE. *{1st Reading}*

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

- (10) Discuss and consider approval of an **Ordinance** amending the sign ordinance to permit single residential builders more access to market their projects and take any action necessary. *{1st Reading}*

Councilmember Scott stated that he had requested this item be brought to Council for their approval. Jeffrey Widmer and Robert LaCroix discussed the changes to the Sign

Ordinance and showed a map of the various areas. Councilmember Scott made a motion to amend the Sign 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, AMENDING THE SIGN ORDINANCE, AS PREVIOUSLY AMENDED, IN SECTION III C. DEFINITIONS AND IN SECTION III SIGN STANDARDS, B. FUNCTIONAL STANDARDS, 12. TEMPORARY REALTOR OPEN HOUSE DIRECTIONAL SIGNS; 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 A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE. [1st Reading]

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

- (11) Discuss and consider the requirements of a building over 5,000 square feet to have fire sprinklers and take any action necessary.

Councilmember Straughan stated that he had requested this item be brought forward for discussion. Straughan stated that he is concerned about the cost of sprinklering buildings downtown. Fire Chief Mark Poindexter suggested that the Fire Department research the issue. Gary Turner of Texas Fire Safety Contractors addressed the Council and gave examples of what he is currently doing in downtown Plano. Mike Mishler of the Dallas Homeowners Association also addressed the Council and stated that it would be a good idea to have a plan for the downtown area. Staff will explore the options and will bring information back to the Council at a later date.

- (12) Discuss and consider The Harbor Project Grand Opening Event funding and take any action necessary.

Brad Griggs, Parks Director, discussed the grand opening events. Councilmember Cotti made a motion to approve the funding for the event and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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

- (1) Departmental Reports
(2) City Manager's Report

There being no further business to come before the Council in regular session, Mayor Cecil adjourned the meeting into Executive Session at 1:09 a.m.

XI. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- (1) Deliberation regarding the purchase, exchange, lease, or value of real property.
(2) Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
(3) 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.

- (4) 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.

XII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Cotti made a motion approving instituting legal proceedings as deemed necessary against the builder/developer with respect to lot compaction at 716 Windsong and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti made a motion regarding exchange of land along Catalina Drive and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti made a motion approving execution of a Deed Without Warranty to the The Woodmont Company regarding the two streets being abandoned in the Rockwall Plaza Addition and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

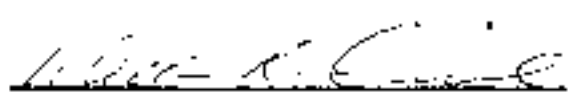
Councilmember Cotti made a motion approving the Resolution of necessity to acquire the stated properties that have refused right of entry for surveying for the 205 Bypass right-of-way and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti made a motion to approve a Resolution of necessity for acquiring the right of way along East Summer Lee and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

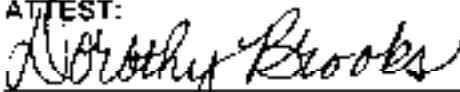
Councilmember Straughan made a motion approving the hospital land deal and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 1:45 a.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 7th day of August, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**Minutes
Rockwall City Council**

August 7, 2006

3:00 p.m. Pre-Council Meeting

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

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 3:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott and Cliff Sevier. Also present were City Manager Julie. Mayor Cecil immediately adjourned the meeting into Executive Session. City Attorney Pete Eckert joined the meeting at 3:45 p.m.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS

- (1) Deliberation regarding the purchase, exchange, lease, or value of real property
- (2) Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- (3) 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
- (4) 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.
- (5) Potential litigation regarding Fair Housing claim.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

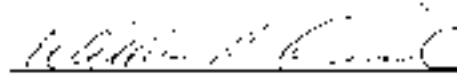
No action was taken as a result of Executive Session. Mayor Cecil adjourned the pre-council meeting at 5:58 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 21st day of August, 2006.

ATTEST:



Dorothy Brooks, City Secretary



William R. Cecil, Mayor



**Minutes
Rockwall City Council
August 7, 2006
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:06 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott and Cliff Sevier. Also present were City Manager Julie and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR WILLIAM R. CECIL

III. PROCLAMATIONS / RECOGNITIONS

IV. OPEN FORUM

Mayor Cecil opened the floor to anyone wishing to speak on any subject that is not on tonight's agenda as a public hearing item. The following persons came forward to address the Council:

**Ann Cornelius
325 FM-2453
Royce City
Ms. Cornelius stated she was in favor of the Evergreen project.**

**Brad Forslund
5605 N. MacArthur
Irving, Texas
Mr. Forslund is the applicant for the Evergreen project. He gave a list of the items that the Council had discussed needing at the last meeting and Evergreen's response to those items and asked the Council to reconsider the matter.**

**Betty Weishaar
100 Lake Meadows, Apt. 103
Rockwall, Texas
Ms. Weishaar is not in favor the Evergreen project. She feels Rockwall seniors need more affordable housing.**

**Mary Hanrahan
201 S. Clark
Rockwall, Texas
Ms. Hanrahan spoke about the Trans Texas Corridor and asked the Council to urge TxDOT to hold a public hearing in Rockwall.**

Phil Bishop
333 Columbia Drive
Rockwall, Texas
Mr. Bishop stated his concerns regarding the stripping along Ridge Road – it needs to be redone. The Mayor instructed the City Manager to contact Mr. Bishop to discuss his concerns.

Meiba Jeffus
1903 S. FM-549
Rockwall, Texas
Ms. Jeffus stated she was in favor of the Evergreen project.

Peg Pannell-Smith
602 Williams
Rockwall, Texas
Ms. Smith stated she was in favor of the Evergreen project.

There being no one further to address the Council, Mayor Cecil closed the Open Forum portion of the tonight's meeting.

V. CONSENT AGENDA

- (1) Consider approval of an **Ordinance** amending the Code of Ordinances in Chapter 10 – Fire Code with regard to the turning radius of a fire apparatus access road and take any action necessary. *[2nd Reading]*
- (2) **Z2006-010** – Consider approval of an **Ordinance** for a request by Bran Walker for approval of a Specific Use Permit (SUP) allowing for a deck/patio within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the lake area adjacent to their property at 1170 Crestcove Drive, being Lot 22, Block B, Hillcrest Shores Phase 3 Addition, and take any action necessary. *[2nd Reading]*
- (3) Consider approval of an **Ordinance** amending the Code of Ordinances in Chapter 18 by adding Article V, Regular of Sex Offender Residency and take any action necessary. *[2nd Reading]*
- (4) **P2006-029** -- Discuss and consider a request from Arthur Beck of BSM Engineers, Inc., for approval of a replat of First United Methodist Church Addition, being 19.56-acres zoned (C) Commercial district and located at 1200 Yellow Jacket Lane, and take any action necessary.
- (5) **P2006-031** -- Discuss and consider a request by Amy Miller of Doughrle and Associates for approval of a replat of Lot 1, Block A, Rockwall Dodge Addition, being a 6.874-acre tract zoned (C) Commercial district and located at 970 E. I-30, and take any action necessary.
- (6) Consider approval of the changes to the Council Policy and Procedures and take any action necessary.
- (7) Consider approval of the award of the bid for Airport Road Water Line Phase 1 improvements and take any action necessary.

- (8) Consider approval of the award of the bid for sidewalk construction at N. Lakeshore, Summer Lee and Dalton Road and take any action necessary.
- (9) Consider approval of the Minutes from the July 17, 2006 City Council meeting and take any action necessary.
- (10) Consider authorizing the City Manager to execute a contract with Crossland Acquisition, Inc. for right-of-way acquisition for the 205 Bypass project and take any action necessary.
- (11) Consider authorizing the City Manager to execute an engagement letter with Burford and Ryburn for legal services related to right-of-way acquisition process for the 205 Bypass project and take any action necessary.
- (12) Consider approval of an advance funding agreement with TxDOT for the construction of SH-205 and take any necessary action.

Councilmember Straughan requested that Consent Agenda Item #7 be pulled. Councilmember Cotti requested that Consent Agenda Items # 8, 9, 10, 11 and 12 be pulled and then made a motion to approve the remaining items. Councilmember Straughan seconded the motion and the ordinances were read as follows:

ORDINANCE NO. 06-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 10 FIRE PREVENTION AND PROTECTION REGARDING THE TURNING RADIUS OF A FIRE APPARATUS ACCESS ROAD; 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. *(2nd Reading)*

ORDINANCE NO. 06-30

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 ALLOWING FOR A DECK / PATIO WITHIN LAKE RAY HUBBARD TAKELINE OVERLAY DISTRICT, ON A TRACT OF LAND ADJACENT TO LOT 22, BLOCK B, HILLCREST SHORES PHASE THREE AND LOCATED AT 1170 CRESTCOVE DRIVE, AND MORE SPECIFICALLY DESCRIBED IN "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. *(2nd Reading)*

ORDINANCE NO. 06-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 16 OFFENSES AND MISCELLANEOUS PROVISIONS BY ADDING ARTICLE V, REGULATION OF SEX OFFENDER RESIDENCY, MAKING IT UNLAWFUL FOR CERTAIN SEX OFFENDERS TO RESIDE WITHIN ONE THOUSAND FEET (1,000') OF PREMISES WHERE CHILDREN GATHER; PROVIDING THAT A CULPABLE MENTAL STATE IS NOT REQUIRED FOR COMMITTING AN OFFENSE UNDER THIS ORDINANCE; PROVIDING FOR AFFIRMATIVE DEFENSES; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE. *(2nd Reading)*

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

With regard to Consent Agenda Item #7, after clarification, Councilmember Straughan made a motion to approve the award of the bid and Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

With regard to Consent Agenda Item #8, after clarification, Councilmember Cotti made a motion to approve the bid and Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti stated that he had mistakenly pulled Consent Agenda Item #9 and made a motion to approve the Minutes from the July 17, 2006 meeting. Mayor Cecil seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

With regard to Consent Agenda Item #10, after clarification regarding the funding, Councilmember Cotti made a motion to approve the contract with Crossland Acquisition, Inc. and Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

With regard to Consent Agenda Item #11, after clarification, Councilmember Cotti made a motion to approve the request and Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

With regard to Consent Agenda Item #12, after clarification, Councilmember Cotti made a motion to approve the agreement with TxDOT and Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

VI. APPOINTMENTS

(1) Appointment with Evelyn Lofland regarding naming of 205 Bypass

Ms. Evelyn Lofland of #1 Top Side Lane, Rockwall, Texas, came forward to address the Council. Ms. Lofland suggested that the 205 Bypass be named Glen Payne Freeway. No action was taken by the Council.

(2) Appointment with Mary Smith and David Medanich regarding the sale of bonds and to consider approval of an *Ordinance* authorizing the issuance and sale of the City's Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2006; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject. [2nd Reading]

Mary Smith and David Medanich addressed the Council. Medanich advised that the bonds had been sold to Citi Group Global Marketing. Councilmember Cotti made a motion to approve the Ordinance and Councilmember Straughan seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 06-26

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2006; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT. [2nd Reading]

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

- (3) Appointment with Mary Smith and David Medanich regarding the sale of bonds and to consider approval of an **Ordinance** authorizing the issuance and sale of the City's General Obligation Bonds, Series 2006, levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving the official statement; providing an effective date; and enacting other provisions relating to the subject. [2nd Reading]

Mary Smith and David Medanich addressed the Council. Medanich advised that the bonds had been sold to Citi Group Global Marketing. Councilmember Cottl made a motion to approve the Ordinance and Councilmember Straughan seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 06-27

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2006; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT. [2nd Reading]

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

- (4) Item left blank on purpose.
- (5) Appointment with Lee Gilbert regarding cutting of phone trunk line during Townsend reconstruction.

Lee Gilbert of 2010 Industrial Boulevard, Rockwall, Texas, addressed the Council regarding the cutting of the major phone trunk line being cut for the third time by the construction company working on Townsend Boulevard. Mr. Gilbert admitted it was not the City's fault, but urged the Council to find some way to protect the citizens whose utilities are being disrupted. He does all his business by phone and to lose a day of business is bad for his bottom line. City Engineer Chuck Todd advised the Council that it is the utility company's responsibility to mark their lines. After discussion, Staff was instructed to bring back an update in thirty days on a simplified vendor rating system and if it is possible to have language in our contracts that will protect our citizens in the event of a utility line being cut. No action was taken by the Council at this time.

VII. SITE PLANS/PLATS

- (1) Discuss and consider a request by Clyde W. Talley of Talison Construction Co. for approval of a special exception to the side yard setback requirements of the (ZL-5) Zero Lot Line district, specifically on Lots 12 and 13, Block M, Sanger Brothers Addition, located at the southeast corner of S. Alamo Road and Ross, and take any action necessary.

Robert LaCroix discussed the background of this item and stated that the Planning and Zoning Commission had recommended approval. 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.

Mayor Cecil recognized the boy scouts from Troop 88 who were in attendance at our meeting tonight.

VIII. ACTION ITEMS

- (1) Discuss and consider the City's involvement in the Trans Texas Corridor and take any action necessary.

Councilmember Scott discussed why he brought this matter forward for discussion by the Council and the rumor that TxDOT is going to use our Bypass. Councilmember Cotti stated that he would be attending the 9th Annual Transportation Summit later in the week and would bring back any information he obtained at the Summit and provide it to the Council. Julie Couch advised that TxDOT and the Consortium are looking at what we have established as the outer loop. Mayor Cecil requested Ms. Couch to contact our TxDOT representative, Paul Williams, regarding the rumor that they are considering using the Bypass. Couch stated that she would contact Williams and have him come talk to the Council. No action was taken by the Council.

- (2) Discuss and consider authorizing open house signs in the Southside Overlay District and take any action necessary.

Robert LaCroix discussed the background of this item. Councilmember Scott made a motion to approve the request under the Southside Overlay District and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Cecil then made a motion to have an ordinance prepared that would allow these signs city-wide and Councilmember Nielsen seconded the motion. Ms. Couch asked for the parameters and stated that we cannot differentiate between builders. After discussion, the motion failed by a vote of 2 ayes (Cecil and Nielsen) and 5 nays (Cotti, Straughan, McCallum, Scott and Sevier).

- (3) Discuss Shores drainage and take any action necessary.

Mayor Cecil pulled this item forward on the agenda and discussion took place after the Consent Agenda. Julie Couch started the discussion regarding the Peterson property and Brad Griggs, Parks Director, and Andy Hesser of the Parks Department, showed a video of the drainage area. Ms. Couch discussed the various options to address the

drainage problems and stated that there will always be water in the drainage channel. The following persons came forward and addressed the Council with their concerns:

Eric Peterson

1841 Royal Isle

Mr. Peterson is the son of Ms. Nancy Peterson. He asked that the Council please take some sort of action to alleviate the problem.

Bob Amick

Mr. Amick requested that a fence be put around the rock outfill.

After discussion of the various options, Staff was instructed to bring back to the Council a refined version of the third option and the cost for that that option.

- (4) Discuss and consider setting a date for the Council/Staff Retreat and take any action necessary.

This item was postponed for discussion until after the remaining items had been discussed. Couch discussed the potential retreat dates. After discussion, it was agreed that the retreat would be held on either December 3 and 4th (the Council meeting currently scheduled for the 4th would be moved to the 11th) or December 10 and 11 (depending on Councilmember Scott's schedule). Scott stated he would check his calendar in the morning and advise Ms. Brooks (the City Secretary) of his availability. Ms. Brooks in the meantime would check on the availability of the retreat location (Spirit of the West in Tioga) for December 3 and 4.

- (5) Discuss and consider alternatives for the city's quarterly newsletter and annual report and take any necessary action.

Julie Couch discussed the background of the request and showed the Council samples of the paper to be used. After discussion, Councilmember McCallum made a motion to approve the Annual Report, Option B – 16 pages. The motion failed for lack of a second. Councilmember Straughan then made a motion to approve the Annual Report, Option A – 20 pages and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [Cecil].

Councilmember Cotti made a motion to approve the Newsletter, Option B and Councilmember Straughan seconded the motion. After discussion, Councilmember Cotti withdrew his motion and Councilmember Straughan withdrew his second. Councilmember McCallum then made a motion instructing Staff to bring more options for review, including using inserts in the water bill and newspaper-type paper for discussion and approval at the next meeting. Councilmember Nielsen seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- (6) Discuss and consider adoption of a *Resolution* notifying the County of Rockwall Emergency Services Corporation of Rockwall's interest in participating in the joint countywide Emergency Management Program and take any necessary action.

Julie Couch discussed the background of this item. After Council discussion and clarification, Councilmember Nielsen made a motion to support and participate in the countywide Emergency Management Program and to contribute our pro rata share

according to the budget. Councilmember Sevier seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

(7) Discuss and consider approval of the following matters regarding the Law Enforcement Training Facility and take any action necessary.

(a) Approval of an **Ordinance** approving a Law Enforcement Training Facility Contract and the payment thereof; approving a Law Enforcement Training Facility Operating Agreement; approving bonds of the Rockwall County Emergency Services Corporation for said project; and resolving other matters related thereto and take any action necessary. **{1st Reading}**

(b) Consider approval of the lease between the City and the ES Corporation and take any action necessary.

(c) Consider approval of the award of the bid for the construction of the Law Enforcement Training Facility and take any action necessary

(d) Consider approval of the amendment of the Bylaws and Articles of Incorporation of the ES Corporation and take any action necessary

Julie Couch discussed items (a) through (d) above. Councilmember Cotti made a motion to approve 7(a) above and Councilmember Straughan seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING A LAW ENFORCEMENT TRAINING FACILITY CONTRACT AND THE PAYMENT THEREOF; APPROVING A LAW ENFORCEMENT TRAINING FACILITY OPERATING AGREEMENT; APPROVING BONDS OF THE ROCKWALL COUNTY EMERGENCY SERVICES CORPORATION FOR SAID PROJECT; AND RESOLVING OTHER MATTERS RELATED THERETO. **{1st Reading}**

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

Councilmember Cotti then made a motion to approve items 7(b), (c) and (d) and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

(8) Discuss and consider calling a public hearing regarding amending the Code of Ordinances to ban smoking in food service establishments and public buildings, including establishing a designated exterior smoking areas which include outside patios and take any action necessary.

Councilmember Straughan discussed why he brought this matter forward for discussion by the Council. One of the reasons is the recent Surgeon General's ruling on second-hand smoke. After discussion, Staff was instructed to gather data and bring back the information in sixty days. No action was taken by the Council.

(9) Discuss and consider additional water sources during the drought and take any action necessary.

Councilmember Scott discussed why he brought this forward for discussion by the Council. After lengthy discussion, the City Manager was instructed to contact the City of

Dallas to discuss the possibility of a short-term contract to purchase water from them and to also contact the North Texas Municipal Water District to have them come update the Council on their actions with regard to the drought.

- (10) Discuss and consider approval to place the proposal to adopt the tax rate on the September 18, 2006, action item agenda and take any action necessary.

Mary Smith discussed the background of this request. Councilmember Cotti made a motion to place the proposal to adopt the proposed tax rate of 43 ½ ¢ on the September 18, 2006, action item agenda and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [McCallum].

- (11) Discuss and consider calling the public hearings on the 2006-2007 fiscal year tax rate on August 21, 2006 and September 5, 2006 and take any action necessary.

Mary Smith discussed the background of this request. Councilmember Cotti made a motion to call public hearings on August 21, 2006 and on September 5, 2006, regarding the proposed tax rate of 43 ½ ¢ and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [McCallum].

- (12) Discuss and consider the status update regarding the secondary entrance to Damascus and take any action necessary.

Councilmember Straughan stated that he had asked for the status update on this matter. Robert LaCroix gave the background of the matter and stated that the clock is still running for the school to put in the Damascus connection. After discussion, it was determined that Staff would notify the school that their zoning on the Cameron property would expire in 11 months and update the Council at the next meeting. No action was taken by the Council.

- (13) Discuss and consider a report from the Lake Rockwall Estates Subcommittee and take any necessary action related to implementing the recommendations.

Julie Couch discussed the background of this item and Subcommittee's recommendations: (1) Hiring a Code Enforcement Officer (splitting the cost with the County); (2) Extending our nuisance ordinances into the ETJ (extra territorial jurisdiction); (3) funding for a consultant; (4) looking at ways to provide trash removal to the area; (5) hold a public hearing for the residents of the Lake Rockwall Estates area to explain what is going on; and (6) explaining what Code Enforcement would be working on. We need to target clean up activities that will be ongoing. District Attorney Ray Sumrow has agreed to work with us to enforce the code enforcement violations. Sumrow advises that under a Contract for Deed, the Seller is still responsible for the taxes and that is who they will be going after for unpaid taxes. Councilmember Nielsen stated that the consultant is critical to this situation and that we need to concentrate on uninhabitable structures for now. Nielsen then made a motion that we move forward with hiring a Code Enforcement Officer for the area, look for a consultant, and bring the nuisance ordinances to the next meeting for approval. Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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

(1) Departmental Reports

(2) City Manager's Report

There being no further regular business to come before the Council, Mayor Cecil adjourned the meeting into Executive Session at 12:10 a.m.

X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

(1) Deliberation regarding the purchase, exchange, lease, or value of real property.

(2) Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.

(3) 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.

(4) 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.

(5) Potential litigation regarding Fair Housing claim.

The following actions were taken as a result of Executive Session.

Councilmember Cotti made a motion to approve the Resolution abandoning a portion of Second Street and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti made a motion to reappoint the following persons to the various boards and commissions as listed and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

BOARD OF ADJUSTMENTS		
2-year Terms		
Residential Property Owner	Melba Jeffus	Aug 2008
Residential Property Owner	Donna Orr	Aug 2008
Building Designer	John L. Halsey	Aug 2008
BOARD OF ADJUSTMENTS		
2-year Terms		
Member 4	Mike Huffler	Aug 2008
Member 5	Rick Masu	Aug 2008
Alternate 3	John Flouter	Aug 2008
Alternate 4	Jeff Casey	Aug 2008

Planning and Zoning Commission		
		2-year Terms
Member 3	Art Ruff	Aug 2008
Member 5	Steve Markoo	Aug 2008
Art Review Team Commission		
		2 year terms
Property Owner	Sherry Pitman	Aug 2008
Property Owner	Mary Hanrahan	Aug 2008
Property Owner	Jason Polts	Aug 2008
Planning and Zoning Commission		
		2 year terms
Member 2	Joe Wicraft	Aug 2008
Member 4	Herb Molzan	Aug 2008
Planning and Zoning Commission		
		2 year terms
Member 4	Glenn Smith	Aug 2008
Member 5	Michael Hunter	Aug 2008

Councilmember Scott made a motion to appoint Glen Farlis to the Planning and Zoning Commission and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Scott made a motion to appoint the following persons to the Art Review Team Commission and Councilmember Cottl seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Art Review Team (ART) Commission		
		2 year terms
Member 1	Joetta Currie	Aug 2008
Visual Art Professional		
Member 2	Michelle Swindle	Aug 2008
Visual Art Professional		
Member 3 - Business	James Green	Aug 2008
Community Member		
Member 5 - Resident	Nancy Bealy	Aug 2008

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 1:30 am.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 24th day of August, 2006.

William R. Cecil

William R. Cecil, Mayor

ATTEST:

Dorothy Brooks
Dorothy Brooks, City Secretary



MINUTES
ROCKWALL CITY COUNCIL SPECIAL MEETING
AND BUDGET WORKSHOP
7:30 a.m., Monday, August 14, 2006
Municipal Court Room
205 W. Rusk, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 7:30 a.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Additionally, present were all City Department Heads, Kristy Ashberry and City Secretary Dorothy Brooks. Mayor Cecil immediately adjourned the meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER 551.071, 551.072, 551.074, AND 551.087 OF THE TEXAS GOVERNMENT CODE TO DISCUSS:

Potential litigation regarding fair housing claim - Evergreen of Rockwall

III. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Councilmember Bob Cotti made a motion to reconsider the Evergreen of Rockwall zoning matter at the regular meeting of the City Council scheduled for August 21, 2006. Councilmember Scott seconded the motion and the motion passed by a vote of 4 ayes [Cotti, Scott, Straughan, and Nielsen] and 3 nays [Cecil, Sevier and McCallum].

IV. MEET AND DISCUSS THE CITY OF ROCKWALL'S PROPOSED OPERATING BUDGET FOR THE PERIOD OF OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007, AND THE AMENDED BUDGET FOR OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006, AND TAKE ANY ACTION NECESSARY.

Throughout the day, each Department Head presented their budget to the Council. After a brief discussion at the end of all of the presentations, the Council instructed City Manager Julie Couch to cut \$1 million from the budget. The Council would then reconsider the budget at a special meeting on Monday, August 21, 2006.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 7:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 5th day of September, 2006.

ATTEST:


Dorothy Brooks, City Secretary


William R. Cecil, Mayor



**Minutes
Rockwall City Council
August 21, 2006**

**3:00 p.m. Special Meeting; Budget Work Session
and 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, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

2. ACTION ITEMS

- a. **Z2006-013** -- Reconsider approval of an *Ordinance* for a request by Brad Forslund of Churchill Residential, Inc., for a change in zoning from (C) Commercial district to (PD) Planned Development district, specifically to accommodate an independent/active senior living community and commercial uses on a 25.45-acre tract known as Tract 18, Abstract No. 255, B.J.T. Lewis Survey, situated along the east side of S. Goliad south of the railroad and north of Justin Dr. and take any action necessary *[2nd Reading]*

Robert LaCroix, Planning Director, discussed the background of this matter. Brad Forslund and Tony Sisk of Churchill Residential were present to answer any questions from the Council. After discussion, Councilmember Scott made a motion to approve the request with the following conditions: (1) the project will be age restricted for 50 years; (2) the applicant will enter into a Pilot Agreement for the payment of all city taxes; (3) the interiors of the project will be similar to the facilities in Plano and Keller; and (4) must have 20% stone. Councilmember Cotti seconded the motion and the ordinance was read as follows:

ORDINANCE NO. 06-32

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 (C) COMMERCIAL DISTRICT TO (PD-68) PLANNED DEVELOPMENT NO. 68 DISTRICT, SPECIFICALLY TO ALLOW FOR AGE-RESTRICTED SENIOR HOUSING AND COMMERCIAL USES ON A 25.45-ACRE TRACT KNOWN AS TRACT 18, ABSTRACT 255, B.J.T. LEWIS SURVEY, AND MORE FULLY 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. *[2nd Reading]*

The motion passed at 4:14 p.m. by a vote of 5 ayes and 2 nays [Cecil and Sevier].

3. BUDGET WORK SESSION

The Budget Work Session was postponed and the meeting immediately adjourned into Executive Session at 4:26 p.m.

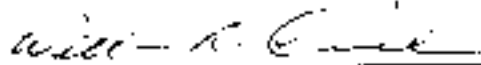
4. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- 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. 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.

5. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session. The Executive Session adjourned at 5:58 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 5th day of September, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



Minutes
Rockwall City Council
August 21, 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 6:03 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott and Cliff Sevier. Also present was City Manager Julie Couch and City Attorney Pete Eckert.

2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TIM MCCALLUM

3. PROCLAMATIONS / RECOGNITIONS / ANNOUNCEMENTS

- a. Status of Council decision on reconsideration of the request for approval of an **Ordinance** for a request by Brad Forslund of Churchill Residential, Inc., for a change in zoning from (C) Commercial district to (PD) Planned Development district, specifically to accommodate an independent/active senior living community and commercial uses on a 25.45-acre tract known as Tract 18, Abstract No. 255, B.J.T. Lewis Survey, situated along the east side of S. Goliad south of the railroad and north of Justin Drive.

Mayor Cecil advised the audience that the above matter had been approved by the City Council during their 3:00 session.

4. CONSENT AGENDA

- a. Consider approval of the Minutes of the August 7, 2006 City Council Meeting and take any action necessary.
- b. **P2006-019** -- Discuss and consider a request by Michael Allen of Allen & Ridinger for approval of a replat of a 15.481-acre tract zoned (C) Commercial district and located north of I-30 and south of La Jolla Pointe Drive, being Lots 4-5, Block A, and Lots 1-3, Block B, La Jolla Pointe Addition Phase 2, and Lot 2, Block A, Steak N Shake Addition, and including the proposed abandonment of part of Catalina Drive (a 60-ft right-of-way), and take any action necessary.
- c. **P2006-026** -- Discuss and consider a request by Phillip Duncan of Taylor-Duncan Interest, Inc. for approval of a master plat for the Lakes of Somerset, being a 139.354-acre tract zoned (PD-63) Planned Development No. 63 district and located along the north side of S FM 549, east of SH 205 and west of Lofland Lake, and take any action necessary.
- d. **P2006-027** -- Discuss and consider a request by Phillip Duncan of Taylor-Duncan Interest, Inc., for approval of a preliminary plat for the Lakes of Somerset, being a 139.354-acre tract zoned (PD-63) Planned Development No. 63 district and located along the north side of S FM

549. east of SH 205 and west of Lofland Lake, and take any action necessary.

- e. **P2006-030** -- Discuss and consider a request by David Johnston of Quanah Hospitality Partners for approval of a replat of the Newman Center Addition, being a 3.301-acre tract zoned (C) Commercial district and located along the north side of IH-30 west of SH 205, and take any action necessary.

- f. **P2006-034** -- Discuss and consider a request by Randell Curington of Spring Haven Investments, Inc., for approval of a final plat for Fontanna Ranch Phase II, being a 64.308-acre tract zoned (PD-64) Planned Development No. 64 district and situated along the east side of FM 549 south of Hwy 276, and take any action necessary.

- g. **P2006-028** -- Discuss and consider a request by Randell Curington of Spring Haven Investments, Inc., for approval of a master plat for The Highlands, being a 234.71-acre tract zoned (PD-66) Planned Development No. 66 district and located along the south side of SH 276 east of Rochelle Rd, and take any action necessary.

- h. Consider approval of an **Ordinance** approving a Law Enforcement Training Facility Contract and the payment thereof; approving a Law Enforcement Training Facility Operating Agreement; approving bonds of the Rockwall County Emergency Services Corporation for said project; and resolving other matters related thereto and take any action necessary. *[2nd Reading]*

- i. Consider authorizing the City Manager to execute a Standard Utility Agreement with TxDOT for the SH-205 project and take any action necessary.

- j. Consider authorizing the award of the bid for Fire Apparatus Equipment and take any action necessary.

- k. Consider authorizing the City Manager to execute an Interlocal Agreement with the North Texas Council of Governments for the release of 9-1-1 database information for the Reverse 9-1-1 System and take any action necessary.

Councilmember McCallum requested that Consent Agenda Items 4c and d be pulled from consideration at this time and then made a motion to approve the remaining items. Councilmember Straughan seconded the motion. Councilmember Scott requested that Consent Agenda Item 4f be pulled from consideration at this time. Councilmember McCallum amended his motion to approve the remaining items, less Item 4f, and Councilmember Straughan seconded the motion. The ordinance was read as follows:

Ordinance No. 06-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING A LAW ENFORCEMENT TRAINING FACILITY CONTRACT AND THE PAYMENT THEREOF; APPROVING A LAW ENFORCEMENT TRAINING FACILITY OPERATING AGREEMENT; APPROVING BONDS OF THE ROCKWALL COUNTY EMERGENCY SERVICES CORPORATION FOR SAID PROJECT; AND RESOLVING OTHER MATTERS RELATED THERETO. *[2nd Reading]*

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

Councilmember McCallum stated that he pulled Consent Agenda Items 4c and 4d because he could not support them. Councilmember Cotti made a motion to approve Consent Agenda Items 4c and 4d and Councilmember Nielsen seconded the motion. The motion passed by a vote of 4 ayes [Cotti, Cecil, Straughan and Nielsen] and 3 nays [McCallum, Scott and Sevier].

Councilmember Scott stated that he pulled Consent Agenda Item 4f because he could not support it. Councilmember McCallum made a motion to approve Consent Agenda Item 4f and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [Scott].

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 Greg Burgamy came forward to answer any questions the Council might have regarding the planning and zoning items on tonight's agenda.

6. PUBLIC HEARING ITEMS / SITE PLANS / PLATS

- a. **Z2006-012 --** Hold a public hearing and consider a request by Todd Thomas of The Fortis Group for an amendment to (PD-3) Planned Development No. 3 district (Ord. No. 96-23), specifically to allow for a condominium and townhouse development on an 18.31-acre tract currently designated for (C) Commercial district uses, located along the southwest side of North Lakeshore Blvd north of Old Alamo Rd, and take any action necessary. **THIS REQUEST HAS BEEN WITHDRAWN BY THE APPLICANT.**

Mayor Cecil noted that the applicant had withdrawn its request for consideration and made a motion to accept the withdrawal. Councilmember Cotti seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- b. **P2006-033 --** Hold a public hearing and consider a request by Clyde W. Talley of Tallison Construction Co. for approval of a residential replat of Lots 12 and 13, Block M, Sanger Brothers Addition, being a 0.29-acre tract zoned (ZL-5) Zero Lot Line district and located at the southeast corner of S. Alamo Road and Ross, and take any action necessary.

Robert LaCroix discussed the background of the request for a residential replat and advised the Council that the Planning and Zoning Commission recommended approval of the request. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Clyde Talley [Applicant]
703 Ridge Road
Rockwall, Texas

Mr. Talley asked that the Council approve his request.

Mary Puckett
1605 Plummer
Rockwall, Texas
Ms. Puckett spoke in favor the request.

There being no one further to address the Council, Mayor Cecil closed the public hearing. Councilmember Nielsen 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. **Z2006-014** -- Hold a public hearing and consider approval of an **Ordinance** for a request by Kelley Winner of Mirror-Mirror Hair Studio for approval of a Specific Use Permit (SUP) to allow for a "Hair Salon" within (PD-50) Planned Development No. 50 district which is designated for (RQ) Residential Office uses, specifically on Lot 1, Block A, Conselman Addition, located at 802 N. Goliad (SH 205), and take any action necessary. *[1st Reading]*

Robert LaCroix discussed the background of the request for a Specific Use Permit. Some of the conditions recommended are that there will be no parking allowed on the street (SH205); additional landscaping will be needed in the front of the property; time of operation will be from 8:00 a.m. to 8:00 p.m.; and mitigation will be needed for the removal of trees. Ms. Kelley Winner, the Applicant, came forward to request approval of her request. Mayor Cecil opened the public hearing, but no one came forward to address the Council, so the public hearing was closed. After discussion, Councilmember Cotti made a motion to approve the request with the recommended conditions 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 PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A HAIR SALON WITHIN (PD-50) PLANNED DEVELOPMENT NO. 50 DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 1, BLOCK A, CONSELMAN ADDITION AND LOCATED AT 802 N. GOLIAD STREET; 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. *[1st Reading]*

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

- d. **SP2006-024** -- Discuss and consider a request by Gordon Pulis of Braum's Ice Cream Store for approval of variances to building materials and articulation standards associated with an amended site plan and building elevations for the existing Braum's Restaurant located at 1920 S. Goliad (SH 205), on a 1.30-acre tract known as Lot 1A, Block A, Braum's Addition, zoned (C) Commercial district and situated within the SH 205 Corridor Overlay District and take any action necessary

Robert LaCroix discussed the background of the request for variances for building materials and articulation standards. LaCroix advised that because this is in an overlay district the stone requirement variance request required a ¾ majority vote. Councilmember McCallum made a motion to approve the request and Councilmember

Sevier seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- e. Hold a public hearing on the proposed 2006-2007 fiscal year tax rate.

Mary Smith, Finance Director, discussed the background of this item. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Melba Jeffus
1903 S. FM 549
Rockwall, Texas
Ms. Jeffus spoke against raising the tax rate.

Art Hendon
1909 S. Lakeshore
Rockwall, Texas
Mr. Hendon spoke against raising the tax rate.

Diane Tysman
FM276 & Munson
Ms. Tysman does not live in the City limits.

Thom Bouis
7122 Hunter
Rockwall, Texas
Mr. Bouis spoke against raising the tax rate.

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

7. ACTION ITEMS

- a. Status update regarding the secondary entrance to Damascus and take any action necessary.

Julie Couch discussed the background of this item. The cost for the project would be \$151,440. After lengthy discussion, no action was taken by the Council.

- g. Consider award of the Engineering Contract for the Peterson Drainage Project to Birkhoff, Hendricks and Conway, Inc. and take any action necessary.

Mayor Cecil brought this matter forward early for consideration. Assistant City Manager Rick Crowley discussed the background of this issue. This agreement would allow the engineering firm to come back with a preliminary design and report prior to final approval by the Council. Ron Conway of Birkhoff, Hendricks and Conway stated he would have the preliminary design and figures within two weeks. After a short discussion, Councilmember Scott made a motion to approve the award of the contract and Councilmember Cottl seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [Nelson].

Ms. Nancy Peterson of 1841 Isle Royal Drive stated that she does not want a pond because it would be contaminated water.

- b. Discuss and consider clearing around The Harbor and take any action necessary

Mayor Cecil stated he brought this matter forward for consideration because he is concerned about the whole area – we need to get a handle on what we need to do. Julie Couch discussed the actions we will be taking to alleviate the problems, including proposing funding for off-duty officers during the weekends. Police Chief Mark Moeller stated that he does not have the staffing to be there full-time on Friday and Saturday nights and the only way they could have a presence there full-time would be through off-duty officers. Moeller stated that the property owners are willing to work with the City to include more signage, which will allow the police officers to ticket and enforce our ordinances, but the officer has to see the offense before a ticket can be issued. Mayor Cecil stated that he wanted a clear understanding from Staff and Council of what we will not allow, such as no bikes or skateboards on the sidewalk and no skateboards in the parking lots.

- c. Discuss and consider calling additional public hearing on the 2006-2007 fiscal year tax rate on September 18, 2006 and take any action necessary.

- d. Discuss and consider approval to place the proposal to adopt the tax rate on the September 25, 2006 action item agenda at a special meeting and take any necessary action.

Mary Smith discussed the background of Action Items 7c and 7d. Councilmember Cotti made a motion to set September 18, 2006 as the next public hearing and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

After a short discussion regarding the date for adoption of the tax rate, Councilmember Cotti made a motion to convene the public hearing on September 11, 2006 at 6:00 p.m. and set September 18, 2006 as the date to adopt the budget. Councilmember McCallum seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- e. Discuss and consider ways to acknowledge/reward citizens for superior water conservation efforts and take any action necessary

Mayor Cecil stated he brought this forward for discussion – just to get some ideas. Julie Couch stated that Staff could work on it and bring back some alternatives. Mary Puckett, 1605 Plummer Drive, came forward to address the Council and stated that we should not be awarding people for doing what they are supposed to be doing anyway.

- f. Discuss and consider authorizing the City of McLendon-Chisholm to tie into the Buffalo Creek sewer line and take any action necessary.

Julie Couch discussed the background of this item. Councilmember Cotti made a motion to approve the Resolution authorizing the City of McLendon-Chisholm to tie into the Buffalo Creek sewer line and Councilmember Sevier seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- i. Consider authorizing the award of the bid for the FM-552 Waterline Construction Project and take any action necessary
- j. Consider authorizing the award of the bid for the FM-552 Waterline Phase 2 Construction Project and take any action necessary.

Rick Crowley discussed the background of Action Items 7i and 7j. Councilmember Cotti made a motion to approve Phases 1 and 2 and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- h. Continue discussion on the proposed 2006-2007 operating budget and take any action necessary.

After discussion, Council instructed City Manager Julie Couch to provide a prioritized list of items to be cut from the budget. Ms. Couch advised she could have the list to them in a week. After further discussion, it was determined that the Council would meet in a budget work session on September 5, 2006, starting at 1:00 p.m.

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

8. 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. 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 Scott made a motion to appointment the following persons to the boards and commissions as noted below. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

2-year Terms		
Alternate 1	Robert Lyon	Aug 2008
2-year Terms		
Member 1	David Marlett	Aug 2008

Youth Advisory Council - 2008-2010		
		2 year terms
Member 1	Brandi Patterson	Aug 2008
Member 3	Gail Carlin	Aug 2008
Youth Advisory Council - 2008-2010		
		2 year terms
Member 4 - Business	Anna Russelmann	Aug 2008
Community Member		
Member from the Board	Julie Morgan	Aug 2008
Attorney for the Arts - Ex Officio		

Councilmember Scott made a motion appointing the following persons to the Youth Advisory Council and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Youth Advisory Council - 2008-2010		
		2 year terms
Member 1	Kacey Valley	Aug 2008
Member 2	Laura Pector	Aug 2008
Member 3	Mansa Olind	Aug 2008
Member 4	Kelly Case	Aug 2008
Member 5	Travis Griswold	Aug 2008
	(Alternate)	
Member 6	Miguel Chavira	Aug 2008
	(Alternate)	

Councilmember Scott made a motion to retain 2 alternates to the Youth Advisory Council and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Scott made a motion to move Justin Corneau from alternate member to "council" member and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Scott made a motion naming Councilmember McCallum and Councilmember Cotti as liaisons to the Youth Advisory Council and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Scott made a motion to appoint Councilmember Sevier to the Airport Subcommittee and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Scott made a motion to appoint Councilmember Sevier to the Finance/Audit Subcommittee (to replace Councilmember Cotti) and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Scott made a motion to appointment Councilmember Sevier to the Fine Arts Subcommittee (to replace Councilmember Straughan) and Councilmember

455 Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes
456 and 0 nays.

457
458 Councilmember Scott made a motion that the Hotel/Motel Subcommittee will consist of
459 Councilmembers Scott, McCallum and Cotti and Councilmember Cotti seconded the
460 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

461
462 Councilmember Scott made a motion to name Mayor Cecil as the REDC Liaison and
463 Councilmember Cotti seconded the motion. The motion passed unanimously by a vote
464 of 7 ayes and 0 nays.

465
466 Councilmember Scott made a motion naming Councilmember Cotti as the liaison to the
467 Historic Preservation Advisory Board and Councilmember McCallum seconded the
468 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

469
470 Councilmember Scott made a motion naming Mayor Cecil as the liaison to the Rockwall
471 Housing Authority and Senior Citizen Activity and Councilmember Straughan seconded
472 the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

473
474 Councilmember Scott made a motion naming Councilmember McCallum as the liaison to
475 the Alliance for the Arts and Councilmember Straughan seconded the motion. The
476 motion passed unanimously by a vote of 7 ayes and 0 nays.

477
478 Councilmember Scott made a motion naming Councilmember Straughan as the liaison to
479 the Downtown Committee and Councilmember Straughan seconded the motion. The
480 motion passed unanimously by a vote of 7 ayes and 0 nays.

481
482 There being no further business to come before the Council, Mayor Cecil adjourned the
483 meeting at 11:00 p.m.

484
485 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
486 this 5th day of September, 2006.

487
488 
489 William R. Cecil, Mayor

490
491 ATTEST:
492 
493 Dorothy Brooks, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

September 5, 2006

1:00 p.m. Budget Work Session and Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 1:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott and Cliff Sevier.

II. HOLD BUDGET WORK SESSION

Discussion took place regarding the various items that should be cut from the proposed budget in order to get the tax rate down. The budget work session ended at 3:50 p.m.

Mayor Cecil called the Executive Session to order at 4:12 p.m.

III. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters
3. 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.
4. 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.

IV. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session and Mayor Cecil adjourned the Pre-Council meeting at 5:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 18th day of September, 2006.

ATTEST:


Dorothy Brooks, City Secretary


William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

September 5, 2006

6:00 p.m. Regular Meeting

City Hall, 386 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 1:00 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER STEPHEN STRAUGHAN

III. PROCLAMATIONS / RECOGNITIONS / ANNOUNCEMENTS

1. Swearing-in of new Youth Advisory Council Members

Newly appointed Youth Advisory Council Members Kelly Case, Marisa Olind, Laura Packer, Samantha Kirk, Travis Griswold, Miguel Chavira and John Vuckovic were sworn in by Mayor Cecil. Mayor Cecil also acknowledged returning members Sean Mehl and Justin Corneau, as well as School Liaisons Ray Horton and Eric Steinmiller, and City Liaison Dorothy Brooks. Due to school activities, newly appointed member Kacey Valley was unable to attend the meeting.

IV. OPEN FORUM

Mayor Cecil opened the floor to anyone who wished to address the Council on any matter not on the agenda as a public hearing item. No one came forward to address the Council, so Mayor Cecil closed the Open Forum portion of the meeting.

V. CONSENT AGENDA

- 1.** Consider approval of the Minutes of the Special Meeting and Budget Work Shop held on August 14, 2006, and take any action necessary.
- 2.** Consider approval of the Minutes of the August 21, 2006, City Council meeting and take any action necessary.
- 3.** **Z2006-014** -- Consider approval of an **Ordinance** for a request by Kelley Winner of Mirror-Mirror Hair Studio for approval of a Specific Use Permit (SUP) to allow for a "Hair Salon" within (PD-50) Planned Development No. 50 district which is designated for (RO) Residential Office uses, specifically on Lot 1, Block A, Conselman Addition, located at 802 N. Goliad (SH 205), and take any action necessary. [2nd Reading]
- 4.** **P2006-035** -- Consider a request by Erik Hauglie of Pacneco Koch Consulting Engineers for approval of a final plat of Rockwall Community Hospital Addition, being 16 lots on 33.201-acres zoned (PD-9) Planned

Development No. 9 District and located south of Rockwall Parkway, west of Horizon Road (FM 3097) and east of Summer Lee Drive, and take any action necessary

5. Consider approval of a **Resolution** regarding compliance with Chapter 395, Texas Local Government Code and take any action necessary.
6. Consider approval of a bid award for the contract for Concrete Street Maintenance and Repair and take any action necessary.
7. Consider approval of the State Interoperability Initiative Equipment Purchase and take any action necessary.
8. Consider approval of a **Resolution** requesting the members of the 80th Legislative Session of the State of Texas support increased funding for the Texas Recreation & Parks Account Local Park Grant Program and the Texas State Park System and take any action necessary.

Councilmember Cotti requested that Consent Agenda Item No. 5 be pulled. Councilmember McCallum requested that Consent Agenda Items No. 4 and 8 be pulled and then made a motion to approve the remaining Consent Agenda Items (nos. 1, 2, 3, 6 and 7). Councilmember Straughan seconded the motion and the ordinance was read as follows:

ORDINANCE NO. 06-34

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 A HAIR SALON WITHIN (PD-50) PLANNED DEVELOPMENT NO. 50 DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 1, BLOCK A, CONSELMAN ADDITION AND LOCATED AT 802 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. [2nd Reading]

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

Councilmember McCallum requested clarification on tree mitigation with regard to Consent Agenda Item No. 4. After short discussion, Councilmember Cotti made a motion to approve Consent Agenda Item No. 4 and Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [McCallum].

Councilmember Cotti stated he pulled Consent Agenda Item No. 5 for further action by staff and made a motion to table the matter until the September 18, 2006 meeting. Mayor Cecil seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember McCallum made a motion to approve Consent Agenda Item No. 8 and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

151 VI. APPOINTMENTS

- 152
153 1. Appointment with Planning and Zoning Chairman to discuss and answer
154 any questions regarding cases on the agenda and related issues and
155 take any necessary action.

156 Greg Burgamy, Planning and Zoning Chairman discussed the various planning and
157 zoning items on tonight's agenda.

158
159 VII. PUBLIC HEARING ITEMS

- 160
161 1. Z2006-015 -- Hold a public hearing and consider approval of an
162 Ordinance for a city-initiated request for a change in zoning from (Ag)
163 Agricultural district to (SF-10) Single Family Residential district for all
164 properties located within the Airport Acres Addition (Indian Trail) and the
165 Greenlee Addition (Amity Lane), being approximately 18.89-acres located
166 north of Airport Rd west of FM 549, and take any action necessary.
167 [1st Reading]

168
169 Robert LaCroix discussed the background of this city-initiated zoning change and
170 advised that the Planning and Zoning Commission had approved the change by a vote of
171 6-0. Chuck Todd, City Engineer, stated that we will be widening Amity.

172
173 Mayor Cecil opened the public hearing but no one appeared so the public hearing was
174 closed. Councilmember Straughan made a motion to approve the ordinance and
175 Councilmember Cotti seconded the motion. The ordinance was read as follows:

176
177 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
178 THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY
179 AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (AG) AGRICULTURAL
180 DISTRICT TO (SF-10) SINGLE FAMILY RESIDENTIAL DISTRICT, ON A TRACT OF LAND
181 CONTAINING APPROXIMATELY 18.89-ACRES AND ALL PROPERTIES WITHIN THE
182 AIRPORT ACRES ADDITION AND GREENLEE ADDITION, AND MORE SPECIFICALLY
183 DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
184 FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
185 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
186 FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE. [1st Reading]

187
188 The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 189
190 2. Hold a public hearing on the proposed 2006-2007 fiscal year tax rate.

191
192 Mary Smith, Finance Director, discussed the background of the tax rate and stated that
193 the rate is now 42½¢. Mayor Cecil opened the public hearing and the following persons
194 came forward to address the Council:

195
196 Calvin Barnard
197 2610 Chelsea Court
198 Rockwall, Texas
199 Mr. Barnard told the Council to be as easy as possible on the taxpayers.

200
201 There being no one further to address the Council, Mayor Cecil closed the public
202 hearing.

- 203
204 3. Hold a public hearing on the proposed budget for fiscal year 2007
205

206 **Mary Smith discussed the background of the proposed budget. Mayor Cecil opened the**
207 **public hearing, but no one appeared so the public hearing was closed.**
208
209

210
211 **VIII. SITE PLANS / PLATS**
212

- 213 1. **SP2006-025 -- Discuss and consider a request by David Arterburn of One**
214 **Stop Food Stores, Inc., for approval of a variance to the roof design**
215 **standards of the SH 205 Overlay District, in association with a site plan**
216 **for Dickey's BBQ, located on a 1.24-acre tract known as Lots 1R-A and**
217 **1R, Block A, Montego Addition, zoned (C) Commercial district and**
218 **located at 2012 S. Goliad, and take any action necessary.**
219

220 **Robert LaCroix discussed the background of the request for a variance by One Stop**
221 **Food Stores. LaCroix advised that the Architectural Review Board had approved the**
222 **request and that it would take a ¾ majority vote by the Council to approve the variance.**
223 **Councilmember Cotti made a motion to approve the request and Councilmember**
224 **McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes**
225 **and 0 nays.**
226

- 227 2. **SP2006-029 -- Discuss and consider a request by Richard Ireland of**
228 **Nudell Architects for approval of a variance to the masonry requirements**
229 **of the IH-30 Overlay District, in association with amended building**
230 **elevations for JC Penney, which is located within the approved "Plaza at**
231 **Rockwall" shopping center on a 47-acre (+/-) tract zoned (PD-14)**
232 **Planned Development No. 14 district, and take any action necessary.**
233

234 **Robert LaCroix discussed the background of the request by Nudell Architects for a**
235 **variance to the masonry requirements and advised that the Planning and Zoning**
236 **Commission approved the site plan. LaCroix stated that this is an increase in the EFUS**
237 **and would require a ¾ majority vote by the Council. Architect Richard Ireland discussed**
238 **the properties of the EFUS they want to use. Councilmember Straughan made a motion**
239 **to approve the request and Councilmember Cotti seconded the motion. The motion**
240 **passed unanimously by a vote of 7 ayes and 0 nays.**
241

242 **IX. ACTION ITEMS**
243

- 244 1. **Discuss and consider a Change Order for the Townsenc Engineering**
245 **Contract Phase 1 and 2 and take any action necessary.**

246 **Chuck Todd, City Engineer, discussed the background and the reasons for the change**
247 **order. Councilmember Cotti made a motion to approve the change order and**
248 **Councilmember Straughan seconded the motion. The motion passed unanimously by a**
249 **vote of 7 ayes and 0 nays.**
250

- 251 2. **Discuss and consider preliminary design report by Ron Conway regarding**
252 **Peterson drainage and take any action necessary**

Ron Conway gave his preliminary report regarding the Peterson drainage (to be known as the "Shores North Drainage Improvements"). Conway stated that there are a couple of beaver dams that will need to be removed as part of the improvements. The estimated cost is \$213,000. If a pipe is used, the estimated cost is \$263,000. Julie Couch, City Manager, advised that payment for the project would come out of General Fund Reserves. Nancy Peterson addressed the Council and stated that she did not believe there were any beavers, that it was nutria who had taken over the dams. Councilmember Scott made a motion to go forward with the design for the pipe option and to look at the funding for the project. Councilmember Cotti seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

3. Discuss and consider authorizing the design and engineering for Sam Houston and take any action necessary.

Chuck Todd stated that this was not bid because we cannot bid for professional services. Councilmember Cotti made a motion to approve the item and Councilmember Sevier seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

4. Continuation of budget work shop.

There was no continuation of the budget work session.

5. Discuss and consider an Agreement with the Rockwall Regional Hospital and Tiseo Paving for Public Improvements Related to the Hospital construction and take any necessary action.

Julie Couch advised that no action was necessary on this item.

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

1. Departmental Reports
2. City Manager's Report

Rick Crowley gave a status update on the drought plan and code enforcement. Fire Chief Mark Poindexter responded to questions by Councilmember Straughan regarding response times being 8-9 minutes three times in the same district.

There being no further business to come before the Council in regular session, Mayor Cecil adjourned the meeting into Executive Session at 8:11 p.m.

XI. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.

4. 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.

XII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

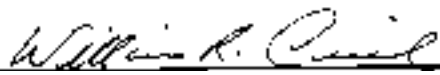
Councilmember Scott made a motion to reappoint Dr. David Lensch as the City's Health Official and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Scott made a motion authorizing the City Manager to execute the Lease Amendment Agreement with IRI subject to review and approval by the City Attorney and Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Scott made a motion to approve the sale of right-of-way along SH-66 west of SH205 to TxDOT and Councilmember Sevier 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 9:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 18th day of September, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**Minutes
Rockwall City Council
September 11, 2006
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, Matt Scott and Cliff Sevier. Councilmember Margo Nielsen was absent. Also present were Assistant City Manager Rick Crowley and City Attorney Pete Eckert.

2. PUBLIC HEARING

a. Hold a public hearing on the tax rate for fiscal year 2007.

Mary Smith gave the background on the tax rate. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Kristen Bota
2755 Green Gables Court
Rockwall, Texas

Ms. Bota asked various questions regarding the budget and how we arrived at the tax rate. Ms. Bota stated that services provided by employees should not be cut.

Calvin Barnard
2610 Chelsea Court
Rockwall, Texas

Mr. Barnard asked about the roll-back rate and was advised that there is none for the debt side. Mr. Barnard then stated that "maybe we have too much debt."

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

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 6:12 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 18th day of September, 2006.**

ATTEST:

Dorothy Brooks
Dorothy Brooks, City Secretary

William R. Cecil
William R. Cecil, Mayor



Minutes
Rockwall City Council
September 18, 2006
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. 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, Margo Nielsen, Matt Scott and Cliff Sevier. Councilmember Tim McCallum joined the meeting at approximately 4:30 p.m. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. WORK SESSION

1. Hold work session on drainage projects from the 2002 Bond Election and take any action necessary
2. Hold work session to discuss enhanced Plan 3 concepts for water conservation and take any action necessary

Information was presented to the Council with regard to the two work sessions listed above. No action was taken by the Council as a result of these work sessions.

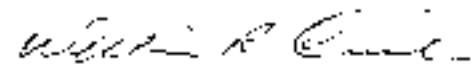
III. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS.

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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.

IV. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session. The Executive Session adjourned at 5:58 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of October, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**Minutes
Rockwall City Council**

September 18, 2006
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. 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, Matt Scott and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER BOB COTTI

III. PROCLAMATIONS

1. Constitution Week – Daughters of the American Revolution

Carolyn Francisco of the Daughters of the American Revolution came forward to receive the proclamation.

2. WomenAid Month – Soroptimist International of Rockwall

Several members of the Rockwall Soroptimists came forward to receive the proclamation. In support of their work, Councilmember Margo Nielsen purchased the first cookbook for 2006 and spoke about the important work they do in our community.

3. National Credit Education Week --Consumer Credit Counseling Service

Stacy Phillips of Consumer Credit Counseling Service came forward and accepted the proclamation.

Mayor Cecil advised the audience that he would be adjusting the order of the items on tonight's agenda. Mayor Cecil then stated that the Council would consider Action Item #1 as follows:

1. Discuss and Consider a Park Board Recommendation to Change the name of Southside Park to Gloria Williams Park and take any action necessary.

Councilmember Cotti talked about Gloria Williams and her contributions to the community. Cotti then made a motion to approve the Park Board recommendation to change the name of Southside Park to Gloria Williams Park and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Pastor Joe Robbins came forward and thanked the Council for their action and handed out a booklet to them of Ms. William's poetry. Ms. Gloria Williams was then wheeled forward by Councilmember Cotti. Ms. Williams thanked the Council for the honor and was given a standing ovation.

IV. CONSENT ITEMS

1. Consider approval of the Minutes from the September 5, 2006 City Council meeting and take any action necessary

2. Consider approval of the Minutes from the September 11, 2006 Special City Council meeting and take any action necessary.
3. Consider authorizing the City Manager to execute a Contract for Assessment and Collection with the Rockwall Central Appraisal District and take any action necessary.
4. **Z2006-015** -- Consider approval of an **Ordinance** for a city-initiated request for a change in zoning from (Ag) Agricultural district to (SF-10) Single Family Residential district for all properties located within the Airport Acres Addition (Indian Trail) and the Greenlee Addition (Amity Lane), being approximately 18.89-acres located north of Airport Rd west of FM 549, and take any action necessary. [2nd Reading]
5. **P2006-037** -- Discuss and consider a request by Eugene Middleton of Winkelmann & Associates for approval of a final plat for Rockwall Elementary School No. 11 (Dalton Ranch, Lots 5 and 6, Block C), being 13.508-acres zoned (PD-58) Planned Development No. 58 district and located at the southeast corner of FM 1141 and FM 552, and take any action necessary.
6. **P2006-038** -- Discuss and consider a request by David Booth of D.R. Horton for approval of a final plat for Dalton Ranch, being 142 single-family lots on 63.22-acres zoned (PD-58) Planned Development No. 58 district and located along the south side of FM 552 and west side of FM 1141, and take any action necessary.
7. **P2006-041** -- Discuss and consider a request by Robert Siegel of RM Crowe for approval of a replat of Lot 1R, Block C, La Jolla Pointe Addition Phase 1, a 2.09-acre tract zoned (C) Commercial district and situated along the north side of IH-30, east of Village Drive, south of Laguna Drive and west of Catalina Drive, and take any action necessary.
8. **P2006-040** -- Discuss and consider a request by Sam Canup and Joerg Whittenberg for approval of a final plat of the Jack Canup Addition, being a 2.02-acre tract zoned (PD-62) Planned Development District and including properties addressed as 902 and 906 S. Goliad Street and 903 S. Alamo Road, and take any action necessary.
9. **P2006-032** -- Discuss and consider a request by Alex Flores of Cascade Custom Homes for approval of a final plat of Lots 16 and 17, Airport Acres Addition, being a 0.86-acre tract zoned (Ag) Agricultural district (proposed SF-10 Single Family Residential) and located along the east side of Indian Trail north of Airport Road, and take any action necessary.
10. Consider approval of the award of the Construction Contract for 780 Waterline Improvements – Townsend Drive and SH276 waterlines and take any action necessary.

Councilmember Nielsen requested that Consent Agenda Item #2 be pulled. Mayor Cecil requested that Item #6 be pulled. Councilmember Scott made a motion to approve the remaining Consent Agenda Items (1, 3, 4, 5, 7, 8, 9 and 10). Mayor Cecil seconded the motion and the ordinance was read as follows:

ORDINANCE NO. 06-35

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-10) SINGLE FAMILY RESIDENTIAL DISTRICT, ON A TRACT OF LAND CONTAINING APPROXIMATELY 18.89-ACRES AND ALL PROPERTIES WITHIN THE AIRPORT ACRES ADDITION AND GREENLEE ADDITION, AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS: PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE. PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. [2nd Reading]

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

Councilmember Straughan made a motion to approve Consent Agenda Item #2 and Mayor Cecil seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Nielsen].

After clarification regarding the trees, Mayor Cecil made a motion to approve Consent Agenda #6 and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Cecil announced that the Council would now consider Action Item # 11 as follows:

11. Discuss and consider establishing a policy regarding reconstruction of existing decks or other structures within easements and take any action necessary.

Councilmember Straughan recused himself from hearing or taking action on this item. Jeffrey Widmer, Building Official, discussed the background of this item. After Council discussion, Councilmember Nielsen made a motion that the Staff prepare a policy to be approved by the Council, which allows structures currently in utility easements to be reconstructed. The property owner must obtain a building permit and sign a hold harmless agreement, which will be filed of record as a covenant running with the land, acknowledging full responsibility for repairs to the structure should any utility have to remove the structure for repairs to the utility. the owner must also acknowledge their responsibility for any damage to any utility caused by the construction of said structure. Councilmember McCallum seconded the motion. The motion passed by a vote of 8 ayes and 1 abstain [Straughan].

Councilmember Straughan returned to the meeting.

V. APPOINTMENTS

1. 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, Planning and Zoning Chairman, appeared before the Council to answer questions regarding the planning and zoning items on tonight's agenda.

2. Appointment with Michael Baldwin with TXU Electric Delivery requesting permission to construct a new overhead distribution line along the east right-of-way of State Highway 235 north of FM 552 within the City of Rockwall for a distance of approximately 2,600 feet and take any action necessary.

Mayor Cecil advised that this appointment request had been withdrawn by Mr. Baldwin and then made a motion to withdraw the item from the agenda. Councilmember

204 Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes
205 and 0 nays.

206
207 VI. PUBLIC HEARING

- 208
209 1. Hold a public hearing regarding amendments to the TIF Plan and take
210 any action necessary

211 Mary Smith, Finance Director, discussed the background of the TIF and the reasons to
212 amend the plan. Mayor Cecil opened the public hearing but no one came forward to
213 address the Council, so the public hearing was closed. It was announced that TIF
214 meeting will be held prior to the Council meeting on October 2, 2006. No action was
215 taken by the Council.

- 216
217 2. P2006-039 -- Hold a public hearing and consider a request by Mark &
218 Sharon Steele for approval of a residential replat of part of Lot 2, Block A,
219 W.D. Austin Addition, to be Lot 16, Block A of the Steele Addition, being a
220 0.32-acre tract zoned (PO-53) Planned Development District and located
221 at 926 N. Goliad Street, and take any action necessary.

222 Robert LaCroix, Planning Director, discussed the background of the request for a
223 residential replat and advised the Council that the Planning and Zoning Commission had
224 recommended approval by a vote of 6-0. Bart Steele, 217 Owyer Court, Heath, Texas,
225 owner of the property, came forward and requested that the Council approve this
226 request. Mayor Cecil opened the public hearing but no one came forward to address the
227 Council, so the public hearing was closed. Councilmember Cotti made a motion to
228 approve the request and Councilmember Straughan seconded the motion. The motion
229 passed unanimously by a vote of 7 ayes and 0 nays.

- 230
231 3. Z2006-016 -- Hold a public hearing and consider approval of an
232 Ordinance for a request by Brian A. Ryan for approval of a change in
233 zoning from (SF-7) Single Family Residential district to (GR) General
234 Retail district, on a 1.0-acre tract currently known as B F Boydstun, Block
235 122, Lot D, and located at 105 Olive Street, and take any action
236 necessary. The subject site is located within the "Old Town Rockwall Historic"
237 district and is identified as a "High Contributing" property. [1st Reading]

238 Robert LaCroix discussed the background of this request and advised the Council that
239 the Historic Preservation Advisory Committee had reviewed the change and approved it
240 by a vote of 6-1. LaCroix stated that the Planning and Zoning Commission also
241 recommended approval by a vote of 6-0. The applicant, Brian Ryan, 127 Jordan Drive,
242 Rockwall, Texas, came forward and requested that the Council approve his request for a
243 change in zoning. Mayor Cecil opened the public hearing but no one came forward to
244 address the Council, so the public hearing was closed. Councilmember Sevier made a
245 motion to approve the ordinance and Councilmember Nielsen seconded the motion. The
246 ordinance was read as follows:

247
248 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
249 THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY
250 AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-7) SINGLE FAMILY
251 DISTRICT TO (GR) GENERAL RETAIL DISTRICT, ON A TRACT OF LAND CONTAINING 1.0
252 ACRES AND KNOWN AS B. F. BOYDSTON, BLOCK 122, LOT D, AND LOCATED AT 105
253 OLIVE STREET, AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A";
254 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO
255 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
256 PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR REPEALER CLAUSE;
257 PROVIDING FOR AN EFFECTIVE DATE. [1st Reading]

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

4. Z2006-017 -- Hold a public hearing and consider approval of an **Ordinance** for a request by Ed Hurst of Integrity Concepts, LLC, for approval of a change in zoning from (2F) Duplex Residential district to (ZL-5) Zero-Lot Line Residential district on a 0.358-acre tract known as Billy Peoples No. 3 Addition, from (SF-7) Single Family Residential district to (ZL-5) Zero-Lot Line Residential district on a 0.393-acre tract known as B.F. Boydston, Lot 61B, and from (PD-52) Planned Development No. 52 district to (ZL-5) Zero-Lot Line Residential district on a 1.10-acre tract known as B.F. Boydston, Lot 71B), and take any action necessary. The subject property comprises approximately 1.85-acres overall and is located at the northwest corner of Boydston and Clark Street. [1st Reading]

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 6-0. This request includes a waiver to the alley requirements. The applicant, Ed Hurst, 1213 Gonzales Drive, Mesquite, Texas, came forward and requested that the Council approve his request. Mayor Cecil opened the public hearing but no one came forward to address the Council, so the public hearing was closed. Councilmember Scott 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, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (2F) DUPLEX RESIDENTIAL DISTRICT TO (ZL-5) ZERO-LOT LINE RESIDENTIAL DISTRICT ON A 0.358-ACRE TRACT KNOWN AS BILLY PEOPLES NO. 3 ADDITION, FROM (SF-7) SINGLE FAMILY RESIDENTIAL DISTRICT ON A 0.393-ACRE TRACT KNOWN AS B.F. BOYDSTON, LOT 61B, AND FROM (PD-52) PLANNED DEVELOPMENT NO. 52 DISTRICT TO (ZL-5) ZERO-LOT LINE RESIDENTIAL DISTRICT ON A 1.10-ACRE TRACT KNOWN AS B.F. BOYDSTON, LOT 71B, AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. [1st Reading]

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

5. Z2006-018 -- Hold a public hearing and consider approval of an **Ordinance** for a request by Kevin Berger for approval of a Specific Use Permit (SUP) to allow for a detached garage exceeding the maximum size requirement on Lot 17, Block A, Saddlebrook Estates #2, being a 1.0-acre tract zoned (SF-16) Single Family Residential district and located at 2364 Saddlebrook Lane, and take any action necessary. [1st Reading]

Councilmember Sevier recused himself from hearing or taking part in any action on this matter. Robert LaCroix discussed the background of this request for a Specific Use Permit. The applicant, Kevin Berger, 2364 Saddlebrook Lane, Rockwall, Texas, came forward and requested that the Council approve this request. Mayor Cecil opened the public hearing but no one came forward to address the Council, so the public hearing was closed. Councilmember Straughan made a motion to approve the ordinance 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 GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-16) SINGLE FAMILY RESIDENTIAL DISTRICT ALLOWING FOR A DETACHED GARAGE EXCEEDING THE MAXIMUM SIZE REQUIREMENT, ON A TRACT LOCATED AT 2364 SADDLEBROOK LANE BEING LOT 17, BLOCK A, SADDLEBROOK ESTATES #2 ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. [1st Reading]

The motion passed by a vote of 5 ayes and 1 abstain [Sevler].

6. H2006-005 -- Hold a public hearing and consider approval a city initiated request for the adoption of the North Goliad Historic District, including Design Review Guidelines, and take any action necessary. The area is zoned (PD-50) Planned Development and (GR) General Retail District and is situated along North Goliad, south of Live Oak Street and North of Interurban, containing approximately 21.29 acres of land. A portion of the proposed district is also located within the Old Town Rockwall Historic District. *[Referred back to the Historic Preservation Advisory Board by the Planning and Zoning Commission]*

Mayor Cecil made a motion to remove this item from the agenda and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Cecil announced that the Council would now consider various Action Items as follows:

9. Discuss and consider approval of an Ordinance adopting the budget for fiscal year 2007 and take any action necessary.

Mary Smith discussed the background of this item. After Council discussion, Councilmember Cotti made a motion to adopt the budget for fiscal year 2007 and Councilmember Nielsen seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 06-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2006, THROUGH SEPTEMBER 30, 2007; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes and 2 nays [McCallum and Sevler].

7. Discuss and consider approval of an Ordinance levying ad valorem taxes for the tax year 2006 and take any action necessary.

Mary Smith stated the reason for the increase in the rate was due to an increase in the debt service. Smith also advised that this year was the first year for the senior tax free to be in effect. Councilmember Cotti made a motion approving and setting the rate for ad valorem taxes at \$0.4250 per \$100 valuation and Councilmember Straughan seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 06-35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2006 AT A RATE OF \$.4250 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE

CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2006 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY, PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2006 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes and 2 nays [McCallum and Sevier].

4. Discuss and consider the Rockwall Economic Development Corporation Budget for fiscal year 2007 and take any action necessary.

Councilmember Nielsen recused herself from hearing or taking any action on this item and the following item. Councilmember Cotti made a motion to approve the REDC budget for fiscal year 2007 and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Nielsen].

5. Discuss and consider the Rockwall Technology Park Association budget for fiscal year 2007 and take any action necessary

Councilmember Cotti made a motion to approve the Rockwall Technology Park Association budget for fiscal year 2007 and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Nielsen].

Councilmember Nielsen returned to the meeting.

12. Discuss and consider a request from the Rockwall Economic Development Corporation (REDC) Board of Directors to include REDC staff participation in the City's retirement plan with the Texas Municipal Retirement System effective October 1, 2006, and take any action necessary.

Cheryl Dunlop discussed the background of this item and stated that there would be a reduction in the City's rate by adding the REDC staff to our plan. Councilmember Straughan made a motion to approve ordinance and Councilmember Sevier seconded the motion. The ordinance was read as follows:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR PARTICIPATION IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY THE EMPLOYEES OF THE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF ROCKWALL, TEXAS, ON THE SAME BASIS UPON WHICH EMPLOYEES OF THE CITY ITSELF PARTICIPATE IN SAID SYSTEM, GRANTING PRIOR SERVICE CREDIT TO SUCH EMPLOYEES, AND ESTABLISHING THE DATE ON WHICH THIS ORDINANCE WILL BECOME EFFECTIVE.

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

6. Discuss and consider the Hotel/Motel Subcommittee recommendations for funding fiscal year 2007 and take any action necessary

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

VII. SITE PLANS / PLATS

1. SP2006-030 - Discuss and consider a request by Robert Siegel of RM Crowe for approval of a special exception to the street landscape buffer

strip requirements in conjunction with the site plan for Vista Lago, a proposed commercial development on Lot 1R, Block C, La Jolla Pointe Addition Phase 1, which is zoned (C) Commercial district and situated within the IH-30 Overlay district along the north side of IH-30, east of Village Drive, south of Laguna Drive and west of Catalina Drive, and take any action necessary.

Robert LaCroix discussed the background of the request by Robert Siegel of RM Crowe for approval of a special exception to the street landscape buffer strip requirements and stated that the Planning and Zoning Commission had recommended approval. 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.

2. **SP2006-027** -- Discuss and consider a request by Steven Reyes of Ramsay Ivy CO., LC., for approval of a variance to the IH-30 Overlay (IH-30 OV) District architectural standards with regards to masonry requirements in conjunction with the site plan for McClintock Office Building, located on a 0.573-acre tract known as Lot 4, Block A, Shoreline Plaza Addition, zoned (C) Commercial district and situated within the IH-30 Overlay district, and located along Lakefront Trail and the future extension of Shoreline Drive, and take any action necessary. *{3/4 majority vote required for approval}*

Robert LaCroix discussed the request by Steven Reyes of Ramsay Ivy CO., LC., for approval of a variance to the IH-30 Overlay (IH-30 OV) District architectural standards with regards to masonry requirements and stated that the Planning and Zoning Commission had recommended approval. Councilmember Straughan made a motion to approve the request and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Scott].

3. **SP2006-031** -- Discuss and consider a request by Brad Forslund of Rockwall Senior Community, LP, for approval of a PD Site Plan for the Evergreen at Rockwall, being a 141-unit age-restricted senior housing development, located on a 6.43-acre tract zoned (PD-68) Planned Development No. 68 district (Ord. 06-32), and situated along the east side of S. Goliad (SH 205) south of the railroad and north of Justin Road, and take any action necessary.

Robert LaCroix discussed the request by Brad Forslund of Rockwall Senior Community, LP, for approval of a PD Site Plan for the Evergreen at Rockwall and stated that the Planning and Zoning Commission had recommended approval with conditions -- use of brick pavers on the temporary path instead of gravel. Councilmember Scott made a motion to approve and Councilmember Straughan made the second. Councilmember McCallum requested that Councilmember Scott amend his motion to include two tree days on separate weeks, with notice to be published in the local paper and a sign placed on the property. Councilmember Scott so amended his motion and Councilmember Straughan amended his second. The motion passed unanimously by a vote of 7 ayes and 0 nays.

VIII. ACTION ITEMS

2. Discuss and consider approval of Change Order No. 1 for the Rockwall Regional Training Center site utilities and take any action necessary.

474 Chuck Todd, City Engineer, discussed the change order. Councilmember Cotti made a
475 motion to approve the Change Order and Councilmember McCallum seconded the
476 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 477
478 3. Discuss and consider approval of an Ordinance setting city-wide speed
479 limits for residential streets and adjusting speed limits on arterial and
480 collector streets and take any action necessary. [1st Reading]

481 Chuck Todd discussed the background of this item. Councilmember Cotti made a
482 motion to approve the Ordinance and Mayor Cecil seconded the motion. After
483 discussion, the motion failed by a vote of 3 ayes [Cecil, Straughan and Cotti] and 4 nays
484 [McCallum, Nielsen, Scott and Sevier].

485
486 After further discussion, Councilmember McCallum made a motion instructing Staff to
487 bring back an ordinance reducing the speed limit in Old Town and to bring back a study
488 of the cost requirements for increasing or changing speeds on major streets and
489 arterials. Councilmember Scott seconded the motion. The motion passed unanimously
490 by a vote of 7 ayes and 0 nays.

- 491
492 8. Discuss and consider approval of an Ordinance adopting the amended
493 budget for fiscal year 2006 and take any action necessary.

494 Councilmember Cotti made a motion to approve the ordinance and Councilmember
495 McCallum seconded the motion. The ordinance was read as follows:

496
497 ORDINANCE NO. 06-37

498
499 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
500 THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2005 THROUGH
501 SEPTEMBER 30, 2006; PROVIDING FOR AN EFFECTIVE DATE.

502
503 The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 504
505 10. Discuss and consider approval of the proposed Texas Clean Air Cities
506 Coalition ("TCACC") participation agreement and bylaws and take any
507 action necessary.

508 After discussion, Councilmember Cotti made a motion that we withdraw our initial
509 agreement to participate in the Coalition and Councilmember Straughan seconded the
510 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

511
512 There being no further business to come before the Council in regular session, Mayor
513 Cecil adjourned the meeting into Executive Session at 10:22 p.m.

514
515 IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF
516 TEXAS GOVERNMENT CODE TO DISCUSS:

- 517 1. Deliberation regarding the purchase, exchange, lease, or value of real
518 property
519 2. Personnel Issues, including Board, Commission, and Committee
520 Appointments, and Related Matters.
521 3. Commercial or financial information regarding business prospects that the
522 City seeks to have locate, stay, or expand in or near the territory of the
523 City of Rockwall and with which the Board is conducting economic
524 development negotiations.

4. 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

X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Straughan made a motion to approve the purchase of the right of way for Townsend Drive Phase 2 from the J. I. Davis Estate at the cost of \$2.00 per square foot, there being a total of 1,401 square feet. Councilmember Cotti seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti made a motion to approve the purchase of the right of way for Townsend Drive Phase 2 from Thomas E. Chesna, Victoria D. Chesna and Don S. Watts at the cost of \$2.00 per square foot, there being a total of 1,949 square feet. Councilmember Sevier seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti made a motion to approve the resolution regarding the necessity to institute eminent domain proceedings to acquire right of way for Justin Road and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember McCallum made a motion to appoint John Floeter to the Rockwall Economic Development Corporation Board to complete the term of Nell Welborn and Councilmember Straughan 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 11:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of October, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



Minutes
Rockwall City Council
October 16, 2006
3:00 p.m. Work Session and Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 3:05 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Margo Nielsen, Matt Scott and Cliff Sevier. Councilmember Tim McCallum joined the meeting later. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. WORK SESSION

1. Hold work session on detention concepts and take any action necessary.

The Council was shown a power point presentation on detention concepts. No action was taken by the Council.

Mayor Cecil adjourned the meeting into Executive Session at 4:31 p.m.

III. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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

IV. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Nielsen made a motion authorizing the City Manager to settle the Buffington condemnation matter and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

There being no further business to come before Council in the Pre-Council Session, Mayor Cecil adjourned the meeting at 6:00 p.m.

45 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
46 TEXAS, this 6th day November, 2006.
47
48
49
50

51 William R. Cecil
52 William R. Cecil, Mayor

53 ATTEST:

54 Dorothy Brooks
55 Dorothy Brooks, City Secretary
56
57
58



Minutes
Rockwall City Council
October 16, 2006
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:05 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MARGO NIELSEN

III. PROCLAMATIONS

1. Behind the Badge Week

Diane Nutt received the Behind the Badge Week proclamation. Mayor Cecil announced that the appreciation dinner will be held on Saturday, November 4, 2006, and encouraged everyone to attend.

Next, Mayor Cecil introduced Angie Landers, winner of the Soroptimist Rockwall Idol Contest. Ms. Landers was presented with a proclamation and then performed her winning song, "I'll Always Love You," for the audience.

IV. CONSENT ITEMS

1. Consider approval of the Minutes of the October 2, 2006 City Council meeting and take any action necessary.
2. Consider approval of an **Ordinance** reducing the speed limit in Old Town and take any action necessary. **[2nd Reading]**
3. Consider approval an **Ordinance** to increase or change speeds on major streets and arterials and take any action necessary **[2nd Reading]**
4. **P2006-043** -- Discuss and consider a request by Brad Forslund of Churchill Residential, Inc., for approval of a master plat for Eastshore Addition, being 25.55-acres zoned (PD-68) Planned Development No. 68 district (Ord. 06-32), and situated along the east side of S. Goliad (SH 205) south of the railroad and north of Justin Road, and take any necessary action.
5. **P2006-044** -- Discuss and consider a request by Brad Forslund of Churchill Residential, Inc., for approval of a preliminary plat for Eastshore Addition, being 25.55-acres zoned (PD-68) Planned Development No. 68 district (Ord. 06-32), and situated along the east side of S. Goliad (SH 205) south of the railroad and north of Justin Road, and take any necessary action.
6. **P2006-045** -- Discuss and consider a request by Michael Alturk of MA Engineering for approval of a preliminary plat for Subway / Gateway /

Health Food Store Addition, being a 2.0-acre tract currently described as Tract 2-2, Abstract 186, J.A. Ramsey Survey, zoned (PD-46) Planned Development No. 46 and located at the northeast corner of FM 549 and SH 276, and take any action necessary.

7. Consider approval of an **Ordinance** amending the Code of Ordinances in Chapter 3, by amending Sec. 3-1(a) and take any action necessary. [1st Reading]
8. Consider approval of the award of the bid for the Justin Road Paving Project – Townsend to Industrial – and take any action necessary.
9. Consider approval of an **Ordinance** amending the Project and Financing Plans Of Reinvestment Zone Number One and take any action necessary. [1st Reading]

Councilmember Nielsen requested that Consent Agenda Item No. 1 be pulled and Councilmember McCallum requested that Consent Agenda Items No. 4 and 5 be pulled. Councilmember McCallum then made a motion to approve the remaining Consent Agenda Items (2, 3, 6, 7, 8, and 9). Councilmember Straughan seconded the motion and the ordinances were read as follows:

ORDINANCE NO. 06-43

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 THE ROADS DELINEATED ON THE ATTACHED EXHIBIT, 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. [2nd Reading]

ORDINANCE NO. 06-44

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 STREETS LISTED BELOW, 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. [2nd Reading]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCE OF THE CITY OF ROCKWALL, IN CHAPTER 3, SEC. 3-1(a); PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. [1st Reading]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE PROJECT AND FINANCING PLANS OF REINVESTMENT ZONE NUMBER ONE, CITY OF ROCKWALL, TEXAS. [1st Reading]

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

Councilmember Nielsen stated that she pulled Consent Agenda Item No. 1 so that the minutes could be revised to show that she did not attend the walking tour of The Harbor. Councilmember Nielsen then made a motion to approve the minutes as revised and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember McCallum asked for a clarification on the tree transplant day notifications with regarding to Consent Agenda Items No. 4 and 5. Robert LaCroix stated that there would be signs on the property regarding the trees transplanting opportunities. Councilmember McCallum then made a motion to approve Consent Agenda Items No. 4 and 5 and Councilmember Cotti seconded the motion. City Engineer Chuck Todd clarified information regarding the alignment of the cemetery entrance off SH205. The motion passed unanimously by a vote of 7 ayes and 0 nays.

V. APPOINTMENTS

1. 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 Greg Burgamy appeared before the Council to answer any questions they might have regarding the planning and zoning items on tonight's agenda.

2. Appointment with Turtle Cove Homeowners regarding fencing in the Takeine and take any action necessary.

Robert LaCroix, Director of Planning, discussed the background of the requirements within the Take Line Overlay District. Paul Fraese, 943 Lexington Drive, came forward to speak for the Turtle Cove Homeowners. After lengthy discussion, it was determined that a Council Subcommittee should be formed to review the Take Line Overlay District ordinance. Any action on the Turtle Cove code violations will be held in abeyance until the Council has had an opportunity to hear the Subcommittee's recommendations.

VI. PUBLIC HEARING

1. **Z2006-019 --** Hold a public hearing and consider approval of an **Ordinance** for a request by Rhonda Wells for approval of a Specific Use Permit (SUP) to allow for a Carport (Residential) not meeting the standards in Article IV, Section 2.1.2 of the Unified Development Code, on Lot 8, Block K, Stonebridge Meadows Phase 5, located at 711 Stillwater Drive and zoned (SF-10) Single Family Residential district, and take any action necessary **[1" Reading]**

Robert LaCroix discussed the background of the request for an SUP for a carport. LaCroix stated that the Planning and Zoning Commission recommended approval with additional conditions. Mayor Cecil opened the public hearing and the following persons came forward to address the Council on this matter:

Rhonda Wells (Applicant)
711 Stillwater
Rockwall, Texas

Ms. Wells asked the Council to approve her request. They need the carport to shelter their mentally and physically challenged child from the elements when entering and leaving their vehicle.

There being no one further to address the Council, Mayor Cecil closed the public hearing. Councilmember Scott made a motion to approve the request and Councilmember Cottl 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 (SUP) WITHIN THE (\$F-10) SINGLE-FAMILY RESIDENTIAL DISTRICT ALLOWING FOR A CARPORT (RESIDENTIAL) NOT MEETING THE STANDARDS IN ARTICLE IV, SECTION 2.1.2 OF THE UNIFIED DEVELOPMENT CODE, ON A TRACT LOCATED AT 711 STILLWATER DRIVE, BEING LOT 8, BLOCK K, STONEBRIDGE MEADOWS PHASE 5; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. [1st Reading]

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

2. 22006-020 -- Hold a public hearing and consider approval of an **Ordinance** for a request by Mark Medcalf and Shannon Baithrop for approval of a change in zoning from (AG) Agriculture district to (C) Commercial district, on a 45.4871-acre tract currently known as Tract 17-5, Abstract 80, William W. Ford Survey and located at the southeast corner of SH 205 and FM 549, and take any action necessary. [1st Reading]

Robert LaCroix discussed the background of this request for a change in zoning and stated that the Planning and Zoning Commission recommended approval. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Greg Malen (Representing the owner)
Engineering Concepts
Wylie, Texas
Mr. Malen asked the Council to approve this request.

Bill Houser
4768 S. SH-205
Rockwall, Texas
Mr. Houser stated that he was against the change in zoning until a specific purchaser or business comes in to request the change.

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 McCallum seconded the motion. The motion to deny passed unanimously by a vote of 7 ayes and 0 nays.

3. 22006-021 -- Hold a public hearing and consider approval of an **Ordinance** for a request by Charles Mills for approval of a change in

261 zoning from (SF-10) Single Family district to (PD-12) Planned
262 Development No. 12 district, on a 0.24-acre tract currently known as the
263 west 100-ft of Lot 5, Block F, Sanger Brothers Addition and located at the
264 northeast corner of Ross and Alamo, and take any action necessary.
265 [1st Reading]

266 Robert LaCroix discussed the background of this request for change in zoning. Mayor
267 Cecil opened the public hearing and the following persons came forward to address the
268 Council:

269 Charles Mills (Applicant)
270 706 S. Alamo
271 Rockwall, Texas
272 Mr. Mills asked the Council to approve his request.
273

274 There being no one further to address the Council, Mayor Cecil closed the public
275 hearing. Councilmember Nielsen made a motion to approve the request and
276 Councilmember Straughan seconded the motion. The ordinance was read as follows:
277

278 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
279 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS
280 PREVIOUSLY AMENDED, SO AS TO CHANGE THE ZONING FROM (SF-10) SINGLE-
281 FAMILY DISTRICT TO (PD-12) PLANNED DEVELOPMENT NO. 12 DISTRICT ON A 0.24-
282 ACRE TRACT KNOWN AS THE WEST 100-FT OF LOT 5, BLOCK F, SANGER BROTHERS
283 ADDITION, BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED
284 HERETO; PROVIDING FOR SPECIAL CONDITIONS; CORRECTING THE OFFICIAL
285 ZONING MAP; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF
286 TWO THOUSAND DOLLARS(\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
287 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
288 EFFECTIVE DATE. [1st Reading].
289

290 The motion passed unanimously by a vote of 7 ayes and 0 nays.
291

- 292 4. Lake Rockwall Estates Annexation Plan (6:00 p.m.) (1st Public
293 Hearing) -- Hold a public hearing and consider a City initiated request to
294 annex land of approximately 328.85 acres generally located north of
295 County Line Rd, northeast of F.M. 3697 (Horizon Road), and southeast of
296 Tubbs Road, and contiguous to the existing City Limits line. [No action is
297 necessary.]
298

299 Mayor Cecil announced that we would be addressing this item and had the Spanish
300 translators announce it in Spanish. Mayor Cecil asked if anyone in the audience needed
301 the Spanish translation to continue, but no one indicated the necessity of the translation,
302 so the translators left the meeting.

303 Robert LaCroix discussed the background of this item and advised that this public
304 hearing was being held in accordance with the statutory requirements for annexation
305 plans. Mayor Cecil stated that no action would be taken tonight. This is a step in the
306 process and the soonest that the City will be able to act will be in January/February 2009
307 -- final approval would be at the second reading of the ordinance which will be on
308 February 19, 2009. Mayor Cecil opened the public hearing and the following persons
309 came forward to address the Council:
310
311

Jim Minor

166 Trout Road

Mr. Minor stated that 80% of the population in Lake Rockwall Estates is Hispanic and that the City should have sent out letters in Spanish. Mr. Minor asked what the City was going to do about the lake – that the City had polluted the lake by allowing drainage into it. Mr. Minor also wanted to know what the City was going to do about the water system. He stated that he has organized a group against the annexation.

Danny Turner

829 Lakeside Drive

Mr. Turner stated that the City had violated their rights and is violating state rights and that he is bringing in the FBI. That the City might have even committed murder by causing the flooding in the area. Is against the annexation.

Ramona LaFavors

Owens property at 579 Trout

Is in favor of the annexation.

Janle Myers

370 Eva Place

Wants to know what the City is going to do about the flooding and the condition of the roads. What all is the City going to do.

Eric Boden

214 Diana Drive

Lives on the mobile home side – wants to know if the City is going to push them out.

Allen Spicer

1492 Valerie

Wants to know if the City is going to take his property away from him. Is for the annexation if it is good for him. Can the City make it nice.

Mitchell Turner

829 Lakeside Drive

Poor people are human.

Mary Gonzales

327 Tubbs

Concerned that the letters were not in Spanish. Is glad it will be in the City. They need better streets and places for kids to play. She has friends on the trailer side and they have been told that the City is going to kick them out. Their fears are being weighed upon. We need to tell them the truth.

Jim Day

177 Althea Road

Wants to know why we are going to annex them. Can they get water/sewer/roads, etc.

Susan Gomez
199 Diana Drive
Would like for the area to be cleaned up. It is trashy because of the landlords.

Mary Garza
482 Eva Place
Lives behind the lake and it does flood. Is for the annexation. Wants to know if 2 mobile homes will be allowed on one lot. The landlords are the problem.

There being no one further to address the Council, Mayor Cecil closed the public hearing. At this time each Councilmember addressed the audience on why we are annexing the area, what services will be provided, and what we are going to try to accomplish until the time comes when we can take final action on the annexation plan.

5. Lake Rockwall Estates Annexation Plan (7:00 p.m.) (2nd Public Hearing) -- Hold a public hearing and consider a City initiated request to annex land of approximately 328.85 acres generally located north of County Line Rd. northeast of F.M. 3097 (Horizon Road), and southeast of Tubbs Road, and contiguous to the existing City Limits line [No action is necessary.]

Robert LaCroix talked about the draft service plan which will include police protection, fire protection, health and code compliance (building permits and junk vehicles) landscape ordinance, parks and recreation services, solid waste collection, street maintenance, etc. Water will continue to be Aqua Source but we will pursue the right to provide water and sewer. Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Lawrence Chavez
510 Lynch
Wants a copy of the service plan.

Mitchell Turner
829 Lakeside
Stated that Robert LaCroix lied when he said there was a note in Spanish at the bottom of the letters.

Eric Boden
214 Diana Drive
Mr. Boden wants to know if he can move another trailer onto his property -- he already has one and this is to enlarge his living space. He also asked if the City would take care of the flooding issues.

Mary Gonzales
327 Tubbs
Ms. Gonzales want the Council to know that Mr. LaCroix had sent out two letters with Spanish at the bottom -- she showed the letters to the Council.

Joann Stanley

298 Plain Drive

Stated she can't wait for the annexation – she is definitely in favor of it. She hopes that the City can get rid of Aqua Source. In response to Mr. Boden's question regarding two trailers on the same lot, Ms. Stanley stated that they have deed restrictions and that is not allowed.

Jane Reynolds

370 Eva Place

Wants to know if they have to wait 3 years to stop the flooding.

Jim Meyers

166 Trout

972-771-8198

The cost of the improvements would call for a bond election and the citizens of Rockwall would not approve it. Put a vote to the residents of Lake Rockwall Estates – they do not want it either. The City should back off. If this had not been started we would have our own city. You are pushing people out – 90% of the trailers are going to have to be condemned. Does not believe it should be decided by 7 people.

Danny Turner

829 Lakeside Drive

You flooded our sewer system. All you want is 3097 frontage. I don't trust you guys.

Elizabeth Silva

533 Tubbs Road

Is in favor of the annexation.

Kathy Smith

193 Russell Drive

Is for the annexation. Wants to know if there will be an additional exit for the mobile home side.

Van Simmons

337 Trout

Can't run without dogs chasing her. Is in favor the annexation and is willing to help whatever way she can.

Ruth Donnley

166 Trout

We don't have the same pocket books. She has not seen anyone out there to help. Is concerned that the Hispanic population has not been able to get up and speak.

Ramona LaFavors

1979 Random Oaks Drive

Owns the property at 579 Trout

Is for the annexation. She is unable to rent the house on Trout because of the condition of the area. Stated when she goes to Mexico she has to

463 speak Spanish. The people here need to learn English – they need to learn
464 to help themselves.

465
466 Susan Gomez

467 199 Diana

468 Would like to see Habitat for Humanity homes there. We need to make sure
469 that the residents know what the restrictions are.

470
471 Mary Gonzales

472 327 Tubbs

473 Believes what the Council said. She moved to the LRE area because they
474 did not have any money. Everyone is going to have to put forth the effort.
475 Gonzales also asked about lights on Horizon – there are many accidents.
476 Does not want to wait until 2009 for the lights.

477
478 There being no one further to address the Council, Mayor Cecil closed the public
479 hearing. Councilmember Cotti recognized Joann Stanley. Ms. Stanley formerly served
480 on the Rockwall Housing Development Corporation as a representative from Lake
481 Rockwall Estates. Councilmember McCallum advised the audience that the City is going
482 to be building an extension road to County Line Road, which will result in two exits from
483 the mobile home site. Councilmember McCallum then made a motion that the Council
484 Subcommittee bring back a date for a Town Hall Meeting, to be conducted for the benefit
485 of Spanish-speaking residents as well as for all other residents of Lake Rockwall Estates.
486 Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes
487 and 0 nays. Notification of the meeting will be provided in both English and Spanish.

488
489 It was announced that copies of the draft service were on a table in the Lobby and
490 available for pick up.

491
492 VII. ACTION ITEMS

- 493
494 1. Discuss and consider the City's vehicle replacement policy and take any
495 action necessary.

496 Finance Director Mary Smith and Assistant Police Chief Kirk Riggs discussed the
497 background of the policy. Councilmember Cotti made a motion to approve the policy
498 and retain the 2-year police vehicle policy and Councilmember Straughan seconded the
499 motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 500
501 2. Discuss and consider authorizing the City Manager to enter into an
502 agreement with Landscapes Unlimited for SH-66 Boat Ramp
503 Improvements and take any action necessary.

504 Brad Griggs discussed the background of the project. Funding for the project will be out
505 of the Recreation Development Fund. Councilmember Cotti made a motion to approve
506 the request and Councilmember Nielsen seconded the motion. The motion passed
507 unanimously by a vote of 7 ayes and 0 nays.

- 508
509 3. Discuss and consider supporting a raise in the sales tax cap for
510 transportation funding and take any action necessary.

Mayor Cecil discussed the background of this item. After a short discussion it was determined that no action would be taken by the Council at this time.

4. Discuss and consider approval of a **Resolution** in support of federal and state government initiatives to provide better control over illegal aliens in the United States and the State of Texas and take any action necessary

Mayor Cecil discussed the background of this request. After lengthy discussion it was determined that the Subcommittee needed to make revisions to the resolution after input from the other Councilmembers, to be provided not later than Friday, October 20, 2006. This matter will come back before the Council at the next meeting.

There being no further business to come before the Council in regular session, Mayor Cecil adjourned the meeting into Executive Session at 10:52 p.m.

VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:


1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

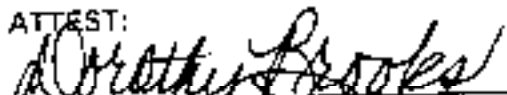
No action was taken as a result of Executive Session.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 11:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6th day of November, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



Minutes
Rockwall City Council
Monday, November 06, 2006
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. 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, Margo Nielsen and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. The Mayor immediately adjourned the meeting into Executive Session. Councilmember Tim McCallum joined the meeting at 5:30 p.m.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

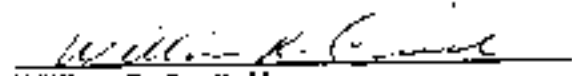
Councilmember Nielsen made a motion that the Takeline Ordinance Subcommittee (consisting of Bob Cotti, Matt Scott and Bill Cecil) review the Takeline Ordinance for updating and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Cecil adjourned the Pre-Council meeting at 6:00 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 20th day of November, 2006.

ATTEST:


Dorothy Brooks, City Secretary


William R. Cecil, Mayor



Minutes
Rockwall City Council

Monday, November 06, 2006
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. 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 and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR BILL CECIL

III. OPEN FORUM

Mayor Cecil opened the floor to anyone who wished to address the Council on any subject that is not a public hearing on tonight's agenda. The following persons came forward:

Ruth Peck

108 Lakedale

Rockwall, Texas

Ms. Peck thanked the Council for their support of Musicfest. Thanks to their support and financial assistance the City of Rockwall now has a philharmonic orchestra. Ms. Peck invited everyone to come to Musicfest in April 2007.

Scott Self

428D Yacht Club Drive

Rockwall, Texas

Mr. Self spoke on behalf of the Chandler's Landing Homeowners Association and stated they were in favor of removing the vegetation from the Southside of the I-30 Bridge so there is a view corridor for The Harbor.

Joann Glover

550 E. Quail Run Drive

Rockwall, Texas

Ms. Glover congratulated the City on the grand opening of The Harbor.

90 There being no one further to address the Council, Mayor Cecil closed the public
91 hearing.

92
93 **IV. CONSENT AGENDA**

- 94 1. Consider approval of the **Minutes** from the October 16, 2006 City
95 Council Meeting and take any action necessary.
96
- 97 2. Consider approval of an Interlocal Agreement for Fire Protection
98 Services and take any action necessary.
- 99 3. Consider approval of an **Ordinance** amending the Code of
100 Ordinances in Chapter 3, by amending Sec. 3-1(a) and take any
101 action necessary. [2nd Reading]
- 102 4. Consider approval of an **Ordinance** amending the Project and
103 Financing Plans of Reinvestment Zone Number One and take any
104 action necessary. [2nd Reading]
- 105 5. Consider approval of an **Ordinance** for a request by Rhonda Wells
106 for approval of a Specific Use Permit (SUP) to allow for a Carport
107 (Residential) not meeting the standards in Article IV, Section 2.1.2
108 of the Unified Development Code, on Lot 8, Block K, Stonebridge
109 Meadows Phase 5, located at 711 Stillwater Drive and zoned (SF-
110 10) Single Family Residential district, and take any action
111 necessary. [2nd Reading]
- 112 6. Consider approval of an **Ordinance** for a request by Charles Mills
113 for approval of a change in zoning from (SF-10) Single Family
114 district to (PD-12) Planned Development No. 12 district, on a 0.24-
115 acre tract currently known as the west 100-ft of Lot 5, Block F,
116 Sanger Brothers Addition and located at the northeast corner of
117 Ross and Alamo, and take any action necessary. [2nd Reading]
- 118 7. Consider authorizing the City Manager to enter into agreements
119 with MHS Planning and Design for Design Services for the Park at
120 Emerald Bay and the Park at Hickory Ridge and take any action
121 necessary.
- 122 8. Consider authorizing the City Manager to execute TXDOT Standard
123 Utility Agreements regarding SH205 Utility Improvements and take
124 any action necessary.
- 125 9. Consider approval of the railroad crossing construction proposal
126 from the DGNB Railroad for the Townsend Phase 2 Project and
127 take any action necessary.

128 Councilmember McCallum made a motion to approve the Consent Agenda items
129 and Councilmember Straughan seconded the motion. The ordinances were read
130 as follows:

ORDINANCE NO. 06-49

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCE OF THE CITY OF ROCKWALL, IN CHAPTER 3, SEC. 3-1(a); PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. *2nd Reading*

ORDINANCE NO. 06-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE PROJECT AND FINANCING PLANS OF REINVESTMENT ZONE NUMBER ONE, CITY OF ROCKWALL, TEXAS. *2nd Reading*

ORDINANCE NO. 06-48

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 (SUP) WITHIN THE (SF-10) SINGLE-FAMILY RESIDENTIAL DISTRICT ALLOWING FOR A CARPORT (RESIDENTIAL) NOT MEETING THE STANDARDS IN ARTICLE IV, SECTION 2.1.2 OF THE UNIFIED DEVELOPMENT CODE, ON A TRACT LOCATED AT 711 STILLWATER DRIVE, BEING LOT 8, BLOCK K, STONEBRIDGE MEADOWS PHASE 5; 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. *2nd Reading*

ORDINANCE NO. 06-46

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 (SF-10) SINGLE-FAMILY DISTRICT TO (PD-12) PLANNED DEVELOPMENT NO.12 DISTRICT ON A 0.24-ACRE TRACT KNOWN AS THE WEST 100-FT OF LOT 5, BLOCK F, SANGER BROTHERS ADDITION, BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. *2nd Reading*

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

V. APPOINTMENTS

1. Appointment with Margie Hooper, Rockwall County Chamber of Commerce for a status report on hotel/motel fund disbursements.

183 **Margie Hooper came forward and gave a status report on the funds the Chamber**
184 **of Commerce received in 2005-2006.**

- 185
186 2. Appointment with Lynn Davis from the Old Town Shoppes on the
187 Square for a status report on hotel/motel fund disbursements.

188 **Lynn Davis came forward and gave a status report on the funds the Old Town**
189 **Shoppes on the Square received in 2005-2006.**

- 190
191 3. Appointment with Joann Glover, Executive Director of Rockwall
192 County Committee on Aging to give an annual report and request
193 funding for fiscal year 2006 - 2007 and take any action necessary.

194 **Joann Glover came forward and gave her annual report on the 2005-2006 funding**
195 **she received and requested funding for 2006-2007. Councilmember Cotti made a**
196 **motion to approve the funding request and Councilmember Straughan seconded**
197 **the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- 198
199 4. Appointment with Animal Adoption Center Subcommittee regarding
200 recommendations for building plans and presentation by David
201 Duhman of Quorum Architects.

202 **Jeffrey Widmer discussed the Subcommittee recommendations and David**
203 **Duhman of Quorum Architects gave a power point presentation on the changes.**
204 **Councilmember Nielsen made a motion to authorize Staff and the Architect to**
205 **start the bid and construction process and Councilmember Scott seconded the**
206 **motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- 207
208 5. Appointment with the Airport Subcommittee for an update on
209 projects at the airport and to discuss and consider approval of a bid
210 for painting services at the Ralph Hall Municipal Airport and take
211 any action necessary.

212 **Joey Boyd gave an update on the airport projects. Councilmember Cotti made a**
213 **motion to approve the bid for painting services and Councilmember Sevier**
214 **seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0**
215 **nays.**

216
217 **VI. ACTION ITEMS**

218
219 **Mayor Cecil advised the audience that the Council would be considering Action**
220 **Item 6 at this time.**

- 221
222 6. Discuss and consider adding an element to the Downtown Plan
223 related to creating a destination and take any necessary action.

224 **City Manager Julie Couch discussed the background of this item. Ms. Couch**
225 **described the program and stated that we could send 6 persons to the "boot**
226 **camp" and a 7th person would attend free. The cost would approximately \$8,400**

plus travel expenses. After lengthy discussion, Councilmember Scott made a motion to have the City Manager move forward with the selection process and bring the item back to the Council for final approval, but the cost shall not exceed \$15,000.00. Councilmembers McCallum and Sevier stated that they support the downtown revitalization effort, but needed more detailed cost and information before they could support the motion that was on the floor. Councilmember Cotti seconded the motion. The motion passed by a vote of 5 ayes and 2 nays [Sevier and McCallum]. Ms. Couch will have the information to the Council no later than the first meeting in December.

1. Discuss and consider approval to engage Fox, Byrd & Co. P.C. as the City's auditors for the fiscal year ended September 30, 2006 and take any action necessary.

Mary Smith, Finance Director, discussed the background of this request. Councilmember McCallum 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.

2. Discuss and consider underage drinking and the failure of adults to supervise and take any action necessary.

Councilmember McCallum stated that he brought this matter forward to determine whether or not the Council was interested in assigning this ordinance as a project for the Youth Advisory Council. After lengthy discussion no action was taken on this matter by the Council.

3. Discuss and consider approval of a Resolution supporting Federal and State initiatives to curb illegal aliens and take any action necessary.

Councilmember Cotti stated that the Subcommittee revised resolution pursuant to the input he received from the other Councilmembers. After very lengthy discussion, Councilmember McCallum made a motion to postpone this resolution indefinitely or until a Councilmember or the Mayor brings it back for consideration. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays. The Subcommittee for this matter was disbanded.

4. Discuss and consider revitalization of the old Kroger building and take any action necessary.

Councilmember Scott stated that he brought this matter to the Council for discussion. After discussion, Councilmember Scott made a motion directing Staff to talk to Richard Haas and the owner of the Kroger building regarding painting a mural on the back of the building (facing west) and Councilmember Sevier seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Ms. Couch will update the Council regarding this matter at the next meeting.

5. Discuss and consider removal of trees from the I-30 Bridge east of mile marker 66 in order to provide a clear visual corridor of The Harbor and take any action necessary.

Councilmember Scott stated that he brought this matter to the Council for discussion he then made a motion to ask TxDOT to remove the vegetation on the southern side of the I-30 bridge going east from mile marker 66 to the easternmost shoreline of Lake Ray Hubbard in order to provide a clear visual corridor of The Harbor. Councilmember Sevier seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

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

Jeffrey Widmer discussed the survey for the Smoking Ordinance. Julia Couch discussed the need for a joint meeting with the Planning and Zoning Commission to discuss form-based zoning, amendments to the Comp Plan and the Facilities Plan. A tentative date of Wednesday, November 29, 2006 was set.

There being no other regular business to come before the Council, Mayor Cecil adjourned the meeting at 10:04 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 20th day of November, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**Minutes
Rockwall City Council
Monday, November 20, 2006
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

I. 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, Matt Scott and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:


1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session. Mayor Cecil adjourned the Pre-Council meeting at 5:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 11th day of December, 2006.

ATTEST:


Dorothy Brooks, City Secretary


William R. Cecil, Mayor



**Minutes
Rockwall City Council**

Monday, November 20, 2006
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

Prior to calling the meeting to order, Mayor Cecil congratulated City Manager Julie Couch for being recognized by the International City Managers Association for 30 years of service and City Secretary Dorothy Brooks for achieving the designation as a Texas Registered Municipal Clerk.

I. 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, Matt Scott and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TIM MCCALLUM

III. PROCLAMATIONS

1. Rockwall Kiwanis Week

Glen Farris and other Kiwanis Club members accepted the proclamation declaring the week of November 26 through December 2, 2006, as Kiwanis Club Week. Mayor Cecil urged all in attendance at the meeting to be at the Christmas parade on Saturday, December 2, 2006. It starts at 9:00 a.m.

IV. CONSENT AGENDA

1. Consider approval of the Minutes from the November 6, 2006 City Council meeting and take any action necessary.
2. Consider award of bid to Philpott Motors for Police Pursuit vehicles and take any action necessary.
3. Consider approval of an agreement with SecureNet, Inc. for critical water infrastructure security enhancements and take any action necessary.
4. Consider approval of an easement to TXU for an electrical easement for a transformer pad in Shores Park to serve the new park electrical features and take any action necessary.
5. Consider approval of a Resolution authorizing abandonment of the right-of-way along Catalina Drive to the abutting landowner and take any action necessary.
6. Consider approval of the award of the bid for the Townsend Road Phase 2 Construction and take any action necessary.

7. Consider approval of the Summer Lee East- Change Order No. 1 and take any action necessary.
8. P2006-048 -- Consider a request by Johnathan McClintock of McClintock Investments for approval of a replat of Lot 4, Block A, Shoreline Plaza Addition, being a 0.574-acre tract zoned (C) Commercial district and located along Lakefront Trail and the future extension of Shoreline Drive, and take any action necessary.
9. P2006-049 -- Consider a request by Robert Richardson of Doug Connally & Associates, Inc., for approval of a replat of Lot 6, Block A, Municipal Industrial Park Addition, being a 1.01-acre tract zoned (LI) Light Industrial District and located along the north side of Whitmore Drive, and take any action necessary.
10. P2006-050 -- Consider a request by Julio Pareces for approval of a final plat of Lot 10, Block A, Airport Acres Addition, being a 0.39-acre tract zoned (SF-10) Single Family Residential district and located on Indian Trail, and take any action necessary.
11. P2006-051 -- Consider a request by Sandra Green of WD Partners for approval of a replat of Lots 1 and 2, Block A, Travel Centers of America Addition, being a 13.069-acre tract zoned (C) Commercial District and located at the southwest corner of IH-30 and SH 205, and take any action necessary.
12. P2006-052 -- Consider a request by David Kotchalka of Kimley-Horn and Associates for approval of a master plat for North Lakeshore Valley, being 49.36-acres zoned (PD-65) Planned Development No. 65 district (Ord. 06-02) located along North Lakeshore Drive and west of SH 205, and take any action necessary.
13. P2006-053 -- Consider a request by David Kotchalka of Kimley-Horn and Associates for approval of a preliminary plat for North Lakeshore Valley, being 49.36-acres zoned (PD-65) Planned Development No. 65 district (Ord. 06-02) located along North Lakeshore Drive and west of SH 205, and take any action necessary.
14. P2006-054 -- Consider a request by Michael Alturk of MA Engineering for approval of a final plat for Subway / Gateway / Health Food Store Addition, being a 2.0-acre tract zoned (PD-46) Planned Development No. 46 and located at the northeast corner of FM 549 and SH 276, and take any action necessary.
15. P2006-055 -- Consider a request by Sean Flaherty of The Wallace Group, Inc., for approval of a replat of Lots 6 and 7, Block A, Rockwall Crossing Addition, a 23.454-acre tract zoned (C) Commercial and situated within the (IH-30 OV) IH-30 Overlay District at 903 Interstate 30, and take any action necessary.
16. Consider approval of the Ross Street Project- Change Order Number 2 and take any action necessary.

Councilmember McCallum requested that Consent Agenda Items # 11, 12 and 13 be pulled. McCallum then made a motion to approve the remaining Consent Agenda Items (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15 and 16). Councilmember Scott seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember McCallum stated he pulled Consent Agenda Item #11 for clarification on expansion of the parking lot. City Attorney Pete Eckert stated that the paving materials for the parking lot were listed in a litigation settlement a few years ago and that the matter needed to be tabled until he could research the settlement document. Councilmember Scott made a motion to table the matter until the next regular meeting and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

After clarification, Councilmember McCallum made a motion to approve Consent Agenda items #12 and 13. Mayor Cecil seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

V. APPOINTMENTS

1. 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 Greg Burgamy addressed the Council and stated that he had no comments on tonight's planning and zoning items. The Council had no questions for him.

2. Appointment with Omega Hawkins, General Manager of Kaufman Area Rural Transportation, to provide an annual report for 2006 and request funding for the 2006-2007 budget year and take any action necessary.

Omega Hawkins of the Kaufman Area Rural Transportation gave her annual report. Ms. Hawkins requested funding for next year in the amount of \$20,000, plus matching funds in the amount of \$12,000 for a grant for a new bus. Councilmember Cotti made a motion to approve the \$12,000 matching funds for the new bus and approve the \$20,000 subsidy. Councilmember Straughan seconded the motion. After discussion, Councilmember Scott made a motion to amend the previous motion so that it deals only with the \$20,000 subsidy. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

After lengthy discussion, Councilmember Nielsen made a motion to approve the \$12,000 matching funds for the bus and Mayor Cecil seconded the motion. After very lengthy discussion, Councilmember McCallum made a motion to amend the motion to state that the 3rd bus will be available in Rockwall when needed - based on operating money. Councilmember Sevier seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays. The vote was then taken on motion made by Councilmember Nielsen, and as amended by McCallum's motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 178
179 3. Appointment with Lori Honeycutt with Farmers Electric Cooperative
180 requesting permission to construct new overhead distribution lines along
181 the south right-of-way of FM552 and along the east right-of-way of
182 FM1141 within the City of Rockwall and take any action necessary.

183
184 Ms. Lori Honeycutt of FEC requested that FEC be allowed place their poles in the right-
185 of-way along FM552 and FM1141. Councilmember Scott stated that he would have to
186 abstain from voting, but that he could speak on the matter. City Attorney Pete Eckert
187 advised the Council that if the Council approved this request, it should be approved
188 subject to legal review. After lengthy discussion, Councilmember Straughan made a
189 motion to table the matter until the next regular meeting and Councilmember Nielsen
190 seconded the request. After a short discussion, Councilmember Straughan withdrew his
191 motion and Councilmember Nielsen withdrew her second.

192
193 Mayor Cecil made a motion to approve the request subject to legal review regarding
194 whether or not the lines have to be underground. Councilmember Nielsen seconded the
195 motion. The motion passed by a vote of 5 ayes, 1 abstain [Scott] and 1 nay [McCallum].
196 Results of said review will be available at the next meeting.

197
198 **VI. PUBLIC HEARING ITEMS**

- 199
200 1. Z2006-022 -- Hold a public hearing and consider approval of an
201 **Ordinance** for a request by Brenda Meyers of Sterling Tea for approval of
202 a Specific Use Permit (SUP) allowing for a restaurant less than 2,000-sf
203 in area within (PD-50) Planned Development No. 50 district, specifically
204 on Lot 1, Abate Injury Rehab Center Addition, located at 506 N. Goliad,
205 and take any action necessary. [1st Reading]

206
207 Robert LaCroix, Planning Director, discussed the background of this request. LaCroix
208 advised that the Planning & Zoning Commission had recommended approval with
209 conditions. Due to the percentage of landholders objecting to the request, a ¾ majority
210 is required to approve this request. The applicant, Brenda Myers, came forward and
211 requested that the Council approve the SUP.

212
213 Mayor Cecil opened the public hearing and the following persons came forward to
214 address the Council:

215
216 Mary Hanrahan
217 201 S. Clark

218 Ms. Hanrahan stated that signs in the Historic District should be brought to
219 the Historic Preservation Advisory Board for approval. She is not
220 comfortable with a restaurant in this location - especially if there is a
221 dumpster.

222
223 There being no one further to address the Council, Mayor Cecil closed the public
224 hearing. Robert LaCroix discussed the reasoning behind bringing the signage to the
225 Council for approval, rather than the HPAB. Councilmember Straughan made a motion
226 to approve the request without the hanging sign and Councilmember Nielsen seconded
227 the motion. The ordinance was read as follows:

228 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
229 THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY
230 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A RESTAURANT
231 OF LESS THAN 2,000 SQUARE FEET WITHIN (PD-50) PLANNED DEVELOPMENT NO. 50
232 DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 1, ABATE INJURY REHAB CENTER
233 ADDITION AND LOCATED AT 506 N. GOLIAD STREET; PROVIDING FOR SPECIAL
234 CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO
235 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
236 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
237
238

239 The motion failed due to lack of a super majority vote in favor of the request. There were
240 5 ayes and 2 nays [Cecil and Sevier].
241

- 242 2. Z2006-023 -- Hold a public hearing and consider approval of an
243 **Ordinance** for a request by Columbia Development Company, LLC, for
244 approval of an amendment to (PD-59) Planned Development No. 59
245 District (Ord. 04-59), located south of Washington, west of Renfro St and
246 north of the railroad, specifically to increase the maximum lot coverage to
247 60% and to allow for front yard fences, and take any action necessary.
248 [1st Reading]

249 Robert LaCroix discussed the background of this request and advised that the Planning
250 and Zoning Commission had recommended approval by a vote of 5-0. Ross Ramsay,
251 representing the owner, came forward and requested that the Council approve this
252 request. Mayor Cecil opened the public hearing, but no one came forward, so the public
253 hearing was closed. Councilmember Straughan made a motion to approve the request
254 with the condition that the word "wood" be removed. Councilmember Cotti seconded
255 the motion and the ordinance was read as follows:
256

257 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
258 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,
259 AS PREVIOUSLY AMENDED, SO AS TO APPROVE AN AMENDMENT TO (PD-59)
260 PLANNED DEVELOPMENT NO. 59 DISTRICT (ORD. NO. 04-59) TO INCREASE THE
261 MAXIMUM BUILDING COVERAGE TO 60% AND ALLOW FOR FRONT YARD
262 FENCES; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
263 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
264 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
265 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
266

267 The motion passed unanimously by a vote of 7 ayes and 0 nays.
268

- 269 3. Z2006-024 -- Hold a public hearing and consider approval of an
270 **Ordinance** for a request by Shirley Black for approval of an amendment
271 to the existing Specific Use Permit (Ord. 05-26) allowing for "Antiques /
272 Collectable Sales" within (PD-50) Planned Development No. 50 district, at
273 502 N. Goliad on Lot 1, Block 1, Black's Collectables Addition, specifically
274 to designate areas for outside display and merchandising, and take any
275 action necessary. [1st Reading]

276
277 Robert LaCroix discussed the background of this matter and recommended continuing
278 the public hearing until the next meeting. Mayor Cecil opened the public hearing.
279 Councilmember Cotti made a motion to continue the public hearing until December 11,

2006 and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

VII. SITE PLANS / PLATS

1. SP2006-035 -- Discuss and consider a request by Robert Stengele of .spell Engineering Group, Inc., for approval of a variance to the cross access requirements of the I-30 Overlay District in association with the site plan for the Heritage Buick Pontiac GMC motor vehicle dealership, located on Lot 1, Block 1, Chrysler Addition, being 6.0-acres zoned (C) Commercial District and situated at the northwest corner of IH-30 and Kyle Drive within the IH-30 Overlay district, and take any action necessary. (3/4 vote required for approval)

Robert LaCroix discussed the background of this request. The site plan was approved in 2000. The applicant is requesting that a cross-access to the property to the west not be built. Applicant Robert Stengele came forward and stated that the request is really a security issue. 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 abstain [Scott].

VIII. ACTION ITEMS

1. Hear and discuss and consider Staff update concerning conservation efforts and conservation material promised from the NTMWD: including an update on water usage as a whole and by each water supplier that we service, i.e. how well we are doing as a whole and individually, Rockwall, Heath and each supplier we service and take any action necessary.

Rick Crowley gave a status update on water usage. Mayor Cecil discussed the meeting with the Council, the North Texas Municipal Water District and other water providers. Staff will bring an incentive program for Council discussion during the December 11, 2006, meeting.

2. Discuss and consider holding public hearings and performing a full review of the City's landscape ordinances and take any action necessary.

Councilmember Scott discussed the background of this matter. After a short discussion, it was determined that Staff will bring a plan of action forward for Council approval.

3. Discuss and consider amending City ordinances or policies regarding pets in City parks and take any action necessary.

Councilmember Sevier discussed the background of this item. After discussion, it was determined that Staff will look at the various issues and bring back proposed solutions to the Council.

4. Discuss and consider amending Chapter 12 of the Code of Ordinances "Food and Food Service Establishments" in Sec. 12-41 to require the posting of inspection scores and take any action necessary.

Jeffrey Widmer discussed the background of this item. Councilmember Cotti made a motion to approve the ordinance, with the change in the size of the grade and where the notice will be posted. Councilmember McCallum 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 12 FOOD AND FOOD SERVICE ESTABLISHMENTS, SEC. 12.41 PERMITS, LICENSES OR CERTIFICATES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

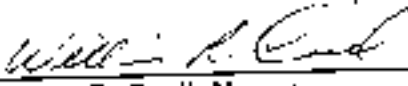
There being no further business to come before the Council in regular session, Mayor Cecil adjourned the meeting into Executive Session at 10:42 p.m.

IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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.

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 11:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 11th day of December, 2006.


William R. Cecil, Mayor

ATTEST:


Dorothy Brooks, City Secretary



**Minutes
Rockwall City Council**

November 29, 2006

**6:00 p.m. Joint Work Session with the
Planning and Zoning Commission**

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

I. 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, Matt Scott and Cliff Sevier. Councilmember Margo Nielsen was absent. Planning and Zoning Commission members present were Glen Farris, Connie Jackson, Mike Lucas, Greg Burgamy, Bill Bricker, Glen Smith and Michael Hunter. Also present were City Manager Julie Couch and City Attorney Pete Eckort.

II. HOLD WORK SESSION TO DISCUSS:

1. The proposed amended comprehensive land use policies.

The amended comprehensive land use policies were presented to the Council and Planning and Zoning Commission members. Discussion ensued, but no action was taken.

2. Downtown form based zoning code.

The Downtown form-based zoning code presentation was made by Dennis Wilson. No action was taken.

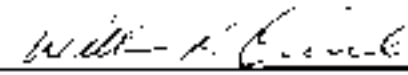
III. APPOINTMENT ITEM

1. Appointment with Dwayne Brinkley of Brinkley Sargent Architects to present future facilities expansion planning study and take any action necessary

Dwayne Brinkley gave a power-point presentation on the future facilities expansion planning study. No action was taken.

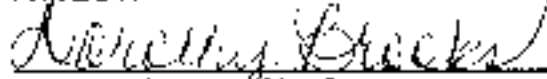
There being no further business to come before the City Council and Planning and Zoning Commission, Mayor Cecil adjourned the meeting at 9:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 29th day of March, 2007.



William R. Cecil, Mayor

ATTEST:



Dorothy Brooks, City Secretary



Minutes
Rockwall City Council
Monday, December 11, 2006
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. 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, Matt Scott and Cliff Seyler. Also present were City Manager Julie Couch and City Attorney Clark McCoy. Mayor Cecil immediately adjourned the meeting into Executive Session.

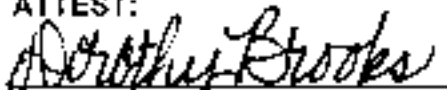
II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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.

No action was taken as a result of Executive Session. Mayor Cecil adjourned the Pre-Council Session at 6:00 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of January, 2007.

ATTEST:


Dorothy Brooks, City Secretary


William R. Cecil, Mayor



Minutes
Rockwall City Council
Monday, December 11, 2006
6:00 p.m. Regular Meeting
City Hall, 385 S. Gollad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:22 p.m. Present were Mayor Bill Cecil and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Margo Nielsen, Matt Scott and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Clark McCoy.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER STEPHEN STRAUGHAN

III. PROCLAMATIONS / AWARDS

Mayor Cecil announced that the City received the Greater Dallas Planning Council's award for the best project in 2006 – The Harbor. Mayor Cecil also announced the names of the City's Employees of the Year -- Carmen Chavez (Office Employee), Paul Johnson (Public Safety) and Dennis Pittman (Field Employee) – and the names of the Director's Choice employees: Chris Spencer for his work on the GIS project and Kay Roberson for her work on the drought.

IV. OPEN FORUM

Mayor Cecil opened the floor to anyone wishing to address the Council on any subject not have a public hearing on tonight's agenda. No one came forward, so the open forum session was closed.

V. CONSENT AGENDA

1. Consider approval of the Minutes of the May 18, 2006 Council Work Session and take any action necessary.
2. Consider approval of the Minutes from the June 26, 2006 Joint Work Session with the Planning and Zoning Commission and take any action necessary.
3. Consider approval of the Minutes from the July 3, 2006 Special City Council meeting and take any action necessary.
4. Consider approval of the Minutes for the November 20, 2006 City Council Meeting and take any action necessary.
5. Consider amending Chapter 12 of the Code of Ordinance "Food and Food Service Establishments" in Sec. 12-41 to require the posting of inspection scores and take any action necessary. [2nd Reading]
6. Consider adoption of a policy relating to Chapter 3, Section 3-1-A of the Code of Ordinances and take any action necessary

7. Consider authorizing the City Manager to execute a contract with Kaufman Area Rural Transportation for transportation services and take any action necessary.
8. Consider approval of the purchase of a new breathing air cylinder filling system for Fire Station 1 and take any action necessary.
9. Consider approval of the purchase of restroom facility at Yellow Jacket Park and take any action necessary.
10. P2006-051 - Consider a request by Sandra Green of WD Partners for approval of a replat of Lots 1 and 2, Block A, Travel Centers of America Addition, being a 13.069-acre tract zoned (C) Commercial District and located at the southwest corner of IH-30 and SH 205, and take any action necessary. (Tabled at the 11/20/06 meeting)
11. P2006-056 -- Consider a request by Brad Forstund of Churchill Residential, Inc. for approval of a final plat for Eastshore Addition, being 25.55-acres zoned (PD-68) Planned Development No. 68 district (Ord. 06-32), and situated along the east side of S. Golad (SH 205) south of the railroad and north of Justin Road, and take any necessary action.
12. Z2006-023 -- Consider approval of an ordinance for a request by Columbia Development Company, LLC, for approval of an amendment to (PD-59) Planned Development No. 59 District (Ord. 04-59), located south of Washington, west of Renfro St and north of the railroad, specifically to increase the maximum lot coverage to 60% and to allow for front yard fences, and take any action necessary. (2nd Reading)
13. Consider approval of Airport Rd. Waterline Change Order Number 1 and take any action necessary.
14. Discuss and consider Harbor Special Event Guidelines and Fee Structure and take any action necessary.
15. Consider authorizing the Mayor to execute the Utility Easement for utilities to new firing range and take any action necessary.
16. Consider approval of a Facility Agreement for the Evergreen project for off-site water and sanitary sewer and take any action necessary.
17. Consider authorizing the City Manager to enter into a Contract with Schuler Project Management Team for the Development of the Park at Fox Chase and take any action necessary.

Councilmember Cotti requested that Consent Agenda Items 5, 8 and 14 be pulled and then made a motion to approve the remaining items. Councilmember Scott requested that items 6, 10 and 12 be pulled. Cotti amended his motion to approve Consent Agenda Items 1, 2, 3, 4, 7, 9, 11, 13, 15, 16 and 17) and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

5. Consider amending Chapter 12 of the Code of Ordinance "Food and Food Service Establishments" in Sec. 12.41 to require the posting of inspection scores and take any action necessary (2nd Reading)

Councilmember Cotti made a motion to postpone any action on Consent Agenda Item #5 and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

6. Consider adoption of a policy relating to Chapter 3, Section 3-1-A of the Code of Ordinances and take any action necessary.

After clarification, Councilmember Scott made a motion to approve Consent Agenda Item #6 and Councilmember Straughan seconded the motion. After discussion, the motion and second were withdrawn. Councilmember Cotti then made a motion to table the matter until the next meeting (January 2, 2007) and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

8. Consider approval of the purchase of a new breathing air cylinder filling system for Fire Station 1 and take any action necessary.

Councilmember Cotti requested clarification from Fire Chief Mark Poindexter regarding the funding for the system. After Fire Chief Poindexter clarified that the funding for the system would be coming out of his current budget, 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.

12. Z2006-023 -- Consider approval of an ordinance for a request by Columbia Development Company, LLC, for approval of an amendment to (PD-59) Planned Development No. 59 District (Ord. 04-59), located south of Washington, west of Renfro St and north of the railroad, specifically to increase the maximum lot coverage to 60% and to allow for front yard fences, and take any action necessary. [2nd Reading]

Councilmember Scott made a motion to approve the ordinance and the motion was seconded by Councilmember Straughan. 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 AN AMENDMENT TO (PD-59) PLANNED DEVELOPMENT NO. 59 DISTRICT (ORD. NO. 04-59) TO INCREASE THE MAXIMUM BUILDING COVERAGE TO 60% AND ALLOW FOR FRONT YARD FENCES; 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.

10. P2006-051 - Consider a request by Sandra Green of WD Partners for approval of a replat of Lots 1 and 2, Block A, Travel Centers of America Addition, being a 13.069-acre tract zoned (C) Commercial District and located at the southwest corner of IH-30 and SH 205, and take any action necessary. [Tabled at the 11/20/06 meeting]

Councilmember Cotti made a motion to approve the request and Councilmember Straughan seconded the motion. The motion passed by a vote of 4 ayes [Cecil, Cotti, Straughan and Nielsen] and 3 nays [McCallum, Scott and Sevier].

- 182 14 Discuss and consider Harbor Special Event Guidelines and Fee Structure
183 and take any action necessary.
184

185 Councilmember Cotti asked for clarification on where the funds would be credited. City
186 Manager Julie Couch stated that they would be used to offset operating expenses.
187 Councilmember Cotti made a motion to approve the Harbor Special Event Guidelines and
188 Fee Structure and Councilmember Straughan seconded the motion. After further
189 discussion, Councilmembers Cotti and Straughan withdrew their original motion and
190 second. Councilmember Cotti then made a motion to table this matter until January 16,
191 2007 or sooner, if possible, and Councilmember Straughan seconded the motion. The
192 motion passed unanimously by a vote of 7 ayes and 0 nays.
193

194 Mayor Cecil announced that the appointments would now be heard and then Action Item
195 #1 would be discussed.
196

197 VI. APPOINTMENTS

- 198 1. Appointment with Churchill Residential regarding a request for water and
199 wastewater impact fee abatement and take any action necessary.
200

201 City Engineer Chuck Todd discussed the background of this matter. Tony Sisk of
202 Churchill Residential came forward to request that the Council waive the water and
203 wastewater impact fees. Councilmember McCallum made a motion to deny the request
204 and Councilmember Sevier seconded the motion. After discussion, the motion passed
205 unanimously by a vote of 7 ayes and 0 nays.
206

- 207 2. Appointment with The Ratcliff Group, L.L.C. regarding Rockwall Toyota --
208 LEED Certification presentation and take any action necessary.

209 Bennett Ratcliff appeared before the Council. Mr. Ratcliff stated that they were not here
210 to request anything that they only wanted to present some information on the
211 construction project for the Toyota dealership. Ratcliff described the LEED Certification
212 and stated that the project would cost about \$14 Million. He introduced Steve Jackson,
213 the owner, who will be moving his family from California to Rockwall. This building will
214 be the second of its kind in the nation. It will be built using new technology, new
215 strategies for construction and new materials. They want the project to be an
216 opportunity to educate the public.
217

218
219 IX. ACTION ITEMS

- 220 1. Z2006-022 -- Discuss and consider approval of an ordinance for a
221 request by Brenda Meyers of Sterling Tea for approval of a Specific Use
222 Permit (SUP) allowing for a restaurant less than 2,000-sf in area within
223 (PD-50) Planned Development No. 50 district, specifically on Lot 1, Acato
224 Injury Rehab Center Addition, located at 506 N. Goliad, and take any
225 action necessary [2nd Reading]
226

227 After a short discussion, Councilmember Cotti made a motion to approve the Ordinance
228 and Councilmember Straughan seconded the motion. The ordinance was read as
229 follows:
230

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 A RESTAURANT OF LESS THAN 2,000 SQUARE FEET WITHIN (PD-50) PLANNED DEVELOPMENT NO. 50 DISTRICT, ON TRACT OF LAND KNOWN AS LOT 1, ABATE INJURY REHAB CENTER ADDITION AND LOCATED AT 506 N. GOLIAD STREET; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

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

VII. PUBLIC HEARING ITEMS

1. Z2006-024 -- Continue a public hearing and consider approval of an ordinance for a request by Shirley Black for approval of an amendment to the existing Specific Use Permit (Ord. 05-26) allowing for "Antiques / Collectable Sales" within (PD-50) Planned Development No. 50 district, at 502 N. Goliad on Lot 1, Block 1, Black's Collectables Addition, specifically to designate areas for outside display and merchandising, and take any action necessary. [1st Reading]

Robert LaCroix discussed the background of this request and stated that the Planning and Zoning Commission had approved the request with additional conditions, i.e., that lawn furniture will be displayed under the bois d'arc tree in the back. Shirley Black, 502 N. Goliad, Rockwall, Texas (Applicant) came forward and requested that the Council approve her request. After discussion, Mayor Cecil opened the public hearing and the following persons came forward to address the Council:

Brian Black
5704 Southern Cross
Rockwall, Texas

Mr. Black requested that the Council approve this request. (He is Ms. Black's husband). Mr. Black stated that they are willing to work with the Council.

There being no one further to address the Council, Mayor Cecil closed the public hearing. Councilmember Nielsen made a motion to approve the request and Councilmember Cotti seconded the motion. A lengthy discussion ensued regarding the display on the front porch. Councilmembers Nielsen and Cotti withdrew their motion and second. Councilmember Straughan made a motion to approve the request with the condition that there be a limitation of 40% coverage on the front porch. 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 AMEND A SPECIFIC USE PERMIT (ORD. NO. 05-26) ALLOWING FOR ANTIQUE/COLLECTABLE SALES OF LESS THAN 2,000 SQUARE FEET WITHIN (PD50) 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 by a vote of 4 ayes [Cotti, Cecil, Straughan and Nielsen] and 3 nays [Sevier, Scott and McCallum].

VIII. SITE PLANS / PLATS

- 1. SP2006-039 -- Discuss and consider a request by David Grant of IdleAire Tech. Corp. for approval of variances to the masonry requirements and mechanical equipment screening requirements of the IH-30 Overlay and SH 205 Overlay districts, in association with an amended site plan for Travel Centers of America to allow for IdleAire facilities at the existing truck stop located at the southwest corner of IH-30 and SH 205, on Lots 1 and 2, Block A, Travel Centers of America Addition, being 13.07-acres zoned (C) Commercial district, and take any action necessary. (3/4 vote required for approval)**

Robert LaCroix discussed the background of this request. Christopher Klaus from the North Central Texas Council of Governments addressed the Council in support of this project. David Grant, representing the Applicant, requested that the Council approve this request. After discussion and clarification that the only matter before the Council was that of the three variances, Councilmember Cotti made a motion to deny the 3 variance requests and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

IX. ACTION ITEMS

- 2. Discuss and consider the proposed annexation of the area north of SH-66 between FM-1141 and FM-549 and take any action necessary**

Robert LaCroix discussed the background of this request. Councilmember McCallum made a motion to direct Staff to prepare the annexation proceedings and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 3. Discuss and consider authorizing the City Manager to execute a contract for third-party administration and reinsurance services with Group & Pension Administrators (TPA) and Symetra (Stop-loss/reinsurance) and take any action necessary**

Cheryl Dunlap, Director of Administrative Services, discussed the background of this item. Representatives from Brinson & Associates discussed the procedure they went through and gave their recommendations. Councilmember Cotti made a motion authorizing the City Manager to execute contracts for third-party administration and reinsurance services with Group & Pension Administrators (TPA) and Symetra (Stop-loss/reinsurance) and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 4. Review and discuss current city policy/ordinance pertaining to Door-to-Door Solicitation and take any action necessary.**

Councilmember Cotti discussed why he brought this matter back to the Council for discussion. After Council discussion, Staff was instructed to have the City Attorney Pete Eckert review Attorney McCoy's ordinance and examine whether circulars/handbills

should be included and bring the matter back to the council in 30-45 days. We need to make it clear that no solicitation means no sales.

5. Discuss and consider authorizing the City Manager to execute a change order to the Rogers O'Brien contract for construction of lighthouse feature at The Harbor and take any action necessary.

City Manager Julie Couch discussed the background of this request. Mayor Cecil made a motion to approve the change order for the lighthouse and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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

1. Departmental Reports
2. City Manager's Report

There being no further business to come before the Council, Mayor Cecil adjourned the meeting into Executive Session at 11:32 p.m.

I. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

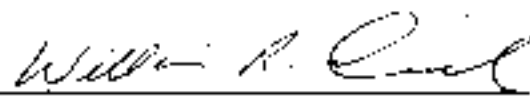
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall; and with which the Board is conducting economic development negotiations.
4. 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.

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 12:30 a.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of January, 2007.

ATTEST:


Dorothy Brooks, City Secretary


William R. Cecil, Mayor

