

MINUTES
ROCKWALL CITY COUNCIL
Monday, January 04, 2010
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Bill Cecil called the meeting to order at 4:00 p.m. Present were Mayor Cecil, Mayor Pro Tem David Sweet and Council members Matt Scott, Margo Nielsen, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Mark Russo was absent from the meeting. Mayor Cecil immediately recessed the public 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: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding legal services

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

IV. ADJOURNMENT

Executive Session was adjourned at 5:50 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 19th day of January, 2010.

William R. Cecil

William R. Cecil, Mayor

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary



MINUTES

ROCKWALL CITY COUNCIL

Monday, January 04, 2010

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Bill Cecil called the meeting to order at 6:00 p.m. Present were Mayor Cecil, Mayor Pro Tem David Sweet and Council members Matt Scott, Margo Nielsen, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Mark Russo was absent from the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FARRIS

Councilmember Farris delivered the invocation and led the Pledge of Allegiance.

III. OPEN FORUM

Mayor Cecil explained Open Forum and then opened the floor for anyone wishing to come forth and speak.

Pastor Joe Robbins

Peters Colony

Rockwall, TX

Pastor Robbins came forth to commend the Council and staff for a job well done over the course of the past year and in years past.

Bill Bricker

505 Westway

Rockwall, TX

Mr. Bricker came forth to generally commend the council for a job well done.

There being no one else to come forth to speak, Mayor Cecil then closed the Open Forum.

IV. CONSENT AGENDA

1. Consider approval of an ordinance granting a franchise to Oncor Electric Delivery Company LLC and take any action necessary.(2nd Reading)
2. Consider authorizing the purchase of a new fire apparatus, and take any action necessary.
3. Consider award of a contract for construction debris hauling, and take any action necessary.
4. A2009-005 - Discuss and consider approval of an ordinance for a City-initiated request to annex land in accordance with a previously approved Chapter 212 Texas Local Government Code Development Agreement, specifically for approximately 288.80-acres located along the north side of

SH 66 east of FM 1141 and west of FM 549, and contiguous to the existing City Limits line. (2nd reading)

5. Consider a resolution approving the Multiple Use Agreement with TXDOT for the City's early warning signal siren at the corner of Emma Jane and SH-205, and take any action necessary.

Councilmember Scott made a motion to approve Consent Agenda items #1-5. Mayor Pro Tem seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 10-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 288.80 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 10-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF ROCKWALL, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

The motion passed by a vote of 6 ayes to 1 absent (Russo).

V. ACTION ITEMS

1. Discuss and consider expanding the distance requirement from 200 feet to 1,000 feet associated with notices issued to property owners by the city for zoning changes, and consider requiring sending such notices for requests for Special Use Permits (SUP) and take any action necessary.

Councilmember Scott expressed that he has brought this item forth to the Council for consideration at this time because of his concerns that the existing 200 feet rule is not sufficient to notify enough people who may be affected by a particular zoning change or SUP. In general, he expressed that he would like the Council to consider expanding the notification requirement include those living outside of the existing 200 foot area.

146
147 Mayor Cecil called upon former Planning & Zoning Chairman Bill Bricker to come forth
148 and speak related to his personal views on this topic. In general, Mr. Bricker expressed
149 that he has concern about expanding the notification area and believes it could
150 negatively affect developers. He generally believes that the current notification
151 requirements (200 feet) should remain in place.

152
153 Councilmember Nielsen made a motion to instruct staff to move forward with bringing
154 back a resolution, policy or ordinance to the Council for consideration at a future date
155 related to a tiered notification approach recommended by staff as follows:
156

- A tiered approach adopted by policy rather than by ordinance as follows:
 - 0-5 acres = 200' notice
 - 5-25 acres = 400' notice (courtesy notice beyond 200')
 - 25+ acres = 500' notice (courtesy notice beyond 200')

157
158
159 Councilmember Scott seconded the motion.
160

161 Mayor Cecil generally expressed that he does not support the motion on the floor this
162 evening. Councilmember Farris also expressed that he is not in support of the motion on
163 the floor due to the various, present day means by which a large number of citizens likely
164 receive their information, such as through 'social media' like the city's E-News e-mail
165 blasts/notifications. General discussion took place related to 'social media' and other
166 methods by which citizens are informed of issues such as potential zoning changes or
167 special use permits (SUPs), including the monthly water bill newsletter/insert and the
168 city's website.
169

170 After additional discussion, the motion failed by a vote of 3 ayes to 3 nays (Cecil, Sevier,
171 and Farris).
172

173 Mayor Cecil then made a motion to send out notices on the city's E-News e-mail blasts
174 and to post them on the city's website. Councilmember Farris seconded the motion.
175

176 The motion passed by a vote of 6 ayes to 1 absent (Russo).
177

178 VI. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
179 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.
180

- 181 1. Departmental Reports
 - 182 Building Monthly Report - November 2009
 - 183 Police Department Monthly Report - November 2009
 - 184 Internal Operations Department Monthly Report - November 2009
 - 185 Finance Department Monthly Report - November 2009
 - 186 Recreation Monthly Report - November 2009
 - 187 Harbor PD Report - November 2009
- 188 2. City Manager's Report

189 No action was taken as a result of the Departmental & City Manager reports.
190

VII. 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, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act, regarding: legal issues pertaining to annexation of territory, annexation agreements, and development agreements pursuant to Tex. Loc. Gov't Code ch. 43.

VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council did not reconvene into Executive Session at the close of the public meeting; therefore, no action was taken as a result of Executive Session.


IX. ADJOURNMENT

Mayor Cecil adjourned the meeting at 6:48 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 19th day of January, 2010.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

Tuesday, January 19, 2010
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 Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public 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: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding legal services.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Sweet made a motion to re-appoint Cliff Sevier to serve on the city's Fire Department Pension Board. Councilmember Farris seconded the motion, which passed unanimously (7 ayes, 0 nays).

Mayor Pro Tem Sweet made a motion to appoint Julien Meyrat to fill the Architect position on the Architectural Review Board. Councilmember Farris seconded the motion, which passed unanimously (7 ayes, 0 nays).


IV. ADJOURNMENT

Executive Session was adjourned at 5:50 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 1st day of February, 2010.**


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

Tuesday, January 19, 2010

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 Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM SWEET

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

III. CONSENT AGENDA

1. Consider approval of the minutes from the December 21, 2009 regular City Council meeting and take any action necessary.
2. Consider approval of the minutes from the January 4, 2010 regular City Council meeting and take any action necessary.
3. Consider award of the construction contract for the Squabble Creek Wastewater Forcemain, Phase 1A, and take any action necessary.
4. Consider approval of a right-of-entry and use agreement with TXDOT for the installation of an antenna at the Springer Water Tower and take any action necessary.
5. Consider authorizing the city manager to enter into an agreement with Clean Harbors, Inc. to manage Household Hazardous Waste Day collection and disposal on April 17, 2010 and take any action necessary.
6. P2009-022 - Discuss and consider a request by Phillip Morse of Architecture+ for approval of a replat of Lots 5 & 6, Block A, Rainbo Acres Addition, being 4.8-acres zoned (C) Commercial district and situated at the southeast corner of FM 3097 (Horizon Rd) and Ranch Trail, and take any action necessary.
7. Consider approval of a resolution establishing a Comprehensive Plan Advisory Committee and take any action necessary.

Councilmember Farris pulled item #4 for discussion. Councilmember Russo pulled item #2 for further discussion. Councilmember Nielsen made a motion to approve the remaining Consent Agenda items (#1, 3, 5, 6 & 7). Mayor Pro Tem Sweet seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Regarding Consent Agenda item #2, Mayor Pro Tem Sweet made a motion to approve this item. Mayor Cecil seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Russo).

98 Related to Consent Agenda item #4, Councilmember Farris asked some clarifying
99 questions related to placement of an electronic message sign in or near the TXDOT right-
100 of-way. Farris asked when the representative of TXDOT plans to come to Rockwall to
101 visit sites for possible placement of the sign and discuss its approval. Parks Director
102 Brad Griggs indicated that the TXDOT representative will likely visit Rockwall in early
103 February to discuss and evaluate placement of such sign. City Manager Julie Couch
104 indicated that the City still needs to have discussions with a private property owner to
105 negotiate possible placement of the sign on private property. It is likely that TXDOT will
106 not approve placement of such sign in their right-of-way, but it may be able to be placed
107 on private property.

108
109 Councilmember Farris made a motion to table Consent Agenda item #4 until the City
110 receives a site visit from a TXDOT representative related to placement of an electronic
111 message sign within the city. Councilmember Sevier seconded the motion. Couch
112 clarified that this particular agenda item is to authorize signing of a contract with TXDOT
113 to allow them to place equipment on our water tower that will regulate traffic signals
114 within Rockwall. After additional, brief discussion, the motion passed by a vote of 6 ayes
115 to 1 nay (Cecil).

116 117 IV. APPOINTMENTS

- 118
119 1. Appointment with the Planning and Zoning Chairman to discuss and
120 answer any questions regarding cases on the agenda and related issues
121 and take any action necessary.

122 P&Z Chairman Michael Hunter was present and offered brief commentary related to how
123 the Planning & Zoning Commission voted related to items on tonight's City Council
124 agenda. Hunter indicated that the P&Z Commission made a motion to deny Public
125 Hearing item #3 on tonight's agenda.

126 127 V. PUBLIC HEARING ITEMS

- 128
129 1. P2009-023 - Hold a public hearing and consider a request by Harold Fetty
130 for approval of a residential replat of Lot 2, Block B, Chandler's Landing
131 Phase 14, zoned (PD-8) Planned Development No. 8 District, located at
132 5503 Ranger Drive, and take any action necessary.

133 Planning Director Robert LaCroix offered brief background information related to this
134 item. Notices were sent out to 28 property owners within 200 feet of the property. No
135 replies to those notices have been received back at this time. The Planning & Zoning
136 commission did unanimously recommend approval of this request.

137
138 Mayor Cecil then called upon the applicant, who came forth as follows:

139
140 Harold Fetty
141 6770 FM 1565
142 Royse City, TX

143
144 Mr. Fetty indicated that he is requesting approval of this replat on behalf of the
145 homeowner.

146
147 Mayor Cecil opened the public hearing. There being no one to come forth related to this
148 item, Mayor Cecil then closed the public hearing.

Councilmember Farris made a motion to approve P2009-023. Councilmember Sevier seconded the motion, which passed unanimously (7 ayes to 0 nays).

2. Z2009-023 - Continue a public hearing and consider approval of an ordinance for a request by Jeremy Yee of CEI Engineering Associates for approval of a Specific Use Permit (SUP) to allow for a "retail store with gasoline product sales with more than 2 dispensers" within (PD-9) Planned Development No. 9 district, in association with a 7-Eleven proposed to be located on Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract situated at the southwest corner of Horizon Rd and Tubbs Rd, and take any action necessary.

APPLICANT HAS WITHDRAWN CASE

Mayor Cecil made a motion to close the public hearing and remove this item from tonight's agenda since the applicant has made a request for withdrawal of this case. Councilmember Russo seconded the motion, which passed unanimously (7 ayes to 0 nays).

3. Z2009-025 - Hold a public hearing and consider approval of an ordinance for a request by James W. Valk for approval of a Specific Use Permit (SUP) to allow for an accessory building exceeding the maximum size requirement of 2,000-sf (proposed 4,000-sf), exceeding the maximum height requirement of 15-feet (proposed 18-feet) and not meeting the exterior materials requirements, specifically on his 8.54-acre property located at 2730 N. FM 549 and currently described as Tract 3-1, Abstract 193, J E Sherwood Survey, SF-E/4.0 Single Family Estate district, and take any action necessary. (1st reading)

Planning Director Robert LaCroix indicated that the applicant had something come up and will not be able to be present this evening. Therefore, the applicant has requested that this public hearing item be continued until the next Council meeting. Mr. LaCroix then offered a brief description of the SUP request related to this public hearing item. He indicated that notices were sent out to property owners within the area. Two notices were received back in opposition of approval of this SUP. LaCroix indicated that this case requires a super majority (3/4) vote of the Council for approval. The P&Z recommended denial of this SUP by a vote of 6 to 1.

Mayor Cecil opened the public hearing. Councilmember Matt Scott then made a motion to continue the public hearing until the Monday, February 1, 2010 regular City Council meeting. Councilmember Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

4. Z2009-024 - Hold a public hearing and consider approval of an ordinance for a city-initiated request to amend Article II, Authority and Administrative Procedures, of the Unified Development Code (Ord. No. 04-38), specifically to change the length of terms for Planning and Zoning Commission members, and take any action necessary. (1st reading)

LaCroix began discussion of this item and offered brief commentary, indicating that the P&Z Commission recommended approval of this item by a vote of 7 ayes to 0 nays.

Mayor Cecil then opened the public hearing. There being no one to come forth and speak related to this item, Mayor Cecil then closed the public hearing.

Councilmember Scott then made a motion to approve the ordinance for Z2009-024. Mayor Cecil seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 10-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE II. AUTHORITY AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

VI. ACTION ITEMS

1. Discuss and consider authorizing the City Manager to enter into an agreement with Texas Round-Up, Inc. and take any action necessary.

Parks Director Brad Griggs offered brief background information related to this item. Councilmember Russo then made a motion to approve authorizing the City Manager to sign the agreement. Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider a sign variance request from Michael Worrell of Rockwall Honda for the height and size of a pole sign located at 1030 East I-30 and take any action necessary.

Building Official Jeffrey Widmer offered brief background information related to this item. He stated that the size and height of the sign that the owner would like to place on the site will require variance approval from the Council.

Michael Worrell
1030 East I-30
Rockwall, TX

Mr. Worrell stated that he is requesting a variance for his sign for several reasons, including a need to meet franchise requirements and increase visibility of his business from the interstate. He indicated that visibility of his business is currently limited, especially since tall hotels are located on either side of his business establishment.

Mayor Cecil made a motion to approve the variance request. Councilmember Scott seconded the motion.

Councilmember Farris indicated that he drove by the site today from both directions on IH-30. He stated that he believes the existing hotel and utility lines will not allow his sign to be seen even if the variance request is granted and the sign height and size are increased. He further indicated that he will not support the item due to these reasons and due to aesthetic concerns related to sign clutter along the IH-30 corridor.

Councilmember Nielsen asked for clarification related to photos provided on this item. After brief discussion, Nielsen expressed that she will support the motion on the floor.

Mayor Cecil called for the vote, which passed by a vote of 6 ayes to 1 nay (Farris).

3. Discuss and consider approval of an ordinance amending the Code of Ordinances in Chapter 15, Licenses, Permits, & Miscellaneous Business Regulations, to repeal Article VI "Parades" and Article X "Mass Gatherings" and create a new Article VI entitled "Special Events", and take any action necessary. (1st reading)

Building Official Jeffrey Widmer provided brief background information related to this item. General discussion ensued related to how this new ordinance will impact non-profit and for profit organizations within the city.

Councilmember Nielsen made a motion to approve the ordinance as presented. Councilmember Farris asked several clarifying questions related to signage associated with this ordinance. Couch clarified that this particular ordinance does not substantially affect the existing regulations related to signage other than now a commercial business will be able to place up to two banners on-site to advertise a special event that they are hosting. Councilmember Farris then seconded the motion. Councilmember Russo asked if Councilmember Nielsen would consider amending her motion to modify the number of events that can be held to increase it from four events per year to an unlimited number of events each year. Councilmember Nielsen modified her motion to allow for an applicant to request a variance from the Council if the organization wishes to hold more than 4 special events during a particular year. Councilmember Farris seconded the modified motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 15, ARTICLE VI 'PARADES' AND ARTICLE X 'MASS GATHERINGS' BY REPEALING THESE ARTICLES IN THEIR ENTIRETY AND CREATING A NEW ARTICLE VI IN CHAPTER 15 ENTITLED 'SPECIAL EVENTS'; 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 AN EFFECTIVE DATE.

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

4. Discuss and consider promoting the City of Rockwall as the "Live Music Capital of North Texas" and take any action necessary.

Parks Director Brad Griggs offered background information on this item. He indicated that Rockwall resident Mike Kitkoski has volunteered to create a website and that the City is currently working to obtain the website domain for www.rockwalllivemusic.com. He stated that there is very little cost associated with this program and Mr. Kitkoski has agreed to maintain the website over time at no cost to the city. Griggs further explained that any local venue hosting live music will be able to advertise their live music on this website.

Councilmember Scott made a motion to instruct staff to move forward with promoting the City of Rockwall as the "Live Music Capital of North Texas." Councilmember Russo seconded the motion. After additional, brief discussion, the motion passed unanimously by a vote of 7 ayes to 0 nays.

Mayor Cecil then recessed the public meeting into Executive Session at 7:17 p.m.

VII. 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: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding legal services.

VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


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

IX. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 1st day of February, 2010.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL

Monday, February 01, 2010

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, Mayor Pro Tem David Sweet and council members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

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: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding legal services

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council took no action as a result of Executive Session.


IV. ADJOURNMENT

Mayor Cecil adjourned Executive Session at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 15th day of February, 2010.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

**Monday, February 01, 2010
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, Mayor Pro Tem David Sweet and council members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

Councilmember Nielsen delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Black History Month

Mayor Cecil read the proclamation for Black History Month.

IV. OPEN FORUM

Mayor Cecil explained the guidelines for Open Forum and asked if anyone present would like to speak during this time.

Pastor Joe Robbins
Peters Colony
Rockwall, TX

Pastor Robbins indicated that he would like to consider turning the cemetery over to the City with the stipulation that it will always remain a cemetery.

Ross Ramsay
637 Standford Circle
Rockwall, TX

Mr. Ramsay indicated that a meeting was held with city staff last week regarding upcoming construction on a medical building here in Rockwall. In general, Mr. Ramsay praised staff for a job well done on conducting this meeting and providing thorough information to those present.

V. CONSENT AGENDA

1. Consider approval of the minutes from the January 19, 2010 regular City Council meeting and take any action necessary.

- 93 2. Discuss and consider approval of a resolution adopting the Official 2010
94 Zoning Map for the city and take any action necessary.
- 95 3. Discuss and consider authorizing the City Manager to execute a contract
96 for the removal of tanks and related materials located at the city's service
97 center and take any action necessary.
- 98 4. Consider approval of an **ordinance** amending the Code of Ordinances in
99 Chapter 15, Licenses, Permits, & Miscellaneous Business Regulations, to
100 repeal Article VI "Parades" and Article X "Mass Gatherings" and create a
101 new Article VI entitled "Special Events", and take any action necessary.
102 **(2nd Reading)**
- 103 5. Discuss and consider a resolution authorizing the City Manager to
104 execute the "New Public Road At-grade Crossing Agreement" with the
105 Union Pacific Railroad for the John King Boulevard railroad crossing and
106 take any action necessary.
- 107 6. Z2009-024 - Consider approval of an **ordinance** for a city-initiated
108 request to amend Article II, Authority and Administrative Procedures, of
109 the Unified Development Code (Ord. No. 04-38), specifically to change
110 the length of terms for Planning and Zoning Commission members, and
111 take any action necessary. **(2nd reading)**

112 Councilmember Nielsen pulled item #2 for discussion. Councilmember Sevier pulled
113 item #5 for discussion. Mayor Cecil then made a motion to approve the remaining
114 Consent Agenda items (#1, 3, 4, and 6). Mayor Pro Tem Sweet seconded the motion. The
115 ordinances were read as follows:

116
117 CITY OF ROCKWALL, TEXAS
118 ORDINANCE NO. 10-03
119

120 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
121 ROCKWALL, TEXAS, AMENDING CHAPTER 15, ARTICLE VI
122 'PARADES' AND ARTICLE X 'MASS GATHERINGS' BY REPEALING
123 THESE ARTICLES IN THEIR ENTIRETY AND CREATING A NEW
124 ARTICLE VI IN CHAPTER 15 ENTITLED 'SPECIAL EVENTS';
125 PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM
126 OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE;
127 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
128 REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

129
130 CITY OF ROCKWALL
131 ORDINANCE NO. 10-04
132

133 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
134 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
135 CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS
136 HERETOFORE AMENDED BY AMENDING ARTICLE II. AUTHORITY
137 AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR A
138 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
139 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
140 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
141 AND PROVIDING FOR AN EFFECTIVE DATE.

142
143 The motion passed by a vote of 7 ayes to 0 nays.

144
145 Regarding Consent Agenda item #2, Councilmember Nielsen asked for some clarification
146 on how this map compares to the previous map. Planning Director Robert LaCroix
147 commented and indicated that he will provide larger maps for council members to
148 review. Nielsen then made a motion to approve Consent Agenda item #2.
149 Councilmember Farris seconded the motion, which passed by a vote of 7 ayes to 0 nays.
150

151 Regarding Consent Agenda item #5, Councilmember Sevier asked for clarification on
152 how long the city has known that there is a \$300 fee for the at-grade railroad crossing.
153 City Manager Couch indicated that the city has been aware of this maintenance fee for
154 some time and that it has been included in the city's budget. Councilmember Sevier then
155 made a motion to approve Consent Agenda item #5. Mayor Cecil then seconded the
156 motion. Couch indicated that the city hopes to have the at-grade crossing finished by
157 the end of April. The motion passed by a vote of 7 ayes to 0 nays.
158

159 Mayor Cecil then rearranged the agenda to address Action Item #1 next.
160

161 VI. APPOINTMENTS

- 162
163 1. Appointment with members of the city's C3 project team to hear report on
164 Code Enforcement customer satisfaction project and take any action
165 necessary.

166 Michael Hampton, Planning Manager, came forth to address the Council related to this
167 item. He introduced the various city staff members who have been involved in this
168 project and then provided an overview of the C3 project that was recently conducted
169 related to citizen satisfaction associated with the city's Code Enforcement Department.
170 Mark Snyder, staff member from the Wastewater Department, was also present to deliver
171 a portion of the presentation to Council. Following the presentation, general discussion
172 took place between council members, Hampton and Snyder related to various aspects of
173 code enforcement and what the city can do to better communicate with citizens, gain
174 compliance, educate citizens on expectations and achieve overall citizen satisfaction
175 with code enforcement.
176

177 The Council took no formal action related to this item.
178

179 VII. PUBLIC HEARING ITEMS

- 180
181 1. Z2009-025 - Continue a public hearing and consider approval of an
182 ordinance for a request by James W. Valk for approval of a Specific Use
183 Permit (SUP) to allow for an accessory building exceeding the maximum
184 size requirement of 2,000-sf (proposed 4,000-sf), exceeding the
185 maximum height requirement of 15-feet (proposed 18-feet) and not
186 meeting the exterior materials requirements, specifically on his 8.54-acre
187 property located at 2730 N. FM 549 and currently described as Tract 3-1,
188 Abstract 193, J E Sherwood Survey, SF-E/4.0 Single Family Estate
189 district, and take any action necessary. (1st reading)

190 Councilmember Scott was not present during this item.
191

192 Planning Director Robert LaCroix provided brief background information on this item.
193 Mayor Cecil indicated that this public hearing was opened at the last Council meeting

and is being continued this evening. He further indicated that this item requires a super majority vote of the Council in order to pass. Mayor Cecil then asked if the applicant or a representative of the applicant is present in the council chambers this evening. No one in the audience indicated such. Mayor Cecil then asked City Attorney Pete Eckert if the council can move forward with the public hearing and decision making. Since Planning Director Robert LaCroix indicated that the applicant was informed of tonight's meeting, Eckert indicated that the Council can go ahead and move forward with the public hearing and decision making without the applicant present. Mayor Cecil then asked if there is anyone who would like to speak related to this item. There being no one to come forth and speak, Mayor Cecil then closed the public hearing.

Councilmember Russo made a motion to deny Z2009-025 without prejudice. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).

VIII. ACTION ITEMS

1. Discuss and consider having the city withdraw from/discontinue discussions regarding taking ownership of and performing maintenance at the Rockwall Cemetery located on SH 205/Goliad and take any action necessary.

Councilmember Scott indicated that he placed this item on the agenda after having seen a Channel 8 television news story about the cemetery last week. Mr. Scott indicated that a local resident, Ms. Strange, has been tending to the mostly black cemetery for a number of years now on her own. Scott indicated that a while back, Ms. Strange indicated that she can no longer keep up the cemetery on her own and asked that the City consider taking over its care. Mr. Scott further indicated that in order for the city to start caring for the property, it will have to take over ownership of the property so that public funds can be expended to care for it going forward. City staff members had set up a meeting on Monday, January 25, 2010 and had invited all involved parties to discuss with staff their concerns and work out the details of the city possibly taking over ownership of the cemetery. Mr. Scott then indicated that former city councilmember and Rockwall resident, Sam Buffington, solicited Channel 8 news, who then ran a news story related to the cemetery. Scott generally indicated that the news story reflected poorly on the city. After additional discussion, Councilmember Scott indicated that the city would still like to take over ownership of the cemetery, and the city is willing to put in writing a caveat that it will not develop the area and that it will remain a cemetery into the future.

Councilmember Scott then made a motion to remove the item from tonight's council agenda. Mayor Cecil seconded the motion.

Councilmember Russo indicated that he and staff have begun looking into several programs, including the RIP Guardians Program, the Visionaries & Preservation Program and the Historic Texas Cemetery Program. Russo indicated that he would like staff to look into these programs to possibly help with preserving the cemeteries in town and maintaining them in the future.

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

243 After additional discussion, Mayor Cecil made a motion to direct staff to move forward
244 through the state process in order to gain formal ownership of the cemetery, with the
245 understanding that it will always remain a cemetery and that the city will continue to
246 maintain it into the future. Councilmember Scott then seconded the motion. After
247 additional, brief discussion, the motion passed by a vote of 7 ayes to 0 nays.
248

249 Councilmember Russo then made a motion to instruct staff to research the following
250 programs and report back to Council within 30 days: Visionaries in Preservation, Historic
251 Cemetery Designation, RIP Guardian and HELP program. Councilmember Scott
252 seconded the motion, which passed by a vote of 7 ayes to 0 nays.
253

254 Mayor Cecil then addressed Appointment Item #1 on the Council agenda.
255

- 256 2. Discuss and consider requiring a Specific Use Permit (SUP) from the city
257 for any business selling alcohol within 200 feet of a public park and take
258 any action necessary.

259 Mayor Cecil made a motion to table this item until the next meeting since Councilmember
260 Scott was not present during this portion of the meeting, and this was placed on the
261 agenda by him. Mayor Pro Tem Sweet seconded the motion, which passed by a vote of 6
262 ayes to 1 absent (Scott).

- 263 3. Consider approval of a right-of-entry and use agreement with TXDOT for
264 the installation of an antenna at the Springer Water Tower and take any
265 action necessary.

266 City Manager Couch provided a brief update related to TXDOT recently consulting with
267 the city on possible placement of an electronic sign. She indicated that a representative
268 from TXDOT did recently meet with city staff to evaluate possible areas for placement of
269 an electronic sign.

270 After brief discussion, Councilmember Farris made a motion to approve this item and
271 move forward with signing the agreement and allowing TXDOT to place their equipment
272 on the city's water tower. Mayor Cecil then seconded the motion, which passed by a
273 vote of 6 ayes to 1 absent (Scott).

- 274 4. Discuss and consider repealing the city's current sign ordinance and
275 adopting a new sign ordinance and take any action necessary.

276 Councilmember Scott was not present during any portion of this agenda item discussion.

277 Jeffrey Widmer, Director of Building Inspections & Code Enforcement, provided
278 background information related to this item. He indicated that the city has been
279 consulting with the law firm of Bickerstaff, Heath, Delgado & Acosta as well as city
280 attorney, Pete Eckert, to completely review the city's existing sign ordinance in depth for
281 the purpose of cleaning it up and making sure it is in compliance with all current state
282 and federal laws. Widmer then briefed the Council on the various aspects of the sign
283 ordinance that are proposed by staff to be changed at this time.

284 Councilmember Farris generally indicated that he would like to repeal allowing pole
285 signs in areas of the city that do not currently have them in place today, yet they are
286 currently allowed. After additional, general discussion, City Manager Couch indicated
287 that staff will bring back options for the Council to consider related to pole signs within
288 the city at a future date.

General discussion then took place related to 'human signs' and whether or not the Council wishes to allow these types of signs. The council generally indicated that the do not wish to allow human signs within the city.

General discussion took place related to allowing developers to possibly submit 'sign plans' in certain instances for variance consideration by the Council. General discussion also took place related to 'vehicular signage' such as vehicles wrapped with advertising.

After lengthy discussion, the Council took no formal action related to this agenda item. Couch indicated that staff will take the Council's comments and bring back an ordinance for 1st reading at a future council meeting.

5. Discuss and consider approval of Phase II of the contract with Bellingham Marine for The Harbor boat docks project and take any action necessary.

Parks Director Brad Griggs offered brief background information related to this item. He indicated that representatives from Bellingham Marine are present this evening to present several different design options and related costs. Griggs indicated that this item will address Phase II of a two part design/build project with Bellingham Marine. Steve Rider, Manager of Project Development for Bellingham Marine, as well as one additional representative from the company were present to address the Council.

Councilmember Scott returned to the meeting at this point (9:08 p.m.).

Representatives of Bellingham Marine then presented various design/layout and price options for the boat docks that are proposed to be built at The Harbor. General discussion took place among council members related to their individual preferences regarding the design and cost options.

After lengthy discussion, Councilmember Farris made a motion to move forward with Layout design option #1 with the 50 mph wind option. Mayor Cecil seconded the motion. After additional, brief comments, the motion passed by a vote of 5 ayes to 2 nays (Scott and Sweet).

Councilmember Farris then made a motion to authorize the City Manger to enter into a consulting services contract with Urban Engineers for review of project shop drawings and periodic site visits during critical points during project construction. Mayor Cecil seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

1. Departmental Reports
 - Finance Department Monthly Report - December 2009
 - Police Department Monthly Report - December 2009
 - Harbor Monthly Police Report - December 2009
 - Recreation Report - December 2009
 - Building Inspections Monthly Report - December 2009
 - Points of Pride Fire Department Annual Report - 2009
 - Fire Annual Reports - 2009
 - Fire Monthly Report - December 2009

2. City Manager's Report

The Council took no action related to departmental and city manager reports.

Mayor Cecil recessed the public meeting into Executive Session at 9:51 p.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, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act, regarding: legal issues pertaining to annexation of territory, annexation agreements, and development agreements pursuant to Tex. Loc. Gov't Code ch. 43.

XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

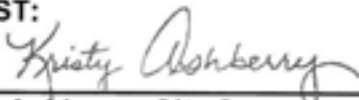
The Council took no action as a result of Executive Session.

XII. ADJOURNMENT

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 15th day of February, 2010.**


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

**Thursday, February 4, 2010
5:00 p.m. Shores Golf Course Public Forum
The Center, 108 E. Washington, Rockwall, Texas 75087**

I. COUNCIL PRE-MEETING DINNER (5:00 P.M.)

Council members convened for dinner from 5:00 – 6:00 p.m. No business was discussed and no action was taken.

II. CALL TO ORDER (6:00 P.M.)

Mayor Cecil called the public forum to order at 6:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem David Sweet and council members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

**III. HOLD A PUBLIC FORUM TO HEAR PUBLIC INPUT RELATED TO THE SHORES GOLF COURSE AND
TAKE ANY ACTION NECESSARY.**

Mayor Cecil offered general opening remarks, including an explanation of how the public forum would be conducted in order to receive feedback from residents wishing to speak.

**Jeff Stone
2929 Oak Springs
Garland, TX 75044**

Mr. Stone indicated that he is a resident in Garland and that Oakridge Course as well as Twin Creeks in Allen has had the same sort of problems with IRI Golf.

**Jack Lazorko
1300 Meandering Way
Rockwall, TX**

Mr. Lazorko expressed that he has lived in The Shores for twenty years. He expressed concern about trees being removed and other deteriorating conditions at the course, including drainage problems.

**David Hairston
744 Windsong Lane
Rockwall, TX**

Mr. Hairston expressed he has lived in Rockwall most of his life. He expressed general dissatisfaction with the poor manner in which the course has been maintained over the years.

50
51 **Jim Roth**
52 **1335 Gold Coast**
53 **Rockwall, TX**
54

55 **Mr. Roth expressed that he is not a member of the course, but he is a homeowner in The**
56 **Shores. He indicated that he is concerned about 50% of homeowner fees going to IRI.**
57 **He further indicated that he would like the money put in escrow until the problems at the**
58 **course are resolved.**
59

60 **Harold Eavenson**
61 **1330 Shores Circle**
62 **Rockwall, TX**
63

64 **Mr. Eavenson indicated that he has lived in The Shores for twenty-two years and is a**
65 **member of the course. He expressed that he has had concerns about the golf course**
66 **dating back to 1997. He also indicated dissatisfaction with prior city councils and their**
67 **lack of corrective action related to management of the course.**
68

69 **Kevin Kelly**
70 **1335 Shores Circle**
71 **Rockwall, TX**
72

73 **Mr. Kelly has lived in The Shores for twenty years and is no longer a member of the golf**
74 **course/club. He expressed that he believes IRI is awful and that problems at the golf**
75 **course have been ongoing for more than ten years. He further stated that he worked with**
76 **IRI in the past to create "Exhibit E," a document outlining 'minimum standards.' He**
77 **indicated that the agreement with IRI needs to be modified/improved.**
78

79 **Bill Morrow**
80 **1205 Fairlakes Point**
81 **Rockwall, TX**
82

83 **Mr. Morrow indicated that IRI has promised a lot yet has produced nothing. He stated**
84 **that he goes to Buffalo Creek or Waterview to play golf because of the poor conditions at**
85 **The Shores Golf Course. He generally indicated that he has had concerns dating back to**
86 **before 2001. He expressed that in 2001 a letter along with signatures of 118 concerned**
87 **residents was sent to IRI, yet nothing positive resulted. He generally expressed that he**
88 **is very concerned and dissatisfied and would like to know what the Council is going to**
89 **do about resolving the issues.**
90

91 **Maggie Spurrier**
92 **1300 Champions Drive**
93 **Rockwall, TX**
94

95 **Ms. Spurrier indicated that she is not a club member. She expressed that they have**
96 **stopped mowing the greenbelt and that it has created a fire hazard and a haven for**
97 **varmints and snakes. She stated that it took weeks for the course to remove a dead tree**
98 **because equipment was broken and no money was available to repair it. She wonders**
99 **why the city does not force mow the property and bill the management company.**
100

101
102 **Mary Puckett Eckstine**
103 **1605 Plummer Drive**
104 **Rockwall, TX**
105

106 **Ms. Eckstine has owned her home since 1980. She generally expressed concern about**
107 **The Shores and is concerned about loss of property values.**
108

109 **Harold Solomon**
110 **1635 Shores Boulevard**
111 **Rockwall, TX**
112

113 **Mr. Solomon has lived in The Shores since 1988 and has been a member of the club**
114 **since that time. He expressed that he is concerned about the poor reputation of the golf**
115 **course and believes it will be difficult to sell the course to a new management company.**
116 **He indicated he does not believe the city should purchase the course but that it should**
117 **support the club in order to help it sell.**
118

119 **Connie Jackson**
120 **1450 Merion Drive**
121 **Rockwall, TX**
122

123 **Ms. Jackson indicated that she served on an oversight committee in 2007 and in April of**
124 **2008 they recommended that an audit be done on The Shores' financial records so that**
125 **homeowners could see how money was being spent.**
126

127 **Dwight Walker**
128 **1832 East FM 552**
129 **Rockwall, TX**
130

131 **Mr. Walker stated that he has lived here for over twenty years and that he gave up on The**
132 **Shores in 2007. He indicated that his business allots him a \$100,000 annual**
133 **entertainment budget at The Shores but that he never spends it because of the poor**
134 **conditions at the course. He expressed that he believes the Council and City Manager**
135 **are responsible for managing the owner of the course and that they should not allow IRI**
136 **to abuse The Shores. He expressed general concerns about loss of property values and**
137 **believes it has led to the county paying higher taxes.**
138

139 **Colin Ward**
140 **1305 Shores Boulevard**
141 **Rockwall, TX**
142

143 **Mr. Ward stated he believes there is a major problem and then provided some quotes**
144 **from a past Men's Association Golf President. He generally expressed a belief that the**
145 **golf course is an embarrassment and has been ever since IRI took over its management.**
146

147 **Bob Lewis**
148 **1465 Meadows Drive**
149 **Rockwall, TX**
150

151 Mr. Lewis is a Shores resident. He expressed a belief that there are no 'good' solutions,
152 only less bad ones. He does see merit in the local government getting involved and
153 thinks the city has benefits in purchasing the golf course.
154

155 Keith Engler
156 2106 Diamond Oaks Drive
157 Garland, TX 75044
158

159 Mr. Engler is a member of The Shores and expressed general dissatisfaction with the
160 condition of the course.
161

162 Francis Tyminski
163 1560 Champions
164 Rockwall, TX
165

166 Mr. Tyminski has been in The Shores for seven years and moved out of Desoto because
167 of the deplorable conditions and zoning issues in that city. He is generally dissatisfied
168 with the condition of The Shores and is concerned about property values.
169

170 Robert Cross
171 1320 Fairlakes Pointe
172 Rockwall, TX
173

174 Mr. Cross indicated that he has lived in Rockwall since 1980 and that he now owns a
175 home on Hole #3 of The Shores Golf Course. He expressed concern about drainage and
176 flooding problems. He paid a \$25k premium to build his home on the golf course and is
177 concerned about loss of property value on his home.
178

179 Michael Groark
180 1625 Plummer Drive
181 Rockwall, TX
182

183 Mr. Groark is concerned about property values. He strongly urged the council to quickly
184 take action to correct the problems at The Shores.
185

186 Kevin Switzer
187 1590 Champions Drive
188 Rockwall, TX
189

190 Mr. Switzer has lived in The Shores since May of 2007. He expressed he believes there is
191 a communication problem from the City to the citizens. He suggested the city include a
192 monthly comment in the water bill newsletter to let residents know what progress is
193 being made related to The Shores golf course.
194

195 Bob Blesi
196 21 Brae Loch
197 Garland, TX 75044
198

199 Mr. Blesi indicated that he is currently a homeowner in Garland but has been home
200 shopping in The Shores for the last three years. He is concerned about deterioration of
201 The Shores and will not be purchasing a home there any time soon due to the poor

202 conditions. He expressed general dissatisfaction with the management company that
203 oversees the golf course, and he urged the city to terminate its partnership with IRI.
204

205 Sandra Solomon
206 1635 Shores Boulevard
207 Rockwall, TX
208

209 Mrs. Solomon expressed concern about resale value of homes in The Shores. She is a
210 lifetime member of The Shores Country Club and believes that the local employees at the
211 club are not at fault for the problems. She would like to see consistent service at the
212 country club and golf course.
213

214 John Barnett
215 1430 Meandering Way
216 Rockwall
217

218 Mr. Barnett indicated that the golf course was in excellent condition when he purchased
219 his home twenty years ago. He is not a member of the club at this time because of the
220 awful conditions. He expressed that the sand traps and greens are in poor condition,
221 drainage has improved but is still not good, and areas undergoing work are torn up for
222 months at a time. He is also concerned that mowing is not being performed.
223

224 Vic Saliture
225 2115 Crestlake
226 Rockwall, TX
227

228 Mr. Saliture stated that he moved here from California in 2003. His personal business
229 maintains the pool at The Shores Country Club. He indicated that the pool, golf course,
230 decking and tennis courts all need to be renovated and maintained.
231

232 The Mayor then called for a short break.
233

234 The Mayor called the meeting back to order and explained that each Council member
235 would have a few minutes to speak individually.
236

237 Councilmember Nielsen spoke first, indicating that The Shores is the "treasure on the
238 north side of town." She expressed the belief that nothing will get better until the
239 contract with IRI is terminated.
240

241 Councilmember Farris expressed that he currently lives in The Shores and that he has
242 served on the city council since 2007. He stated that he has been pursuing this issue
243 ever since he took office, and he will continue to do so. He indicated that he will
244 continue conducting inspections of the course, will send default letters for every unmet
245 contractual obligation and will pursue litigation with the management company. He also
246 indicated that once new owners are found, he will review the standards specified in the
247 contract carefully and ensure that they are solid. Farris expressed that he is not in
248 support of the city pursuing a bond election to purchase the course for about \$5 million
249 dollars; however, he encouraged citizens to pursue such bond election if they wish.
250

251 Councilmember Scott spoke and indicated that he has been on the city council since
252 2005. He stated that the city sued IRI in 2006 and then settled the case in 2007. He now

realizes it was a mistake to have settled the lawsuit and plans to actively pursue litigation with IRI moving forward.

Councilmember Sevier expressed that the council has been diligently working on this issue but it will begin pushing harder for a resolution to the problems.

Councilmember Russo apologized to those present for the problems at The Shores Golf Course. He indicated that the council has been working to resolve the issues but that it will work harder on the issues moving forward.

Mayor Pro Tem Sweet indicated that he originally requested that a public forum be held related to The Shores Golf Course. He estimated that roughly seventy percent of City Council Executive Sessions have included discussions related to IRI since he has taken office. He expressed that the public's message this evening was clear and that the intensity with which the council pursues these issues moving forward will increase.

Mayor Cecil thanked the public for coming this evening and for expressing their views. He stated that the owner has shown no evidence towards fulfilling his obligations and agreed with Ms. Nielsen about contract termination.

IV. ADJOURNMENT

Following comments from individual council members, Mayor Cecil adjourned the meeting at 8:15 p.m. The Council took no formal action related to this meeting agenda.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
TEXAS, this 15th day of February, 2010.



William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL

Monday, February 15, 2010
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 Cecil, Mayor Pro Tem Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Glen Farris was absent from the meeting.

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

Mayor Pro Tem Sweet made a motion to approve Parcel 9 of the Airport Right of Way acquisition. Councilmember Sevier seconded the motion, which passed unanimously (6 ayes, 1 absent (Farris)).

IV. ADJOURNMENT

Executive Session was adjourned at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 1st day of March, 2010.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



AGENDA
ROCKWALL CITY COUNCIL

Monday, February 15, 2010

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 Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Glen Farris was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR CECIL

Mayor Cecil delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Hazelina Johnson Day
2. Severe Weather Awareness Week
3. Recognition of Rockwall University Graduates

Mayor Cecil and Administrative Services Director Cheryl Dunlop came forth to speak about the Rockwall University Program and introduce the two employees graduating this evening. Mayor Cecil then presented employees Mark Snyder and Jorge Figueroa with their graduation plaques.

Mayor Cecil read and presented to Fire Chief Mark Poindexter the proclamation for Severe Weather Awareness Week.

Thereafter, Mayor Cecil called upon Rockwall resident Hazelina Johnson to come forth and be recognized for being chosen to represent the U.S. and the Susan G. Komen Breast Cancer Foundation at the London Marathon in April.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the February 1, 2010 regular City Council meeting and take any action necessary.
2. Consider approval of the minutes from the February 4, 2010 Shores Golf Course Public Forum and take any action necessary.
3. Consider approval of a Resolution ordering the General Election to be held jointly with the Rockwall Independent School District and to be administered by the Rockwall County Elections Administrator on May 8, 2010 and take any action necessary.
4. Consider approval of the purchase of an emergency generator for the Communications Tower #3 project and take any action necessary.

5. Consider approval of a Resolution of Necessity to acquire Parcel 2 on Airport Road from owner Jackie Athey and take any action necessary.
6. Consider approval of a Resolution of Necessity to acquire Parcel 5 on Airport Road from owner Theresa Keller and take any action necessary.
7. Consider approval of a Resolution of Necessity to acquire Parcel 6 on Airport Road from owner Sarah Green and take any action necessary.
8. Consider approval of a Resolution of Necessity to acquire Parcel 7 on Airport Road from owners Forrest B. Davis and Lisa M. Davis and take any action necessary.
9. Consider approval of a Resolution of Necessity to acquire Parcel 8 on Airport Road from owner Norma Jane Smith and take any action necessary.
10. Consider approval of a Resolution of Necessity to acquire Parcel 11 on Airport Road from owner Doloris Estell Parker and take any action necessary.
11. Consider approval of a Resolution of Necessity to acquire Parcel 13 on Airport Road from owner Billy W. Peoples and take any action necessary.
12. Consider approval of a Resolution of Necessity to acquire Parcel 15 on Airport Road from owners James R. Junod and Helen M. Junod and take any action necessary.
13. Consider approval of a Resolution of Necessity to acquire Parcel 18 on Airport Road from owner Bobby Frank Athey and take any action necessary.
14. Consider approval of a Resolution of Necessity to acquire Parcel 19 on Airport Road from owner Jo Ann Athey and take any action necessary.
15. Consider approval of a Resolution of Necessity to acquire Parcel 20 on Airport Road from owner Jackie Ray Athey and take any action necessary.
16. Consider approval of a Resolution of Necessity to acquire Parcel 21 on Airport Road from owner Bobby Frank Athey and take any action necessary.
17. Consider approval of a Resolution of Necessity to acquire Parcel 22 on Airport Road from owner Flexible Investments and take any action necessary.
18. Consider approval of a Resolution of Necessity to acquire Parcel 24 on Airport Road from owner Randy Garrett and take any action necessary.
19. Consider approval of a Resolution of Necessity to acquire Parcel 25 on Airport Road from owner Ouida Springer and take any action necessary.
20. Consider approval of a Resolution of Necessity to acquire Parcel 26 on Airport Road from owners John and Dianne Springer and taken any action necessary.
21. Consider approval of a Resolution of Necessity to acquire Parcel 27 on Airport Road from owner Ouida Springer and take any action necessary.

- 136 22. Consider approval of a Resolution of Necessity to acquire Parcel 28 on
137 Airport Road from owners Henry A. Schueler and Bobbie Jean Schueler
138 and take any action necessary.
- 139 23. Consider approval of a Resolution of Necessity to acquire Parcel 29 on
140 Airport Road from owner Veaneta Standley, Trustee of the Veaneta B.
141 Standley Family Trust and take any action necessary.
- 142 24. Consider approval of a Resolution of Necessity to acquire Parcel 30 on
143 Airport Road from owner J.T. Griffin and take any action necessary.
- 144 25. Consider approval of a Resolution of Necessity to acquire Parcel 31 on
145 Airport Road from owners Clifford Cornelius and Jeanette L. Cornelius
146 and take any action necessary.
- 147 26. Consider approval of a Resolution of Necessity to acquire Parcel 32 on
148 Airport Road from owners Donna May Puckett and Mike Puckett and take
149 any action necessary.
- 150 27. Consider approval of a Resolution of Necessity to acquire Parcel 33 on
151 Airport Road from owners Mahlon A. Spearman and Shelly S. Spearman
152 and take any action necessary.

153 **Mayor Cecil made a motion to approve the entire Consent Agenda (#s 1-27). Mayor Pro**
154 **Tem Sweet seconded the motion, which passed by a vote of 6 ayes to 1 absent (Farris).**

155
156 **V. APPOINTMENTS**

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

161 **Michael Hunter, Chair of the Planning & Zoning Commission came forth to report that the**
162 **P&Z Commission recommended unanimously that the two items on tonight's agenda be**
163 **approved by Council.**

164 **The Council took no action related to this item.**

- 165 2. Appointment with Rockwall Police Chief to hear 2009 Police Department
166 Racial Profiling Report and take any action necessary.

167 **Rockwall Police Chief Mark Moeller came forth and gave a brief report on the 2009 Racial**
168 **Profiling Report. He also offered brief comments on the 2009 Holiday Crime Initiative, a**
169 **program which more heavily patrols the I-30 corridor during the holiday shopping**
170 **season. He generally indicated that both reports were favorable.**

171
172 **The Council took no action related to this item.**

173
174 **VI. PUBLIC HEARING ITEMS**

- 175
176 1. Z2010-001 - Hold a public hearing and consider approval of an ordinance
177 for a request by Steve Himmelreich for approval of a change in zoning
178 from (Ag) Agricultural district to (SF-E/4.0) Single Family Estate district on
179 a 8-acre tract located at 2620 White Road and currently described as
180 Tract 7-5, Abstract 207, E Teal Survey, and take any action necessary.
181 (1st Reading)

182 Planning Director Robert LaCroix provided brief background information on this item.
183 Notices were sent out to property owners located within 200 feet of the property. LaCroix
184 indicated that no responses to those notices have been received back by the City at this
185 time.

186 Mr. Himmelreich
187 2620 White Road
188 Rockwall, TX
189

190 Mr. Himmelreich came forth and indicated that he would like the Council to consider
191 approving this change in zoning so that he can build a pergola on his property for his
192 daughter's wedding.

193 Mayor Cecil then opened the public hearing.

194 Councilmember Scott made a motion to continue the public hearing until the next
195 regularly scheduled council meeting so that all members of the Council can be present to
196 vote on the item. Mayor Cecil seconded the motion, which passed by a vote of 6 ayes to
197 1 absent (Farris).

- 198
- 199 2. Z2010-002 - Hold a public hearing and consider approval of an ordinance
200 for a request by Brent Hamman for approval of a Specific Use Permit
201 (SUP) to allow for an accessory building not meeting the exterior
202 materials requirements on his property located at 315 Rolling Meadows,
203 being a 4.02-acre tract known as Lot 7, Rolling Meadows Estates Addition
204 and zoned (SF-E/4.0) Single Family Estate district, and take any action
205 necessary. (1st Reading)

206 Planning Director Robert LaCroix provided brief background information on this item.
207 He indicated that the P&Z Commission did recommend approval of this SUP.

208 Brent Hamman
209 315 Rolling Meadows Circle
210 Rockwall, TX
211

212 Mr. Hamman came forth to address the council and indicated that he would like to use
213 this accessory building mainly for storage. He explained that he lives on about 4 acres
214 and has a boat, tractor and other items on the property that he would like to house within
215 the accessory building.

216
217 Mayor Cecil then opened the public hearing. There being no one to come forth and
218 speak at the public hearing, Mayor Cecil then closed it.

219
220 Councilmember Scott made a motion to approve Z2010-002. Mayor Pro Tem Sweet then
221 seconded the motion, which passed by a vote of 6 ayes to 1 absent (Farris).

222
223 **VII. ACTION ITEMS**
224

- 225 1. Discuss and consider repealing the City's current sign ordinance and
226 adopting a new sign ordinance and take any action necessary.

227 Director of Code Enforcement, Jeffrey Widmer, began discussion of this item, explaining
228 that staff is bringing this item back to the Council this evening in order to get feedback
229 on moving forward with a few items associated with the sign ordinance. General
230 discussion took place related to pole signs and vehicular signs within the city. The
231 Council generally indicated that they would like to only allow pole signs along the IH-30
232 corridor and nowhere else within the city. Discussion then took place related to
233 vehicular signage within the city that is utilized for the purpose of directing patrons to a
234 certain business. Council asked staff to place this item back on the March 1st Council
235 Agenda so that it can be discussed further when Councilmember Farris is present.

236 The Council took no action related to this item.

- 237 2. Discuss and consider initiating annexation procedures for four (4) areas
238 within the City's current Extraterritorial Jurisdiction (ETJ) and contiguous
239 to the existing City of Rockwall city limits line, and take any action
240 necessary.

241 Planning Director Robert LaCroix provided background information on this item,
242 explaining each of these four areas within the city. In general he expressed that the city
243 may want to consider initiating annexation procedures on these areas in order to
244 regulate possible future development on these properties. LaCroix further explained the
245 process that would ensue should the council decide to move forward with annexing
246 these areas.

247 Councilmember Scott made a motion that public notices be sent out to property owners
248 and that they include an agricultural 212 agreement for those owners who qualify and
249 that the 212 agreements not be included in the notices sent to property owners who do
250 not qualify. Councilmember Nielsen seconded the motion.

251 Councilmember Scott then withdrew his motion and offered a motion to table this item
252 until the March 1st Council meeting when the full council can be present to vote on this
253 item. Mayor Cecil seconded the motion, which passed by a vote of 6 ayes to 1 absent
254 (Farris).

- 255 3. Discuss and consider requiring a Specific Use Permit (SUP) from the city
256 for any business selling alcohol within 200 feet of a public park and take
257 any action necessary.

258 Councilmember Scott began discussion of this item, indicating that he is the one who
259 placed the item on tonight's agenda for consideration. He generally indicated that he is
260 concerned about the sale of alcohol adjacent to city parks.

261
262 City Attorney Pete Eckert indicated that the city cannot impose stricter regulations on a
263 business holding a state license from the Texas Alcohol Beverage Commission which
264 allows them to sell alcohol. The only place you can regulate more strictly is a venue that
265 derives 75% or more of its sales from alcoholic beverages. Mr. Eckert expressed that
266 convenience stores and grocery stores would not meet this threshold. He clarified that
267 state law stipulates that alcohol cannot be sold within 300 feet of a school or hospital. In
268 general, Mr. Eckert indicated that the city cannot regulate this more strictly than it
269 already does.

270
271 After additional, general discussion, Councilmember Scott suggested that this type of
272 item may be valid to pursue in the future from a legislative agenda standpoint rather than
273 from a local standpoint.

274
275 The Council took no action related to this item.
276

277 The Council did not reconvene into Executive Session. The meeting was adjourned at
278 7:44 p.m.
279

280 VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
281 GOVERNMENT CODE TO DISCUSS:
282

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

294
295 IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
296

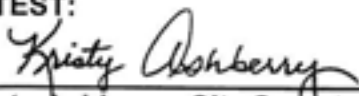
297 The Council did not reconvene into Executive Session at the close of the public meeting;
298 therefore, no action was taken.
299

300 X. ADJOURNMENT
301

302 The meeting was adjourned at 7:44 p.m.
303
304

305 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
306 this 1st day of March, 2010.

307
308
309 ATTEST:

310 
311 _____
312 Kristy Ashberry, City Secretary


William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, March 01, 2010

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, Mayor Pro Tem David Sweet and council members Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Matt Scott was absent from the meeting. Mayor Cecil immediately recessed the public 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, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act, regarding: legal issues pertaining to annexation of territory, annexation agreements, and development agreements pursuant to Tex. Loc. Gov't Code ch. 43 and regarding Springer Road / FM-549 Impact Fee.

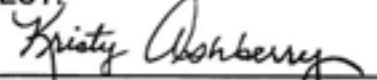
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See the "Call to Order" section below for action taken as a result of Executive Session.

IV. ADJOURNMENT

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 15th day of March, 2010.**

ATTEST:


Kristy Ashberry, City Secretary


William R. Cecil, Mayor



AGENDA
ROCKWALL CITY COUNCIL

Monday, March 01, 2010
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, Mayor Pro Tem David Sweet and council members Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Matt Scott was absent from the meeting.

Mayor Pro Tem Sweet made a motion to approve Parcel 32 on the Airport Road construction project. Councilmember Sevier seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER RUSSO

Councilmember Russo delivered the invocation and led the Pledge of Allegiance.

III. OPEN FORUM

Pastor Joe Robbins came forth to express that he is still concerned about the cemetery.

Stephen Straughan
5802 Constellation Circle
Rockwall, TX 75032

Mr. Straughan came forth to speak on behalf of the Boys and Girls Club of Rockwall County. He explained that he recently accepted the position of board president for this organization. He expressed that he is working hard to build a strong Boys & Girls Club moving forward and is sorry for anything negative that may have been previously expressed towards the city.

There being no one else to come forth and speak, Mayor Cecil then closed Public Forum.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the February 15, 2010 regular City Council meeting and take any action necessary.
2. Consider approval of a resolution authorizing the City Manager to enter into an interlocal agreement with Rockwall County for performance of septic system inspection services, and take any action necessary.
3. Consider approval of a resolution authorizing the City Manager to enter into an Interlocal Cooperative Agreement with Rockwall County for City Street Right-of-Way Maintenance, and take any action necessary.

- 93 4. Consider authorizing the City Manager to enter into an agreement with
94 Rockwall County Elections Administrator for administration of the May 8,
95 2010 General Election, and take any action necessary.
- 96 5. Consider approval of an **ordinance** establishing the speed limit on SH-
97 205 from the DGNO Railroad, south, to Ralph Hall Parkway per the
98 TXDOT speed study and take any action necessary (**1st reading**).
- 99 6. Consider approval of the purchase of historic lights for the SH-205 project
100 and take any action necessary.
- 101 7. P2010-002 - Discuss and consider a request by David Walls of Walls &
102 Associates for approval of a final plat for Lots 1-7, Block A, Flagstone
103 Corners Addition, being 8.43-acres zoned (PD-54) Planned Development
104 No. 54 district and (PD-60) Planned Development No. 60 district, located
105 along the south side of Ralph Hall Parkway and east side of Mims Road,
106 and take any action necessary.
- 107 8. P2010-003 - Discuss and consider a request by R. D. Vanderslice for
108 approval of a replat of Lot 1, Block A, Rock Ridge Office Plaza Addition
109 (1014 Ridge Rd), and an unplatted tract known as Tract 12, Abstract 255,
110 B. J. T. Lewis Survey (1018 Ridge Rd), being 0.70-acre overall and zoned
111 (PD-53) Planned Development No. 53 district, and take any action
112 necessary.
- 113 9. Consider approval of Change Order Number 2 for the Squabble Creek
114 Wastewater Phase 2 Project and take any action necessary.
- 115 10. Z2010-002 - Consider approval of an **ordinance** for a request by Brent
116 Hamman for approval of a Specific Use Permit (SUP) to allow for an
117 accessory building not meeting the exterior materials requirements on his
118 property located at 315 Rolling Meadows, being a 4.02-acre tract known
119 as Lot 7, Rolling Meadows Estates Addition and zoned (SF-E/4.0) Single
120 Family Estate district, and take any action necessary. (**2nd Reading**)

121 Councilmember Farris pulled items #1 and #6 for discussion. Councilmember Sevier
122 pulled items #5 and #9 for discussion. Mayor Pro Tem Sweet then made a motion to
123 approve the remainder of the Consent Agenda (#s 2, 3, 4, 7, 8 and 10). Councilmember
124 Russo seconded the motion. The ordinance (#10) was read as follows:

125 CITY OF ROCKWALL
126 ORDINANCE NO. 10-05
127

128 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
129 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
130 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
131 SPECIFIC USE PERMIT WITHIN THE (SF-E/4.0) SINGLE-FAMILY ESTATE
132 DISTRICT ALLOWING FOR AN ACCESSORY BUILDING NOT MEETING THE
133 EXTERIOR CLADDING REQUIREMENTS, ON A TRACT LOCATED AT 315
134 ROLLING MEADOWS CIRCLE, BEING A 4.02-ACRE TRACT DESCRIBED AS
135 LOT 7, ROLLING MEADOWS ADDITION; PROVIDING FOR SPECIAL
136 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE
137 SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
138 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
139 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes to 1 absent (Scott).

Mayor Cecil then made a motion to approve Consent Agenda item #1. Mayor Pro Tem Sweet seconded the motion, which passed by a vote of 5 ayes, 1 abstention (Farris) and 1 absent (Scott).

After brief clarification from staff, Councilmember Sevier made a motion to approve Consent Agenda item #5. Mayor Pro Tem Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 10-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, SECTION 545.356, UPON SH-205, RALPH HALL PARKWAY, NORTH, TO THE DGNO RAILROAD, WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes to 1 absent (Scott).

After brief discussion, Councilmember Farris made a motion to table Consent Agenda item #6 so that City Engineer Chuck Todd can evaluate further the possibility of LED lights for this project. The motion passed by a vote of 5 ayes, 1 against (Sevier) and 1 absent (Scott).

After brief discussion, Councilmember Sevier made a motion to approve Consent Agenda item #9. Councilmember Nielsen seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

V. APPOINTMENTS

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

Planning & Zoning Chairman, Michael Hunter, came forth to address the Council. No questions were asked, and the Council took no action related to this item.

2. Appointment with Tommy Roy, General Manager of Applebee's Restaurant, to hear a request regarding an amendment to the alcohol ordinance allowing for late hour permits and take any action necessary.

Mr. Roy came forth to ask if this item could be removed from the agenda and re-added at a later date. Mayor Cecil expressed that he would remove the item from tonight's agenda and that Mr. Roy could request that it be added back at a future date.

The Council took no action related to this item.

3. Appointment with Paul Davis to hear request to have his property withdrawn from the City of Rockwall's extra territorial jurisdiction (ETJ), and take any action necessary.

188 Mr. Paul Davis
189 777 Davis Lane
190 Rockwall, TX
191

192 Mr. Davis came forth to address the Council, explaining his reasoning for wanting to be
193 removed from the City's ETJ. He would like all of his property to either be located in
194 Rockwall's ETJ or McClendon Chisholm's ETJ.
195

196 Mayor Cecil made a motion to take this request under advisement at this time and get
197 back with Mr. Davis within 30 days to allow the City of Rockwall time to discuss Mr.
198 Davis' request with the City of McClendon Chisholm. Councilmember Farris seconded
199 the motion, which passed by a vote of 6 ayes to 1 absent (Scott).
200

201 VI. PUBLIC HEARING ITEMS

- 202 1. Z2010-001 - Continue a public hearing and consider approval of an
203 ordinance for a request by Steve Himmelreich for approval of a change
204 in zoning from (Ag) Agricultural district to (SF-E/4.0) Single Family Estate
205 district on a 8-acre tract located at 2620 White Road and currently
206 described as Tract 7-5, Abstract 207, E Teal Survey, and take any action
207 necessary. (1st Reading)

208 Mayor Cecil explained that this Public Hearing is being continued from the previous
209 council meeting.
210

211 Mr. Himmelreich
212 2620 White Road
213 Rockwall, TX
214

215 Mr. Himmelreich expressed that his sole purpose for asking for the change in zoning is
216 so that he can construct a pavilion on his property for his daughter's wedding.
217

218 Mayor Cecil opened continuation of the public hearing. There being no one to come
219 forth and speak on this public hearing item, Mayor Cecil then closed the public hearing.
220

221 Mayor Cecil then called upon City Attorney Pete Eckert to speak about the issue. Mr.
222 Eckert expressed that the City Council could move forward with the change in zoning for
223 the particular portion of his property on which the pavilion is to be constructed, while
224 leaving the rest of his property zoned as "Agricultural." The zoning would be changed to
225 SF-E 4, which would result in 4 acres of Mr. Himmelreich's property being zoned SF-E 4
226 and the rest remaining "Agricultural." After additional discussion, Mr. Eckert
227 recommended that the Council move forward with zoning a 4 acre portion of his property
228 as SF-E 4.
229

230 Mayor Cecil then made a motion to move forward with zoning a 4 acre portion of Mr.
231 Himmelreich's property as Single Family Estate District (SF-E/4.0). Mayor Pro Tem Sweet
232 seconded the motion. After additional discussion, the ordinance was read as follows:
233

234 CITY OF ROCKWALL, TEXAS
235 ORDINANCE NO. 10-
236

237 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
238 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-E/4.0) SINGLE FAMILY ESTATE
DISTRICT, ON A PORTION OF A TRACT KNOWN AS TRACT 7-5,
ABSTRACT 207, E. TEAL SURVEY AND LOCATED AT 2620 WHITE
ROAD; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
EFFECTIVE DATE.

The motion passed by a vote of 6 ayes to 1 absent (Scott).

VII. SITE PLANS / PLATS

1. SP2010-001 - (a) Discuss and consider a request by Brad Court of CSA Concrete for approval a special exception to the Unified Development Code, specifically Article V, Section 4.1, General Commercial District Standards, in association with a proposed site plan for a proposed 2400-sf building at the existing NBE commercial development located at 433 National Drive, being a 1.58-acre tract zoned (HC) Heavy Commercial district and known as Tract 2-13, Abstract 128, J. R. Johnson Survey, and take any action necessary, and (b) in association with the proposed site plan consider approval of waivers to fire code and engineering standards, and take any action necessary.

Planning Director Robert LaCroix offered brief background information on this item. The applicant then came forth to speak to the Council.

Kevin Court
1033 Timberline Drive
Heath, TX

Councilmember Farris generally expressed that he is not comfortable approving the items as presented. Councilmember Sevier expressed that he is not in favor of approving this item because it would be overriding the recommendation of the city's fire chief. Fire Chief Mark Poindexter expressed that the lack of a fire lane is a problem in this instance as is the lack of proper distance requirements from the fire hydrant.

Councilmember Farris made a motion to deny both portion (a) and portion (b) of SP2010-001. Councilmember Sevier seconded the motion. After additional discussion, the motion passed by a vote of 6 ayes to 1 absent (Scott).

VIII. ACTION ITEMS

1. Discuss and consider research conducted on the Historic Cemetery designation through the Texas Historical Commission and related programs available to assist with historic cemetery preservation and take any action necessary.

Finance Director Mary Smith began discussion of this item, indicating that she has done research on this topic and has included the information in the Council's packet for their review. She explained the general process for getting the cemetery designated as historic by the Texas Historical Commission. Smith explained that there are twelve

cemeteries in the city, some that are publicly owned and some that are privately owned, and it is unknown which owners may want to participate in these programs.

After additional information from Mrs. Smith, Councilmember Russo asked if the city's Historic Preservation Advisory Board could help in this process. Planning Director Robert LaCroix indicated that the board could in fact help with this process if the Council so desires.

Following additional discussion, Councilmember Farris made a motion to instruct staff to move forward with the Visionaries in Preservation Program and the Certified Local Government (CLG) Program. Mayor Cecil seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).

Councilmember Russo then made a motion to instruct staff to move forward with getting the cemetery on SH-205 designated as 'historic.' Councilmember Farris seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

2. Discuss and consider repealing the city's current sign ordinance and adopting a new sign ordinance in Chapter 15, Article XI of the Code of Ordinances entitled "SIGN REGULATIONS" and take any action necessary. (1st reading)

Director of Code Enforcement Jeffrey Widmer provided background information on this item. He indicated that the ordinance has been refined to prohibit pole signs anywhere within the city except for the I-30 Overlay District. He further indicated that staff has prepared suggested wording for the section dealing with vehicular signs.

Councilmember Nielsen made a motion to approve the ordinance as presented. Councilmember Farris seconded the motion. However, he asked if the 'on your property' wording could be more clearly defined in the vehicular signage section. Mayor Cecil also pointed out several, minor wording changes. Councilmember Nielsen amended her motion to include the changes requested by Councilmember Farris and Mayor Cecil. Councilmember Farris seconded the amended motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 10-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING ORDINANCE #84-61 AS AMENDED BY ORDINANCE NUMBERS 85-4, 85-45, 85-65A, 86-86, 87-65, 88-63, 89-16, 89-25, 90-11, 91-22, 91-41, 92-28, 96-1, 97-16, 99-07, 00-10, 01-44, 01-68, 02-18, 03-22, 03-41, 05-32, 05-44, 05-54, 06-04, 06-08, 07-24, 07-56, 09-11, 09-12 WHICH AMENDED 00-10, AND 09-31; PROVIDING FOR CHAPTER 15, ARTICLE XI OF THE CODE OF ORDINANCES ENTITLED "SIGN REGULATIONS"; PROVIDING FOR A PURPOSE AND DEFINITIONS; PROVIDING FOR PERMITTING; PROVIDING FOR SIGN STANDARDS; PROVIDING FOR PROHIBITED SIGNS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PRESERVATION OF RIGHTS AND VIOLATIONS UNDER EXISTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

338
339 **The motion passed by a vote of 5 ayes, 1 against (Russo), and 1 absent (Scott).**

- 340 3. Discuss and consider Park Board recommendation regarding the
341 development of Northshore Park, and take any action necessary.

342 **Mayor Cecil made a motion to table this item until the next Council meeting so that**
343 **Councilmember Scott can be present. Mayor Pro Tem Sweet seconded the motion,**
344 **which passed by a vote of 6 ayes to 1 absent (Scott).**
345

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

- 348 1. Departmental Reports
349 Finance Department monthly report - January 2010
350 Building Inspections Monthly Report - January 2010
351 Police Department Monthly Report - January 2010
352 Internal Operations Departmental Report - January 2010
353 Fire Department Monthly Report - January 2010
354 Recreation Report - January 2010
355 Harbor PD Report - January 2010
356

357 **Council members and staff briefly discussed the current state of the city's budget as well**
358 **as the police report related to The Harbor. Brief discussion also took place related to the**
359 **upcoming Concert by the Lake series, which will begin the 1st Thursday in May. City**
360 **Manager Couch indicated that the railroad crossing is expected to be completed in April.**
361 **General discussion took place related to various, upcoming road projects and associated**
362 **utility relocates.**
363

364 **The Council took no action related to departmental reports.**
365

- 366 2. City Manager's Report
367

368 **The council took no action related to the City Manager's Report.**
369

370 **X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
371 **GOVERNMENT CODE TO DISCUSS:**
372

- 373 1. Deliberation regarding the purchase, exchange, lease, or value of real
374 property.
375 2. Personnel Issues, including Board, Commission, and Committee
376 Appointments, and Related Matters.
377 3. Commercial or financial information regarding business prospects that the
378 City seeks to have locate, stay, or expand in or near the territory of the
379 City of Rockwall and with which the Board is conducting economic
380 development negotiations.
381 4. Pursuant to Section 551.071, consultation between the City's attorneys
382 and City Council where the duty of the City's attorneys to the City Council
383 under the Code of Professional Responsibility of the State Bar of Texas
384 clearly conflicts with the Open Meetings Act, regarding: legal issues

385 pertaining to annexation of territory, annexation agreements, and
386 development agreements pursuant to Tex. Loc. Gov't Code ch. 43 and
387 regarding Springer Road / FM-549 Impact Fee.

388 XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

389
390 The Council did not reconvene into Executive Session at the close of the meeting. No
391 action was taken.

392
393 XII. ADJOURNMENT

394
395 The meeting adjourned at 7:40 p.m.

396
397 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
398 this 15th day of March, 2010.

William R. Cecil

William R. Cecil, Mayor

399
400
401 ATTEST:

Kristy Ashberry

402
403 Kristy Ashberry, City Secretary
404



MINUTES
ROCKWALL CITY COUNCIL
Thursday, March 4, 2010
5:00 p.m. Council Work Session
Municipal Court Building - 205 W. Rusk, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 5:00 p.m. Present were Mayor Cecil, Mayor Pro Tem David Sweet and council members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. HOLD WORK SESSION TO DISCUSS CAPITAL IMPROVEMENT PLANNING (CIP) AND TAKE ANY ACTION NECESSARY.

Staff presented information to Council related to the city's capital improvement needs. General discussion took place related to these needs and a possible, future bond election.

The Council took no action related to this item.

III. ADJOURNMENT

Mayor Cecil recessed the public meeting into Executive Session at 6:00 p.m.

6:00 p.m. Council Executive Session
Municipal Court Building - 205 W. Rusk, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called Executive Session to order at 6:00 p.m. Present were Mayor Cecil, Mayor Pro Tem David Sweet and council members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

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 Re: downtown parking, athletic fields and parks
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding legal services.

52 III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
53

54 The Council came out of Executive Session at 7:25 p.m. No action was taken as a result of
55 Executive Session.
56

57 IV. HOLD WORK SESSION TO DISCUSS CAPITAL IMPROVEMENT PLANNING (CIP) AND TAKE ANY
58 ACTION NECESSARY.
59

60 Staff presented information to Council related to the city's capital improvement needs.
61 General discussion took place related to needs and a possible, future bond election.
62

63 The Council took no action related to this item.
64

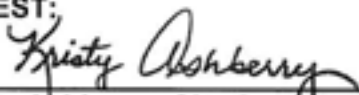
65 V. ADJOURNMENT
66

67 The meeting was adjourned at 10:00 p.m.
68
69

70 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this
71 15th day of March, 2010.

72 
73 William R. Cecil, Mayor

74 ATTEST:

75 
76 Kristy Ashberry, City Secretary
77



**MINUTES
ROCKWALL CITY COUNCIL AND
PLANNING & ZONING COMMISSION**

Thursday, March 11, 2010
5:30 p.m. Rockwall Wedding Chapel
305 South Fannin Street, Rockwall, Texas 75087

I. CALL TO ORDER

The meeting was called to order at 5:30 p.m.

II. (5:30 P.M.) PRE-MEETING DINNER

Present were City Council members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. City Manager Julie Couch and City Attorney Pete Eckert were also present. Mayor Cecil and Mayor Pro Tem David Sweet were not present for dinner.

Also present were Planning & Zoning Commission members Mark Stubbs, Kristen Minth, Connie Jackson, Michael Hunter, Phillip Herbst and Barry Buchanan. Commissioner Tony Hayes was absent.

III. (6:30 P.M.) HOLD JOINT WORK SESSION WITH CITY COUNCIL AND PLANNING & ZONING COMMISSION TO DISCUSS LAND USE PLANNING ASSOCIATED WITH PD-32 AND TAKE ANY ACTION NECESSARY.

Mayor Cecil called the meeting to order at 6:30 p.m. Present were City Council members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. City Manager Julie Couch and City Attorney Pete Eckert were also present. Mayor Pro Tem David Sweet was not present for the meeting.

Also present were Planning & Zoning Commission members Mark Stubbs, Kristen Minth, Connie Jackson, Michael Hunter, Phillip Herbst and Barry Buchanan. Commissioner Tony Hayes was absent from the meeting.

General discussion took place related to PD-32, the area of future development adjacent to The Harbor. No action was taken by the City Council or the Planning & Zoning Commission.

IV. DISCUSS AND CONSIDER UPDATES TO THE MUNICIPAL CODE OF ORDINANCES AND TAKE ANY ACTION NECESSARY.

At this time, members of the Planning & Zoning Commission were dismissed from the meeting and left.

City Manager Couch began discussion of this item and provided the Council with an update on various regulations that have already been reviewed as well as those regulations that will be reviewed in the coming months. She indicated that a completely updated Code of Ordinances should be in place and available online by summer.

The Council also discussed the city's existing ethics ordinance. After much discussion, it was determined that the city should follow state laws related to ethics and should

50 incorporate this information into the Policies & Procedures of the Rockwall City Council
51 and other Boards & Commissions. This item will be formally brought forth for Council
52 consideration at a future city council meeting.
53

54 No formal action was taken by the City Council related to this item.
55


56 V. ADJOURNMENT

57 The meeting was adjourned at 8:20 p.m.
58

59 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
60 this 5th day of April, 2010.

61 
62 William R. Cecil, Mayor

63 ATTEST:

64 
65 _____
66 Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

**Monday, March 15, 2010
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, Mayor Pro Tem David Sweet and council members Matt Scott, Margo Nielsen, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Mark Russo was absent from the pre-meeting Executive Session. Mayor Cecil immediately recessed the public 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 and regarding annexation and 212 agreements.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council took no action as a result of Executive Session.

IV. ADJOURNMENT

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 5th day of April, 2010.**

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, March 15, 2010
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, Mayor Pro Tem David Sweet and council members Matt Scott, Margo Nielsen, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Mark Russo was not present at the start of the public meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SEVIER

Councilmember Sevier delivered the invocation and led the Pledge of Allegiance.

III. CONSENT AGENDA

1. Consider approval of the minutes from the March 1, 2010 regular City Council meeting and take any action necessary.
2. Consider approval of the minutes from the March 4, 2010 City Council Work Session and take any action necessary.
3. Discuss and consider repealing the city's current sign **ordinance** and adopting a new sign ordinance in Chapter 15, Article XI of the Code of Ordinances entitled "SIGN REGULATIONS" and take any action necessary. **(2nd reading)**
4. Consider adoption of a resolution amending the Permit Fees and Misc. Fees Schedule to add a fee for presenting a sign variance or sign plan request to City Council, and take any action necessary.
5. Consider a resolution endorsing Cities Aggregation Power Project's legislative changes relating to the Sunset Review of the Texas Public Utility Commission and take any action necessary.
6. P2010-001 - Discuss and consider a request by Kennis Ketchum of Rockwall Court, Ltd for approval of a replat of Lot 2R, Block A, Canyon Ridge-Canyon Ranch Addition (aka Pebblebrook Apartments Phase 2 Addition), being 8.9152-acres zoned (MF-14) Multi-Family Residential district and located along the north side of Yellow Jacket Lane east of Waterstone Estates and west of SH 205 (S Goliad), and take any action necessary.
7. Z2010-001 - Consider approval of an **ordinance** for a request by Steve Himmelreich for approval of a change in zoning from (Ag) Agricultural district to (SF-E/4.0) Single Family Estate district on a 8-acre tract located at 2620 White Road and currently described as Tract 7-5, Abstract 207, E Teal Survey, and take any action necessary. **(2nd Reading)**

8. Consider approval of an ordinance establishing the speed limit on SH-205 from the DGNO Railroad, south, to Ralph Hall Parkway per the TXDOT speed study and take any action necessary (2nd reading).

Councilmember Scott pulled items #1 and #6 for further discussion. Mayor Cecil then made a motion to approve the remaining items on the Consent Agenda. Mayor Pro Tem Sweet seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 10-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING ORDINANCE #84-61 AS AMENDED BY ORDINANCE NUMBERS 85-4, 85-45, 85-65A, 86-86, 87-65, 88-63, 89-16, 89-25, 90-11, 91-22, 91-41, 92-28, 96-1, 97-16, 99-07, 00-10, 01-44, 01-68, 02-18, 03-22, 03-41, 05-32, 05-44, 05-54, 06-04, 06-08, 07-24, 07-56, 09-11, 09-12 WHICH AMENDED 00-10, AND 09-31; PROVIDING FOR CHAPTER 15, ARTICLE XI OF THE CODE OF ORDINANCES ENTITLED "SIGN REGULATIONS"; PROVIDING FOR A PURPOSE AND DEFINITIONS; PROVIDING FOR PERMITTING; PROVIDING FOR SIGN STANDARDS; PROVIDING FOR PROHIBITED SIGNS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PRESERVATION OF RIGHTS AND VIOLATIONS UNDER EXISTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 10-08

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-E/4.0) SINGLE FAMILY ESTATE DISTRICT, ON A 4.927-ACRE TRACT KNOWN AS A PORTION OF TRACT 7-5, ABSTRACT 207, E. TEAL SURVEY AND LOCATED AT 2620 WHITE ROAD, AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 10-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, SECTION 545.356, UPON SH-205, RALPH HALL PARKWAY, NORTH, TO THE DGNO

142 RAILROAD, WITHIN THE CORPORATE LIMITS OF THE CITY OF
143 ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT TO
144 EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200);
145 PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE
146 DATE.

147 Councilmember Russo arrived to the meeting during the reading of the ordinances.

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

149 Mayor Cecil then made a motion to approve Consent Agenda item #1. Mayor Pro Tem
150 Sweet seconded the motion, which passed by a vote of 6 ayes to 1 abstention (Scott).

151 Regarding Consent Agenda item #6 (P2010-001), the applicant came forth. After brief
152 discussion, Councilmember Scott made a motion to postpone this item until the next
153 regularly scheduled council meeting on Monday, April 5, 2010 so that the applicant can
154 meet with the HOA of the adjacent Waterstone Estates community to discuss a barrier
155 between the proposed development and the homeowner community. Mayor Cecil
156 seconded the motion. Councilmember Farris asked the city attorney if the item can be
157 postponed. City Attorney Pete Eckert explained that the approval of the plat by the City
158 Council must take place within 30 days after its been approved by the Planning & Zoning
159 Commission. Placing it on the April 5 Council Agenda will be just within this allotted
160 timeframe. The motion passed by a vote of 6 ayes to 1 against (Farris).

161
162 IV. APPOINTMENTS

- 163
164 1. Appointment with the Planning and Zoning Chairman to discuss and
165 answer any questions regarding cases on the agenda and related issues
166 and take any action necessary.

167 Planning & Zoning Commission Chairman Michael Hunter came forth and stated that the
168 applicant on the first public hearing on tonight's agenda has requested to withdraw the
169 case. He stated that the item failed by a P&Z Commission vote of 4 ayes with 2 against.
170 He also explained that the Commission tabled the second public hearing item until its
171 March 30 P&Z Commission meeting so that all commission members could be present to
172 consider and vote on the item.

173
174 No formal action was taken related to this item.

175
176 V. PUBLIC HEARING ITEMS

- 177
178 1. Z2010-003 - Hold a public hearing and consider approval of an ordinance
179 for a request by Matthew King for approval of a zoning change from (SF-
180 10) Single Family Residential district to (PD) Planned Development
181 district, specifically to allow for an assisted living development on the
182 2.642-acre subject tract, which is known as Lot AB, Block 87, B. F.
183 Boydston Survey and located south of the Highwood Addition at the
184 termination of Valley Drive, and take any action necessary. APPLICANT
185 HAS WITHDRAWN CASE

186 Planning Director Robert LaCroix explained that the applicant would like to withdraw the
187 case. The Mayor then made a motion to remove the item from tonight's meeting agenda.
188 Councilmember Scott seconded the motion, which passed unanimously.

- 189 2. Z2010-004 - Hold a public hearing and consider approval of an
190 **ordinance** for a request by Jeremy Yee of CEI Engineering Associates
191 for approval of a Specific Use Permit (SUP) to allow for a "retail store with
192 gasoline product sales with more than 2 dispensers" within (PD-9)
193 Planned Development No. 9 district, in association with a 7-Eleven
194 proposed to be located on Lot 1, Block B, Horizon Ridge Center North
195 Addition, being a 0.9-acre tract situated at the southwest corner of
196 Horizon Rd and Tubbs Rd, and take any action necessary. **(1st Reading)**

197 **Mayor Cecil began discussion of this item, indicating that this case went before the**
198 **Planning & Zoning Commission at its March 2 meeting but that the commission tabled**
199 **the item until its next meeting on Tuesday, March 30 so that all seven P & Z Commission**
200 **members could be present to vote on the item.**

201
202 **Planning Director Robert LaCroix then provided background information on this item,**
203 **indicating that the main items of concern are the number of pumps being proposed and**
204 **the applicant's desire to deviate from the city's masonry requirements. Mr. LaCroix**
205 **indicated that the applicant has since made adjustments to these aspects and the item**
206 **will go before the Planning & Zoning Commission for consideration at its next meeting.**
207 **The item will then come back to the City Council for consideration at its April 5, 2010**
208 **regular City Council meeting.**

209
210 **Councilmember Matt Scott asked if there has been any consideration to the addition of a**
211 **pedestrian crosswalk at the intersection near this proposed 7-11 store. City Manager**
212 **Couch explained that it is a state roadway, and the city anticipates that it will become**
213 **signalized at some point in the future. A crosswalk may be considered by the state at**
214 **that time. Councilmember Scott then expressed concern about pedestrians crossing at**
215 **this intersection as well as poor lighting conditions at this intersection. Councilmember**
216 **Scott asked staff to speak with the state about these concerns. Couch indicated that she**
217 **will speak with TXDOT about concerns related to the crosswalk and the potential for**
218 **extra safety lighting to make it safer for pedestrians.**

219
220 **Mayor Cecil then opened the public hearing and made a motion to continue the public**
221 **hearing until the April 5, 2010 regular City Council meeting. Council member seconded**
222 **the motion, which passed unanimously.**

223 224 **VI. ACTION ITEMS**

- 225
226 1. Discuss and consider establishment of a social media policy for the City
227 of Rockwall and take any action necessary.

228 **Councilmember Farris began discussion of this item and asked city staff to provide a**
229 **verbal update to the City Council related to development of a social media policy. City**
230 **Manager Julie Couch explained that staff has been working to develop a policy and**
231 **hopes to have a draft ready for the council to consider at its next regular meeting in**
232 **April. Finance Director Mary Smith then provided a brief update to the Council,**
233 **explaining that various aspects of potential issues surrounding a city's use of social**
234 **media are being evaluated as the policies are developed.**

235 **Councilmember Farris then provided a brief update on other cities that are currently**
236 **using social media. He also stated that there is a website called UStream that offers free**
237 **streaming video of city council meetings. He provided a brief update on the social media**

238 policies of various other cities and counties throughout the U.S. He also pointed out that
239 there is training available to government entities who want to begin utilizing social
240 media. Farris asked staff to look at the information he has compiled, indicating that he
241 will send it to staff to review.

242 Councilmember Scott indicated that he would like to know how much staff time has been
243 spent so far on developing these policies; how much money is being spent on
244 information seminars related to implementation of social media by the city; how much
245 staff time will be spent on controlling the content if/when policies are implemented, etc.
246 He would basically like to know the costs associated with implementing social media
247 within the city, and he would like staff to bring this information forward, in detail, when it
248 brings forth the proposed policies.

249 General discussion took place related to a certain Google based program / campaign that
250 Mary Smith explained we do not qualify for because we do not have a population of
251 50,000.

252 After additional, brief discussion the Council took no formal action related to this item.

- 253 2. Discuss and consider conducting a survey of the restaurants and
254 businesses at The Harbor to determine where their customers live and
255 take any action necessary.

256 Councilmember Sweet explained that he would like to survey local businesses to find out
257 where their customers live. He stated that the survey might be able to be handed out to
258 restaurant patrons when they are given their bill. He explained that this would be a
259 proactive way for the city to find out who is spending money in the City of Rockwall and
260 collect information for marketing purposes. Councilmember Nielsen asked for some
261 clarification related to what Councilmember Sweet envisions related to such a survey.
262 Sweet explained that a business would have a right to decide if they would like their
263 customers to participate in such a survey or not.

264 City Manager Couch indicated that staff will explore the options related to such a survey
265 and will visit with local restaurants and businesses about possible participation in a
266 survey. Staff will also speak to restaurants and businesses to find out they are already
267 collecting such information and are they willing to share this type of information with the
268 city. Couch stated that staff will provide an update on this item at the April 5 Council
269 meeting.

270 No formal action was taken related to this item.

- 271 3. Discuss and consider a request by Grey Stogner with Crestview Real
272 Estate, representing the Shops at Stone Creek and Tom Thumb, to
273 submit a sign plan to the City Council for consideration, and take any
274 action necessary.

275 Code Enforcement Supervisor Cliff Griffin came forth to introduce this item to Council
276 and briefly explain the nature of the applicant's request. General discussion then took
277 place related to the number of signs being proposed, which is a total of twelve.
278 Councilmember Nielsen expressed general concern related to the number of signs being
279 requested by the applicant.

280
281 Adam Brown with Crestview Real Estate then came forth to clarify the number of signs
282 being requested.
283

Staff explained that the sign plan Council is looking at this evening represents all of the signs that would be present within the shopping center once it is all built out. Griffin then clarified that the variances being requested this evening are related to a sign for the fuel center and a multi tenant sign on FM-552.

After additional discussion, Councilmember Farris made a motion to deny the variance request for the two signs. Mayor Pro Tem Sweet seconded the motion. After some discussion, the motion passed by a vote of 4 ayes to 3 nays (Cecil, Russo and Sevier).

4. Discuss and consider Park Board recommendation regarding the development of Northshore Park, and take any action necessary.

Parks Director Brad Griggs introduced this item, explaining the recommendations of the Park Board related to development of this park.

Mayor Pro Tem Sweet made a motion to approve the recommendations as presented. Councilmember Sevier seconded the motion. After additional discussion, the motion passed unanimously.

5. Discuss and consider approval for the allowance of special events in the 100 block of San Jacinto between Rusk Street and Washington Street and take any action necessary.

Planning Director Robert LaCroix provided brief background information on this item. He indicated that this item is being proposed by the city's Main Street Manager, Bethany Golden. It is an art show program that is being proposed to take place in conjunction with the Farmers Market, though it will not occur every week. The Main Street Advisory Board and the Old Town Shoppes organization have both expressed interest and approval of this art program. Staff has also spoken with the businesses in the downtown area, and they are all okay with this idea. LaCroix explained that this art event will be held on the second Saturday of each month between May and October of 2010.

Councilmember Russo made a motion to support the proposed art event and to allow the street to be closed as recommended by staff. Councilmember Farris seconded the motion which, after brief discussion, passed unanimously.

6. Discuss and consider recommendations for design and installation of the additional site to the City's Radio Communication System and take any action necessary.

Director of Internal Operations, Joey Boyd, provided brief information related to this item. He indicated that requests for proposals were sent out, and he briefed the Council on various staff recommendations associated with this agenda item.

Mayor Cecil made a motion to approve and move forward with the staff recommendations. Councilmember Nielsen seconded the motion, which passed unanimously.

Mayor Cecil adjourned the public portion of the meeting at 7:39 p.m. and indicated that the Council will reconvene into Executive Session after a brief break.

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

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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 and regarding annexation and 212 agreements.

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VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

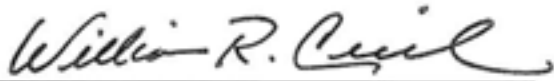
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The Council took no action as a result of Executive Session.


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IX. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 5th day of April, 2010.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, March 29, 2010
5:00 p.m. Special Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 5:00 p.m. and immediately recessed into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071 OF THE TEXAS GOVERNMENT CODE TO DISCUSS:

1. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

Present were Mayor Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Cliff Sevier, and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Mark Russo was not present at the start of the meeting but arrived at 5:10 p.m.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


The Council came out of Executive Session and took no formal action.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 5th day of April, 2010.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, April 05, 2010

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 Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public 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:

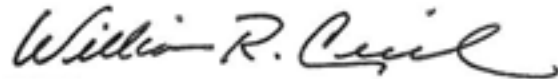
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Cecil called the public meeting back to order. Mayor Pro Tem Sweet made a motion to approve the purchase of Parcels #13, 30 and 31 for the acquisition of right-of-way on Airport Road. Mayor Cecil seconded the motion, which passed unanimously.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 19th day of April, 2010.



William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, April 05, 2010
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 4:00 p.m. Present were Mayor Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FARRIS

Councilmember Farris delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Child Abuse Prevention & Awareness Month

Mayor Cecil read the proclamation for Child Abuse Prevention & Awareness Month.

2. Rockwall Environmental Action Day

Mayor Cecil read the proclamation for Rockwall Environmental Action Day.

IV. OPEN FORUM

Mayor Cecil explained Open Forum and asked if anyone would like to speak during Open Forum.

Ruth Peck
108 Lakedale Drive
Rockwall, TX

Mrs. Peck, President of Rockwall Music Fest and the Rockwall Philharmonic Orchestra, was present and thanked the city staff and City Council for its support.

Sean Dunne
Community Waste Disposal
2010 California Crossing
Dallas, TX 75220

Mr. Dunne came forth and asked the city to consider sending his company a request for proposal (RFP) when the city's current solid waste contract comes up for renewal.

Mike Donegan
2620 Ridgelake Lane
Rockwall, TX (McLendon Chisholm)

Mayor Donegan of McLendon Chisholm came forth to thank the city, city council and city staff for their leadership and cooperation over the years. He expressed that he has been the mayor of McLendon Chisholm for the last seventeen years but will not be seeking reelection this year.

There being no one else to come forth and speak, Mayor Cecil then closed the Open Forum.

V. CONSENT AGENDA

1. Consider approval of the minutes from the November 5-7, 2009 City Council Retreat and take any action necessary.
2. Consider approval of the minutes from the March 11, 2010 joint City Council and Planning and Zoning Commission Work Session and take any action necessary.
3. Consider approval of the minutes from the March 15, 2010 regular City Council meeting and take any action necessary.
4. Consider approval of the minutes from the March 29, 2010 special City Council Executive Session meeting and take any action necessary.
5. Discuss and consider a change order for the FM-740 Water and Wastewater Relocation Project and take any action necessary.

Mayor Cecil made a motion to approve the entire Consent Agenda as presented (items #1-5). Councilmember Scott seconded the motion, which passed unanimously.

VI. APPOINTMENTS

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

Michael Hunter, Chairman of the Planning & Zoning Commission came forth and offered brief comments related to planning and zoning related items on tonight's city council agenda. The Council took no action related to this item.

2. Appointment with Randy Greenlee of the U.S. Coast Guard Auxiliary to discuss and consider partnership related to boat safety and take any action necessary.

Randy Greenlee
1290 Coastal Drive
Rockwall, TX

Mr. Greenlee introduced Jerry Rice and Barry Hargrove, both of the Lake Ray Hubbard unit of the U.S. Coast Guard Auxiliary.

Mr. Rice came forth and expressed that the U.S. Coast Guard Auxiliary (USCGA) has been on Lake Ray Hubbard for the past 36 years. He explained that they would like to

partner in whatever way possible with the city to promote safe boating practices and safety on the lake. Mr. Rice expressed that they currently teach an 8 hour boating safety class at Bass Pro Shops in Garland and would like to make that class available within the City of Rockwall as well.

City Manager Julie Couch indicated that the city staff can include some information on the Coast Guard Auxiliary in the city newsletter to help promote the group and to promote boating safety.

Mr. Rice indicated that interoperability of radio communication systems among various agencies (USCGA, TX Parks & Wildlife, City of Dallas first responders and Rockwall Fire Department) is a challenge. Couch indicated that staff can work with the USCGA to discuss these interoperability issues.

General discussion took place related to communicating with citizens and training with local first responder agencies. Staff will contact the USCGA to arrange meeting to discuss these issues further.

The Council took no formal action related to this item.

3. Appointment with Lewis Crain of Rutledge, Crain & Company to present the City's Comprehensive Annual Financial Report and take any action necessary.

Mayor Cecil made a motion to table this item until the next regular City Council meeting since Mr. Crain could not be present this evening. Mayor Pro Tem Sweet seconded the motion, which passed unanimously.

4. Appointment with Rick Sherer and the Environmental Subcommittee to hear the Environmental Subcommittee's Annual Report and take any action necessary.

Staff member Rick Sherer came forth and briefed the Council on the Environmental Subcommittee's Annual Report. Various council members expressed thanks to members of the council subcommittee and staff members who have contributed to the city's 'green initiatives.' After brief discussion, the Council took no action related to this item.

VII. PUBLIC HEARING ITEMS

1. Z2010-004 - Continue a public hearing and consider approval of an ordinance for a request by Jeremy Yee of CEI Engineering Associates for approval of a Specific Use Permit (SUP) to allow for a "retail store with gasoline product sales with more than 2 dispensers" within (PD-9) Planned Development No. 9 district, in association with a 7-Eleven proposed to be located on Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract situated at the southwest corner of Horizon Rd and Tubbs Rd, and take any action necessary. (1st Reading)

Mayor Cecil explained that this public hearing is being continued from a previous council meeting. Planning Director Robert LaCroix then provided background information on this item. LaCroix indicated that the design as originally proposed by 7-11 has changed

but no variances to the building are currently being requested by the applicant. LaCroix explained that notices were sent out to property owners located within 200 feet of the proposed development. Two notices were received back in favor of the 7-11. No formal notices were received back in opposition. The Planning & Zoning Commission recommended approval of this item with inclusion of a few staff recommendations.

James Masey
2508 Elk Trail
Plano, TX

Mr. Masey explained that he is the Real Estate Manager for 7-11. After brief, general comments, Mayor Cecil then opened the Public Hearing.

Brad Tomlinson
2962 Hunters Glen North
Rockwall, TX
(in Fox Chase subdivision)

Mr. Tomlinson came forth and expressed that he is not in favor of alcohol being sold in such close proximity to a public park. He also indicated that he wishes there was a crosswalk or flashing light installed at that intersection in order to make it safer for those walking to and from the park. He is concerned about noise, safety and traffic conditions in the area if the 7-11 were to be approved. He also expressed concern about the facility being open 24 hours a day and about its large size.

Councilmember Scott expressed that the 7-11 or another convenience store could come in and develop the site with 2 pumps and not have to seek special approval from Council at all. Scott further explained that any type of store with 2 pumps or less can come in and build on the site without formal Council approval because it is already zoned appropriately for such development.

Tom Loafman
831 Turquoise Point
Rockwall, TX
(in Fox Chase subdivision)

Mr. Loafman expressed concern about the proximity of the park to the proposed 7-11. He believes the 7-11 will cause increased traffic and general safety concerns. He indicated that he does not live within the 200 feet of the development. Therefore, he did not receive official notice from the city's zoning department related to this proposed development, but he found out about it from a neighbor.

Councilmember Scott asked how far from the development Mr. Loafman lives. He expressed he lives about a mile from there. Scott expressed that the city has been considering expanding the current zoning notification requirements beyond the currently 200 feet.

Rick Mase
1160 Skylar
Rockwall, TX
(in Fox Chase subdivision)

Mr. Mase does not believe this is an ideal location for a 7-11 store. He generally expressed concern about the store being open 24 hours a day as well as increased traffic and increased congestion. Mr. Mase indicated that there are already 36 gasoline pumps located within a 1-2 mile area. He noted that the Walgreens and CVS Pharmacies are both close by and are open 24 hours / day. Therefore, anything someone may need can be found from these businesses rather than from a 7-11 store.

Mayor Pro Tem Sweet asked for clarification on what other types of businesses could possibly develop on this site if it is zoned general retail. LaCroix indicated that general retail is indicative of 'service oriented' businesses such as donut shops, dry cleaners, nail salons, etcetera.

Leonard Spinelli
800 Trumpeter Way
Rockwall, TX
(in Fox Chase Subdivision)

Mr. Spinelli expressed the belief that a seven day a week, 24 hours a day operation is not compatible with the nearby Fox Chase neighborhood. A medical office building of some sort that closes at an earlier hour each evening would be more appropriate for this location. He generally expressed concern about alcohol being sold in such close proximity to the Fox Chase Park. Mr. Spinelli asked the City Council to deny the variances being requested by 7-11.

W.C. Kendrick
2912 Starboard
Rockwall, TX
(not in Fox Chase Subdivision)

Mr. Kendrick generally expressed that he is not in favor of the proposed 7-11.

Councilmember Scott clarified that the SUP being required for more than 2 pumps is a citywide regulation, one that has been in place since 1978 or before.

George Schuler
Chairman & Owner of Schuler Development
1500 East Industrial Blvd.
McKinney, TX

Mr. Schuler indicated that his company is the developer of the hospital district and that his company is the one who was the majority contributor of donating the land that the Park at Fox Chase now sits on. Mr. Schuler indicated that this site is very important and is intended to provide convenient services within walking distance from the existing hospital site. Schuler generally expressed that his company will maintain ownership of the land the 7-11 will sit on, and it will be leased, long term, to 7-11 if the development is approved. He generally expressed support for the proposed 7-11 development and believes it will be a high quality development. Schuler expressed that 7-11 has a very proactive program for eliminating the sale of alcohol to minors.

Tony Gemmell
1157 Skylar Drive
Rockwall, TX
(Fox Chase subdivision)

Mr. Gemmell expressed that he is concerned about alcohol being sold and associated drinking and driving concerns related to adults and minors too. He is also concerned that the 7-11 will be open 24 hours / day, 7 days / week. He generally expressed that it is too close to the park as well.

Councilmember Farris expressed that the 7-11 store would only sell alcohol during the hours prescribed by the Texas Alcoholic Beverage Commission (TABC).

There being no one else to come forth and speak during the public hearing, Mayor Cecil then closed the public hearing.

Mr. Masey of 7-11, the applicant, then came forth to speak again on the item and address some of the concerns expressed by citizens this evening. He shared some general information about the training that clerks go through related to the sale of alcohol and appropriate age restrictions / identification checks that take place when alcohol is sold. After some additional, general comments Mr. Masey expressed thanks to the Council for consideration of this 7-11 store.

Councilmember Farris generally expressed that he does not believe the sale of alcohol in close proximity to the park is a large consideration in his decision making. He believes if someone is going to drink in the park, they will get their alcohol elsewhere, long before they get near the park. He generally expressed that he will support the variance requests and the proposed 7-11 because he would rather entrust 7-11 to develop the site rather than leave it to chance for another, less desirable developer to build on the site.

Councilmember Sevier generally expressed that he likes the 7-11 that was built in the north part of town and feels it is a large benefit and asset to the people who live in that part of town. He also expressed that alcohol sales are prevalent in various other establishments, all of which are located in close proximity to the Park at Fox Chase. He generally expressed he is in support of this proposed 7-11 development.

Councilmember Russo expressed that he visited many residents in the Fox Chase development and that many people with whom he spoke expressed that they are in favor of the 7-11 store and believe it is a good idea. Russo expressed that alcohol sales are already present in the area. He believes the issue at hand is the number of pumps the Council will allow on the site.

Councilmember Scott expressed that the developer, Mr. Schuler, produces first class developments and maintains them over time. He does believe the sale of alcohol, possibly to minors, and drinking and driving are large concerns. He pointed out that state law allows a city to regulate the sale of alcohol and its proximity to schools, hospitals and churches. However, state law does not allow for regulating the sale of alcohol with relation to the distance from public parks. Scott stated that the city council evaluated the possibility of instituting such restrictions but discovered that it cannot do so. Scott expressed that he does have concern about people buying alcohol at this proposed convenience store and giving it to minors. He also has concern about alcohol

being purchased and then having people drink the alcohol in the nearby public park. He generally expressed that he will not support the SUP and variance requests.

Councilmember Farris made a motion to approve the Specific Use Permit (SUP), including recommendations from staff and from the Planning & Zoning Commission and allowing for 6 pumps. Councilmember Sevier seconded the motion.

Mayor Pro Tem Sweet generally expressed that he will not support the motion this evening. He generally has concern about the sale of alcohol in such close proximity to the public park.

After additional discussion, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 10-

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) TO ALLOW FOR A "RETAIL STORE WITH MORE THAN TWO GASOLINE DISPENSERS" WITHIN (PD-9) PLANNED DEVELOPMENT NO. 9 DISTRICT, ON A 0.9-ACRE TRACT OF LAND MORE SPECIFICALLY SHOWN 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.

The motion passed by a vote of 5 ayes to 2 nays (Sweet and Scott).

VIII. SITE PLANS / PLATS

1. P2010-001 - Discuss and consider a request by Kennis Ketchum of Rockwall Court, Ltd for approval of a replat of Lot 2R, Block A, Canyon Ridge-Canyon Ranch Addition (aka Pebblebrook Apartments Phase 2 Addition), being 8.9152-acres zoned (MF-14) Multi-Family Residential district and located along the north side of Yellow Jacket Lane east of Waterstone Estates and west of SH 205 (S Goliad), and take any action necessary.

Planning Director Robert LaCroix began discussion of this item, indicating that this replat meets all the requirements of the city.

The applicant came forth and expressed that she has met twice with the nearby homeowners association and that they are very close to signing a written agreement to address residents' concerns. Harold Snyder, president of the HOA, indicated that negotiations are going well and he believes they are headed for a successful conclusion that will address concerns of residents in the community. He generally expressed support for the council taking action on the item this evening.

Councilmember Scott made a motion to approve P2010-001. Councilmember Farris seconded the motion, which passed unanimously.

IX. ACTION ITEMS

1. Discuss and consider a release of area from the city's extraterritorial jurisdiction (ETJ) related to property owned by Paul Davis and taken any action necessary.

City Manager Julie Couch indicated that staff has preliminarily evaluated this request. Couch is seeking council input and direction at this time. Couch is willing to meet with McLendon Chisholm to discuss options associated with Mr. Davis' request to be withdrawn from Rockwall's ETJ.

Mr. Davis indicated that his property is comprised of about 186 acres. Mr. Davis suggested that perhaps Wylie Lane could become the division point associated with his request.

Councilmember Scott asked staff to meet with McLendon Chisholm to discuss options related to this potential land swap.

Mr. Davis expressed that he prefers to have his property located in its entirety in McLendon Chisholm rather than Rockwall.

General discussion took place related to negotiations associated with the ETJ boundary line(s) between the two cities and what they may look like as a result of Mr. Davis' request.

After additional discussion, Councilmember Sevier made a motion to release Mr. Davis' property to the City of McLendon Chisholm. Councilmember Russo seconded the motion. The motion passed by a vote of 5 ayes to 2 nays (Nielsen, Farris).

2. Discuss and consider Social Media - Web 2.0 Policy and take any action necessary.

City Manager Julie Couch began discussion of this item, indicating that staff has discussed this policy at length and believes it will evolve and change over time.

Finance Director Mary Smith, who oversees the IT Department, indicated that staff has evaluated social media policies from various government and business entities. She indicated that the goal of the city in implementing these policies is to get out as much information as possible in as timely a way and as effectively as possible.

Couch indicated that items being posted on Facebook or Twitter will be funneled through typical media approval avenues, such as a department director, the city's public information consultant and/or the Employee Public Information Review Team (EPIRT).

Councilmember Farris recommended the city consider also using (in addition to Facebook and Twitter) Word Press, Ping, Picasa and YouTube.

After additional discussion, Councilmember Farris made a motion to approve the Social Media, Web 2.0 Policy. Councilmember Russo seconded the motion. Russo expressed

general concern related to employees being allowed to list their place of employment as the "City of Rockwall" on social media sites. Couch indicated that this issue was discussed among directors, and staff decided to not make such restriction at this time.

Councilmember Scott expressed that he will not support approval of the policy this evening because he believes it is not yet complete and has concerns about some of the wording. He also indicated that he would like staff to provide a cost break down associated with staff working on efforts associated with utilizing social media sites.

Council generally indicated that they would like staff to provide a general overview of city efforts related to public information, including the venues for putting out information and what information is put out. Couch offered to provide such information to the Council to update them on citywide public information and communication efforts.

After lengthy discussion, the motion passed by a vote of 6 ayes to 1 nay (Russo).

3. Discuss and consider updates to revenue projections for the remaining months of fiscal year 2010 and take any action necessary.

Finance Director Mary Smith provided information on this item. She does not believe there will be a lot of revenue left over this year to add to the fund balance. Smith provided general information related to revenue projections from property tax collections, franchise fees, building permits, and construction fees. She indicated that business development and new subdivision fees are not going to meet budget projections. City Manager Couch indicated that next year's overall revenues are anticipated to drop. After additional discussion, the Council took no formal action related to this item.

4. Discuss and consider unsolicited newspaper and advertising mailers and the locations where they are delivered, and take any action necessary.

Councilmember Scott made a motion to table this item until the next council meeting. Mayor Cecil seconded the motion, which passed unanimously.

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

1. Departmental Reports
Quarterly Report from Rockwall County Committee on Aging
Police Department Monthly Report - February 2010
LRE Monthly Report - February 2010
Quarterly Report by Kaufman Area Rural Transportation (KART)
Harbor PD Monthly Report - February 2010
Recreation Monthly Report - February 2010
Internal Operations Department Monthly Report - February 2010
Fire Department Monthly Report - February 2010
Finance Department Monthly Report - February 2010
Building Inspections Monthly Report - February 2010
2. City Manager's Report

City Manager Couch provided a general update on the timing for construction of the at grade railroad crossing. Some general discussion took place related to the Lake Rockwall Estates (LRE) Monthly Report. Councilmember Russo made a comment that he would like to see a link to the Fit Cities Program placed on the city's website. General discussion took place related to Rockwall being considered a "film friendly city." Couch indicated that staff can have location photographs associated with the "film friendly city" program completed within 30-45 days.

Mayor Cecil adjourned the meeting at 9:28 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.


XII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council did not reconvene into Executive Session at the close of the public meeting. Therefore, no action was taken.

XIII. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 19th day of April, 2010.


William R. Cecil, Mayor

ATTEST:

Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, April 19, 2010

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 Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See the end-of-meeting Executive Session below for actions taken as a result of Executive Session.

IV. ADJOURNMENT

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 3rd day of May, 2010.**


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



MINUTES ROCKWALL CITY COUNCIL

Monday, April 19, 2010

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 Cecil, Mayor Pro Tem Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM SWEET

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

III. PROCLAMATIONS / AWARDS

1. Presentation to Rockwall County Library by Rockwall Youth Advisory Council

Members of the Youth Advisory Council presented a check to Marcine McCulley, Director of the Rockwall County Library, for \$315.00 to purchase 'green' books for the library. Ms. McCulley indicated that the money would allow about twenty books to be purchased.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the April 5, 2010 regular City Council meeting and take any action necessary.
2. Z2010-004 - Consider approval of an **ordinance** for a request by Jeremy Yee of CEI Engineering Associates for approval of a Specific Use Permit (SUP) to allow for a "retail store with gasoline product sales with more than 2 dispensers" within (PD-9) Planned Development No. 9 district, in association with a 7-Eleven proposed to be located on Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract situated at the southwest corner of Horizon Rd and Tubbs Rd, and take any action necessary. **(2nd Reading)**
3. P2010-004 - Discuss and consider a request by Mike Allen of Allen & Ridinger Consulting, Inc., for approval of a replat of Lot 5, Block 1, Horizon Village Addition, being 0.943-acre zoned (C) Commercial district and located at 750 W. Ralph Hall Parkway, and take any action necessary.
4. FF2010-002 - Discuss and consider a request from Teresa Ellerd for approval of a front yard fence on her property located at 308 Emma Jane, being Lot 40, Canup Subdivision, zoned (SF-7) Single Family Residential district, and take any action necessary.

Councilmember Scott pulled Consent Agenda item #2 for discussion. Mayor Pro Tem Sweet pulled item #3. Councilmember Farris pulled item #4 for discussion.

Mayor Cecil made a motion to approve the minutes from April 5, 2010 City Council meeting under Consent Agenda item #1. Councilmember Scott seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Scott indicated that he pulled this item because he will not be supporting it this evening. Councilmember Nielsen then made a motion to approve Consent Agenda item #2. The motion was seconded by Councilmember Farris. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 10-09**

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) TO ALLOW FOR A "RETAIL STORE WITH MORE THAN TWO GASOLINE DISPENSERS" WITHIN (PD-9) PLANNED DEVELOPMENT NO. 9 DISTRICT, ON A 0.9-ACRE TRACT OF LAND MORE SPECIFICALLY SHOWN 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.

The motion passed by a vote of 5 ayes to 2 nays (Scott, Sweet).

Regarding Consent Agenda item #3, Mayor Pro Tem Sweet indicated that he will not be supporting this item tonight. Councilmember Farris then made a motion to approve Consent Agenda #3. Councilmember Scott seconded the motion, which passed by a vote of 6 ayes to 1 against (Sweet).

Councilmember Sevier asked for clarification regarding if the applicant was supposed to obtain a fence permit before building the fence. After brief discussion, Mayor Cecil made a motion to approve Consent Agenda item #4. Councilmember Farris seconded the motion, which passed by a vote of 7 ayes to 0 nays.

V. APPOINTMENTS

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

Phillip Herbst of the Planning & Zoning Commission came forth and provided brief information on the Christian Brothers Automotive Public Hearing Item on tonight's Council agenda (Z2010-006). He indicated the P&Z recommended approval of this item by a vote of 3 ayes and 2 nays. The Council took no action related to this appointment item.

2. Appointment with members of the Rockwall Youth Advisory Council to hear report on their "Green Project" and other accomplishments and take any action necessary.

Binh Hoang, David Contreras and Kendall Johnson, members of the Youth Advisory Council (YAC) came forth and provided a report to Council regarding their activities for the 2009 – 2010 school year, including their “green” project. After brief commentary from various members of the city council, no action was taken related to this agenda item.

3. Appointment with Lewis Crain of Rutledge, Crain & Company to present the City's Comprehensive Annual Financial Report and take any action necessary.

Mr. Crain came forth and provided a brief report related to the City's Comprehensive Annual Financial Report, which was generally favorable. The Council took no action related to this item.

4. Appointment with John Robertson to hear concerns related to property maintenance and take any action necessary.

John W. Robertson
896 North Country Lane
Rockwall, TX

Mr. Robertson indicated that he owns another home at 509 Heath Street that has been for sale for quite some time now. He came forth and expressed various concerns to the City Council about the property located adjacent to his home at 505 Heath Street. After much discussion, the Council took no formal action related to this item.

VI. PUBLIC HEARING ITEMS

1. Z2010-006 - Hold a public hearing and consider approval of an ordinance for a request by Jonathan Hake of Cross Engineering Consultants for approval of a Specific Use Permit (SUP) to allow for “Automotive Repair, Minor” within (PD-9) Planned Development No. 9 District, specifically a Christian Brothers Automotive on part of Lot 1, Block A, Horizon Ridge Center Addition, being 0.63-acres and situated at the southeast corner of FM 3097 and Rockwall Parkway, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix offered brief background information on this item. He indicated that notices were sent out to property owners located within 200 feet of the proposed automotive center. As of today, four responses have been returned to the city in opposition of the automotive center. A $\frac{3}{4}$ majority vote of the Council is required tonight in order for this item to be approved. LaCroix then explained various special requirements recommended by staff and by the Planning & Zoning Commission. He further indicated that the P&Z recommended approval of this item by a vote of 3 ayes to 2 nays.

The applicant then came forth

Robert Van
1212 Corporate Drive
Irving, TX 75038

Mr. Andy Hovas
15995 North Barkers Landing

Houston, Texas 77079

Mr. Hovas, who is the owner of Christian Brothers Automotive, came forth and offered various comments related to the type of business Christian Brothers Automotive runs and the types of services offered by the facility.

Mayor Cecil then opened the public hearing on this item.

Bill Houser
4768 S. State Highway 205
Rockwall, TX 75032

Mr. Houser expressed concern because he believes this location site is the gateway to the hospital district. He does not believe this is an appropriate location for this business.

Robert Cohen
222 Elm Drive
Terrell, TX

Mr. Cohen came forth and indicated he is here representing the property owner who owns the piece of land that Christian Brothers is proposing to be built on. Mr. Cohen indicated that the owner previously tried to have an eye care center built on the property; however, it was not a viable option. Therefore, the property owner would like the Christian Brothers Automotive Center to be built there because there is demand for such facility at this location. He urged the Council to approve the automotive center at this location as proposed this evening.

Jim Cervine
P.O. Box 1295
Rockwall, TX 75087

Mr. Cervine indicated he has a real estate company called Gateway America Properties. He has worked on several retail sites that have come to Rockwall over the years, including CVS, Walgreens, Applebees, and Eckerd's. He believes this is a beneficial project and would work well at this location because it is located in a 'mixed use' area. In general, he urged the Council to approve the item this evening.

Roy Larsen
4772 Secret Cove Lane
Rockwall, TX

Mr. Larsen indicated that he is a neighbor to this proposed development. Mr. Larsen in general indicated that he believes continued development of medical related facilities in this area would be appropriate; however, he is not in favor of this type of development at this particular location.

Scott Asbury

Mr. Asbury indicated that he is the General Partner for the investment group that owns the medical office building located to the southeast of the proposed Christian Brothers site. He generally expressed concern about approval of the Christian Brothers

Automotive Center at this particular location. He is not in favor of this business at this location.

Pam Carlton
304 Cresthaven

Mr. Carlton came forth and expressed she feels this development does fit well at this particular site. She generally indicated that this automotive store would be an asset to those who work in the area and need to drop their vehicle off during the day for light repair work. She generally expressed that she is in favor of the development.

Bob Long
Trio Partners
507 Exposition Avenue
Dallas, TX

Mr. Long generally expressed that he is not in favor of this business going in at this location and urged the Council to deny the SUP request this evening.

Ken Sterling
444 Equestrian Drive
Rockwall, TX 75032

Mr. Sterling came forth and offered commentary related to various concerns he has regarding approval of this proposed business.

Gorman Warren
10211 W. Dublin
Forney, TX 75126

Mr. Warren came forth to represent the Presbyterian Hospital. He indicated that he would like the proposed site to develop as some sort of medical facility / business rather than an automotive type business.

Marlyn Roberts
315 Julian Drive
Rockwall, TX

Mr. Roberts came forth and generally expressed concern about a nine bay automotive service business located on a .6 acre piece of property. He generally expressed that it seems it would be quite crowded.

There being no one else to come forth and speak on this item, Mayor Cecil then closed the public hearing.

Mr. Hovas, owner of Christian Brothers Automotive, then came forth and offered additional, brief commentary related to his SUP request and related to some of the public comments expressed during the public hearing.

Council members Farris and Sevier asked some clarifying questions related to ownership of the various parcels of undeveloped land.

Mayor Pro Tem Sweet offered comments related to this SUP and generally expressed concern about Christian Brothers developing on this particular site. Sweet indicated that he will not be supporting approval of the SUP this evening because of the location.

Councilmember Scott expressed that he does not believe the 'highest and best use' of this particular property is to allow it to be developed as an automotive car repair center. He also expressed some general concerns about a nine bay building being constructed on a site that is just over .6 acres of land.

Councilmember Nielsen expressed that this piece of land has been on the market for over five years and has still not been purchased by a developer wishing to build a medical facility on the property. She generally expressed the belief that this type of auto repair center would be a good use of this property and believes it would offer a good service to those working in the area. She is in favor of this development at this site location.

Mayor Cecil generally expressed that this minor repair auto center does not fit well in this particular location, which is surrounded by medical facilities. Cecil indicated that he will have a difficult time approving this SUP tonight.

Councilmember Farris indicated that this piece of land has been sitting on the market for more than five years and no 'hospital use' type of developer has bought it in order to develop a medical center of some sort on this particular piece of property. Farris generally expressed that an auto repair center would be a viable use of this piece of land and would offer a convenience to those working in the area who would like to get their cars repaired while at work during the day.

Councilmember Scott then made a motion to deny the specific use permit. Mayor Pro Tem Sweet seconded the motion. After brief discussion, the motion to deny the SUP passed by a vote of 5 ayes to 2 nays (Nielsen, Farris).

2. FF2010-001 - Hold a public hearing and consider a request from Michael Pittman for approval of a front yard fence, including variances to the maximum height requirement of 42-inches (proposed 8-ft, or 96-inches) and materials requirements, on his property located at 300 Munson, being Lots 7 and 8, Block D, Eppstein Addition, zoned (SF-7) Single Family Residential district, and take any action necessary.

Councilmember Scott left the meeting at this point and was not present for this item. In addition, Councilmember Russo recused himself from this item and stepped out of the Council Chambers for the discussion and vote associated with this item. He did so because he resides within 200 feet of this property and believes voting on the item would present a conflict of interest.

Planning Director Robert LaCroix provided brief background information related to this item. He indicated that notices were sent out to all property owners located within 200 feet of the properties. Three responses were received back in opposition and one response was received back in favor of the request for the front yard fence.

The applicant, Michael Pittman who lives at 300 Munson Rockwall, Texas came forth to address the Council related to this item. Mr. Pittman indicated that the neighbor immediately next door, who would be most affected by this fence, has no problem with it being approved.

After additional, brief discussion, Mayor Cecil opened the public hearing. There being no one to come forth and speak, Mayor Cecil then closed the public hearing. Helena Litel, who lives across the street, came forth and expressed concern about the fence being 8 feet tall. She does not believe this would be very aesthetically pleasing. Mr. Pittman offered clarifying comments, explaining that the 8 foot fence already exists. He is simply requesting that the fence be moved over 6 feet so that the 6 feet of now 'wasted

Councilmember Nielsen made a motion to approve the request for the front yard fence including variances to the maximum height requirement and materials requirement. Councilmember Farris seconded the motion, which passed unanimously of those present (5 ayes, 1 absent (Scott), 1 recusal (Russo)).

VII. ACTION ITEMS

1. Discuss and consider unsolicited newspaper and advertising mailers and the locations where they are delivered, and take any action necessary.

Mayor Cecil made a motion to table Action item #1 until the next regular City Council meeting. Mayor Pro Tem Sweet seconded the motion, which passed by a vote of 5 ayes to 1 absent (Scott) and 1 councilmember not voting (Russo).

Mayor Cecil recessed the meeting into Executive Session at 8:23 p.m.

VIII. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council came out of Executive Session. Mayor Pro Tem Sweet made a motion to approve the purchase of the following parcels in the following amounts for right-of-way land acquisition on Airport Road:

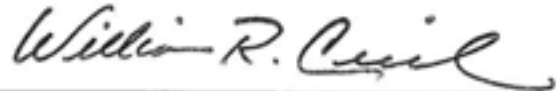
Parcel 9 in the amount of \$9,500
Parcel 25 in the amount of \$28,500
Parcel 26 in the amount of \$10,500
Parcel 27 in the amount of \$18,500
Parcel 28 in the amount of \$15,000
Parcel 29 in the amount of \$20,000
Parcel 33 in the amount of \$27,500
And Helen Junod's parcel of land in the amount of \$4,763.

The motion was seconded by Mayor Cecil, and it passed by a vote of 6 ayes with 1 absent (Scott).

X. ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 3rd day of May, 2010.



William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary

**MINUTES
ROCKWALL CITY COUNCIL
Monday, May 03, 2010
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 Cecil, Mayor Pro Tem David Sweet and Council Members David Sweet, Matt Scott, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and matters related to the Shores Golf Course lease.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Sweet made a motion to authorize termination of the contract related to the Shores Golf Course Lease and to move forward with taking any and all legal action allowable. Councilmember Scott seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Sweet made a motion to move forward with acquiring Parcel 11 and Parcel 12 at the appraised value for right-of-way acquisition on Airport Road. Councilmember Russo seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Sweet made a motion to appoint Mike Lucas to the Land Use Advisory Committee. Councilmember Scott seconded the motion, which passed by a vote of 7 ayes to 0 nays.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 17th day of May, 2010.

William R. Cecil, Mayor

ATTEST:

Kristy Ashberry, City Secretary

MINUTES ROCKWALL CITY COUNCIL

Monday, May 03, 2010
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 Cecil, Mayor Pro Tem David Sweet and Council Members David Sweet, Matt Scott, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SCOTT

Councilmember Scott delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Motorcycle Safety & Awareness Month

Mayor Cecil read and presented the proclamation for Motorcycle Safety & Awareness Month.

IV. OPEN FORUM

Mayor Cecil explained how Open Forum works and asked if there is anyone in the audience who would like to come forth and address the Council during this time. There being no one to come forth and speak, Mayor Cecil then closed the Open Forum portion of the meeting.

V. CONSENT AGENDA

1. Consider approval of the minutes from the April 19, 2010 regular City Council meeting and take any action necessary.
2. Consider approval of a resolution authorizing the City Manager to submit a grant application and accept grant funds through the Justice Assistance

Grant Program of the Governor's Criminal Justice Division and take any action necessary.

3. Consider an **ordinance** adopting the revision of the easterly school zone limit for the Williams Middle School on FM-552 and take any action necessary.

4. Consider award of the construction contract for the Squabble Creek Wastewater Force Main, Section 3, and take any action necessary.

Councilmember Sevier pulled item #2 for further discussion.

Councilmember Farris made a motion to approve the remaining Consent Agenda items (#1, 3 and 4).

Mayor Pro Tem Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI, OPERATION, DIVISION 6, SPEED, SEC. 16-202, SCHOOL ZONES, BY ALTERING THE LIMITS OF A SCHOOL ZONE, ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, SECTION 545.356, UPON FM-552, WEST OF JOHN KING BLVD., WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously.

Councilmember Sevier made a motion to approve Consent Agenda item #2. Councilmember Farris seconded the motion, which passed unanimously.

VI. APPOINTMENTS

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

Michael Hunter, Chairman of the Planning & Zoning Commission came forth and offered comments related to the recommendations of the P&Z Commission regarding items on tonight's Council agenda.

2. Appointment with Rockwall Fire Department and Rockwall County Committee on Aging regarding 2009 Assistance to Firefighters Fire Protection & Safety Grant and take any action necessary.

Margie Verhagen from the Rockwall County Committee on Aging came forth and indicated that she, in conjunction with the Rockwall Fire Department, applied for and received \$150,000 in grant funding through the Federal Emergency Management Agency's (FEMA) Assistance to Firefighters Grant Program. Verhagen indicated that this grant will benefit seniors throughout Rockwall County.

145
146 Ariana Hargrove, Fire Marshal, came forth and indicated that the RFD partnered with a
147 local non-profit agency because doing so allowed for there to be no matching
148 requirement associated with the grant funding. Hargrove then briefed the Council on the
149 details of the grant, including the estimated number of seniors who will be helped
150 through this grant. Hargrove indicated that the equipment that will be purchased
151 through the grant will, in part, benefit the hearing and vision impaired residents in the
152 county. Those residents who are currently enrolled in the Meals on Wheels Program will
153 be the first eligible to receive the \$350 emergency notification kits being made available
154 through this grant.

155 Fire Chief Mark Poindexter came forth and offered additional comments related to the
156 grant, indicating that all of the neighboring fire departments within Rockwall County are
157 on board with helping install these grant funded emergency kits in the homes of disabled
158 seniors who live throughout Rockwall County and within each of their communities.

159 After additional, brief comments, the Council took no formal action related to this item.

- 160 3. Appointment with Connie Cannady to discuss Charter Communications
161 Franchise Transition, and take any action necessary.

162 Councilmember Scott excused himself from the meeting at this point and was not
163 present for this discussion.

164 City Manager Julie Couch began discussion of this item, indicating that in January
165 2005 the state legislature enacted a statute (SB 5) eliminating the local franchising
166 process and authorizing a state-issued certificate of franchise authority for cable and
167 video providers. Once our existing local franchise agreement with Charter
168 Communications expires, the new legislative requirements will be incorporated moving
169 forward, and the city will no longer have the ability to enforce certain provisions
170 currently provided for in the current local franchise agreement. Couch explained that the
171 city will be working with consultant Connie Cannady to help the city work through the
172 upcoming transition to the new state -held certificate of franchise. Couch indicated that
173 the existing local agreement with Charter will expire in November 2011.
174

175 Ms. Cannady then came forth to brief the Council on some of the new requirements
176 associated with the new legislation and what the city may be able to expect. She also
177 explained some of the ways in which she will assist the city with this transition.
178

179 After lengthy discussion, the Council took no formal action related to this item.
180

- 181 4. Appointment with Mike Pittman of OutdoorThemeScapes to discuss
182 amending the City's Sign Ordinance and take any action necessary.

183
184 Mike Pittman, Jr.
185 401 South Clark
186 Rockwall, TX
187

188 Mr. Pittman came forth and explained the nature of the signs that his company
189 manufactures. He indicated that Code Enforcement has picked up and required Mr.
190 Pittman to remove his sign covers at various locations throughout the city because they
191 do not meet the material requirements under the city's current sign ordinance.

Director of Code Enforcement Jeffrey Widmer then offered background information on this item and explained the nature of Mr. Pittman's request to amend the sign ordinance to allow the type of material he uses on his signs to be allowed under the city's regulations.

Councilmember Nielsen expressed that she would like to consider allowing temporary sign covers but would like the staff to evaluate this possibility and bring back some recommendations for the Council to review and consider at a future meeting.

Councilmember Russo asked what the life expectancy is of this type of sign material. Mr. Pittman expressed that the manufacturer of the sign material guarantees the material for a period of about 5 years.

Councilmember Nielsen made a motion to direct staff to come back with a recommendation related to possibly allowing temporary signs made of this sign material. Councilmember Russo seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

VII. SITE PLANS / PLATS

1. P2010-005 - Discuss and consider a request by John Wardell for approval of a final plat for Renfro Creekside Estates, being two (2) lots on 1.43-acres zoned (SF-7) Single Family Residential district located at 606 Renfro Street and currently described as Tract 6, Abstract 29, R. Ballard Survey, and take any action necessary.

Councilmember Scott returned to the meeting at this point and was present for the remainder of the items discussed.

Planning Director Robert LaCroix provided brief background information on this item, explaining that Mr. Wardell would like to replat this area into two lots rather than three lots. LaCroix explained that it does meet all the requirements under the SF-7 Zoning District. Mr. Wardell will need a waiver for street and sidewalk improvements, and if the Council approves this item, it will also be agreeing to those waivers. LaCroix further indicated that the P&Z recommended approval of this item by a vote of 7 to 0.

Mr. Wardell
880 Ivy Lane
Rockwall, TX

Mr. Wardell came forth and explained that he owns the entire three acre tract.

Councilmember Farris made a motion to approve the item as presented. Mayor Pro Tem Sweet seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. P2010-006 - Discuss and consider a request by Dub Douphrate of Douphrate & Associates, Inc., for approval of a final plat for Conover Addition, being two (2) lots on 5.62-acres zoned (SF-E/2.0) Single Family Estate district located at 421 Wallace Lane and currently described as

Tract 8-6, Abstract 80, W. W. Ford Survey, and take any action necessary.

Planning & Zoning Director Robert LaCroix provided brief background information on this item, explaining that the owner of this property would like her daughter to be able to build an additional home on this tract of land. If the Council approves this item, it would also be approving waivers to the sidewalk and street improvement requirements. P&Z recommended approval of this item by a vote of 7 to 0.

Councilmember Scott made a motion to approve P2010-006. Councilmember Sevier seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. SP2010-005 - Discuss and consider a request by Michael Powell of BMA Architects for approval of a) an exception to the building articulation requirements specified in Section 4.1, Article V, District Development Standards, of the Unified Development Code, and b) an exception to the masonry screening requirements specified in Section 5.8, Article VIII, Landscape Standards, of the Unified Development Code, in association with an administrative site plan application for the First Baptist Church Rockwall Youth Building, located on Lot 2, Block 1, Goliad Place Addition, being 1.92-acres zoned (GR) General Retail district, and take any action necessary.

Planning Director Robert LaCroix offered background information related to this item, indicating that this location is the old "Goliad Place" shopping center and that the First Baptist Church has since built a parking lot on a portion of this land. They would now like to construct a youth activities center on this property. LaCroix indicated that the P&Z Commission recommended approval of the exception to the articulation standard but recommended that an 8 foot board on board cedar fence with masonry columns at 45 foot centers be constructed for screening and that this fence should replace the existing screening fence.

Councilmember Scott asked if there are any notices required to be sent out to neighbors near this location. LaCroix indicated that there is no such requirement.

Mr. Powell came forth and expressed that he is representing the church as the architect on this project. He explained that the church would like the council to consider allowing the church to keep the existing screening fence in place and not require that they construct a new board on board fence with masonry columns.

Don French
3079 N. Goliad
Rockwall

Mr. French explained that he is the business manager at the church and indicated that the church has always and will continue to maintain the existing fence. Mr. French explained that this requirement will be cost prohibitive, especially with the suggested 45 foot masonry requirement. Mr. French indicated that he would rather the Council allow the church to install a vegetation screen in lieu of the suggested alternative board on board fence with masonry columns every 45 feet.

Councilmember Nielsen made a motion to approve the request as presented, leaving the existing fence, but requiring that vegetation be planted along the fence line and that landscaping that the church has already been required to install along SH-205 be completed as well. Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

VIII. ACTION ITEMS

1. Discuss and consider standing water on roadways at various locations within the city and take any action necessary.

Councilmember Scott indicated that he placed this item on the Council agenda because he is concerned about some areas in the city where standing water may lead to a road hazard, such as an area icing over during freezing temperatures. Scott indicated that one particular area of concern is located southbound on Ridge Road as you approach the railroad crossing. City Manager Julie Couch explained that the area Scott is speaking about is a state roadway and that TXDOT is not willing to fix the problem but will give the city a permit to fix it if the city wants to pay for and do the work.

Councilmember Scott made a motion to direct staff to move forward with the repair work necessary to fix the drainage problem on Ridge Road as a driver approaches the train tracks, utilizing existing bond drainage funding to do so. Councilmember Sevier seconded the motion. Sevier then expressed some concern about poor drainage on the road in front of Culvers Restaurant. City Engineer Chuck Todd indicated that some man hole work recently took place in front of Culvers that should help alleviate some of the drainage problems on that particular portion of the roadway.

Couch indicated that this sort of 'seepage' problem exists at numerous locations throughout the city. She also indicated that leftover bond drainage funds are also limited, so the city will not be financially able to address all of the areas throughout the city where this type of problem occurs.

Councilmember Russo asked staff to evaluate possible grant funding that might be available through the Texas Department of Community Affairs (TDCA) to help with the cost of making this repair.

After additional brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider approval of an ordinance amending the Code of Ordinances in Chapter 5 "Animals," Section 5-11 "Bites by Animals" to include additional provisions related to quarantine of animals and take any action necessary.

Director of Animal Services Jeffrey Widmer provided brief background information on this item. He explained that he would like the Council to consider additional provisions requiring that the animal be current on its rabies vaccination and that it be up-to-date on its city registration before it is allowed to be quarantined within the owner's home.

Councilmember Sevier made a motion to accept the ordinance as written. Councilmember Farris seconded the motion. Councilmember Nielsen asked if any of the reported animal bites last year were rabid. Widmer expressed that he does not believe any of them came back as positive for rabies. Councilmember Nielsen asked if Sevier and Farris would be willing to amend their motion to delete from the ordinance the

requirement that the animal be current on its city registration in order to be home quarantined. She further asked that the motion and ordinance be amended to allow the owner 72 hours to register the animal with the city after home quarantine. Councilmember Sevier and Farris amended their motion and second to reflect the changes to the ordinance requested by Nielsen. The ordinance was read as follows:

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

3. Discuss and consider amending the city's Harbor Rental Policy and take any action necessary.

Parks Director Brad Griggs provided brief background information on this item, indicating that staff is bringing forth recommendations related to Harbor rental fees associated with renting the facility to civic groups. Griggs explained that direct costs such as generators and portable restrooms would not be proposed to be waived as a general rule; however, he explained, they could be waived in certain instances if the Council desired to do so. The rental fee is the portion of the fees that staff is proposing to lower and/or waive for certain civic groups that contribute to the Rockwall community.

Councilmember Farris expressed a desire for the Council to be able to waive all fees associated with a particular event if the event is anticipated to have a large, positive economic affect based on the number of people it will draw into the city to book hotel rooms, eat in restaurants and spend money in the city.

After additional, lengthy discussion, Councilmember Farris made a motion to approve this item as presented by staff. Councilmember Sevier seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

1. Departmental Reports
 - Finance Department Monthly Report - March 2010
 - Building Inspections Monthly Report - March 2010
 - Fire Department Monthly Report - March 2010
 - Internal Operations Department Monthly Report - March 2010
 - Police Department Monthly Report - March 2010
 - Recreation Monthly Report - March 2010
 - Harbor Monthly PD Report - March 2010

2. City Manager's Report

City Manager Couch provided brief comments related to upcoming grand opening events for Tom Thumb and for the new phase of the John King Boulevard.

Fire Chief Mark Poindexter then came forth to brief the Council on the TX Forest Service Grant the RFD was awarded. He indicated that the \$120,000 fire truck will arrive soon and that this grant was a 90% grant with 10% local matching funds required.

The Council took no action related to the City Manager and Staff Reports.

386 Mayor Cecil adjourned the meeting at 8:58 p.m. The Council did not convene in Executive
387 Session at the close of the public meeting.
388

389 X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
390 GOVERNMENT CODE TO DISCUSS:
391

- 392 1. Deliberation regarding the purchase, exchange, lease, or value of real
393 property.
394 2. Personnel Issues, including Board, Commission, and Committee
395 Appointments, and Related Matters.
396 3. Commercial or financial information regarding business prospects that the
397 City seeks to have locate, stay, or expand in or near the territory of the
398 City of Rockwall and with which the Board is conducting economic
399 development negotiations.
400 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
401 with attorney with regard to a matter that it is the duty of the attorney to
402 consult with the Council pursuant to the Attorney Client Privilege under
403 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
404 Texas and matters related to the Shores Golf Course lease.
405

406 XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
407

408 The Council did not convene in Executive Session at the close of the public meeting.
409 See notes at the start of the minutes for actions taken as a result of the pre-meeting
410 Executive Session.
411

412 XII. ADJOURNMENT
413

414 The meeting was adjourned at 8:58 p.m.
415

416 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
417 this 17th day of May, 2010.

418 
419 William R. Cecil, Mayor

420 ATTEST:

421 
422 Kristy Ashberry, City Secretary
423



MINUTES
ROCKWALL CITY COUNCIL
Monday, May 17, 2010
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 Cecil, Mayor Pro Tem Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and matters related to The Shores Golf Course lease.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

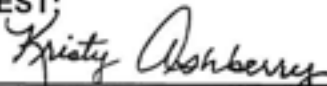
See notes below at the start of the public meeting for actions taken as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 7th day of June, 2010.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary

MINUTES



ROCKWALL CITY COUNCIL
Monday, May 17, 2010
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 6:02 p.m. Present were Mayor Cecil, Mayor Pro Tem Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

Mayor Pro Tem Sweet made a motion to reappoint Larry Parks to the North Texas Municipal Water District Board. Councilmember Farris seconded the motion, which passed unanimously.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

Councilmember Nielsen delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Safe Boating Week

Mayor Cecil read and presented the proclamation to members of the U.S. Coast Guard Auxiliary.

IV. CONSENT AGENDA

- 1.** Consider approval of the minutes from the May 03, 2010 regular City Council meeting and take any action necessary.
- 2.** Consider approval of a resolution authorizing the abandonment of unnecessary easements on the Sonoma Court development and take any action necessary.
- 3.** Consider approval of a resolution canvassing the returns and declaring the results of the General Municipal Election held May 8, 2010 for the purpose of electing council members for Places 2, 4 and 6, each for a two year term, and take any action necessary.
- 4.** Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 5 "Animals," Section 5-11 "Bites by Animals" to include additional provisions related to quarantine of animals and take any action necessary. **(2nd reading)**
- 5.** Consider approval of an **ordinance** adopting the revision of the easterly school zone limit for the Williams Middle School on FM-552 and take any action necessary. **(2nd reading)**
- 6.** Consider approval of a tower lease agreement with Clearwire for co-location on the City's water tower and take any action necessary.

- 94 7. P2010-007 - Discuss and consider a request by Stephen Crawford of
95 Halff Associates for approval of a final plat of Lots 1 and 2, Block A,
96 Rockwall County Courthouse Addition, including a credit of the Roadway
97 Impact Fees, being 20.7-acres zoned (C) Commercial district and situated
98 along the north side of IH-30, west side of Townsend Drive and south
99 side of Yellowjacket Lane, and take any action necessary.

100 Mayor Cecil made a motion to approve the entire Consent Agenda (#s 1-7).
101 Councilmember Farris seconded the motion. The ordinances were read as follows:

102 CITY OF ROCKWALL

103 ORDINANCE NO. 10 - 10

104
105 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
106 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN
107 CHAPTER 5 ANIMALS IN SECTIONS 5-11 BITES BY ANIMALS;
108 PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM
109 OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A
110 SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.
111

112 CITY OF ROCKWALL, TEXAS

113 ORDINANCE NO. 10-11

114
115 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
116 ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES,
117 ARTICLE VI, OPERATION, DIVISION 6, SPEED, SEC. 16-202,
118 SCHOOL ZONES, BY ALTERING THE LIMITS OF A SCHOOL ZONE,
119 ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE
120 TRANSPORTATION CODE, SECTION 545.356, UPON FM-552, WEST OF
121 JOHN KING BLVD., WITHIN THE CORPORATE LIMITS OF THE CITY
122 OF ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT
123 TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200);
124 PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE
125 DATE.
126

127 The motion passed unanimously.
128

129 V. APPOINTMENTS

- 130
131 1. Appointment with the Planning and Zoning Chairman to discuss and
132 answer any questions regarding cases on the agenda and related issues
133 and take any action necessary.

134 Planning and Zoning Commission Chairman, Michael Hunter, came forth and indicated
135 that the P&Z Commission voted unanimously to recommend approval of the one public
136 hearing item on tonight's Council agenda (Z2010-007). The Council took no formal action
137 related to this agenda item.

- 138
139 2. Appointment with Stephen Straughan of the Rockwall County Boys &
140 Girls Club to consider request to waive rental fees at The Harbor for an
141 event to be held on June 12, 2010 and take any action necessary.
142

Stephen Straughan
5802 Constellation Circle
Rockwall, Texas

Mr. Straughan came forth and explained the nature of his request on behalf of the Boys and Girls Club. He requested from the Council that the Harbor hourly rate rental fee be waived entirely for this event. Straughan indicated that he anticipates the event will draw about 1,000 people with an estimated 20 percent coming in from out of town locations such as Dallas. Straughan indicated that this event is expected to last for about 8 hours, including the time required to set up and clean up afterwards. The fee is \$100 / hour, which would result in about an \$800 cost to the Boys and Girls Club if the council does not waive the hourly rate fee.

Councilmember Nielsen made a motion to approve the request to waive the hourly rate rental fee. Councilmember Scott seconded the motion. It was clarified that only the rental fees are being waived and that all other costs would remain applicable. Councilmember Farris asked if Straughan would please attempt to get some statistical information regarding the number of attendees coming to the event and reserving hotel rooms for the evening. Straughan agreed that he would try to do so. After brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

3. Appointment with Mark Spencer with MHS Planning and Design to discuss and consider adoption of the Parks, Recreation and Open Space Master Plan, and take any action necessary.

Parks Director Brad Griggs indicated that this is an update to the 2002 Master Plan and that the current Park Board has recommended approval of the plan being presented to Council this evening by a unanimous vote. Griggs explained that this plan is based on public input as well as input from staff, park board members and council members.

Mr. Spencer came forth to address the Council on this item. He indicated that staff and council priorities and preferences have been incorporated into this master plan as appropriate. He then provided an overview of completed parks related projects as well as details of the proposed Parks, Recreation and Open Space Master Plan for council consideration. General discussion took place related to organized sports/athletic facilities for both youth and adults and lack of these types of facilities within the city.

During Mr. Spencer's presentation, Mayor Cecil pointed out the percentages of those in the citizen survey who indicated that, in addition to parks and trails, they also have a large interest in and/or would be supportive of the arts and performing arts facilities in Rockwall. Mayor Cecil also inquired about the rationale for not prioritizing the Dalton Road Park higher on the parks implementation priority list. Mr. Spencer generally indicated that all of the parks are important and are large priorities but that the way the priorities are listed is based on the majority of the input received from everyone as a whole. Mayor Cecil generally indicated that he believes all of the desired priorities could be fulfilled through implementation of the Dalton Road Park.

After additional discussion, Councilmember Farris requested that the city's commitment to 'going green' be incorporated in some way into the proposed plan. He also requested that 'handicap' friendly language be incorporated into the plan so that residents know

that the city abides by these accessibility regulations and is committed to providing handicap friendly parks and recreation facilities.

Mayor Pro Tem Sweet made a motion to approve the proposed plan. Councilmember Sevier seconded the motion, which passed by a vote of 6 ayes to 1 nay (Cecil).

VI. PUBLIC HEARING ITEMS

1. Z2010-007 - Hold a public hearing and consider approval of an ordinance for a request by Bennett Ratliff of The Ratliff Group, LLC, to amend the existing Specific Use Permit (i.e. Ordinance No. 07-26) allowing for a "Motor Vehicle Dealership" on a 8.686-acre tract zoned Commercial (C) District and located along the south side of IH-30 east of Commerce St and west of John King Blvd, specifically to extend the expiration date of the SUP, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided brief background information related to this item, indicating that this item concerns a proposed Honda dealership. LaCroix indicated that a 'dealer protest' was filed, which triggered a process that has delayed this project. Mr. Bennett is therefore asking for an extension of the SUP to allow the applicant additional time. LaCroix indicated that this dealership is anticipated to be built as a green, "LEAD" facility. Notices were sent out to 6 property owners within the area, but none were received back by staff at this time.

Mayor Cecil then called upon the applicant to come forth and speak before the Council.

Bennett Ratliff of the Ratliff Group out of Coppell, Texas then came forth to address the Council. Mr. Ratliff indicated that a neighboring car dealership protested construction and development of this proposed Honda dealership, which has resulted in delay of this project. He further indicated that he is requesting extension of this SUP to allow time for the proposed dealership to work out the ongoing dispute with the neighboring car dealership that filed the protest.

General discussion took place related to the amount of time that the Council might consider granting for extension of the SUP. It was indicated that the applicant is requesting a three year extension.

After general discussion, Mayor Cecil opened the Public Hearing. There being no one to come forth and speak on this item, Mayor Cecil then closed the public hearing.

Councilmember Farris made a motion to approve Z2010-007, granting an extension for a period of 3 years. Councilmember Nielsen seconded the motion. After brief discussion, the ordinance was read as follows:

CITY OF ROCKWALL ORDINANCE NO. 10-

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 AMEND THE SPECIFIC USE PERMIT

APPROVED VIA ORDINANCE NO. 07-26, ALLOWING FOR A "MOTOR VEHICLE DEALERSHIP, NEW" ON AN 8.686-ACRE TRACT OF LAND KNOWN AS TRACT 3-1 OF ABSTRACT 2, J.M. ALLEN SURVEY AND ABSTRACT 134, J. LOCKHART SURVEY, 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.

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

VII. ACTION ITEMS

1. Discuss and consider scheduling an upcoming City Council work session(s) and take any action necessary.

Mayor Cecil moved item # 1 below item #4 and addressed numbers 2, 3 and 4 first.

Couch began discussion of this item. It was tentatively decided that the June 21 City Council meeting date would be selected for a work session with the Council and that the Council would begin the work session at noon.

The Council took no formal action related to this item.

2. Discuss and consider approval of a resolution authorizing the release of a portion of the City of Rockwall's extraterritorial jurisdiction (ETJ) to the City of McLendon Chisholm and authorizing the Mayor to enter into an amended boundary adjustment agreement with McLendon Chisholm and take any action necessary.

City Manager Couch provided very brief background information related to this item. Couch indicated that once the Rockwall City Council passes this resolution and associated agreement, it will then need to go before the McLendon Chisholm City Council for consideration.

Councilmember Sevier made a motion to approve the resolution which includes the amended ETJ boundary agreement. Mayor Pro Tem Sweet seconded the motion. Councilmember Farris asked if any land was swapped with McLendon Chisholm to make up for the acres of land being given up by the City of Rockwall in this transaction. Couch indicated that the direction from the City Council last time was that staff should move forward with releasing this land to the City of McLendon Chisholm. Farris indicated that he will not support the motion because he believes additional negotiations should have taken place with McLendon Chisholm as related to a possible land swap.

The motion passed by a vote of 6 ayes to 1 nay (Farris).

3. Discuss and consider approval of an ordinance amending Chapter 15, Article XI of the Code of Ordinances in Section 15-234 "Sign Standards," Subsection B, "Functional Standards" to add provisions for sign covers and take any action necessary. (1st reading)

Director over Code Enforcement and Building Inspections, Jeffrey Widmer, began discussion of this item, indicating that this ordinance would allow for use of this type of sign cover on temporary realtor signs located 'on premise' only.

Mayor Pro Tem Sweet indicated that he is concerned about the ordinance as it is being presented this evening. Couch indicated that a trial period of six months is incorporated into the ordinance to allow for the council to review it at that time to evaluate whether or not to keep the provisions of the ordinance in place or to revoke them.

Mayor Cecil made a motion to disapprove (deny) the ordinance being presented this evening. Councilmember Farris seconded the motion, which passed unanimously by a vote of 7 ayes to 0 nays.

4. Discuss and consider changes to the Youth Advisory Council program and take any action necessary.

Councilmember Farris began discussion of this item. He recounted that the Rockwall City Council previously made a decision to only financially support the YAC program for those students actually living within the corporate city limits of Rockwall. Farris indicated that he has spoken with Mayor John Ratcliff in the City of Heath and has left a message for Mayor John Harper with the City of Rowlett. He would like to see if those cities would be willing to fund high school students living in Heath or Rowlett who would like to participate in the City of Rockwall YAC Program. Farris would like permission from the Council to see if those cities will be willing to fund the program for kids living in their cities. Farris also asked Kristy Ashberry, City Secretary, to evaluate the estimated cost that will be associated with sending YAC students to the annual summit in Austin next year.

Councilmember Scott indicated that the additional funding being requested from Farris needs to be evaluated during the regular budget process. However, he does support Farris engaging in discussions with neighboring Mayors regarding students living in their cities participating in our program.

Mayor Pro Tem Sweet indicated that he supports Farris approaching the neighboring Mayors regarding possible funding of students living in their city yet wanting to participate in our city's program.

Mayor Pro Tem Sweet made a motion to grant Farris permission to approach the Mayors of McLendon Chisholm, Fate, Rowlett and Heath so see if they would be willing to financially support students living in their city who attend RISD schools and may be interested in participating in our city's YAC Program. Councilmember Russo seconded the motion, which passed unanimously.

The Council adjourned the public meeting into Executive Session at 8:10 p.m.

VIII. 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.

- 347 2. Personnel Issues, including Board, Commission, and Committee
348 Appointments, and Related Matters.
- 349 3. Commercial or financial information regarding business prospects that the
350 City seeks to have locate, stay, or expand in or near the territory of the
351 City of Rockwall and with which the Board is conducting economic
352 development negotiations.
- 353 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
354 with attorney with regard to a matter that it is the duty of the attorney to
355 consult with the Council pursuant to the Attorney Client Privilege under
356 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
357 Texas and matters related to The Shores Golf Course lease.

358
359 IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
360

361 No action was taken as a result of the end-of-meeting Executive Session.
362

363 X. ADJOURNMENT
364

365 The meeting was adjourned at 9:15 p.m.
366

367 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
368 this 7th day of June, 2010.

369 
370 William R. Cecil, Mayor

371 ATTEST:

372 
373 Kristy Ashberry, City Secretary
374



MINUTES
ROCKWALL CITY COUNCIL
Thursday, May 27, 2010
5:00 p.m. Special Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 5:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem David Sweet, and council members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the meeting into Executive Session.

II. EXECUTIVE SESSION

1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.087 AND 551.071 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- a. 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.
- b. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council reconvened the public meeting at 5:45 p.m. and took no action as a result of Executive Session.

IV. ACTION ITEMS

- 1. Discuss status of PD-32 planning and take any action necessary.

After brief, general discussion, Mayor Pro Tem Sweet made a motion to direct staff to proceed with the process to amend PD-32 to include consideration of the form based code and concept plan. Councilmember Scott seconded the motion, which passed unanimously (7 ayes to 0 nays).

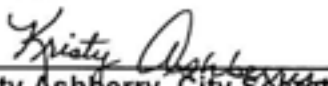
V. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
TEXAS, this 7th day of June, 2010.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL

Monday, June 07, 2010

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 Cecil, Mayor Pro Tem Sweet and Council Members Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Matt Scott was absent. Mayor Cecil immediately recessed the public 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 including selection of Mayor Pro Tem.
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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and regarding 212 annexation agreements.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


See end-of-meeting notes for actions taken as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 21st day of June, 2010.


William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, June 07, 2010
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 6:02 p.m. Present were Mayor Cecil, Mayor Pro Tem Sweet and Council Members Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Matt Scott was absent for the first portion of the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR CECIL

Mayor Cecil delivered the invocation and led the Pledge of Allegiance.

III. SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS

Chief Justice Carolyn Wright administered the Oath of Office to Councilmembers Mark Russo and Cliff Sevier. Municipal Court Judge Cathy Penn administered the Oath of Office to Councilmember Margo Nielsen.

IV. SELECTION OF MAYOR PRO TEM

Mayor Cecil indicated that the Council would discuss this item further during the end-of-meeting Executive Session. No action was taken pertaining to this item at this time.

V. PROCLAMATIONS / AWARDS

1. Beyond the Horizon Distinguished Citizen Award

Mayor Cecil called Marilyn Mock forward to present and award and proclamation to her. Ms. Mock offered brief comments related to The Angel Foundation, a non-profit group that she formed to help people throughout the United States keep their homes when they are in a bind and need a little financial help to avoid foreclosure. Mayor Cecil then presented Mrs. Mock with a small, eagle statue and a proclamation to recognize her for helping those in need.

VI. OPEN FORUM

Mayor Cecil explained how Open Forum works and then asked if anyone would like to come forth and address the Council during this portion of the meeting.

**Bob Soukup
Panama Solar Technologies**

Mr. Soukup came forth and provided a brief update on the cost savings experienced by a recent solar panel installation on a structure located in Rockwall.

There being no one else to come forth and address the Council, Mayor Cecil then closed the Open Forum.

VII. CONSENT AGENDA

1. Consider approval of the minutes from the May 17, 2010 regular City Council meeting and take any action necessary.
2. Consider approval of the minutes from the May 27, 2010 special City Council meeting and take any action necessary.
3. Consider a resolution authorizing continued participation with the Steering Committee of Cities Served by Oncor Electric Delivery and take any action necessary.
4. Consider approval of an **ordinance** for the proposed speed limit for FM-3097, from FM-740 to FM-549 and take any action necessary. **(1st reading)**
5. Consider the purchase of a Solar Bee mixing system for the North Country Lane Elevated Water Tower and take any action necessary.
6. Z2010-007 - Consider approval of an **ordinance** for a request by Bennett Ratliff of The Ratliff Group, LLC, to amend the existing Specific Use Permit (i.e. Ordinance No. 07-26) allowing for a "Motor Vehicle Dealership" on a 8.686-acre tract zoned Commercial (C) District and located along the south side of IH-30 east of Commerce St and west of John King Blvd, specifically to extend the expiration date of the SUP, and take any action necessary. **(2nd Reading)**
7. Consider awarding a bid to Vaisala, Inc. for installation of an Automated Weather Observation System at the Rockwall Municipal Airport and take any action necessary.
8. Consider authorizing the City Manager to execute a utility easement with Oncor Electric for power to the railroad crossing signal on John King Boulevard and take any action necessary.

Councilmember Farris made a motion to approve the entire Consent Agenda (#s 1- 8). Mayor Pro Tem Sweet seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. _____

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 FM-3097, FM-740 (RIDGE ROAD) TO FM-549, 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.

CITY OF ROCKWALL

ORDINANCE NO. 10-12

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 AMEND THE SPECIFIC USE PERMIT APPROVED VIA ORDINANCE NO. 07-26, ALLOWING FOR A "MOTOR VEHICLE DEALERSHIP, NEW" ON AN 8.686-ACRE TRACT OF LAND KNOWN AS TRACT 3-1 OF ABSTRACT 2, J.M. ALLEN SURVEY AND ABSTRACT 134, J. LOCKHART SURVEY, 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.

The motion passed by a vote of 6 ayes with 1 absent (Scott).

VIII. APPOINTMENTS

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

The chairman was not present to address council. No action was taken by Council related to this item.

2. Appointment with Tony Woods regarding the World's Largest Community Workout, and take any action necessary.

Councilmember Scott joined the meeting at this point.

Mr. Tony Woods came forth and explained that he is a certified fitness trainer and became concerned about the State of Texas having five of the 'fattest' cities in the nation.

In the past, about 2,700 people showed up for a community workout, which set an unofficial record. He would now like to hold a community workout at The Harbor with a goal of drawing 3,000 - 5,000 participants in order to set a record in the Guinness Book of World Records. Eclipse Fitness and the city's Parks & Rec Department are willing to partner with Mr. Woods to help achieve this goal on Saturday, October 2, 2010.

A representative there with Mr. Woods stated that the budget for the event is \$20,000, and they are asking the City of Rockwall to participate in helping with this funding amount by contributing \$5,000. He will also be asking the city to help with some city services. A rainout day is scheduled for October 16 in case October 2nd has bad weather.

Parks Director Brad Griggs indicated that the city has located funding in the budget and believes that the City of Rockwall can contribute the \$5,000 being requested for this event.

Councilmember Scott and Mayor Pro Tem Sweet generally expressed some concern about contributing the \$5,000 for the event.

Councilmember Nielsen generally expressed support for this item. Nielsen then made a motion to (1) approve the allocation of \$5,000 plus (2) authorize staff-related expenses associated with the event, (3) stipulate that the City of Rockwall be made a Gold sponsor and (4) that the \$5,000 be returned to the City if enough sponsorship money is raised to allow them to do so. Mayor Cecil seconded the motion, which failed by a vote of 2 ayes to 5 nays (Sweet, Scott, Russo, Sevier and Farris).

Councilmember Farris then made a motion to instruct the City Manager to place this item back on the City Council agenda in two weeks for a subsequent discussion on June 21, 2010. Mayor Pro Tem Sweet seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. ACTION ITEMS

1. MIS2010-001 - Discuss and consider a request by Maria Rico for approval of a special exception request within (PD-75) Planned Development No. 75, specifically to allow for the reconstruction of a carport structure that does not meet the setback requirements on her property at 212 Valerie, being Lots 823 and 824, Rockwall Lakes Estates #2 Addition, and take any action necessary.

Planning Director Robert LaCroix began discussion of this item, stating that the previous carport collapsed and that the applicant is now requesting to build a new carport in its place. The city's current set back requirements warrant a special exception in this case in order for Ms. Rico to move forward with building this replacement carport. LaCroix indicated that if the Council approves this special exception, the applicant will need to obtain a building permit and adhere to the stated setback requirements.

Carlos Rico, Maria Rico's son, was present to translate on behalf of his mother, the applicant.

Mayor Pro Tem Sweet made a motion to approve MIS2010-001. Councilmember Russo seconded the motion, which passed unanimously (7 ayes to 0 nays).

2. Discuss and consider initiating annexation procedures for four (4) areas within the City's current Extraterritorial Jurisdiction (ETJ) and contiguous to the existing City of Rockwall city limits line, and take any action necessary.

Planning Director Robert LaCroix offered background information on this item and explained what the process will be moving forward if the Council chooses to move forward

Councilmember Nielsen made a motion to direct staff to begin annexation procedures to move forward with bringing these four areas into the city. Councilmember Sevier seconded the motion, which passed unanimously (7 ayes to 0 nays).

3. Discuss and consider forming a citizen resource committee to research possible corporate funding and grant opportunities and take any action necessary.

Councilmember Russo provided brief background information on this item. Councilmember Farris expressed some concern regarding forming a citizen committee to research these funding opportunities instead of having staff members perform these efforts. Farris generally expressed that he believes staff does a good job of finding these types of funding opportunities on its own already. Councilmember Scott generally expressed concern about forming a standing, citizen committee for this purpose. Mayor Pro Tem Sweet indicated that he would like Councilmember Russo to come back with a more formative plan for the Council to review, including the make up of this proposed citizen committee as well as its specific purpose and examples of what types of funding opportunities it would pursue and how much staff time would be involved with helping manage this citizens committee. City Manager Julie Couch recommended that if the Council is interested in forming such committee, they may want to consider forming such committee for a 'sunset' period of perhaps six months.

After additional discussion, the Council took no formal action related to this item.

4. Discuss and consider right-of-way mowing, including possible creation of a volunteer program related to this issue and take any action necessary.

Councilmember Russo began discussion of this item, explaining that he would like the Council to consider possibly forming a citizen committee for volunteers who may be interested in mowing rights-of-way in our city.

After additional, general discussion, the Council took no formal action related to this item.

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

1. Departmental Reports
Legislation Update - Public Safety Employer-Employee Cooperation Act
Police Department Monthly Report - April 2010
Building Inspection Monthly Report - April 2010
Finance Department Monthly Report - April 2010
Fire Dept. Monthly Report - April 2010
Recreation Monthly Report - April 2010
Harbor PD Monthly Report - April 2010
Internal Operations Monthly Report - April 2010
2. City Manager's Report

City Manager Couch updated the Council on the railroad crossing on John King Boulevard, indicating that the hope is to have the crossing completely up and running within the next week. Couch further indicated that at the June 21 City Council meeting, a work session will be starting at 12:00 noon to primarily discuss CIP and the upcoming budget. General discussion then took place related to the recent legislation associated with collective bargaining, which Couch reported did not pass at the legislature. Mayor Cecil offered some general comments and thanks related to a recent incident that the

Rockwall Fire Department worked. There being no further discussion to take place in Open Session, Mayor Cecil then recessed the meeting into Executive Session at 7:53 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 including selection of Mayor Pro Tem.
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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and regarding 212 annexation agreements.

XII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

David Sweet made a motion to appoint Glen Farris as Mayor-Pro-Tem. Matt Scott seconded the motion, which passed unanimously (7 ayes to 0 nays).

David Sweet made a motion to approve the following Council Subcommittee appointments. Matt Scott seconded the motion, which passed unanimously (7 ayes to 0 nays).

SUBCOMMITTEE	Cecil	Sweet	Farris	Sevier	Scott	Nielsen	Russo
Airport			1	1			1
Finance/Audit		1		1	1		
Hotel/Motel		1	1			1	
Preservation/ Conservation/LEED			1	1			1
Naming & Citizen Awards		1			1		1
Land Use/Harbor	1		1			1	
HOA	1				1		1
REDC liaison		1					
Housing Authority/Senior Activity	1						
Youth Advisory Council			1				
Emergency Services Corp	1					1	
Alliance for the Arts	1						
Fireman Pension Board					1		
TOTALS	5	4	5	3	4	3	4

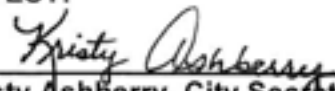
XIII. ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 21st day of June, 2010.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, June 21, 2010
12:00 p.m. Special Council Work Session / Meeting
Municipal Courts Building, 205 W. Rusk Rockwall, Texas 75087

I. CALL TO ORDER

The meeting was called to order at 12:00 p.m.

II. DISCUSS AND CONSIDER CAPITAL IMPROVEMENT PLANNING (CIP) AND TAKE ANY ACTION NECESSARY.

General discussion took place related to future capital related needs of the city as well as possible formation of a citizen committee associated with the CIP process. Discussion also took place related to involving city boards in the planning process.

After additional discussion, the Council took no formal action related to this item.

III. DISCUSS AND CONSIDER THE FISCAL YEAR (FY) 2011 BUDGET AND TAKE ANY ACTION NECESSARY.

City Manager Julie Couch and Finance Director Mary Smith briefed the Council on the upcoming proposed budget. Couch generally indicated that no new programs will be added and that she hopes for no tax increase next year. She also indicated that building permits and associated revenues are anticipated to remain flat in the coming budget year.

IV. DISCUSS AND CONSIDER THE STATUS OF THE CITY'S SOLID WASTE COLLECTION CONTRACT AND TAKE ANY ACTION NECESSARY.

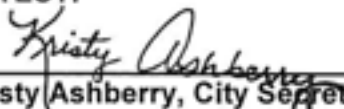
General discussion took place related to customer satisfaction and the cost associated with the existing solid waste collection contract with Republic (formerly Allied) Waste.

After additional, general discussion, Councilmember Nielsen made a motion to extend the existing solid waste collection contract with Republic for an additional five years and to instruct staff to begin contract negotiations accordingly. Councilmember Sevier seconded the motion, which passed by a vote of 6 ayes to 1 nay (Sweet).

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 6th day of July, 2010.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



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**MINUTES
ROCKWALL CITY COUNCIL**

Monday, June 21, 2010

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, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

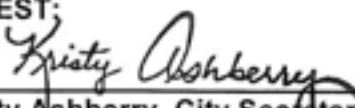
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

IV. ADJOURNMENT

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 6th day of July, 2010.**


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, June 21, 2010

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, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER RUSSO

Councilmember Russo delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Taylor Lipsett Day

Mayor Cecil read and presented the proclamation to Taylor Lipsett, recognizing him for representing the USA on the sled hockey team in the 2010 Vancouver Winter Paralympic Games.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the June 7, 2010 regular city council meeting and take any action necessary.
2. Consider approval of an **ordinance** for the proposed speed limit for FM-3097 from FM-740 to FM-549 and take any action necessary. **(2nd reading)**
3. Consider award of the Squabble Creek Lift Station construction contract and take any action necessary.
4. Consider approval of an **ordinance** amending Chapter 10 Fire Prevention & Protection, Sec. 10-1, Exhibit A, to add a new section 508.4.1 Water Supply Test Data and to amend Section 903.3.5 Safety Factor and take any action necessary. **(1st reading)**
5. Consider approval of a contract with Vaisala, Inc. for installation of an Automated Weather Observation System at the Rockwall Municipal Airport and take any action necessary.
6. P2010-008 - Discuss and consider a request by Stephen Crawford of Halff Associates for approval of a replat of Lot 1, Block A, Rockwall Library Addition, being 5.909-acres zoned (C) Commercial district and located at 1215 Yellow Jacket Lane, and take any action necessary.

87 Mayor Cecil made a motion to approve the entire consent agenda. Mayor Pro Tem Farris
88 seconded the motion. The ordinances were read as follows:

89
90 CITY OF ROCKWALL

91
92 ORDINANCE NO. _____

93
94 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
95 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN
96 CHAPTER 10 FIRE PREVENTION AND PROTECTION SEC. 10-1,
97 EXHIBIT A, TO ADD A NEW SECTION 508.4.1 WATER SUPPLY TEST
98 DATA AND INFORMATION AND TO AMEND SECTION 903.3.5
99 SAFETY FACTOR; PROVIDING FOR A PENALTY OF A FINE NOT TO
100 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND
101 A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON
102 EACH DAY DURING OR ON WHICH A VIOLATION OCCURS;
103 PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER
104 CLAUSE; PROVIDING AN EFFECTIVE DATE.

105
106 CITY OF ROCKWALL, TEXAS

107
108 ORDINANCE NO. 10-13

109
110 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
111 ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES,
112 ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE PRIMA
113 FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE
114 PROVISIONS OF THE TRANSPORTATION CODE, SECTION 545.356,
115 UPON FM-3097, FM-740 (RIDGE ROAD) TO FM-549, WITHIN THE
116 CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS;
117 PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF
118 TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY
119 CLAUSE; PROVIDING AN EFFECTIVE DATE.

120
121 The motion passed by a vote of 7 ayes to 0 nays.

122
123 V. APPOINTMENTS

- 124
125 1. Appointment with the Planning and Zoning Chairman to discuss and
126 answer any questions regarding cases on the agenda and related issues
127 and take any action necessary.

128 Vice Chair of the Planning & Zoning Commission, Phillip Herbst, came forth and offered
129 brief comments concerning the commission's recommendations related to items on
130 tonight's City Council agenda.

131 The council took no formal action related to this item.

- 132 2. Appointment with resident Scott Jungels to discuss and consider possible
133 amendments to the city's takeline ordinance and take any action
134 necessary.

135 Scott Jungels
136 1200 Crestcove Drive
137 Rockwall, Texas

138
139 Mr. Jungels came forth to explain the nature of his request, indicating that he would like
140 to build a shade structure in the takeline area near the lake behind his home. He asked
141 for the Council's consideration and support in drafting an ordinance that would allow
142 such shade structure to be constructed in this particular area of the takeline. He hopes
143 the ordinance, once passed, can then be sent over to the City of Dallas for consideration.
144

145 Councilmember Scott indicated he has some concern related to preserving lakefront
146 views in the takeline area.
147

148 Councilmember Nielsen expressed a desire for staff to come back with some
149 recommendations associated with preserving view corridors among and between
150 neighbors.
151

152 LaCroix indicated that the city already allows gazebo structures to be constructed up to
153 14 feet high in the takeline area, but they cannot be built below a certain level in the
154 takeline.
155

156 Councilmember Scott made a motion to instruct staff to evaluate possible amendments
157 to the city's existing takeline ordinance for consideration by the City Council.
158 Councilmember Sweet seconded the motion, which passed unanimously (7 ayes to 0
159 nays).
160

- 161 3. Appointment with Robert Cook of the Rockwall Old Town Shoppes to
162 discuss and consider public improvements to the downtown square and
163 take any action necessary.

164 Robert Cook came forth and indicated that the downtown area is currently experiencing
165 'growing pains.' He generally expressed a desire for the council to consider installation
166 of 'way finding' signs to direct patrons to public parking and other areas in and around
167 downtown. He also expressed a desire for a pedestrian crosswalk to be installed
168 somewhere on the square and for additional lighting to be installed, especially in and
169 around parking lot areas. He'd also like consideration for additional benches and
170 planters to be placed in areas located outside of the immediate downtown square. Mr.
171 Cook encouraged the use of black lighting rather than the bronze lighting depicted in the
172 downtown plan. He also suggested that the Council consider moving around existing
173 black planters and benches from the square to other locations outside of the square at
174 no cost. He also asked the city to consider additional Christmas decorations for
175 placement in downtown during the holidays.
176

177 City Manager Couch indicated that staff is willing to evaluate all of the requests brought
178 forth this evening. Some of the items may be capital improvement items, and some may
179 be able to be implemented pretty quickly with little to no cost. After additional
180 discussion, Couch indicated that staff will evaluate the requests that were expressed this
181 evening and will then come back to the Council in 30 days with recommendations for
182 possibly moving forward with these items depending on funding options.
183

184 VI. PUBLIC HEARING ITEMS

- 185
186 1. Z2010-009 - Hold a public hearing and consider approval of an
187 ordinance for a request by DeAnna Davis of The Consignment Shop for

188 approval of a Specific Use Permit (SUP) to allow for "Antique/Collectible
189 Sales" within the (DT) Downtown district, specifically within the existing
190 building located at 201 N. Alamo Rd, being a 0.28-acre tract known as
191 part of Lot 5 and all of Lots 7-8, Block H, Rockwall OT Addition, and take
192 any action necessary. (1st Reading)

193 Planning Director Robert LaCroix provided brief background information related to this
194 item. Outside display and sales not be allowed unless there is a city sponsored special
195 event of some sort. Twenty three notices were sent out within 200 feet of the property.
196 One response was received back in favor, and one was received back in opposition.
197

198 DeAnna Davis
199 201 North Alamo
200 Rockwall, TX 75087
201

202 Ms. Davis came forth and indicated that she would like to continue moving forward with
203 various renovations, both inside and outside of the house, but does not feel she can do
204 so until she gets approval of the SUP from the council.
205

206 Ms. Davis indicated that this is a consignment store and that no outside displays would
207 be necessary or anticipated. She indicated a desire to only have an outside sign for her
208 business.
209

210 Mayor Cecil opened the public hearing. There being no one to come forth and speak at
211 the public hearing, Mayor Cecil then closed the public hearing. Councilmember Nielsen
212 made a motion to approve the SUP request. Councilmember Russo seconded the
213 motion. The ordinance was read as follows:
214

215 CITY OF ROCKWALL

216
217 ORDINANCE NO. 10-
218

219 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
220 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
221 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
222 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING
223 FOR ANTIQUE/COLLECTABLE SALES WITHIN THE (DT)
224 DOWNTOWN DISTRICT, ON A TRACT OF LAND KNOWN AS PART
225 OF LOT 5 AND ALL OF LOTS 7-8, BLOCK H, ROCKWALL OT
226 ADDITION AND LOCATED AT 201 N. ALAMO STREET; PROVIDING
227 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE
228 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
229 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
230 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
231 PROVIDING FOR AN EFFECTIVE DATE.
232

233 The motion passed by a vote of 7 ayes to 0 nays.
234

- 235 2. Z2010-010 - Hold a public hearing and consider approval of an
236 ordinance for a request by Kim Hoegger of Kim Hoegger HOME for
237 approval of a Specific Use Permit (SUP) to allow for "Antique/Collectible
238 Sales" within the (DT) Downtown district, specifically within the existing
239 building located at 106 S. Goliad, being a 0.064-acre tract known as part

of Block N, Rockwall OT Addition, and take any action necessary.
(1st Reading)

Planning Director Robert LaCroix provided background information on this item. Notices were sent out to property owners within 200 feet of the property, and one was received back in favor. He explained that no outside display of merchandise or sales would be allowed unless a city sponsored event, such as Founders Day, is taking place.

Councilmember Nielsen expressed concern related to the parking lot behind this business location being owned by Restaurant Ava and being occupied and reserved for their patrons only.

Kim Hoegger
106 South Goliad
Rockwall, TX

Ms. Hoegger expressed general concern about the possible inability to accept deliveries in the parking lot behind her proposed business. She indicated that she will speak with the property owner to possibly work out this concern. Hoegger stated that she will be operating as a co-op with five to seven other vendors, though the merchandise displayed will freely flow from section to section and vendor to vendor. She indicated that no outside display of merchandise will occur.

Councilmember Scott indicated a desire to put this item off for a little while to allow Ms. Hoegger an opportunity to speak with Restaurant Ava and the Kluts family, property owners of the parking lot located behind this proposed business, to work out details of possibly using their parking lot for deliveries.

Assistant City Manager Rick Crowley suggested that the Council move forward with first reading of the ordinance this evening, if so desired, and encourage Ms. Hoegger to work out details associated with use of the parking lot behind the business for deliveries.

Mayor Cecil then opened the public hearing.

Barbara Coleson came forth and generally encouraged the Council to move forward with approving this SUP.

There being no one else to come forth and speak, Mayor Cecil then closed the public hearing.

Councilmember Nielsen made a motion to approve the SUP. Councilmember Scott seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 10-

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 ANTIQUE/COLLECTABLE SALES WITHIN THE (DT) DOWNTOWN DISTRICT, ON A TRACT OF LAND KNOWN AS PART

291 OF BLOCK N, ROCKWALL OT ADDITION AND LOCATED AT 106 S.
292 GOLIAD STREET; PROVIDING FOR SPECIAL CONDITIONS;
293 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM
294 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
295 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
296 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
297

298 The motion passed by a vote of 7 ayes to 0 nays.
299

300 Mayor Cecil then called for a break. Following the break, Mayor Cecil indicated that he
301 would reorder the agenda to address Action Item #1 first before the remaining items on
302 the council agenda.
303

- 304 3. Z2010-008 - Hold a public hearing and consider approval of an
305 ordinance for a city-initiated request to amend the Unified Development
306 Code (Ord. No. 04-38), specifically Article I, General Provisions; Article II.
307 Administrative Procedures; Article III. Zoning District and Maps; Article IV.
308 Permissible Uses; Article V. District Development Standards; Article VI.
309 Parking and Loading; Article VII. Environmental Performance; Article VIII.
310 Landscape Standards; Article IX, Tree Preservation Standards; Article X.
311 Planned Development Regulations; Article XI. Zoning-Related
312 Applications; Article XII. Administration and Enforcement; and Article XIII.
313 Definitions, and take any action necessary. (1st Reading)

314 Planning Director Robert LaCroix provided background information related to this item.
315 LaCroix indicated that a comprehensive review of the code of ordinances and the unified
316 development code has been ongoing by staff, the city attorney and Municode.
317

318 Mayor Cecil opened the public hearing.
319

320 Councilmember Scott made a motion to approve Z2010-008. Councilmember Sweet
321 seconded the motion. The ordinance was read as follows:
322

323 CITY OF ROCKWALL
324

325 ORDINANCE NO. 10-
326

327 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
328 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
329 CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS
330 HERETOFORE AMENDED BY AMENDING ARTICLE I. GENERAL
331 PROVISIONS; ARTICLE II. ADMINISTRATIVE PROCEDURES;
332 ARTICLE III. ZONING DISTRICT AND MAPS; ARTICLE IV.
333 PERMISSIBLE USES; ARTICLE V. DISTRICT DEVELOPMENT
334 STANDARDS; ARTICLE VI. PARKING AND LOADING; ARTICLE VII.
335 ENVIRONMENTAL PERFORMANCE; ARTICLE VIII. LANDSCAPE
336 STANDARDS; ARTICLE IX. TREE PRESERVATION STANDARDS;
337 ARTICLE X. PLANNED DEVELOPMENT REGULATIONS; ARTICLE
338 XI. ZONING-RELATED APPLICATIONS; ARTICLE XII.
339 ADMINISTRATION AND ENFORCEMENT; AND ARTICLE XIII.
340 DEFINITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
341 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
342 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;

343 PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN
344 EFFECTIVE DATE.
345

346 The motion passed by a vote of 7 ayes to 0 nays.
347

348 VII. SITE PLANS / PLATS
349

- 350 1. SP2010-007 - Discuss and consider a request by Karin Sumrall of
351 CNLRS Rockwall, LP, for approval of variances to the Architectural
352 Standards of the IH-30 Overlay District, in association with a site plan for
353 Rockwall Plaza Phase II, being an approximately 126,000-sf
354 retail/restaurant development located on Lot 9, Block A, Rockwall
355 Business Park East Addition, being 12.661-acres zoned (C) Commercial
356 district and located along the south side of IH-30 west of SH 205, and
357 contiguous to the Rockwall Plaza Phase I, and take any action necessary.

358
359 Planning Director Robert LaCroix provided background information on this item.
360 LaCroix explained that the applicant is asking for a variance request to the elevation
361 standards on the east side of the building since it backs up to an existing truck stop.
362 They are also asking for a variance associated with the city's natural stone requirements.
363 They would like to utilize 100% 'cultured stone' rather than 20% natural stone
364 requirement. He further indicated that it will take a $\frac{3}{4}$ super majority vote of the Council
365 to approve each of these variance requests.
366

367 Karin Sumrall
368 Woodmont Company
369 2100 W. 7th Street
370 Fort Worth, TX 76107
371

372 Ms. Sumrall explained numerous aspects associated with these variance requests.
373

374 Jack DeGarney from the Olive Garden out of Orlando, Florida was present to address the
375 Council related to the stone variance request on the proposed restaurant. He provided
376 the Council with actual samples of the manmade stone that is proposed to be used on
377 the restaurant as well as the proposed roof tiles.
378

379 Councilmember Scott made a motion to approve both variance requests associated with
380 SP2010-007. Councilmember Russo seconded the motion, which passed by a vote of 7
381 ayes to 0 nays.
382

383 VIII. ACTION ITEMS
384

- 385 1. Discuss and consider adoption of resolutions pertaining to the Rockwall
386 Burial Club Cemetery:
387 a. Discuss and consider adoption of a resolution declaring the City's
388 intention to take possession of the Rockwall Burial Club Cemetery
389 and take any action necessary.

- 390 b. Discuss and consider adoption of a resolution declaring the City's
391 intention to act as a trustee for the Rockwall Burial Club Cemetery
392 and take any action necessary.

393 **Assistant City Manager Rick Crowley offered background information related to these**
394 **two items.**

395
396 **Mayor Cecil made a motion to approve both resolutions (1a and 1b). Councilmember**
397 **Scott seconded the motion, which passed unanimously (7 ayes to 0 nays).**

398
399 **Mayor Cecil then addressed Public Hearing item #3.**

- 400
401 2. Discuss and consider a request from Mr. Himmat Chauhan, owner of the
402 Best Western Hotel located at 996 E. I-30, for a variance regarding the
403 height of two wall signs and take any action necessary.

404 **Jeffrey Widmer, Building Official, provided brief background information on this item.**

405
406 **Mr. Himmat Chauhan stated that the existing hotel was foreclosed on probably due to**
407 **poor economic times.**

408
409 **Councilmember Russo made a motion to approve the variance request for the height of**
410 **the wall signs. Councilmember Scott seconded the motion, which passed by a vote of 7**
411 **ayes to 0 nays.**

412
413 **Mayor Cecil adjourned the meeting at 8:48 p.m.**

414
415 **IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
416 **GOVERNMENT CODE TO DISCUSS:**

- 417
418 1. Deliberation regarding the purchase, exchange, lease, or value of real
419 property.
420 2. Personnel Issues, including Board, Commission, and Committee
421 Appointments, and Related Matters.
422 3. Commercial or financial information regarding business prospects that the
423 City seeks to have locate, stay, or expand in or near the territory of the
424 City of Rockwall and with which the Board is conducting economic
425 development negotiations.
426 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
427 with attorney with regard to a matter that it is the duty of the attorney to
428 consult with the Council pursuant to the Attorney Client Privilege under
429 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
430 Texas.

431
432 **X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**


433
434 **The Council did not reconvene into Executive Session, and no action was taken as a**
435 **result of Executive Session.**

XI. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 6th day of July, 2010.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL

Tuesday, July 06, 2010

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, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council took no action as a result of the pre-meeting Executive Session.

IV. ADJOURNMENT

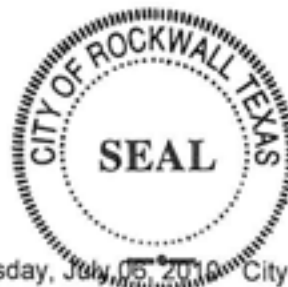
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 19th day of July, 2010.

ATTEST:



Kristy Ashberry, City Secretary


William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL

Tuesday, July 06, 2010
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, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SEVIER

Councilmember Sevier delivered the invocation and led the pledge of allegiance.

III. OPEN FORUM

Mayor Cecil explained how open forum works and asked if anyone would like to speak during this time.

Dr. Joan Terry of the Rockwall Independent School District (RISD) came forth to address the Council and say a few words about the RISD Strategic Plan and Report to the Community for 2010. There being no one else to come forth and speak, Mayor Cecil then closed the Open Forum.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the June 21, 2010 work session / special meeting of the City Council and take any action necessary.
2. Consider approval of the minutes from the June 21, 2010 regular city council meeting and take any action necessary.
3. Consider approval of an **ordinance** amending Chapter 10 Fire Prevention & Protection, Sec. 10-1, Exhibit A, to add a new section 508.4.1 Water Supply Test Data and to amend Section 903.3.5 Safety Factor and take any action necessary. **(2nd reading)**
4. Z2010-008 - Hold a public hearing and consider approval of an **ordinance** for a city-initiated request to amend the Unified Development Code (Ord. No. 04-38), specifically Article I. General Provisions; 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 IX. Tree Preservation Standards; Article X. Planned Development Regulations; Article XI. Zoning-Related Applications; Article XII. Administration and Enforcement; and Article XIII. Definitions, and take any action necessary. **(2nd Reading)**

- 91 5. Z2010-009 - Hold a public hearing and consider approval of an
92 **ordinance** for a request by DeAnna Davis of The Consignment Shop for
93 approval of a Specific Use Permit (SUP) to allow for "Antique/Collectible
94 Sales" within the (DT) Downtown district, specifically within the existing
95 building located at 201 N. Alamo Rd, being a 0.28-acre tract known as
96 part of Lot 5 and all of Lots 7-8, Block H, Rockwall OT Addition, and take
97 any action necessary. **(2nd Reading)**
- 98 6. Z2010-010 - Hold a public hearing and consider approval of an
99 **ordinance** for a request by Kim Hoegger of Kim Hoegger HOME for
100 approval of a Specific Use Permit (SUP) to allow for "Antique/Collectible
101 Sales" within the (DT) Downtown district, specifically within the existing
102 building located at 106 S. Goliad, being a 0.064-acre tract known as part
103 of Block N, Rockwall OT Addition, and take any action necessary. **(2nd**
104 **Reading)**
- 105 7. Consider approval of an **ordinance** repealing Ordinance Numbers 85-27,
106 85-35, 87-10 and 93-43 and adopting a Conflict of Interest / Ethics
107 Addendum as part of the Council Rules and Procedures and other boards
108 and commissions procedures and take any action necessary. **(1st**
109 **Reading)**

110 Councilmember Scott pulled item #6 for discussion and then made a motion to approve
111 the remaining Consent Agenda. Mayor Pro Tem Farris seconded the motion. The
112 ordinances were read as follows:

113 CITY OF ROCKWALL, TEXAS

114
115 ORDINANCE NO. 10-17

116
117 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
118 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN
119 CHAPTER 10 FIRE PREVENTION AND PROTECTION SEC. 10-1,
120 EXHIBIT A, TO ADD A NEW SECTION 508.4.1 WATER SUPPLY TEST
121 DATA AND INFORMATION AND TO AMEND SECTION 903.3.5
122 SAFETY FACTOR; PROVIDING FOR A PENALTY OF A FINE NOT TO
123 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND
124 A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON
125 EACH DAY DURING OR ON WHICH A VIOLATION OCCURS;
126 PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER
127 CLAUSE; PROVIDING AN EFFECTIVE DATE.

128
129 CITY OF ROCKWALL, TEXAS

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131 ORDINANCE NO. 10-14

132
133 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
134 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
135 CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS
136 HERETOFORE AMENDED BY AMENDING ARTICLE I. GENERAL
137 PROVISIONS; ARTICLE II. ADMINISTRATIVE PROCEDURES;
138 ARTICLE III. ZONING DISTRICT AND MAPS; ARTICLE IV.
139 PERMISSIBLE USES; ARTICLE V. DISTRICT DEVELOPMENT
140 STANDARDS; ARTICLE VI. PARKING AND LOADING; ARTICLE VII.
141 ENVIRONMENTAL PERFORMANCE; ARTICLE VIII. LANDSCAPE
142 STANDARDS; ARTICLE IX. TREE PRESERVATION STANDARDS;

143 ARTICLE X. PLANNED DEVELOPMENT REGULATIONS; ARTICLE
144 XI. ZONING-RELATED APPLICATIONS; ARTICLE XII.
145 ADMINISTRATION AND ENFORCEMENT; AND ARTICLE XIII.
146 DEFINITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
147 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
148 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
149 PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN
150 EFFECTIVE DATE.

151
152 CITY OF ROCKWALL, TEXAS

153
154 ORDINANCE NO. 10-15

155
156 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
157 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
158 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
159 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING
160 FOR ANTIQUE/COLLECTABLE SALES WITHIN THE (DT)
161 DOWNTOWN DISTRICT, ON A TRACT OF LAND KNOWN AS PART
162 OF LOT 5 AND ALL OF LOTS 7-8, BLOCK H, ROCKWALL OT
163 ADDITION AND LOCATED AT 201 N. ALAMO STREET; PROVIDING
164 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE
165 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
166 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
167 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
168 PROVIDING FOR AN EFFECTIVE DATE.

169
170 CITY OF ROCKWALL, TEXAS

171
172 ORDINANCE NO. 10-

173
174 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
175 ROCKWALL, TEXAS, REPEALING ORDINANCE #85-27 AS
176 AMENDED BY ORDINANCE NUMBERS 85-35, 87-10, AND 93-43
177 WHICH WERE CODIFIED IN CHAPTER 2 ARTICLE II DIVISION 5 OF
178 THE CODE OF ORDINANCES; PROVIDING FOR A CONFLICT OF
179 INTEREST / ETHICS ADDENDUM TO BE PART OF THE COUNCIL
180 RULES AND PROCEDURES AND OTHER BOARDS AND
181 COMMISSIONS PROCEDURES; PROVIDING FOR A SEVERABILITY
182 CLAUSE; PROVIDING AN EFFECTIVE DATE.

183
184 The motion passed by a vote of 7 ayes to 0 nays.

185
186 Councilmember Scott made a motion to approve Z20010-010. Councilmember Russo
187 seconded the motion. The ordinance was read as follows:

188
189 CITY OF ROCKWALL, TEXAS

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191 ORDINANCE NO. 10-16

192
193 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
194 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
195 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
196 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING
197 FOR ANTIQUE/COLLECTABLE SALES WITHIN THE (DT)

DOWNTOWN DISTRICT, ON A TRACT OF LAND KNOWN AS PART OF BLOCK N, ROCKWALL OT ADDITION AND LOCATED AT 106 S. 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 7 ayes to 0 nays.

V. APPOINTMENTS

1. Appointment with Tony Woods regarding the World's Largest Community Workout, and take any action necessary.

**Tony Woods
1222 Coastal Drive
Garland TX 75043**

Mr. Woods came forth and indicated that he has been working diligently to solicit sponsors for this event. Baylor Healthcare Systems has agreed to partner with Mr. Woods for this event.

Mrs. Woods came forth and asked if the Council had any questions related to the budget that was submitted along with this agenda item. She indicated that the budget has been reduced to a large extent compared to the budget numbers presented at the last council meeting.

Councilmember Farris made a motion to support this agenda item and approve the \$2,500.00 of city funds being requested for this event, including the following staff recommendations and including the understanding that any city funds left over after other funds are raised would be donated to the local Boys & Girls Club:

- The City of Rockwall would commit funds to participate only after 50% of the event costs have been received through event sponsors.
- If sponsorships/revenue for the event exceed the cost of the event, the City of Rockwall would receive the first \$2500 in excess of the event costs.
- A contract detailing each party's expectations and responsibilities and how City of Rockwall funds shall be used will be entered into between all parties.

City Manager Julie Couch did recommend to the Council that the city enter into a contract with Mr. Woods in order to stipulate the terms of the agreement for funding this event. Mayor Cecil seconded the motion. Councilmembers Sweet, Russo and Scott generally indicated that they are not in support of funding this event. Councilmembers Russo, Sevier and Sweet all expressed some concern about funding ultimately going to a local non-profit.

Councilmember Farris amended his motion to remove the portion of his motion dealing with donating excess funds to the Boys & Girls Club. Mayor Cecil seconded the amended motion.

Councilmember Nielsen suggested that Mr. Woods call her to speak with her about some possible sponsorship sources.

The amended motion passed by a vote of 5 ayes to 2 nays (Sweet, Scott).

VI. ACTION ITEMS

1. Discuss and consider the development of an in-house spay/neuter clinic at the Animal Adoption Center, and take any action necessary.

Director of Animal Services, Jeffrey Widmer, provided brief background information related to this item. He indicated that donations from members of the community are sufficient to fund this in house spay/neuter program and that staff anticipates it will be a 'revenue neutral' venture. Mr. Widmer indicated that if the Council would like staff to move forward with setting up this in-house clinic, staff and the city attorney will work to develop a contractual agreement with a local veterinarian who is willing to perform the services at the in-house clinic. Councilmember Nielsen asked staff to evaluate the cost associated with constructing a small, local dog park to possibly make use of excess donations received by the Animal Adoption Center.

Councilmember Nielsen then made a motion to approve moving forward with the in-house spay/neuter clinic. Councilmember Scott seconded the motion. Councilmember Scott strongly urged staff to keep the remaining \$37,000 in excess donations on hand in case the in-house clinic ends up costing more than anticipated (rather than possibly spending the excess funds on a dog park). Mr. Widmer indicated that staff would like to minimize the number of unsterilized animals that leave the Adoption Center to be placed in local homes. Finance Director Mary Smith indicated that the donations that have been received by the Adoption Center are not intermingled with the city's funds. They are kept completely separate. General discussion took place related to how donated funds are reflected in the annual city budget. Councilmember Scott offered brief comments related to the requirement that those who adopt a pet from the Adoption Center must get that pet spayed/neutered within six months of adoption. Widmer indicated that he hopes the clinic could be up and running within the next six months.

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

2. Discuss and consider a possible sign ordinance amendment to allow donor recognition messages on signs, and take any action necessary.

Building Official and Director of Code Enforcement, Jeffrey Widmer, offered brief background information on this item. He indicated that some local venues, such as the local YMCA, would like to be able to display signage outside of their establishment showing / giving credit to donors/financial contributors. This type of signage would be deemed as "donor recognition" signage in the city's sign ordinance and would not be considered to be "commercial." Widmer stated that if Council is interested in pursuing this concept, staff will draft an ordinance to bring back to the Council for consideration at a future date. Councilmember Farris asked what the lifecycle of these signs would be (i.e. would the donors named get rotated out when new donors donate?) and how many signs would be allowed for each establishment. Widmer clarified that no additional signage would be allowed. Those wishing to utilize donor recognition signs would have to do so using the number of signs and dimension of signs currently allowable under the existing sign ordinance. Councilmember Nielsen expressed some concern related to

299 such amendment to the sign ordinance, pointing out that there are many non-profit
300 organizations, including all of the churches and schools in town, who might desire to
301 begin utilizing such signage to recognize their largest financial donors / contributors.
302

303 After additional, brief discussion, Mayor Pro Tem Farris made a motion to direct staff to
304 evaluate this idea and bring back a potential ordinance for the Council to consider at a
305 future date. Councilmember Sweet seconded the motion. The motion passed by a vote
306 of 7 ayes to 0 nays.
307

308 **VII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
309 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
310

- 311 1. Departmental Reports
312 Finance Department Monthly Report - May 2010
313 Internal Operations Department Monthly Report - May 2010
314 Recreation Monthly Report - May 2010
315 Harbor PD Monthly Report - May 2010
316 Building Inspections Monthly Report - May 2010
317 Police Department Monthly Report - May 2010
318 Fire Department Monthly Report - May 2010
319 Quarterly Report from Kaufman Area Rural Transportation
320 Quarterly Report from Rockwall County Committee on Aging

- 321 2. City Manager's Report
322

323 **VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
324 **GOVERNMENT CODE TO DISCUSS:**
325

- 326 1. Deliberation regarding the purchase, exchange, lease, or value of real
327 property.
328 2. Personnel Issues, including Board, Commission, and Committee
329 Appointments, and Related Matters.
330 3. Commercial or financial information regarding business prospects that the
331 City seeks to have locate, stay, or expand in or near the territory of the
332 City of Rockwall and with which the Board is conducting economic
333 development negotiations.
334
335 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
336 with attorney with regard to a matter that it is the duty of the attorney to
337 consult with the Council pursuant to the Attorney Client Privilege under
338 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
339 Texas.

340 City Manager Couch announced to the Council that the at grade railroad crossing on
341 John King Boulevard is now open. She indicated that TXDOT will likely begin
342 construction on the John King Boulevard overpass very soon. She offered brief
343 comments related to future dates of various council meetings and events.
344

345 Mayor Cecil recessed the public meeting back into Executive Session at 5:59 p.m.
346

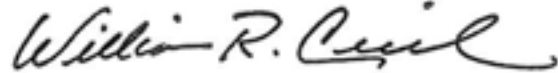
IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council took no action as a result of Executive Session.

X. ADJOURNMENT

The meeting was adjourned at 6:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 19th day of July, 2010.



William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL

Monday, July 19, 2010

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, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Mark Russo and Cliff Sevier. Also present were Assistant City Manager Rick Crowley and City Attorney Pete Eckert. Councilmember Margo Nielsen and City Manager Julie Couch were absent from the meeting. Mayor Cecil immediately recessed 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

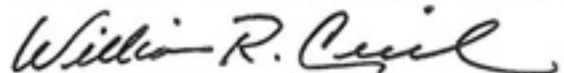
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council took no action as a result of Executive Session.

IV. ADJOURNMENT

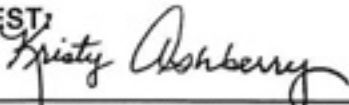
Executive Session was adjourned at 5:35 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this
2nd day of August, 2010.



William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary



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MINUTES ROCKWALL CITY COUNCIL

Monday, July 19, 2010
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, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Mark Russo and Cliff Sevier. Also present were Assistant City Manager Rick Crowley and City Attorney Pete Eckert. Councilmember Margo Nielsen and City Manager Julie Couch were absent from the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SCOTT

Councilmember Scott delivered the invocation and led the Pledge of Allegiance.

III. CONSENT AGENDA

1. Consider approval of the minutes from the July 6, 2010 regular city council meeting and take any action necessary.
2. Consider abandonment of a portion of an existing fire lane easement located at the TransAm Trucking facility and take any action necessary.
3. Consider approval of an **ordinance** repealing Ordinance Numbers 85-27, 85-35, 87-10 and 93-43 and adopting a Conflict of Interest / Ethics Addendum as part of the Council Rules and Procedures and other boards and commissions procedures and take any action necessary. **(2nd Reading)**
4. P2010-009 - Discuss and consider a request by Kevin Patel of The Dimension Group for approval of a replat of Lots 4-5, Block 1, Meadowcreek Business Center Phase 2, being 8.23-acres zoned (C) Commercial district and located at the southeast corner of SH 205 and SH 276, and take any action necessary.
5. P2010-011 - Discuss and consider a request by Chris Cuny of F.C. Cuny Corp for approval of a preliminary plat of Eagle Point Estates, being 13 lots on 7.054-acres zoned (SF-10) Single Family Residential district and including the property currently addressed as 1310 Ridge Road (i.e. Tracts 16 and 16-1, Abstract 1, D. Atkins Survey) and 1400 Ridge Road (i.e. part of Lot 1, Block A, Carroll Estates Subdivision), and take any action necessary.
6. P2010-012 - Discuss and consider a request by Pansak Sribhen of PSA Engineering, LLC for approval of a final plat of Lots 1 and 2, Block B, Horizon Ridge Center – North Addition, being 4.966-acres zoned (PD-9) Planned Development No. 9 district and located at the southwest corner of FM 3097 and Tubbs Road, and take any action necessary.

Councilmember Scott pulled item #5 for discussion.

89 Mayor Pro Tem Farris made a motion to approve the remaining items (#1, 2, 3, 4 and 6).
90 Councilmember Sweet seconded the motion. The ordinance was read as follows:

92 CITY OF ROCKWALL, TEXAS

93
94 ORDINANCE NO. 10-18

95
96 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
97 ROCKWALL, TEXAS, REPEALING ORDINANCE #85-27 AS
98 AMENDED BY ORDINANCE NUMBERS 85-35, 87-10, AND 93-
99 43 WHICH WERE CODIFIED IN CHAPTER 2 ARTICLE II
100 DIVISION 5 OF THE CODE OF ORDINANCES; PROVIDING
101 FOR A CONFLICT OF INTEREST / ETHICS ADDENDUM TO BE
102 PART OF THE COUNCIL RULES AND PROCEDURES AND
103 OTHER BOARDS AND COMMISSIONS PROCEDURES;
104 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN
105 EFFECTIVE DATE.

106
107 The motion passed by a vote of 6 ayes and 1 absent (Nielsen).

108
109 Regarding Consent Agenda item #5, Planning Director Robert LaCroix explained that this is a
110 preliminary plat and offered brief comments.

111
112 After brief discussion, Councilmember Scott made a motion to approve P2010-001 (Action item
113 #5). Mayor Pro Tem Farris seconded the motion. LaCroix explained that it is zoned as SF-10
114 and no changes to the zoning are expected. Mayor Cecil explained that the Council does not
115 normally accept public input on a preliminary plat. General discussion took place related to
116 this subdivision and the associated plat. Councilmember Sweet indicated that he knows of at
117 least one concerned resident who may request an appointment item for the next city council
118 meeting agenda so that she can express and discuss concerns with the Council related to the
119 process moving forward. After brief discussion, the motion passed unanimously by a vote of
120 6 ayes to 1 absent (Nielsen)

121
122 IV. APPOINTMENTS

- 123
124 1. Appointment with the Planning and Zoning Chairman to discuss and answer
125 any questions regarding cases on the agenda and related issues and take any
126 action necessary.

127 Michael Hunter, chair of the Planning & Zoning Commission came forth and indicated that no
128 one showed up to speak on Public Hearing Item #1 (P2010-010), so the Commission continued
129 the public hearing until their next regularly scheduled meeting.

130
131 The Council took no action related to this item.

- 132
133 2. Appointment with Andrea Holliman regarding parking in public right-of-way at
134 204 West Street, and take any action necessary.

135 Planning Director Robert LaCroix offered background information related to this item.

6 Andrea Holliman
7 204 West Street

Rockwall, TX

Ms. Holliman indicated that she is satisfied with this agreement and believes it will meet the needs of her, her clients and the city.

Mayor Cecil made a motion to approve Ms. Holliman utilizing public right-of-way for parking. Councilmember Russo seconded the motion, which passed by a vote of 6 ayes to 1 absent (Nielsen).

3. Appointment with Carol Leal of Candles by Carol regarding parking on public property along Alamo/SH 205 and take any action necessary.

Planning Director Robert LaCroix provided brief background information related to this item.

Mrs. Carol Leal
6537 SH-276
Royse City, TX

Mr. Leal
303 N. Alamo
Rockwall, TX

LaCroix offered clarifying comments and a large map related to Ms. Leal's parking request.

Mayor Cecil made a motion to approve this parking request / agreement. Councilmember Sevier seconded the motion, which passed by a vote of 6 ayes to 1 absent (Nielsen).

V. PUBLIC HEARING ITEMS

1. P2010-010 - Hold a public hearing and consider a request by Jason DuBose for approval of a residential replat of Lot 1, Block Y, Lakeview Summit Phase 2 Addition, being 0.34-acre zoned (PD-29) Planned Development No. 29 district and located at 751 Monterey Drive, and take any action necessary.

Planning Director Robert LaCroix offered background information related to this item. He explained that staff is satisfied with this replat. However, the applicant was not able to attend the P&Z Meeting last time, so the Commission continued the public hearing until their next meeting. Mayor Cecil then opened the public hearing. Councilmember Sweet made a motion to continue the public hearing until the next regular council meeting. Mayor Pro Tem Farris seconded the motion, which passed by a vote of 6 ayes to 1 absent (Nielsen).

VI. ACTION ITEMS

1. Discuss and consider an amendment to the Takeline Overlay district related to a request by Scott Jungels for the allowance of a deck/patio cover – pergola below the 438.0 feet mean sea level, and take any action necessary.

Planning Director Robert LaCroix offered background information on this item, explaining the nature of Mr. Jungels request as well as the draft changes that staff is proposing to make to the takeline ordinance at this time. He explained that staff is seeking input and direction from the Council tonight related to these proposed changes. If Council agrees to move forward at this time, the proposed changes would then be forwarded to the City of Dallas for consideration. If Dallas approves the changes, staff would then bring forth an ordinance for the Council to consider in order to change the city's current regulations.

Councilmember Scott made a motion to instruct staff to move forward with seeking approval from the City of Dallas with the suggested changes as presented. Councilmember Russo seconded the motion, which passed by a vote of 6 ayes to 1 absent (Nielsen).

Mayor Cecil then reordered the agenda to address Action Item #4 next.

2. Discuss and consider directional signs throughout the city, and take any action necessary.

Councilmember Sevier offered comments related to this item, indicating that he would like staff to further evaluate possible use of these types of signs, especially in the downtown and immediate surrounding areas. Councilmember Russo generally expressed support for use of these types of signs. Councilmember Scott indicated that he is generally supportive of this type of signage in the downtown area as well as in other areas of the city. Councilmember Scott asked staff for an update on TXDOT allowing the city to place an electronic message sign somewhere off the IH-30 service road. Director of Streets and Rights-of-Way, Brad Griggs, offered an update to the council related to this item indicating that TXDOT has narrowed down possible placement of this sign to one location.

Councilmember Sevier made a motion to instruct staff to gather information related to possible use of these types of directional signs and then bring back recommendations to the Council for consideration at a future meeting. Councilmember Scott seconded the motion. Mayor Pro Tem Farris expressed concern about these types of signs if builders would be allowed to utilize them to further their business. He is generally not in support of utilizing these types of signs for advertising. He would like to see such signs limited to directional information to point drivers to public places such as The Harbor and the downtown area.

Assistant City Manager Rick Crowley indicated that staff can likely bring recommendations back related to this type of signage for the Council to consider at the 1st meeting in August.

After additional, brief discussion, the motion passed by a vote of 6 ayes to 1 absent (Nielsen).

3. Discuss and consider an ordinance amending the sign code to allow for donor recognition signs and take any action necessary. (1st Reading)

Director of Building Inspections and Code Enforcement, Jeffrey Widmer, provided brief background information to the Council related to this item. After brief discussion, Widmer indicated that language could be added to the ordinance stipulating that the donor's business name and logo are the only information that could appear on these donor recognition signs. Councilmember Farris expressed a desire for the Council to limit this type of donor recognition sign to monument signs only, eliminating the use of these signs on pole signs. Russo asked if these types of donor recognition signs would be allowed on LED or digital signs. Staff indicated that yes, they could be utilized on digital signs.

Mayor Cecil made a motion to instruct staff to re-work the ordinance to reflect the two changes discussed this evening and then bring the ordinance back for 1st reading at the next council

meeting. Mayor Pro Tem Farris seconded the motion, which passed by a vote of 6 ayes to 1 absent (Nielsen).

The Council then discussed Action Item #2.

4. Discuss the extension of Development Agreements between the City and certain property owners, entered into in accordance with Chapters 43 and 212 of the Texas Local Government Code, relative to the previous annexation of 162.88-acres (Ord. 08-66) generally located along the south side of Clem Road, east of FM 1141 and west of FM 549, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this item. He explained that consideration of renewals of the 212 agreements comes up about six months in advance of the expiration date of those agreements. He indicated that all property owners associated with this possible annexation have expressed a desire to renew their 212 development agreement with the City.

Councilmember Scott expressed general concern about the city renewing these 212 agreements. He generally indicated that he would like to go ahead and move forward with annexing these properties.

Councilmember Scott made a motion to proceed with the annexation of 162.88 acres generally located along the south side of Clem Road, east of FM 1141 and west of FM 549. Councilmember Sweet seconded the motion.

Councilmember Farris expressed that he is not in support of the item because as long as the property owners are not developing, then he feels the city should continue renewing the 212 agreements.

The motion then passed by a vote of 4 ayes, 2 against (Russo and Farris) and 1 absent (Nielsen).

Action item # 3 was then addressed by Council.

5. Discuss the extension of Development Agreements between the City and certain property owners, entered into in accordance with Chapters 43 and 212 of the Texas Local Government Code, relative to the previous annexation of 1496.66-acres (Ord. 08-65) generally located along the south side of SH 276 and west of FM 550, and take any action necessary.

Councilmember Scott made a motion to proceed with annexation of 1496.66-acres (Ord. 08-65) generally located along the south side of SH 276 and west of FM 550. Mayor Cecil seconded the motion, which passed by a vote of 4 ayes, 2 nays (Russo and Farris) and 1 absent (Nielsen).

6. * Discuss and consider maintenance issues at the Shores Golf Course, and take any action necessary.

** Justification: This is an emergency agenda item. Due to maintenance conditions, including irrigation deficiencies and the extreme heat observed today, July 19th, at the Shores Golf Course, discussion and possible action may be required to ensure protection of City controlled property.*

meeting. Mayor Pro Tem Farris seconded the motion, which passed by a vote of 6 ayes to 1 absent (Nielsen).

The Council then discussed Action Item #2.

4. Discuss the extension of Development Agreements between the City and certain property owners, entered into in accordance with Chapters 43 and 212 of the Texas Local Government Code, relative to the previous annexation of 162.88-acres (Ord. 08-66) generally located along the south side of Clem Road, east of FM 1141 and west of FM 549, and take any action necessary.

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Councilmember Farris expressed that he is not in support of the item because as long as the property owners are not developing, then he feels the city should continue renewing the 212 agreements.

The motion then passed by a vote of 4 ayes, 2 against (Russo and Farris) and 1 absent (Nielsen).

Action item # 3 was then addressed by Council.

5. Discuss the extension of Development Agreements between the City and certain property owners, entered into in accordance with Chapters 43 and 212 of the Texas Local Government Code, relative to the previous annexation of 1496.66-acres (Ord. 08-65) generally located along the south side of SH 276 and west of FM 550, and take any action necessary.

Councilmember Scott made a motion to proceed with annexation of 1496.66-acres (Ord. 08-65) generally located along the south side of SH 276 and west of FM 550. Mayor Cecil seconded the motion, which passed by a vote of 4 ayes, 2 nays (Russo and Farris) and 1 absent (Nielsen).

6. * Discuss and consider maintenance issues at the Shores Golf Course, and take any action necessary.

** Justification: This is an emergency agenda item. Due to maintenance conditions, including irrigation deficiencies and the extreme heat observed today, July 19th, at the Shores Golf Course, discussion and possible action may be required to ensure protection of City controlled property.*

Assistant City Manager Rick Crowley indicated that staff had anticipated the Council possibly needing to take action related to this item; however, staff has since determined that no action on the part of the Council is necessary at this time. Therefore, Mayor Cecil indicated that the Council would not address this item tonight. He then recessed the public meeting into Executive Session (at 7:16 p.m.).

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

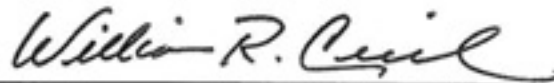
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council took no action as a result of Executive Session.

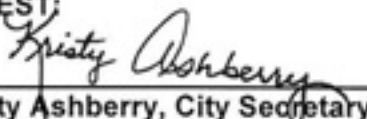
IX. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this
2nd day of August, 2010.



William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, July 26, 2010
5:00 p.m. Special Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 5:00 p.m. Present were Mayor Cecil, Mayor Pro Tem Glen Farris, and Councilmembers Mark Russo and Cliff Sevier. Also present were assistant City Manager Rick Crowley and Assistant to the City Manager Joey Boyd. Councilmembers David Sweet, Matt Scott and Margo Nielsen, as well as City Manager Julie Couch, were absent from the meeting.

II. DINNER

The Council and staff ate dinner between 5:00 and 6:00 p.m.

III. (6:00 P.M.) CONDUCT INTERVIEWS WITH DESIGN AND CONTRACT MANAGEMENT FIRMS FOR PROPOSED CAPITAL IMPROVEMENT PROJECTS AND TAKE ANY ACTION NECESSARY.

Interviews were conducted with the following design and construction management companies related to a possible law enforcement center:

Wilson Estes
Brinkley Sargent
PGAL
Manhattan
Pogue
Rogers - O'Brien


The Council took no action related to this agenda item.

IV. ADJOURNMENT

The meeting adjourned at 8:40 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 2nd day of August, 2010.**


William R. Cecil, Mayor

ATTEST:

Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Thursday, July 29, 2010
5:00 p.m. Special Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 5:00 p.m. Present were Mayor Cecil, Mayor Pro Tem Glen Farris, and Councilmembers David Sweet, Matt Scott and Mark Russo. Also present were assistant City Manager Rick Crowley and Assistant to the City Manager Joey Boyd. Councilmembers Margo Nielsen and Cliff Sevier, as well as City Manager Julie Couch, were absent from the meeting.

II. DINNER

The Council and staff ate dinner between 5:00 and 6:00 p.m.

III. (6:00 P.M.) CONDUCT INTERVIEWS WITH DESIGN AND CONTRACT MANAGEMENT FIRMS FOR PROPOSED CAPITAL IMPROVEMENT PROJECTS AND TAKE ANY ACTION NECESSARY.

Interviews were conducted with the following design and construction management companies related to a possible athletic center:

MHS
Landscapes Unlimited

Interviews were conducted with the following design and construction management companies related to possible improvements in the downtown area:

La Terra
Talley Associates
Kimley-Horn
Rogers - O'Brien
Hill & Wilkinson

Councilmember Matt Scott left the meeting at 6:50 p.m. and did not return. Councilmember David Sweet left the meeting at 8:00 p.m. and did not return.

The Council took no action related to this agenda item.

IV. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this
2nd day of August, 2010.

ATTEST:

Kristy Ashberry
Kristy Ashberry City Secretary

William R. Cecil

William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Monday, August 02, 2010

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, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and regarding the Shores Golf Course (IRI).

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


IV. PRE-COUNCIL DINNER

V. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 16th day of August, 2010.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

**Monday, August 02, 2010
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, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

Mayor Pro Tem Glen Farris made a motion to authorize staff to develop a lease agreement with Landscapes Unlimited for the operation of the Shores Golf Course. Councilmember Scott seconded the motion, which passed unanimously (7 ayes to 0 nays).

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

Councilmember Nielsen delivered the invocation and led the Pledge of Allegiance.

III. OPEN FORUM

Mayor Cecil explained the details of how Open Forum works and then asked if anyone would like to come forth and speak to the Council during this time.

**Pastor Joe Robins
805 Peters Colony
Rockwall, Texas**

Mr. Robins indicated that he has concerns about the resolution the city has put forth related to taking over ownership of the cemetery. He indicated that the attorney he has been working with will soon be contacting the city's attorney to discuss these concerns further.

Assistant City Manager Rick Crowley provided an update on the cemetery resolution and gave brief details related to possibly adding language to the resolution to indicate the cemetery will always remain a cemetery into the future. City Manager Julie Couch asked that Pastor Robins submit to the city in writing specifically what the concerns are so that staff can move forward with addressing those concerns.

**Ruth Peck
108 Lakedale
Rockwall, Texas**

Mrs. Peck came forth and announced the upcoming Rockwall Philharmonic Orchestra music concert at The Harbor on August 14 at 8:00 p.m., indicating that this is a free event for members of the public.

94
95 **Mayor Cecil then closed the public hearing.**
96

97 **IV. CONSENT AGENDA**
98

- 99 1. Consider approval of the minutes from the July 19, 2010 regular city
100 council meeting and take any action necessary.

101 **Councilmember Scott made a motion to approve the minutes from July 19.**
102 **Councilmember Sweet seconded the motion, which passed by a vote of 6 ayes with 1**
103 **abstention (Nielsen).**

- 104 2. Consider approval of the minutes from the July 26, 2010 special city
105 council meeting and take any action necessary.

106 **Mayor Cecil made a motion to approve the July 26 minutes. Councilmember Russo**
107 **seconded the motion, which passed by a vote of 4 ayes with 3 abstentions (Sweet, Scott,**
108 **Nielsen).**

- 109 3. Consider approval of the minutes from the July 29, 2010 special city
110 council meeting and take any action necessary.

111 **Councilmember Russo made a motion to approve the July 29 minutes. Councilmember**
112 **Sweet seconded the motion, which passed by a vote of 6 ayes with 1 abstention**
113 **(Nielsen).**

114
115 **V. APPOINTMENTS**
116

- 117 1. Appointment with the Planning and Zoning Chairman to discuss and
118 answer any questions regarding cases on the agenda and related issues
119 and take any action necessary.
- 120 2. Appointment with Mrs. Terri Nevitt and neighbors of Lake Ray Hubbard
121 Estates and Lake Meadows Estates to hear concerns related to the
122 proposed Eagle Point Estates Subdivision and take any action necessary.

123 **Terri Nevitt**
124 **201 Becky Lane**
125 **Rockwall, Texas**
126

127 **Ms. Nevitt generally indicated that she is concerned about increased traffic that may**
128 **result as drivers seek to utilize certain streets as shortcuts. She is also concerned about**
129 **construction trucks potentially coming down Becky Lane as a shortcut to get to the new**
130 **development. She requested that the city consider arranging for a temporary entry / exit**
131 **point for construction vehicles that will be performing work in the newly proposed**
132 **neighborhood so that they do not use Becky Lane as a cut through. After expressing**
133 **several general concerns, Ms. Nevitt asked Planning Director Robert LaCroix for an**
134 **explanation related to if a public hearing will be held regarding platting of this**
135 **subdivision and if not, why one would not be held. LaCroix explained to Nevitt why a**
136 **public hearing for the preliminary plat was not held, generally indicating that because the**
137 **owner subdivided and sold off portions of the property, a public hearing was not**
138 **required to be held. Assistant City Manager Rick Crowley and City Manager Julie Couch**
139 **expressed that the city will speak with the developer about minimizing construction**

140 traffic. Couch further explained that different laws and guidelines are required for
141 subdivision plats than are required for zoning cases and that this is the reason a public
142 hearing was not and will not be held.

143
144 After brief discussion, no action was taken as a result of this agenda item.

- 145
146 3. Appointment with Mr. and Mrs. Marsh to hear concerns related to an
147 unpleasant odor in their home located at 1947 Random Oaks and take
148 any action necessary.

149 Mr. Chris Marsh and his wife came forth to explain their concerns related to a sewage
150 smell both inside and outside of their home. He expressed concern about the safety of
151 himself and his family. He provided details of the steps the city has taken in order to try
152 to identify and remedy the problem. He is also concerned about a potential explosive
153 danger and about potential problems associated with future resale of his home.

154
155 Mayor Cecil called City Engineer Chuck Todd forward to speak about this issue. Todd
156 explained that the builder built a driveway over a manhole and that the city has since
157 gone in and done work to bring the manhole up to the street level surface. He explained
158 that Calmark Homes built the home in about 1997. Councilmember Scott expressed
159 concern about a city engineering inspector not noticing that the manhole had been
160 covered up by the builder when the driveway was originally poured. Todd explained
161 various measures that the city has taken in order to help get rid of the sewage smell at
162 Mr. Marsh's home. Assistant City Manager Crowley urged Mr. Marsh to call and report to
163 the city any time, day or night weekend or week day, when he smells the odor so that the
164 city can come out right away and check things out.

165
166 Mrs. Marsh indicated that she likely called the city to first report her concerns about the
167 smell in the summer of 2008. Todd then explained all of the things that the city has done
168 since the first report was made in an effort to help remedy the problem.

169
170 Mayor Cecil asked staff to check with the Marsh's neighbors to ensure that the sewage
171 smell is not affecting them too.

172
173 Mr. Marsh requested some sort of paper trail from the city to show in writing what has
174 been done over time to remedy the problems. Todd indicated that he will provide such
175 information to the Marsh's.

176
177 City Manager Couch suggested that staff will put together a chronology in order to better
178 identify if and when the problems have been reported and how the city has responded to
179 the reports over time.

180
181 After additional brief discussion, the Council asked for staff to provide an update on the
182 issue to the Council in the near future. Todd agreed to do so. The Council took no
183 formal action related to this item.

184
185 Crowley again strongly urged Mr. and Mrs. Marsh to call and report any concerns as
186 soon as they are realized so that the city can act quickly to respond.

190 **VI. PUBLIC HEARING ITEMS**

- 191
- 192 1. A2010-001 (1st Public Hearing – No Action to be taken) - Hold a public
- 193 hearing and consider a City-initiated request to annex four (4) areas
- 194 totaling approximately 824.91-acres overall and contiguous to the existing
- 195 City of Rockwall city limits line, and generally described as follows:
- 196 a) Area 1 - 538.90 acres located West of SH 205, South of FM 549 and
- 197 Northeast of Hanby Lane
- 198 b) Area 2 - 111.80 acres located north of FM 1139 and east of FM 549
- 199 c) Area 3 - 81.96 acres located along the west side of Rochell Road south of SH
- 200 276
- 201 d) Area 4 - 92.25 acres located along southeast side of FM 550 south of SH 276
- 202

203 Planning Director Robert LaCroix offered brief background information on this item,

204 generally describing the location of area being considered for annexation at this time as

205 well as a brief explanation of the service plan for the area if and when it becomes

206 annexed into the city.

207 After LaCroix's background information, Mayor Cecil opened the Public Hearing, asking

208 each speaker to first indicate which area he/she is speaking on.

209 Christi Huddleston

210 Area #4

211

212 Ms. Huddleston explained that she is against being annexed and does not believe there

213 will be any real benefit to her related to services she will gain. She expressed concern

214 about currently having a Royse City address and how her postal address might change

215 (or not) if she is annexed. General discussion took place related to water and sewer

216 services as well as her plans to construct a swimming pool at her home over the next

217 month or two.

218

219 Ed Coolhorse

220 Area #1

221

222 Mr. Coolhorse generally expressed that he is not in favor of being annexed and sought

223 an explanation of the 212 agreement. He mentioned he currently has a wildlife sanctuary

224 exemption on his property and wonders if the annexation will affect this exemption.

225 LaCroix indicated that annexation would not affect such exemption. LaCroix further

226 explained the nature of agricultural zoning and the 212 agreements.

227

228 Allen Travis

229 Area #1

230

231 Mr. Travis shared information about when he moved to his property and the various

232 improvements that have been made on his property over the years. He generally

233 expressed that he is not in favor of being annexed and will likely want to sign the

234 proposed 212 non-development agreements.

235

236 Brett Wilson

237 535 Cullins Road

238 Area #1

239
240 Mr. Wilson generally indicated that he does not wish to be annexed by the city and
241 neither does his wife. He expressed that he will be back for the second public hearing on
242 August 16 as well to speak against being annexed.

243
244 Rusty Wylie
245 Area #1

246 Mr. Wylie asked for clarification regarding why some areas to the west are not included
247 in this proposed annexation. LaCroix offered comments related to this question. Wylie
248 sought clarification and further explanation regarding the proposed 212 agreement being
249 offered to him by the city at this time.

250
251 There being no one else to come forth and speak, Mayor Cecil then closed the public
252 hearing, indicating the next public hearing will take place on August 16.
253

- 254 2. Z2010-012 - Hold a public hearing for a city-initiated request to amend
255 (PD-32) Planned Development No. 32 district (Ord. No. 08-11),
256 specifically by rezoning the land described below to expand the district
257 boundaries; by incorporating a Concept Plan that applies to land now
258 zoned PD-32 and the added land, and that divides the district into sub-
259 districts; by establishing land uses for each sub-district; by prescribing
260 development standards for each sub-district; by defining procedures for
261 approving development within the district; and by defining types and
262 locations for streets within the district, and establishing standards for the
263 construction, design and streetscape for such streets. The Commission
264 and Council also will consider requests to expand the boundaries of PD-
265 32 by rezoning approximately 1.15-acres from (GR) General Retail
266 district, approximately 3.08-acres from (C) Commercial district, and
267 approximately 11.21-acres from (PD-7) Planned Development No. 7
268 district, thereby increasing the size of PD-32 to approximately 78.89-
269 acres overall, generally located along the south service road of Interstate
270 30 and west side of Horizon Road, and take any action necessary.

271 Planning Director Robert LaCroix provided background information on this item.
272

273 Mayor Cecil then opened the public hearing and asked if anyone would like to come forth
274 and speak related to this item.

275
276 Terri Nevitt
277 201 Becky Lane
278 Rockwall, Texas
279

280 Ms. Nevitt asked LaCroix to explain the results of the traffic study performed on this area.
281 LaCroix did so, offering general information related to this study and the possibilities
282 associated with moving traffic more efficiently in and around the area. Ms. Nevitt
283 generally expressed concern related to parking. Mayor Cecil explained that staff is
284 happy to share with Ms. Nevitt the traffic study and plan associated with this area, which
285 will include parking plans.
286
287
288

Ron Mason
1402 Ridge Road
Rockwall, Texas

Mr. Mason expressed concern about plans to preserve the tree line in this area. He asked if any research has been done regarding potential endangered species, especially birds of prey, which might potentially be located in this area. Cecil indicated that he is not aware of any such study but further indicated that he would enjoy Mr. Mason providing photos of such birds to the staff and council. Cecil stated that staff would be happy to share the drainage easement plans with Mr. Mason and that these plans do include preservation of the tree line in question.

There being no one else to come forward and speak, Mayor Cecil then closed the public hearing. The Council took no action related to this item.

3. P2010-010 - Continue a public hearing and consider a request by Jason DuBose for approval of a residential replat of Lot 1, Block Y, Lakeview Summit Phase 2 Addition, being 0.34-acre zoned (PD-29) Planned Development No. 29 district and located at 751 Monterey Drive, and take any action necessary.

Planning Director Robert LaCroix provided brief background information related to this item.

Jason DuBose
751 Monterrey Drive
Rockwall, Texas

Mr. DuBose came forth and briefly asked that the Council approve this residential replat.

Mayor Cecil then opened the public hearing. There being no one to come forth and speak on this item, Mayor Cecil closed the public hearing. Mayor Pro Tem Glen Farris then made a motion to approve P2010-010. Councilmember Russo seconded the motion, which passed by a vote of 7 ayes to 0 nays.

VII. ACTION ITEMS

1. Discuss and consider Design and Construction Management Firms for Future Capital Improvement Projects and take any action necessary.

Assistant City Manager Rick Crowley provided brief introductory comments related to this item, indicating that staff believes the next step in this process would be for the Council to consider instructing staff to move forward with contract negotiations.

With regard to the proposed athletic complex, Councilmember Scott made a motion to instruct staff to move forward with negotiating contracts with MHS Architects and Landscapes Unlimited as the construction management firm. Councilmember Sevier seconded the motion, which passed unanimously (7 ayes to 0 nays).

With regard to the proposed law enforcement center, Mayor Cecil made a motion to instruct staff to move forward with contract negotiations with Wilson Estes with Rogers O'Brian as the construction management firm. Councilmember Russo seconded the

338 motion. Mayor Pro Tem Farris indicated that he is not quite ready to move forward and
339 would prefer more time to study his notes further before making a decision; therefore, he
340 will not support the motion on the floor this evening. Councilmember Sweet also
341 expressed some concern about moving forward at this point due to a desire to study his
342 notes further. The motion failed by a vote of 3 ayes to 4 nays (Sweet, Nielsen, Sevier,
343 Farris).
344

345 Mayor Pro Tem Farris made a motion to table any nominations associated with the
346 proposed downtown improvements and the law enforcement center for two weeks until
347 the next regular council meeting. Councilmember Russo seconded the motion. The
348 motion passed by a vote of 7 ayes to 0 nays.
349

- 350 2. Discuss and consider award of the construction bid for the Dalton Road
351 Lift Station Improvement project and take any action necessary.

352 Mayor Cecil made a motion to instruct staff to reject the bid and rebid the project as
353 recommended by staff. Councilmember Nielsen seconded the motion.
354

355 Paul Carline of Birkhoff, Hendricks and Carter, the design engineer on the project, came
356 forth and explained that he recommends rejecting the bid that was received because it
357 was bid at a much higher cost than was estimated and expected.

358 Councilmember Sevier generally expressed concern about the recommendation being
359 given to reject the bid that has been received and rebid the project.

360 After some discussion, the motion passed by a vote of 7 ayes to 0 nays.

- 361 3. Discuss and consider an ordinance amending the sign code to allow for
362 donor recognition signs and take any action necessary. (1st Reading)

363
364 Mayor Cecil made a motion to approve the ordinance as presented. Councilmember
365 Scott seconded the motion. The ordinance was read as follows:
366

367 CITY OF ROCKWALL, TEXAS
368

369 ORDINANCE NO. 10-
370

371 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
372 ROCKWALL, TEXAS, AMENDING THE SIGN CODE, AS
373 PREVIOUSLY AMENDED, IN SECTION 15-232, SECTION C.
374 DEFINITIONS, BY ADDING A DEFINITION FOR DONOR
375 RECOGNITION MESSAGE AND AMENDING THE DEFINITION FOR
376 COMMERCIAL MESSAGE; PROVIDING FOR A PENALTY OF FINE
377 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000)
378 FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE;
379 PROVIDING AN EFFECTIVE DATE.
380

381 The motion passed by a vote of 7 ayes to 0 nays.
382

383 VIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
384 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.
385

- 386 1. Departmental Reports

Police Department Monthly Report - June 2010 and Quarterly Report
Finance Department Monthly Report - June 2010
Fire Department Monthly Reports - June 2010
Internal Operations Department Report - June 2010
Building Inspections Monthly Report - June 2010
Recreation Report - June 2010
Harbor PD Report - June 2010

2. City Manager's Report

Mayor Cecil asked if Council Members had any comments/questions of staff. There being no questions regarding staff and city manager reports, Mayor Cecil then recessed the public meeting into Executive Session at 8:37 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and regarding the Shores Golf Course (IRI).

X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


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

XI. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of August, 2010.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

Thursday, August 5, 2010

5:00 p.m. Emergency Meeting

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

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 5:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and Council Members David Sweet, Margo Nielsen and Mark Russo. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council Members Matt Scott and Cliff Sevier were absent from the meeting.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. * 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and with regard to a settlement offer associated with City v. Temunovic for right-of-way for John King Blvd, and take any action necessary.

* Posted as an emergency due to the trial date being August 16, 2010 and the necessity for the settlement discussion to occur prior to any further expense as related to trial preparation and due to the time for response to the settlement offer being Thursday, August 5, 2010.

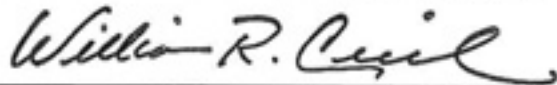
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Glen Farris made a motion to approve the settlement agreement with Temonovic for right-of-way acquisition at the intersection of John King Boulevard and IH-30 in the amount of \$2.6 million. Councilmember Russo seconded the motion. The motion passed unanimously of those present (5 ayes to 2 nays (Scott and Sevier)).

V. ADJOURNMENT

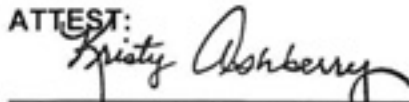
The meeting was adjourned at 6:35 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 16th day of August, 2010.**



William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary



MINUTES ROCKWALL CITY COUNCIL

Friday, August 13, 2010
8:30 a.m. Budget Work Session
City Courts Building, 205 W. Rusk Rockwall, Texas 75087

1. CALL TO ORDER

Mayor Cecil called the meeting to order at 8:30 a.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and Assistant City Manager Rick Crowley.

2. HOLD BUDGET WORK SESSION AND TAKE ANY ACTION NECESSARY.

City Manager Julie Couch and Finance Director Mary Smith provided general information on anticipated revenues and expenditures for the upcoming fiscal year, explaining that sales taxes are projected to be 'flat' for the upcoming year. Couch indicated that she again asked department directors to refrain from proposing additional programs or staffing this year in their departmental budgets.

After additional, general discussion, the Council took no formal action related to the budget at this time.

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

- a. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- b. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

4. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

The Council took no action as a result of Executive Session.

5. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 7th day of September, 2010.

ATTEST:


Kristy Ashberry, City Secretary


William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, August 16, 2010
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 Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Pro Tem Glen Farris was absent from the meeting. Mayor Cecil immediately recessed the public 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

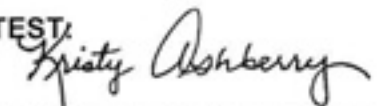
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See actions taken at the start of the public meeting.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 7th day of September, 2010.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, August 16, 2010
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 Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Pro Tem Glen Farris was absent from the meeting.

Councilmember Scott made a motion to accept the offer on Parcel 18 in the amount of \$25,000. Councilmember Russo seconded the motion, which passed by a vote of 6 ayes to 1 absent (Farris).

Councilmember Scott made a motion to accept an offer at \$56,720 for the Capital Southwest parcel of land. Councilmember Sevier seconded the motion, which passed unanimously.

Mayor Cecil then re-ordered the agenda to address Action Item #1 at this time.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR CECIL

Mayor Cecil delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Recognition of Rockwall University Graduates

Cheryl Dunlop, Director of Administrative Services, said a few words related to the Rockwall University training program. Mayor Cecil then presented city staff members Bruce Hanby, Shon Bellah and Masis Markarian with certificates and an appreciation gift from the City.

IV. CONSENT AGENDA

- 1.** Consider approval of the minutes from the August 2, 2010 regular city council meeting and take any action necessary.
- 2.** Consider approval of the minutes from the August 5, 2010 Emergency Council Meeting and take any action necessary.
- 3.** Consider approval of an **ordinance** amending the Sign Code to allow for donor recognition signs and take any action necessary. **(2nd reading)**
- 4.** Consider granting a utility easement to ONCOR for the electrical service to the proposed Squabble Creek Lift Station at the Squabble Creek Wastewater Treatment Plant and take any action necessary.

- 90 5. Z2010-012 - Consider approval of an **ordinance** for a city-initiated
91 request to amend (PD-32) Planned Development No. 32 district (Ord. No.
92 08-11), specifically by rezoning the land described below to expand the
93 district boundaries; by incorporating a Concept Plan that applies to land
94 now zoned PD-32 and the added land, and that divides the district into
95 sub-districts; by establishing land uses for each sub-district; by
96 prescribing development standards for each sub-district; by defining
97 procedures for approving development within the district; and by defining
98 types and locations for streets within the district, and establishing
99 standards for the construction, design and streetscape for such streets.
100 The Commission and Council also will consider requests to expand the
101 boundaries of PD-32 by rezoning approximately 1.15-acres from (GR)
102 General Retail district, approximately 3.08-acres from (C) Commercial
103 district, and approximately 11.21-acres from (PD-7) Planned
104 Development No. 7 district, thereby increasing the size of PD-32 to
105 approximately 78.89-acres overall, generally located along the south
106 service road of Interstate 30 and west side of Horizon Road, and take any
107 action necessary. **(1st Reading)**
- 108 6. Consider approval of a resolution adopting design guidelines as an
109 appendix to the approved ordinance for Planned Development District No.
110 32 (PD-32), also known as the Harbor District, and take any action
111 necessary.

112 Councilmember Sevier pulled items #5 and #6 for further discussion.

113
114 Councilmember Nielsen then made a motion to approve items #1-4. Councilmember
115 Sweet seconded the motion. The ordinance was read as follows:

116
117 CITY OF ROCKWALL, TEXAS
118 ORDINANCE NO. 10-19
119

120 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
121 ROCKWALL, TEXAS, AMENDING THE SIGN CODE, AS
122 PREVIOUSLY AMENDED, IN SECTION 15-232, SECTION C.
123 DEFINITIONS, BY ADDING A DEFINITION FOR DONOR
124 RECOGNITION MESSAGE AND AMENDING THE DEFINITION FOR
125 COMMERCIAL MESSAGE; PROVIDING FOR A PENALTY OF FINE
126 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000)
127 FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE;
128 PROVIDING AN EFFECTIVE DATE.
129

130 The motion passed by a vote of 6 ayes to 1 absent (Farris).

131
132 Regarding Consent agenda items #5 and #6, Councilmember Sevier expressed that he is
133 not in favor of zero lot line homes, apartment and townhomes because of density
134 concerns. Councilmember Russo also expressed concern about the density.
135

136 After general discussion, Councilmember Nielsen made a motion to approve item # 5.
137 Mayor Cecil seconded the motion.
138

139 Planning Director Robert LaCroix provided brief information related to the urban style
140 residential housing that is proposed to be located in this area, including condominiums

141 and townhomes. Lengthy discussion took place among council members related to
142 support or non support of multifamily housing as well as density considerations.
143

144 Councilmember Nielsen withdrew her motion. Mayor Cecil withdrew his second and then
145 made a subsequent motion to table items #5 and #6 until the next regularly scheduled
146 city council meeting. Councilmember Nielsen seconded the motion. The motion passed
147 by a vote of 6 ayes to 1 absent (Farris).
148

149 Councilmember Nielsen left the meeting at this point due to not feeling well. She did not
150 return for the remainder of the meeting.
151

152 V. APPOINTMENTS

153

- 154 1. Appointment with Jerry Archer, owner of Archer's Car Care, to discuss
155 requirements of the fire code for his business located at 306 E.
156 Washington Su. # C, and take any action necessary.

157 Jerry Archer
158 306 East Washington, Suite C
159 Rockwall, TX
160

161 Mr. Archer indicated that he has experienced a large, negative impact and slow recovery
162 period associated with relocation of his business due to expansion and construction of
163 SH-205. Mr. Archer indicated that it is estimated to cost over \$65,000 to get water to the
164 building and install a fire sprinkler / fire suppression system. He indicated he has
165 considered relocation of his business but has found it to not be a financially viable
166 option. Mr. Archer expressed he was not fully aware of what he was agreeing to when
167 the SUP was initially issued to him by the city with the condition that a fire sprinkler
168 system would be installed. He asked the council to consider allowing him additional time
169 to discuss a possible split of the cost with the owner of the building.
170

171 Councilmember Scott made a motion to grant an extension to Mr. Archer associated with
172 his existing SUP with an expiration of November 15, 2010. Councilmember Sevier
173 seconded the motion, which passed by a vote of 5 ayes to 2 absent (Farris, Nielsen).
174

- 175 2. Appointment with James Russell "Rusty" Wylie Jr. who resides at 924
176 Wylie Lane to hear request associated with the extra territorial jurisdiction
177 (ETJ) location of his property and take any action necessary.

178 Rusty Wylie
179 924 Wylie Lane
180 Rockwall, Texas
181

182 Mr. Wylie made a request to the Council to consider releasing his property from
183 Rockwall's ETJ and allow him instead to be located within McLendon Chisholm's ETJ.
184 Mr. Wylie indicated that the city administrator of McLendon Chisholm, Mr. Dave Butler,
185 has indicated that if the City of Rockwall will release Mr. Wylie's property from its ETJ, he
186 does not anticipate any problems with allowing the Wylie property to become part of
187 McLendon Chisholm's ETJ instead.
188

189 Mayor Cecil indicated that the property will remain 'as is' since no one on the Council
190 made any sort of motion associated with this item / this request. No formal action was
191 taken by Council related to this item.

192
193 VI. PUBLIC HEARING ITEMS

- 194
195 1. A2010-001 (2nd Public Hearing – No Action to be taken) Hold a public
196 hearing and consider a City-initiated request to annex four (4) areas
197 totaling approximately 824.91-acres overall and contiguous to the existing
198 City of Rockwall city limits line, and generally described as follows:
- 199 a. Area 1 - 538.90 acres located West of SH 205, South of FM 549
200 and Northeast of Hanby Lane
 - 201 b. Area 2 - 111.80 acres located north of FM 1139 and east of FM
202 549
 - 203 c. Area 3 - 81.96 acres located along the west side of Rochell Road
204 south of SH 276
 - 205 d. Area 4 - 92.25 acres located along southeast side of FM 550
206 south of SH 276

207 Mayor Cecil explained some of the background information related to this public hearing
208 item. Mayor Cecil then opened the public hearing, asking if anyone wishes to come forth
209 and speak related to these proposed annexations.

210
211 Rusty Wylie
212 924 Wylie Lane
213 Rockwall, Texas

214
215 Mr. Wylie generally indicated that he is not in favor of being annexed. He sought
216 clarification related to the proposed 212 agreement being offered to him by the City at
217 this time. Mayor Cecil provided such clarification.

218
219 Adam Plunk, an attorney representing property owner John White, came forth and
220 generally expressed non-support of the proposed annexation of Mr. White's property.

221
222 Leslie and Brett Wilson
223 535 Cullins Road
224 Rockwall, TX

225
226 Mrs. Wilson indicated that her property is already developed out and it has deed
227 restrictions on it. She is not sure why the city wishes to annex her property and would
228 like to know why it is considering doing so. Both Mr. and Mrs. Wilson generally
229 expressed strong opposition to the proposed annexation of their property.

230
231 Brent Nally
232 Area #4

233
234 He expressed he owns twelve acres in area 4 and does not believe he will gain anything if
235 his property is annexed. He generally indicated that he is not in favor of his property

being annexed. General discussion took place related to his existing Royse City mailing address and how that may or may not change if his property is annexed.

There being no one else to come forth and speak during the public hearing, Mayor Cecil then closed the public hearing.

VII. ACTION ITEMS

1. Discuss and consider approval of an Interlocal Agreement with Rockwall County regarding Municipal Judge Services for "Labor Day 2010 No Refusal Weekend" and take any action necessary.

Kenda Culpepper, the Rockwall County Criminal District Attorney, came forth to address the Council related to this item, explaining the program and indicating that the County wishes to partner with the City of Rockwall again this year.

Councilmember Scott made a motion to approve the interlocal agreement as presented. Councilmember Sevier seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Farris).

2. Discuss and consider updates regarding requests made to the Council on June 21, 2010 by Robert Cook of the Rockwall Old Town Shoppes related to public improvements to the downtown square and take any action necessary.

Assistant City Manager Rick Crowley provided background information on this item and provided staff updates related to the various requests previously made to the Council by Robert Cook back in June.

Mr. Cook came forth and expressed concern about some planters that are problematic and dangerous due to visibility issues for drivers.

No formal action was taken by the Council related to this item at this time.

3. Discuss and consider Design and Construction Management Firms for future capital improvement projects and take any action necessary.

Mayor Cecil made a motion to table this item until the next regular city Council meeting. Councilmember Sevier seconded the motion. After brief discussion, the motion passed by a vote of 5 ayes to 2 absent (Farris, Nielsen).

4. Discuss and consider possible creation of Cultural Arts Districts within the City and taken any action necessary.

Councilmember Russo provided brief background information related to this item. He asked if staff, over the next ninety (90) days, can evaluate the possibility of establishing Cultural Arts Districts within the city.

Couch indicated that she would like to come back to the Council with more detailed information related to the various requirements associated with establishing a Cultural Arts District. At that time, she would like to discuss with Council and receive input and direction on possibly moving forward with this idea.

Councilmember Scott made a motion to instruct staff to further evaluate this concept, including the associated cost, for further consideration by Council in November. Mayor

Cecil seconded the motion, which passed by a vote of 5 ayes to 2 absent (Farris, Nielsen).

The Mayor then indicated that there would be no Executive Session following the public agenda. The meeting was adjourned at 8:24 p.m.

VIII. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

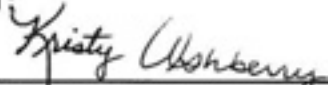
The Council did not convene into the end-of-meeting Executive Session; consequently, no action was taken.

X. ADJOURNMENT

The public meeting adjourned at 8:24 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 7th day of September, 2010.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



MINUTES ROCKWALL CITY COUNCIL

Thursday, September 2, 2010
6:00 p.m. Special 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 Council Members Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council members David Sweet and Matt Scott were absent from the meeting. Mayor Cecil immediately recessed the public 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and regarding the Shores Golf Course.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council came out of executive session but took no action as a result of executive session.

V. ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 7th day of September, 2010.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Tuesday, September 07, 2010
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, Mayor Pro Tem Glen Farris and Council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

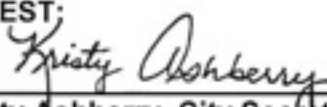
Please see start of public meeting (below) for actions taken as a result of Executive Session.

IV. ADJOURNMENT

Executive Session was adjourned at 5:45 pm.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 20th day of September, 2010.

ATTEST:


Kristy Ashberry, City Secretary


William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Tuesday, September 07, 2010
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, Mayor Pro Tem Glen Farris and Council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

Mayor Pro Tem Glen Farris made a motion to designate Mayor Cecil and Mayor Pro Tem Glen Farris as city liaisons to the Rockwall Independent School District and its boards. Mayor Cecil seconded the motion, which passed by a vote of 7 ayes to 0 nays.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER RUSSO

Councilmember Russo delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Constitution Week
2. National Preparedness Month

Mayor Cecil read and presented the proclamations for Constitution Week and National Preparedness Month.

IV. OPEN FORUM

Mayor Cecil explained the guidelines for speaking during Open Forum and then asked if there was anyone in the audience who would like to address the Council at this time. There being no one to come forth and speak during Open Forum, Mayor Cecil then closed open forum.

V. CONSENT AGENDA

1. Consider approval of the minutes from the August 13, 2010 Council Budget Work Session and take any action necessary.
2. Consider approval of the minutes from the August 16, 2010 regular city council meeting and take any action necessary.
3. Consider approval of the minutes from the September 2, 2010 special city council meeting and take any action necessary.
4. Consider a resolution authorizing continued participation with the Atmos Cities Steering Committee (ACSC) and take any action necessary.
5. Consider approval of an **ordinance** approving a negotiated resolution between Atmos Energy Corporation and Atmos Cities Steering

Committee regarding Atmos' Rate Review Mechanism Filing and take any action necessary. **(1st Reading)**

6. Consider approval of a resolution expressing support for the FY 2011 Rockwall County Emergency Services Corporation budgets and take any action necessary.

7. P2010-014 - Discuss and consider a request by Christopher McCluskey of Pacheco Koch Consulting Engineers for approval of a replat of Lot 5, Block A, Rockwall Crossing Addition, being a 1.41-acre tract zoned (C) Commercial district, and take any action necessary.

8. P2010-015 - Discuss and consider a request by Joshua Millsap of Bury + Partners DFW, Inc., for approval of a replat of Lot 9, Block A, Rockwall Business Park East Addition, being 12.661-acres zoned (C) Commercial district and situated along the south side of IH-30 west of SH 205, and take any action necessary.

Mayor Pro Tem Farris pulled item #2 for discussion. Councilmember Sweet pulled item #3 for discussion.

Mayor Cecil then made a motion to approve the remaining Consent Agenda Items (#1, 4, 5, 6, 7 and 8). Mayor Pro Tem Farris seconded the motion. The ordinance for item #5 was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 10-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC" OR "STEERING COMMITTEE") AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") REGARDING THE COMPANY'S THIRD RATE REVIEW MECHANISM ("RRM") FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS MID-TEX'S PROOF OF REVENUES; EXTENDING THE RRM PROCESS FOR TWO CYCLES AND ADOPTING A NEW RRM TARIFF; RATIFYING THE SETTLEMENT AGREEMENT, INCLUDING COST RECOVERY FOR A STEEL SERVICE LINE REPLACEMENT PROGRAM; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; PROVIDING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

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

Mayor Cecil made a motion to approve consent agenda item #2. Councilmember Sweet seconded the motion, which passed by a vote of 5 ayes with 2 abstentions. (Nielsen, Farris)

Mayor Cecil made a motion to approve Consent Agenda item #3. Mayor Pro Tem Farris seconded the motion, which passed by a vote of 5 ayes with 2 abstentions (Sweet, Scott).

143
144 **VI. APPOINTMENTS**
145

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

149 **No one from the Planning & Zoning commission was present, so this item was not**
150 **addressed and the council took no action related to this item.**
151

152 **VII. PUBLIC HEARING ITEMS**
153

- 154 1. Hold a public hearing to receive comments on the proposed fiscal year
155 2011 budget, and take any action necessary.

156 **Finance Director Mary Smith offered brief introductory remarks for this public hearing**
157 **item. Mayor Cecil then opened the public hearing.**
158

159 **John White**
160 **1929 S. Lakeshore Drive**
161 **Rockwall, TX 75087**
162

163 **Mr. White came forth and generally indicated that he believes the city should consider**
164 **cutting expenses in the budget as opposed to maintaining a flat budget because of the**
165 **economic uncertainty associated with the coming year.**
166

167 **There being no one else to come forth and speak related to the budget, Mayor Cecil then**
168 **closed this public hearing. The Council took no action related to this item.**
169

- 170 2. Z2010-011 - Hold a public hearing and consider approval of an
171 **ordinance** for a request by Eric Cotney of Axiom Solar for approval of a
172 Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than
173 Listed," specifically the installation of solar panels on the roof of a home
174 located at #4 Soapberry Lane, being Lot 5, Block A, Grady Rash Addition
175 and zoned (SF-10) Single Family Residential district, and take any action
176 necessary. **(1st Reading)**

177 **Planning Director Robert LaCroix offered brief background information related to this**
178 **request. He indicated that notices were sent out to adjacent property owners and three**
179 **notices were received back in favor of this request. He further stated that the Planning &**
180 **Zoning Commission recommended approval of this item by a vote of 5 to 0.**
181

182 **Eric Cotney with Axiom Solar was present to represent the property owner and request**
183 **approval for installation of these solar panels. Mr. Cotney indicated that he believes the**
184 **property owner will realize a payback on his investment in about twelve years. Cotney**
185 **indicated that he does quite a lot of installations in the City of Plano and that Plano does**
186 **not require an SUP, only a permit and an inspection.**
187

188 **Mayor Cecil opened the public hearing to ask if anyone would like to speak related to this**
189 **item.**
190
191

192 Bob Lewis
193 1465 Meadows Lane
194 Rockwall, TX
195

196 Mr. Lewis came forth and asked why this item is coming before the Council for approval.
197 He indicated that he does not believe this item should have to come before the city
198 council for review and approval and that matters such as this should be changed to a
199 routine permitting process and should not require an SUP.
200

201 There being no one else to come forth and speak on this item, Mayor Cecil then closed
202 the public hearing.
203

204 Mayor Pro Tem Farris indicated that the Green Subcommittee is studying and evaluating
205 the possibility of moving away from requiring SUPs in association with installation of
206 solar panels on one's home. Farris then made a motion to approve the ordinance and
207 associated SUP. Councilmember Russo seconded the motion. The ordinance was read
208 as follows:

209 CITY OF ROCKWALL
210 ORDINANCE NO. 10-
211

212 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
213 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
214 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
215 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO
216 ALLOW FOR A "UTILITY INSTALLATION, OTHER THAN LISTED"
217 WITHIN THE (SF-10) SINGLE FAMILY RESIDENTIAL DISTRICT,
218 SPECIFICALLY THE INSTALLATION OF SOLAR PANELS ON THE
219 ROOF OF A HOME LOCATED AT #4 SOAPBERRY LANE, BEING
220 LOT 5, BLOCK A, GRADY RASH ADDITION; PROVIDING FOR
221 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT
222 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
223 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
224 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
225 EFFECTIVE DATE.

226 The motion passed by a vote of 7 ayes to 0 nays.
227

228 VIII. ACTION ITEMS
229

- 230 1. Discuss and consider a request by Mr. Pablo Sanchez, the owner of 250
231 Nicole, for an exception to the front yard fence height requirements within
232 PD 75, and take any action necessary.

233 Building Official and Director of Code Enforcement, Jeffrey Widmer, provided brief
234 background information related to this item. He indicated that Mr. Sanchez originally
235 erected the fence, which exceeds the city's maximum height requirement, without first
236 pulling a permit for the fence installation. He is now seeking a variance from the Council
237 associated with this fence and its height.
238

239 After general discussion, Councilmember Nielsen made a motion to approve this
240 variance request and associated height of the fence. Councilmember Sevier seconded
241 the motion. The motion passed by a vote of 7 ayes to 0 nays.
242

2. Z2010-012 - Discuss and consider approval of an **ordinance** for a city-initiated request to amend (PD-32) Planned Development No. 32 district (Ord. No. 08-11), specifically by rezoning the land described below to expand the district boundaries; by incorporating a Concept Plan that applies to land now zoned PD-32 and the added land, and that divides the district into sub-districts; by establishing land uses for each sub-district; by prescribing development standards for each sub-district; by defining procedures for approving development within the district; and by defining types and locations for streets within the district, and establishing standards for the construction, design and streetscape for such streets. The Commission and Council also will consider requests to expand the boundaries of PD-32 by rezoning approximately 1.15-acres from (GR) General Retail district, approximately 3.08-acres from (C) Commercial district, and approximately 11.21-acres from (PD-7) Planned Development No. 7 district, thereby increasing the size of PD-32 to approximately 78.89-acres overall, generally located along the south service road of Interstate 30 and west side of Horizon Road, and take any action necessary. **(1st Reading)**

Mayor Cecil made a motion to approve the ordinance for Action Item #2 and the resolution for Action Item #3. Mayor Pro Tem Farris seconded the motion. Farris offered brief comments, generally indicating that he is in favor of this proposed concept plan and believes it is the most important piece of property in the city and in the metroplex area.

Councilmember Scott offered comments indicating that the multifamily housing being considered in this concept plan includes condominiums and townhomes only, both of which would be owner occupied housing units, and no apartments or rental units. He generally indicated that he did not believe these would negatively impact the school district. He also indicated that most all of these condos and townhomes will be valued at \$300,000 or more and are no more or less likely to lose their value compared to any other owner occupied single family home located within the city. He provided a brief history of council member votes over time as related to PD-32 planning and development of the PD-32 concept plan. He indicated that all council members have repeatedly voted in favor of moving forward with these plans, with a one vote exception from Council Member Russo, and that he believes it is irresponsible to vote against the concept plans now at the end of the zoning process.

Councilmember Sevier provided information on research he conducted related to multifamily housing units in the city, including the number of units and general discussion related to the average number of units that have ended up being rental properties over time even though they are 'owner occupied' units. Sevier also expressed general concern related to parking. He indicated that eight of the multifamily housing complexes in Rockwall and the collective numbers of units in all eight combined do not add up to as many housing units as will be located in the PD-32 area if the concept plan is approved. This is concerning to him and he will vote against this item.

Councilmember Sweet generally thanked the subcommittee and Council members for their work and concern related to consideration of this concept plan. He indicated that he believes some sort of residential development is necessary for the long term viability and success of a mixed use development such as The Harbor that includes a retail

293 aspect. He stressed the point that the units being proposed in the PD-32 concept plan
294 are not apartments. They are townhomes and condominiums. He expressed that he will
295 support this item this evening.
296

297 Councilmember Nielsen indicated that people have for years indicated that they would
298 like more diverse options for housing in the City of Rockwall. A lot of people desire an
299 opportunity to downsize and purchase quality properties with high end finish out options
300 and no yards to maintain. Nielsen indicated that the professional planner that was hired
301 by the City to help create this concept plan was very good, very thorough and very well
302 intentioned in guiding the council towards a quality, first class development related to
303 this concept plan.
304

305 Mayor Cecil indicated that the original concept plan suggested as many as 3600 to 4000
306 condo units on this seventy-eight acre development site. That number has been reduced
307 over time to a maximum of 1161. While the units will be individually owned they will be
308 rented at first and subject to sale later. He reiterated the belief that without a residential
309 component in this area, the retail, office and restaurants cannot be properly supported.
310 He generally indicated that the council has always been against 'apartments' in this area
311 but has supported condominiums and townhomes in order to support the other aspects
312 associated with the development. Cecil generally indicated that this concept plan
313 represents the very best possible scenario in order to make the development
314 successful.
315

316 The ordinance was read as follows:

317
318 CITY OF ROCKWALL, TEXAS
319 ORDINANCE NO. 10-21
320

321 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
322 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
323 ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE AN
324 AMENDMENT TO (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT
325 (ORD. NO. 08-11), SPECIFICALLY BY REZONING THE LAND DESCRIBED
326 BELOW TO EXPAND THE DISTRICT BOUNDARIES; BY INCORPORATING
327 A CONCEPT PLAN THAT APPLIES TO LAND NOW ZONED PD-32 AND
328 THE ADDED LAND, AND THAT DIVIDES THE DISTRICT INTO SUB-
329 DISTRICTS; BY ESTABLISHING LAND USES FOR EACH SUB-DISTRICT;
330 BY PRESCRIBING DEVELOPMENT STANDARDS FOR EACH SUB-
331 DISTRICT; BY DEFINING PROCEDURES FOR APPROVING
332 DEVELOPMENT WITHIN THE DISTRICT; AND BY DEFINING TYPES AND
333 LOCATIONS FOR STREETS WITHIN THE DISTRICT, AND ESTABLISHING
334 STANDARDS FOR THE CONSTRUCTION, DESIGN AND STREETScape
335 FOR SUCH STREETS; INCLUDING AN EXPANSION OF THE DISTRICT TO
336 REZONE APPROXIMATELY 1.15-ACRES FROM (GR) GENERAL RETAIL
337 DISTRICT TO (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT,
338 REZONING APPROXIMATELY 3.08-ACRES FROM (C) COMMERCIAL
339 DISTRICT TO (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT, AND
340 REZONING APPROXIMATELY 11.21-ACRES FROM (PD-7) PLANNED
341 DEVELOPMENT NO. 7 DISTRICT TO (PD-32) PLANNED DEVELOPMENT
342 NO. 32 DISTRICT, BEING APPROXIMATELY 78.89-ACRES OVERALL AND
343 MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBITS "A" AND "A-1",
344 AND THE ADOPTION OF A CONCEPT DEVELOPMENT PLAN AS
345 DESCRIBED HEREIN AS EXHIBIT "B" INCLUDING COMPREHENSIVE

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

The motion passed by a vote of 5 ayes to 2 nays (Russo and Sevier). Cecil reminded the audience that this motion and vote covered both items #2 and #3 under tonight's Action Item agenda.

3. Z2010-012 - Discuss and consider approval of a resolution adopting design guidelines as an appendix to the approved ordinance for Planned Development District No. 32 (PD-32), also known as the Harbor District, and take any action necessary.

Consideration of this Action Item (#3) was handled in conjunction with Action Item #2 above.

4. A2010-001 - Discuss and consider approval of an ordinance for a City-initiated request to annex four (4) areas totaling approximately 824.91-acres overall and contiguous to the existing City of Rockwall city limits line, and generally described as follows:
 - a) Area 1 - 538.90 acres located West of SH 205, South of FM 549 and Northeast of Hanby Lane
 - b) Area 2 - 111.80 acres located north of FM 1139 and east of FM 549
 - c) Area 3 - 81.96 acres located along the west side of Rochell Road south of SH 276
 - d) Area 4 - 92.25 acres located along southeast side of FM 550 south of SH 276

(1st Reading)

Planning Director Robert LaCroix provided brief background information related to this item, indicating that all legal requirements were followed in association with these annexations, including sending out notices to affected property owners as well as publishing notice in the newspaper and on the city's website.

LaCroix stated that seven out of a possible twenty-seven property owners who are eligible for the AG exemption have signed 212 agreements with the City and returned those at this time. LaCroix indicated that staff recommends the council consider 1st reading of the ordinance tonight and that before the 2nd reading of the ordinance, those property owners who have signed the 212 agreements would be removed from the ordinance before 2nd reading occurs. Mayor Cecil asked City Attorney Pete Eckert if this poses a problem at all. Mr. Eckert generally indicated that following recommendations of staff related to 1st and 2nd reading of the ordinance would legally be okay. LaCroix suggested that 2nd reading of the ordinance is proposed to take place on October 4 in order to allow affected property owners a sufficient opportunity to submit 212 agreements to the city if desired.

Councilmember Scott made a motion to approve the ordinance for A2010-001, which is the annexation of the 4 specified areas, with the understanding that areas subject to a

mandatory offering of a 212 agreement will still have time to come forth and submit such agreement prior to the end of September and that those property owners who do submit a 212 agreement will be removed from the 2nd reading of the ordinance, which will take place on October 4, 2010. Mayor Pro Tem Farris seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 824.91 ACRES OF LAND OVERALL COMPRISED OF FOUR (4) AREAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

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

5. Discuss and consider initiating an amendment to the Unified Development Code relative to deck/patio covers (pergolas) within the takeline overlay district, and take any action necessary.

Planning Director Robert LaCroix provided brief background information related to this item, indicating that the City of Dallas is okay with the ordinance amendment that Rockwall would like to propose related to pergolas in the takeline area of Lake Ray Hubbard. It was clarified that Dallas has reviewed and approved the proposed amendment to Rockwall's UDC so that pergolas can be allowed within the takeline.

Mayor Pro Tem Farris made a motion to approve moving forward with amending the unified development code to allow deck/patio covers (pergolas) within the takeline area. Councilmember Sevier seconded the motion, which passed by a vote of 7 ayes to 0 nays.

6. Discuss and consider initiating an amendment to the Unified Development Code relative to demolition delay within the Historic Overlay district, and take any action necessary.

Planning Director Robert LaCroix provided brief background information related to this item. He indicated that the Historic Preservation Advisory Board recommended approval of this item, including a 60 day demolition period. This would require a zoning change which will need to go through the legal process in order to amend the UDC.

After lengthy discussion, Councilmember Russo made a motion to institute a 60 day stay associated with demolition of structures in the historic overlay district and to move forward with appropriate amendments to the UDC to make this change. Councilmember Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

7. Discuss and consider initiating an amendment to the Unified Development Code relative to wineries as a permitted land use, and take any action necessary.

Planning Director Robert LaCroix began discussion of this item, indicating that staff would like Council to consider amending the UDC to separate the winery use into its own

category and to create a specific use permit process to allow these types of establishments in a limited number of districts within the city and to provide for limitations on how such establishments would be operated. LaCroix indicated that this item is being brought forth for consideration tonight because the city has been approached by several potential businesses who are interested in opening wineries within the City of Rockwall.

After additional discussion, Mayor Pro Tem Farris made a motion to direct staff to draft an amendment to the UDC relative to wineries. Councilmember Russo seconded the motion, which passed by a vote of 7 ayes to 0 nays.

8. Discuss and consider capital improvement planning and take any action necessary.

City Manager Julie Couch provided introductory remarks related to this item, indicating that she believes discussion of CIP planning would best be handled during a work session.

Councilmember Scott made a motion to move forward with scheduling a work session to discuss possible capital improvement planning. Councilmember Russo seconded the motion, which passed by a vote of 7 ayes to 0 nays.

9. Discuss and consider left turn lane and traffic signal modifications at Ralph Hall Parkway and FM 3097 and take any action necessary.

Councilmember Scott indicated that he placed this item on the council agenda for discussion and consideration because he believes there is a need for this turn lane due to traffic currently significantly backing up because of a lack of such turn lane.

After brief discussion, Mayor Pro Tem Farris made a motion to direct staff to move forward with initiating traffic signal modifications and installation of a left turn lane at the intersection of Ralph Hall Parkway and FM 3097 and also to return to council with other similar intersections, recommendations and associated cost for possible similar consideration of other intersections in the future. Councilmember Scott seconded the motion.

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

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

1. Departmental Reports
 - Finance Department Monthly Report - July 2010
 - Police Department Monthly Report - July 2010
 - Internal Operations Monthly Report - July 2010
 - Building Inspection Monthly Report - July 2010
 - Recreation Monthly Report - July 2010
 - Harbor PD Monthly Report - July 2010
 - Fire Department Monthly Reports - July 2010
2. City Manager's Report

City Manager Julie Couch indicated that a sight distance problem at FM 552 and the John King Boulevard has recently been addressed by TXDOT, and the sight distance has been drastically improved as a result.

Brief, general discussion took place related to upcoming road projects and associated timeframes for those.

Councilmember Sweet asked for an update regarding possible installation of an electronic message board sign and associated TXDOT approval. City Manager Couch indicated that discussion of this item will be placed on the next city council meeting agenda for consideration.

Brief, general discussion took place related to sales tax revenues.

Mayor Cecil recessed the public meeting into Executive Session at 8:29 p.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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council took no action as a result of this end-of-meeting executive session.

XII. ADJOURNMENT

The meeting was adjourned at 9:15 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 20th day of September, 2010.

ATTEST:

Kristy Ashberry
Kristy Ashberry, City Secretary

William R. Cecil
William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, September 20, 2010

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, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Cecil called the public meeting to order at 6:00 p.m. after Executive Session. Mayor Pro Tem Farris made a motion to make the following reappointments to city boards & commissions. The motion was seconded by David Sweet and passed by a vote of 7 ayes to 0 nays:

Name	Board/ Commission	Appointment or Reappointment	Full or Partial Term	Replacing	Term to Expire
Shirley Floeter	Animal Adoption Center / Shelter Advisory Committee	Reappointment	Full	n/a	Aug. 2012
Judy Schoneman	Animal Adoption Center / Shelter Advisory Committee	Reappointment	Full	n/a	Aug. 2012
Melba Jeffus	Architectural Review Board	Reappointment	Full	n/a	Aug. 2012
Julien Meyrat	Architectural Review Board	Reappointment	Full	n/a	Aug. 2012
Jennifer Willis	Board of Adjustments	Reappointment	Full	n/a	Aug. 2012
Trenton Cornehl	Board of Adjustments	Reappointment	Full	n/a	Aug. 2012
David Marlett	Building & Standards	Reappointment	Full	n/a	Aug. 2012

	Commission				
Bridgett Hoofnagle	Building & Standards Commission	Reappointment	Full	n/a	Aug. 2012
Mike Jusko	Building & Standards Commission	Reappointment	Full	n/a	Aug. 2012
Tom Ohman	Construction Advisory & Appeals Board	Reappointment	Full	n/a	Aug. 2013
Barry Buchanan	Planning & Zoning Commission	Reappointment	Full	n/a	Aug. 2013
Phillip Herbst	Planning & Zoning Commission	Reappointment	Full	n/a	Aug. 2013

Mayor Pro Tem Farris then made a motion to make the following appointments to boards & commissions. Mayor Cecil seconded this motion, which passed unanimously by a vote of 7 ayes to 0 nays.

Name	Board/Commission	Appointment or Reappointment	Full or Partial Term	Replacing	Term to Expire
Chip Imrie	Rockwall Economic Development Corporation (REDC)	Appointment	Partial	Corky Randolph	Dec. 2012
Craig Renfro	Planning & Zoning Commission	Appointment	Partial	Tony Hayes (who resigned)	Aug. 2011
John McCutcheon	Planning & Zoning Commission	Appointment	Full	Michael Hunter (who termed out)	Aug. 2013

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 4th day of October, 2010.

ATTEST:

Kristy Ashberry
 Kristy Ashberry, City Secretary

William R. Cecil
 William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, September 20, 2010

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Cecil called the public meeting to order at 6:00 p.m., and the above noted actions were taken as a result of Executive Session. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SEVIER

Councilmember Sevier delivered the invocation and led the Pledge of Allegiance.

III. CONSENT AGENDA

1. Consider approval of the minutes from the September 7, 2010 regular city council meeting and take any action necessary.
2. Z2010-011 - Consider approval of an **ordinance** for a request by Eric Cotney of Axiom Solar for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically the installation of solar panels on the roof of a home located at #4 Soapberry Lane, being Lot 5, Block A, Grady Rash Addition and zoned (SF-10) Single Family Residential district, and take any action necessary. **(2nd Reading)**
3. Z2010-012 - Discuss and consider approval of an **ordinance** for a city-initiated request to amend (PD-32) Planned Development No. 32 district (Ord. No. 08-11), specifically by rezoning the land described below to expand the district boundaries; by incorporating a Concept Plan that applies to land now zoned PD-32 and the added land, and that divides the district into sub-districts; by establishing land uses for each sub-district; by prescribing development standards for each sub-district; by defining procedures for approving development within the district; and by defining types and locations for streets within the district, and establishing standards for the construction, design and streetscape for such streets. The Commission and Council also will consider requests to expand the boundaries of PD-32 by rezoning approximately 1.15-acres from (GR) General Retail district, approximately 3.08-acres from (C) Commercial district, and approximately 11.21-acres from (PD-7) Planned Development No. 7 district, thereby increasing the size of PD-32 to approximately 78.89-acres overall, generally located along the south service road of Interstate 30 and west side of Horizon Road, and take any action necessary. **(2nd Reading)**
4. Consider approval of an interlocal agreement between the North Central Texas Council of Governments (NCTCOG) and the City of Rockwall for

the provision of E9-11 Service, Equipment, Addressing and Database Maintenance and take any action necessary.

5. P2010-013 - Discuss and consider a request by Dub Douphrate of Douphrate & Associates, Inc. for approval of a final plat for Carrier Drive, being a new right-of-way comprising 1.2654-acres and situated between SH 276 and Discovery Blvd, located within a vacant tract known as Tract 1-4, Abstract 2, J. M. Allen Survey and zoned (LI) Light Industrial district, and take any action necessary.
6. Consider a revised ONCOR Easement for the Squabble Creek Lift Station power supply and take any action necessary.
7. Consider an amendment to the material testing services agreement for the Squabble Creek Forcemain Phase 2 and Quail Run Water Line Extension Project and take any action necessary.
8. Consider the award of the construction bid for the Chandlers Deep Lift Station Site Improvements and take any action necessary.
9. Consider the award of the Dalton Road Lift Station Improvements: Re-bid Construction Contract and take any action necessary.

Councilmember Sevier pulled item #3 for further discussion.

Mayor Cecil then made a motion to approve the remaining Consent Agenda items (#1, 2, 4, 5, 6, 7, 8 and 9). Mayor Pro Tem Farris seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 10-22

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) TO ALLOW FOR A "UTILITY INSTALLATION, OTHER THAN LISTED" WITHIN THE (SF-10) SINGLE FAMILY RESIDENTIAL DISTRICT, SPECIFICALLY THE INSTALLATION OF SOLAR PANELS ON THE ROOF OF A HOME LOCATED AT #4 SOAPBERRY LANE, BEING LOT 5, BLOCK A, GRADY RASH ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

Regarding Consent Agenda item #3, Councilmember Sevier indicated that he will not be supporting this item. Mayor Pro Tem Farris then made a motion to approve Z2010-012 (Consent Agenda item #3). Councilmember Nielsen seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 10-21

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 APPROVE AN AMENDMENT TO (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT (ORD. NO. 08-11), SPECIFICALLY BY REZONING THE LAND DESCRIBED BELOW TO EXPAND THE DISTRICT BOUNDARIES; BY INCORPORATING A CONCEPT PLAN THAT APPLIES TO LAND NOW ZONED PD-32 AND THE ADDED LAND, AND THAT DIVIDES THE DISTRICT INTO SUB-DISTRICTS; BY ESTABLISHING LAND USES FOR EACH SUB-DISTRICT; BY PRESCRIBING DEVELOPMENT STANDARDS FOR EACH SUB-DISTRICT; BY DEFINING PROCEDURES FOR APPROVING DEVELOPMENT WITHIN THE DISTRICT; AND BY DEFINING TYPES AND LOCATIONS FOR STREETS WITHIN THE DISTRICT, AND ESTABLISHING STANDARDS FOR THE CONSTRUCTION, DESIGN AND STREETScape FOR SUCH STREETS; INCLUDING AN EXPANSION OF THE DISTRICT TO REZONE APPROXIMATELY 1.15-ACRES FROM (GR) GENERAL RETAIL DISTRICT TO (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT, REZONING APPROXIMATELY 3.08-ACRES FROM (C) COMMERCIAL DISTRICT TO (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT, AND REZONING APPROXIMATELY 11.21-ACRES FROM (PD-7) PLANNED DEVELOPMENT NO. 7 DISTRICT TO (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT, BEING APPROXIMATELY 78.89-ACRES OVERALL AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBITS "A" AND "A-1", AND THE ADOPTION OF A CONCEPT DEVELOPMENT PLAN AS DESCRIBED HEREIN AS EXHIBIT "B" INCLUDING COMPREHENSIVE DEVELOPMENT STANDARDS AS DESCRIBED HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes to 2 nays (Russo and Sevier).

IV. APPOINTMENTS

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

Michael Hunter, chairman of the P&Z Commission, was present and offered brief comments related to items on tonight's city council agenda. Since this is anticipated to be Mr. Hunter's last appearance before the Council, as he is termed out on the Planning & Zoning Commission, various council members offered comments thanking Mr. Hunter for his service.

2. Appointment with Mark Stubbs, President of the Rockwall Baseball Association, to discuss possible future sports complex in the City of Rockwall and take any action necessary.

203
204 **Mr. Mark Stubbs**
205 **1151 Skylar Drive**
206 **Rockwall, TX**
207

208 **Mr. Stubbs came forth and indicated that Joe Wimpee and he would like to speak related**
209 **to this item if the Council will allow.**
210

211 **Mr. Wimpee came forth, introduced himself and provided brief background information**
212 **related to himself and his family. He generally stated that he has four boys and that none**
213 **of them plays youth sports in Rockwall because no facilities are available to do so, and**
214 **he believes Rockwall is years behind related to this type of development.**
215

216 **After lengthy commentary from Mr. Wimpee, Mr. Stubbs came forth and provided**
217 **statistical information related to the estimated number of teams and players who**
218 **participate in the Rockwall Baseball Association and the Rockwall Girls Softball**
219 **Association. He also provided brief information on children playing soccer through**
220 **Lakepointe Church and pointed out that there is currently no venue to allow older kids**
221 **and adults to play soccer in Rockwall. Mr. Stubbs provided research data related to the**
222 **types and number of facilities located in other, surrounding cities.**
223

224 **After the presentation by Mr. Stubbs and Mr. Wimpee, Councilmember Scott offered**
225 **comments related to the need for additional and better sports facilities in Rockwall and**
226 **thanked Mr. Stubbs and Mr. Wimpee for their presentation.**
227

228 **Councilmember Sevier offered comments, generally indicating that he and all other**
229 **members of the Council recognize the need and importance of sports facilities for all**
230 **ages and genders. He indicated that the toughest part of the whole process will be**
231 **getting voters to support funding needed to build such facilities.**
232

233 **Councilmember Sweet indicated that he supports building this sort of facility. He stated**
234 **that he recognizes the financial and tax related benefits associated with bringing sports**
235 **and sporting facilities to Rockwall. Sweet thanked Stubbs and Wimpee for their**
236 **presentation.**
237

238 **Councilmember Nielsen thanked Mr. Stubbs and Mr. Wimpee as well as all of the kids in**
239 **the audience who currently play sports.**
240

241 **Mayor Cecil offered closing comments, thanking Mr. Stubbs and Mr. Wimpee for their**
242 **presentation.**
243

244 **The council took no action related to this item.**
245

246 **V. PUBLIC HEARING ITEMS**

247

- 248 **1. Z2010-013 - Hold a public hearing and consider approval of an**
249 **ordinance for a request by MWY, LLC for approval of a Specific Use**
250 **Permit (SUP), same being an amendment to the existing Conditional Use**
251 **Permit (Ord. No. 02-13) and including a proposal to allow for the outside**
252 **display of boats at the existing Rockwall Honda motorcycle dealership**
253 **located at 1030 E IH-30, being a 1.152-acre tract known as Lot 3, Block**

A, Newman Center Addition and zoned (C) Commercial district, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix offered brief background information related to this item. LaCroix stated that the applicant would like the Council to consider allowing him to sell water craft such as jet skis and boats out of the Rockwall Honda motorcycle dealership. He indicated that the Rockwall Planning & Zoning Commission recommended that a specific area be defined on a site plan to specify the areas where display of merchandise would be allowed. No used trailers, boats or other watercraft would be able to be sold out of the dealership – only new merchandise. The Commission also recommended requiring that the merchandise be pulled back inside the building and/or stored under a canopy in the rear of the building every evening prior to the business closing.

LaCroix indicated that notices were sent out to about 8 property owners within a 200 foot radius of the dealership location. Two have been received back in favor and none have been received back in opposition.

Michael Worrell of MWY, LLC
1030 East I-H30
Rockwall, TX

Mr. Worrell provided brief comments related to his request, indicating that he anticipates displaying anywhere from 3 to 7 boats at a time resulting in a decrease in the number of motorcycles he would display at his store. He mainly anticipates selling Sea Ray brand boats and watercraft and believes there is a healthy demand for this type of product in Rockwall. He indicated that he may wish to request the ability to add a "Sea Ray" brand sign to his existing sign.

Councilmember Sevier indicated that he believes Mr. Worrell keeps his business and display of his merchandise very neat and orderly. He further indicated that he does not have a preference related to the specific numbers of boat or ATVs or motorcycles he displays at a given time as long as he stays within the defined parameters.

Mayor Cecil opened the public hearing. There being no one to come forth and speak related to this item, Mayor Cecil then closed the public hearing.

Councilmember Scott then made a motion to approve Z2010-013 and the associated SUP including specifications recommended by staff and the Planning & Zoning Commission. Councilmember Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 10-_____

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), SAME BEING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT(ORDINANCE NO. 02-13), TO ALLOW FOR A MOTORCYCLE DEALERSHIP WITH ACCESSORY BOAT AND TRAILER SALES WITHIN THE (C) COMMERCIAL DISTRICT, ON A

TRACT OF LAND KNOWN AS LOT 3, BLOCK A, NEWMAN CENTER ADDITION AND LOCATED AT 1030 E. I-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.

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

Councilmember Russo left the meeting at this time.

2. Z2010-014 - Hold a public hearing and consider approval of an ordinance for a request by Walgreen Co. for approval of an amendment to (PD-65) Planned Development No. 65 (Ord. No. 08-02), specifically to allow for outside display of certain items in conjunction with the existing Walgreen retail store located on Lot 1, Block B, North Lakeshore Valley Addition, being 2.02-acres zoned (PD-65) Planned Development No. 65 district and located at 2007 North Goliad, and take any action necessary.
(1st Reading)

Planning Director Robert LaCroix provided brief background information related to this item. He indicated that the original ordinance allowed for a very limited amount of outside storage, but they would now like the council to consider an amendment to that ordinance in order to allow additional outside storage. Notices were sent out to property owners within 200 feet of the property; however, no responses to those notices have been received back by staff at this time.

Maria Gonzales
2007 N. Goliad
Rockwall, TX

Ms. Gonzales indicated that she is the store manager at this particular Walgreens store location.

Mayor Cecil opened the public hearing. There being no one to come forth and speak related to this item, Mayor Cecil then closed the public hearing.

Councilmember Sevier made a motion to approve Z2010-014 with staff and Planning & Zoning recommendations. Councilmember Sweet seconded the motion.

Councilmember Nielsen expressed general concern about approving outside storage for this Walgreens when the council has disapproved outside storage for other stores in other areas of the city. She therefore indicated that she will not be supporting the motion this evening.

Councilmember Scott also expressed general concern about approving outside storage.

Councilmember Sevier asked if there is a safety concern related to the outside propane tank storage. Fire Chief Mark Poindexter indicated that the cages around propane storage tanks are somewhat reinforced and if the amount of propane being stored exceeds a certain amount, the store would be required to place bollards as a safety precaution.

Councilmember Farris generally indicated that he is not in favor of supporting the motion this evening either because it sets a precedence that he feels is undesirable.

Councilmember Scott indicated that he is only in favor of the outside propane storage and not the ice box or Red Box.

Councilmember Sevier withdrew his motion, and Councilmember Sweet followed by withdrawing his second.

Councilmember Nielsen then made a motion to allow the propane storage outside and require that the Red Box and Ice be placed inside. Councilmember Scott seconded the motion.

Ms. Gonzales, the applicant, indicated that the ice storage box is too large to be placed inside the store itself. She would therefore have to completely remove the ice storage box from her facility. Ms. Gonzales commented that the Red Box being located outside of the store would make money at all hours of the day and night versus only making money during regular store hours.

Councilmember Sweet indicated that he will not be supporting the motion currently on the floor this evening.

Fire Chief Mark Poindexter indicated that propane sales cannot be allowed indoors. If it is not allowed to be sold outdoors, it will not be allowed to be sold at all.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 10-

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 AMEND (PD-65) PLANNED DEVELOPMENT NO. 65 (ORD NO. 08-02), SPECIFICALLY TO ALLOW FOR OUTSIDE DISPLAY OF CERTAIN ITEMS IN CONJUNCTION WITH THE EXISTING WALGREEN'S RETAIL STORE LOCATED AT 2007 N. GOLIAD, AND ON A 2.02 ACRE TRACT OF LAND KNOWN AS LOT 1, BLOCK B, NORTH LAKESHORE VALLEY ADDITION, AND MORE SPECIFICALLY SHOWN 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.

The motion failed by a vote of 3 ayes to 3 nays (Sevier, Farris, Sweet) with one absent (Russo).

City Attorney Pete Eckert indicated that the council may choose to make an alternate motion at this time.

Councilmember Sweet made a motion to table this item until the October 4 Council Meeting. Mayor Cecil seconded the motion, which passed by a vote of 6 ayes to 1 absent (Russo).

3. Z2010-015 - Hold a public hearing and consider approval of an ordinance for a request by Mostafa Setayesh of The Dimension Group for approval of an amendment to the existing Specific Use Permit (Ord. No. 07-23), specifically to allow for outside display of certain items in

400 conjunction with the existing 7-Eleven convenience store located on Lot
401 2, Block A, Hillcrest Center Addition, being 1.02-acres zoned (GR)
402 General Retail district and located at 3250 North Goliad, and take any
403 action necessary. (1st Reading)

404 Planning Director Robert LaCroix provided brief background information related to this
405 item. The Planning & Zoning Commission did recommend approval of this item by a vote
406 of 4 to 2. They were not in favor of the Red Box being located outdoors but were ok with
407 outside storage of the propane tanks and the ice box.

408
409 Mostafa Setayesh of the Dimension Group
410 10755 Sandhill Road
411 Dallas, TX 75238
412

413 Mr. Setyesh indicated that he would like the Council to consider continuing this until the
414 next regular council meeting.

415
416 Mayor Cecil opened the public hearing. Councilmember Scott made a motion to continue
417 the public hearing until the next regularly scheduled council meeting. Councilmember
418 Farris seconded the motion, which passed by a vote of 6 ayes to 1 absent (Russo).
419

420 VI. ACTION ITEMS

- 421
422 1. Discuss and consider the Hotel/Motel Subcommittee recommendations
423 for funding in fiscal year 2011 and take any action necessary.

424 Mayor Pro Tem Farris requested that the Rockwall Chamber be considered first and
425 separately from the other funding requests.
426

427 Finance Director Mary Smith indicated that the subcommittee consisting of Nielsen,
428 Farris and Sweet met to review the requests which totaled approximately \$322,000
429 though only about \$190,000 of funding is available to be awarded in 2011. Smith
430 provided brief comments related to each request.
431

432 Mayor Cecil made a motion to accept the subcommittee recommendations minus those
433 associated with the Rockwall Chamber of Commerce. Councilmember Sevier seconded
434 the motion, which passed by a vote of 6 ayes to 1 absent (Russo).
435

436 Mayor Pro Tem Farris stepped out of the room to recuse himself from the discussion and
437 vote associated with the Chamber's request.
438

439 Councilmember Sevier made a motion to approve the recommended funding associated
440 with the Rockwall Area Chamber of Commerce. Councilmember Nielsen seconded the
441 motion, which passed by a vote of 5 ayes with 1 recusal/abstention (Farris) and 1 absent
442 (Russo).
443

444 Mayor Cecil then reordered the agenda and requested that Action Item #5 be addressed
445 next.
446

- 447 2. Discuss and consider setting a date for a work session to discuss Capital
448 Improvement Planning and take any necessary action.

449 Mayor Cecil indicated that this item has been placed on the agenda because no date
450 seems to work for all seven council members to convene and discuss this item between
451 now and the council / staff retreat. Couch generally indicated that this discussion can
452 take place at council / staff retreat towards the end of October if the council so desires.
453

454 City Manager Couch suggested that the Council consider choosing one date once a
455 month to be set aside and blocked out on all council members' calendars to meet for a
456 work session if needed.
457

458 The Council took no action related to this item.
459

- 460 3. Discuss and consider an Environmental Subcommittee recommendation
461 for the adoption of an ordinance regulating recycle receptacles and take
462 any action necessary.

463 Building Official Jeffrey Widmer provided background information related to this item.

464 Councilmember Nielsen generally expressed concern about a business having to pull a
465 permit and obtain the city's permission regarding where such recycling receptacle(s)
466 could be located on the business' property.

467 Councilmember Sevier offered clarifying comments related to the subcommittee's logic
468 behind requiring that the business obtain the city's guidance on placement of these
469 recycling receptacles.

470 Mayor Pro Tem Farris offered general comments related to Helping Hand's placement of
471 trash receptacles and associated screening.

472 Councilmember Sweet indicated that he is generally not in favor of the business having
473 to obtain a permit from the city and guidance regarding placement of the receptacles. He
474 indicated that he believes an ordinance of this kind is not needed at this time.

475 Councilmember Nielsen asked City Manager Julie Couch to please rework the language
476 contained in the proposed ordinance based on council input this evening.

477 Mayor Cecil made a motion to table this item until the October 4 Council meeting to allow
478 staff to rework the proposed ordinance. Councilmember Nielsen seconded the motion.
479 The motion passed by a vote of 6 ayes to 1 absent (Russo).

480 Mayor Cecil then addressed Action Item #6.

- 481 4. Discuss and consider options for use and construction of an electronic
482 message sign to be used by the city and take any action necessary.

483 City Manager Julie Couch began discussion of this item indicating that the option of
484 placing such electronic message sign at the Ridge Road / IH-30 intersection near Chili's
485 will absolutely not work with current TXDOT regulations. Couch indicated that, taking all
486 things into consideration at this time, the most logical locations for placement of this
487 sign include FM 3097 and FM 740 in front of American National Bank or SH 205 and FM
488 740. Mayor Pro Tem Farris asked staff to conduct traffic study counts in order to allow
489 council to place the sign in the most high-traffic location, taking all possible locations
490 around town into consideration. He would also like Council to consider doing away with
491 temporary banner signs at the IH-30 / Ridge Road intersection.
492

Councilmember Scott generally indicated that his ultimate desire is to construct an electronic message sign and to then pass an ordinance prohibiting temporary banner signs.

Councilmember Sevier asked clarifying questions related to the existing regulations concerning temporary banner signs and their placement. Building Official / Director of Code Enforcement Jeffrey Widmer indicated that banner signs are allowed for both business and non-profit organizations as long as they are permitted by the City. General discussion took place related to the standards associated with regulating political signs, including the state regulations associated with these signs.

The Council took no action related to this item.

Council then addressed Action Item #12.

5. Discuss the status of temporary educational buildings at Heritage Christian Academy, which were approved via Ordinance No. 09-34 for a period of one-year, and take any action necessary.

Planning Director Robert LaCroix indicated that the Council approved a one year extension of these buildings one year ago and that the applicant would now like the council to consider extending this SUP for one additional year.

Ralph Bretz
Business Manager at Heritage Christian Academy
1408 S. Goliad Street
Rockwall, TX

Mr. Cathey
3066 Rochelle Road
Rockwall, TX

Mr. Bretz provided brief details related to his request, explaining the school's space needs and current inability to utilize other locations at this time. He indicated that the board is currently beginning to talk about possibly putting the current property location up for sale and possibly moving to an alternate location in the future, but this would be at least several years down the road.

Mayor Cecil made a motion to extend the existing SUP for a period of three years, limiting the SUP and its conditions to only the current owner. Councilmember Sevier seconded the motion. It was clarified that if by chance the property were to sell in the future, the existing SUP, which is being granted now for a period of three years, would go away and no longer be in effect. The motion passed by a vote of 6 ayes to 1 absent (Russo).

Mayor Cecil then addressed Action Item #3.

6. Discuss and consider a recommendation of the Environmental Subcommittee to initiate an amendment to the Unified Development Code relative to providing standards for solar energy collector panels and systems, and take any action necessary.

543 Planning Director Robert LaCroix provided background information related to this item.

544
545 Mayor Pro Tem Farris indicated that this initiative was brought to light by a citizen living
546 in Rockwall who is in the solar business. He believes this will allow for those wanting to
547 utilize this type of alternative energy an opportunity to do so by only pulling a permit
548 rather than also coming to City Council for an SUP.

549
550 Councilmember Scott made a motion to approve the recommendations as presented.
551 Councilmember Sevier seconded the motion. The motion passed by a vote of 6 ayes
552 with one absent (Russo).

553
554 Mayor Cecil then called for a 5 minute break followed by addressing item #10.

- 555
556 7. Discuss and consider approval of an ordinance amending the budget for
557 fiscal year 2010 and take any action necessary.

558 Mayor Pro Tem Farris made a motion to approve this ordinance. Councilmember Nielsen
559 seconded the motion. The ordinance was read as follows:

560 CITY OF ROCKWALL, TEXAS
561 ORDINANCE NO. 10-23

562
563 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
564 ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY FOR
565 THE FISCAL YEAR OCTOBER 1, 2009 THROUGH SEPTEMBER 30,
566 2010; PROVIDING FOR AN EFFECTIVE DATE.

567 The motion passed by a vote of 6 ayes with 1 absent (Russo).

- 568 8. Discuss and consider approval of an ordinance adopting the budget for
569 fiscal year 2011 and take any action necessary.

570 Finance Director Mary Smith read the following into the minutes for the public record:
571 "This budget will raise more total property taxes than last year's budget by \$455,888 and
572 of that amount \$732,007 is tax revenue to be raised from new property added to the tax
573 roll this year."

574
575 Council members Scott and Sweet expressed concern about Councilmember Russo
576 being absent from this budget related vote this evening.

577
578 Mayor Pro Tem Farris made a motion to approve the ordinance. Councilmember Nielsen
579 seconded the motion.

580
581 Councilmember Scott offered brief comments related to the idea of cutting the budget
582 due to the recession as well as the concept of a 'double dip recession.' Scott generally
583 indicated that he will be supporting the budget and the tax rate being proposed this
584 evening. He also pointed out that staff will not have received a raise in two years and he
585 hopes future councils remember this when the economy picks back up again.

586
587 Councilmember Sevier generally thanked staff for their efforts and for doing their jobs
588 despite not having received raises. He also thanked staff and council for their efforts
589 related to the budget.

592 The ordinance was read as follows:

593
594 CITY OF ROCKWALL
595 ORDINANCE NO. 10-24
596

597 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
598 ROCKWALL, TEXAS, APPROVING AND ADOPTING A BUDGET FOR
599 THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2010, THROUGH
600 SEPTEMBER 30, 2011; PROVIDING THAT EXPENDITURES FOR
601 SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE
602 SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

603 The motion passed by a vote of 6 ayes with 1 absent (Russo).

- 604
605 9. Discuss and consider approval of an ordinance levying ad valorem taxes
606 for the tax year 2010 and take any action necessary.

607 Finance Director Mary Smith indicated that this proposed rate is less than the effective
608 rate and therefore nothing specific has to be read into the record other than the
609 ordinance caption.

610
611 Councilmember Nielsen made a motion to approve the ordinance with an associated tax
612 rate of \$.5031 per \$100 of assessed value. Mayor Pro Tem Farris seconded the motion.

613
614 Councilmember Sweet offered general comments indicating that he is pleased with the
615 direction the city has moved in years past and throughout these difficult economic times.
616 He further thanked the city manager and city staff for their leadership and hard work.

617
618 The ordinance was read as follows:

619
620 CITY OF ROCKWALL, TEXAS
621 ORDINANCE NO. 10-25
622

623
624 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
625 ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE
626 YEAR 2010 AT A RATE OF \$.5031 PER ONE HUNDRED DOLLARS
627 (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY
628 WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1,
629 2010 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT
630 EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND
631 ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR
632 DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND
633 INTEREST; APPROVING THE 2010 TAX ROLL; PROVIDING FOR
634 EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS;
635 PROVIDING AN EFFECTIVE DATE.

636 The motion passed by a vote of 6 ayes to 1 absent (Russo).

637
638 Action item #4 was then addressed by Council.

- 639
640 10. Discuss and consider the Rockwall Economic Development Corporation
641 budget for fiscal year 2011 and amended budget for fiscal year 2010 and
642 take any action necessary.

643 Mayor Cecil made a motion to approve the amended budget for FY 2010 and the
644 proposed budget for FY 2011. Councilmember Sweet seconded the motion, which
645 passed by a vote of 6 ayes to 1 absent (Russo).
646

- 647 11. Discuss and consider the Rockwall Technology Park Association budget
648 for fiscal year 2011 and amended budget for fiscal year 2010 and take
649 any action necessary.

650 Councilmember Nielsen recused herself from the discussion and vote associated with
651 this item. Finance Director Mary Smith provided brief background information related to
652 this item.

653 Mayor Cecil made a motion to approve the amended FY 2010 budget and the proposed
654 budget for FY 2011. Councilmember Scott seconded the motion, which passed by a vote
655 of 5 ayes with 1 recusal/absention (Nielsen) and 1 absent (Russo).

656 Councilmember Farris asked Sheri Franza to provide him with information on the
657 marketing portion of the budget for the REDC and how those funds are spent. Franza
658 agreed to send Farris the requested information.

659 Action Item #7 was then discussed.

- 660 12. Discuss and consider broadcasting of the City Council meetings and take
661 any action necessary.

662 Councilmember Sweet expressed that he would like to discuss options for making city
663 council meetings more accessible to the general public.
664

665 City Manager Julie Couch indicated that staff can revisit this issue and associated costs
666 and bring this information back to Council for discussion and consideration at a future
667 meeting.
668

669 Mayor Pro Tem Farris generally indicated that relatively inexpensive, cost effective
670 options, especially for streaming meetings on the city's website, are available now. He
671 encouraged staff to further evaluate these options, which are likely a lot less expensive
672 than some of the other options.
673

674 Councilmember Scott made a motion to instruct staff to come back to council by the 2nd
675 meeting in November with information and cost estimates for possible ways that City
676 Council meetings might be broadcasted in some way. Councilmember Sweet seconded
677 the motion, which passed by a vote of 6 ayes to 1 absent (Russo).
678

679 Action Item #2 was then addressed by Council.
680

681 VII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
682 GOVERNMENT CODE TO DISCUSS:
683

- 684 1. Deliberation regarding the purchase, exchange, lease, or value of real
685 property.
686 2. Personnel Issues, including Board, Commission, and Committee
687 Appointments, and Related Matters.
688 3. Commercial or financial information regarding business prospects that the
689 City seeks to have locate, stay, or expand in or near the territory of the

690 City of Rockwall and with which the Board is conducting economic
691 development negotiations.

- 692 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
693 with attorney with regard to a matter that it is the duty of the attorney to
694 consult with the Council pursuant to the Attorney Client Privilege under
695 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
696 Texas.

697 **VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

698
699 **The Council took no action as a result of end-of-meeting Executive Session.**

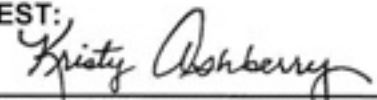
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701 **IX. ADJOURNMENT**

702
703 **The meeting was adjourned at 9:03 p.m.**

704
705 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
706 **TEXAS, this 4th day of October, 2010.**

707
708 
709
710 **William R. Cecil, Mayor**

711
712 **ATTEST:**

713 
714
715 **Kristy Ashberry, City Secretary**



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MINUTES
ROCKWALL CITY COUNCIL

Monday, October 04, 2010

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, Mayor Pro Tem Glen Farris and Council Members David Sweet, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council Member Matt Scott was absent from the meeting. Mayor Cecil immediately recessed the public 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of public meeting below for actions taken as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 18th day of October, 2010.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, October 04, 2010

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, Mayor Pro Tem Glen Farris and Council Members David Sweet, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council Member Matt Scott was absent from the meeting.

Mayor Pro Tem Farris made a motion to appoint Brooke-Lynn Baird & Caroline McCallum to the Youth Advisory Council. Councilmember Sweet seconded the motion, which passed by a vote of 6 ayes with 1 absent (Scott).

Mayor Pro Tem Farris made a motion to appoint Sarah Kesting to the Rockwall Economic Development Corporation (REDC) to fill the vacant position left by Carolyn Jackson with an initial partial term to expire in December of 2011. Councilmember Sweet seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

Mayor Pro Tem Farris made a motion to allocate an additional \$1,800 to Capital Southwest or their designees for a total of \$58,913.00 for acquisition of right-of-way on FM-549. Councilmember Russo seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FARRIS

Mayor Pro Tem Farris delivered the invocation & led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. National Charity League Day
2. Rockwall 4H Clovers Week
3. Pumpkin Patch Proclamation
4. Fire Prevention Month

Mayor Cecil read and presented each of the above proclamations to the named organizations.

IV. OPEN FORUM

Mayor Cecil explained the purpose of Open Forum and how it is conducted. He then asked if there is anyone in the audience who would like to come forth and address the Council during Open Forum.

There being no one to come forth and speak, Mayor Cecil then closed Open Forum.

V. CONSENT AGENDA

1. Consider approval of the minutes from the September 20, 2010 regular city council meeting and take any action necessary.
2. Consider approval of a resolution seeking authorization from TxDOT for the temporary closure of state roadways for the Toyota US Open Triathlon, and take any action necessary.
3. Consider the purchase of a sanitary sewer easement for the Squabble Creek Forcemain Project and take any action necessary.
4. Consider the Damascus Road Pro-rata Facility Agreement with Our Lady of the Lake Catholic Church and take any action necessary.
5. P2010-016 - Discuss and consider a request by David Kochalka of Kimley-Horn and Associates, Inc., for approval of a replat of Rockwall Commons Addition, being an 8.089-acre lot zoned (PD-1) Planned Development No. 1 district and located at 1309 Ridge Road, and take any action necessary.
6. Z2010-013 - Consider approval of an **ordinance** for a request by MWY, LLC for approval of a Specific Use Permit (SUP), same being an amendment to the existing Conditional Use Permit (Ord. No. 02-13) and including a proposal to allow for the outside display of boats at the existing Rockwall Honda motorcycle dealership located at 1030 E IH-30, being a 1.152-acre tract known as Lot 3, Block A, Newman Center Addition and zoned (C) Commercial district, and take any action necessary. **(2nd Reading)**
7. Consider approval of a resolution amending the policies and procedures of the Rockwall City Council as related to board and commission appointments, and take any action necessary.

Councilmember Russo pulled item #7 for discussion. Mayor Pro Tem Farris made a motion to approve Consent Agenda items #1-6. Councilmember Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 10-26

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), SAME BEING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT(ORDINANCE NO. 02-13), TO ALLOW FOR A MOTORCYCLE DEALERSHIP WITH ACCESSORY BOAT AND TRAILER SALES WITHIN THE (C) COMMERCIAL DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 3, BLOCK A, NEWMAN CENTER ADDITION AND LOCATED AT 1030 E. I-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.

142 The motion passed by a vote of 6 ayes to 1 absent (Scott).

143
144 Councilmember Russo made a motion to approve the resolution and associated policy
145 change to become effective in the summer of 2011. Mayor Pro Tem Farris seconded the
146 motion. Farris suggested adding the following language shown in red:

147
148 *"In an effort to perpetuate positive growth and healthy*
149 *dynamics over time, it shall be the general policy of the*
150 *Council that citizens appointed to boards or commissions*
151 *typically serve no more than six consecutive years in one*
152 *position so that new members may be considered to serve."*
153

154 Councilmember Russo amended his motion to reflect Farris' comments shown above.
155 Farris seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

156 VI. APPOINTMENTS

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

162 Phillip Herbst came forth and offered brief comments related to items on tonight's
163 agenda and associated recommendations from the Planning & Zoning Commission. The
164 Council took no formal action related to this item.

- 165 2. Appointment with the Main Street Advisory Board regarding a
166 recommendation related to downtown landscaping changes, and take any
167 action necessary.

168 Sandi Whitley, Chairman of the Main Street Advisory Board, came forth to address the
169 City Council related to this item.

170
171 Whitley indicated that the Main Street Board voted to recommend removal of all holly
172 shrubs in the 100 block of E. Rusk Street (from San Jacinto to Goliad) with the
173 understanding that appropriate plant replacements be made within 30 days of the shrubs
174 being removed.

175
176 Mayor Pro Tem Farris indicated that he is generally in favor of removal of the trees
177 because they tend to block line of sight to businesses and associated canopies. He also
178 believes that visitors to the square often hit their heads on the bushes / trees.

179
180 After additional discussion, Mayor Pro Tem Farris made a motion to move forward with
181 removal of these 9 trees/shrubs. Councilmember Sweet seconded the motion, which
182 passed by a vote of 6 ayes to 1 absent (Scott).

- 183
184 3. Appointment with Mark Evans or Randy Black, Store Director of Tom
185 Thumb, located at 3070 N. Goliad, to request a one time waiver of the 30
186 day interval requirement between Special Event permits and take any
187 action necessary.

188 Brian Bousch
189 Tom Thumb
190 3070 N. Goliad

Rockwall, TX 75087

Mr. Bousch indicated that he is making this request on behalf of Tom Thumb because they would like the ability to have a pumpkin patch display out front of the store during the fall.

Bousch indicated that a fuel promotion, which includes signs and banners, is currently ongoing at this time. A waiver is needed in order to hold more than one special event simultaneously with this fuel promotion event.

Julie Couch indicated that this is a one time request for a special exception to allow this event and the associated outside display of the pumpkin patch for a period of 30 days. A future request may come forth from Tom Thumb for the council to consider a more permanent amendment to the zoning to allow for these sorts of events and outside display in the future.

Councilmember Sevier made a motion to approve the 30 day special event permit waiver being requested. Councilmember Sweet seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

VII. PUBLIC HEARING ITEMS

1. Z2010-014 - (Public hearing for this item was closed on 9-20-2010) Discuss and consider approval of an **ordinance** for a request by Walgreen Co. for approval of an amendment to (PD-65) Planned Development No. 65 (Ord. No. 08-02), specifically to allow for outside display of certain items in conjunction with the existing Walgreen retail store located on Lot 1, Block B, North Lakeshore Valley Addition, being 2.02-acres zoned (PD-65) Planned Development No. 65 district and located at 2007 North Goliad, and take any action necessary. (1st Reading)

Councilmember Sweet made a motion to approve Z2010-014. Mayor Cecil seconded the motion.

Mayor Pro Tem Farris indicated that he is not in support of this item because the store knew the requirements associated with the zoned PD when the store was first built and first moved in to this location. Since the zoning did not allow and does not currently allow this type of outside storage, he is not in favor of the motion.

The ordinance was read as follows:

CITY OF ROCKWALL ORDINANCE NO. 10-____

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 AMEND (PD-65) PLANNED DEVELOPMENT NO. 65 (ORD NO. 08-02), SPECIFICALLY TO ALLOW FOR OUTSIDE DISPLAY OF CERTAIN ITEMS IN CONJUNCTION WITH THE EXISTING WALGREEN'S RETAIL STORE LOCATED AT 2007 N. GOLIAD, AND ON A 2.02 ACRE TRACT OF LAND KNOWN AS LOT 1, BLOCK B, NORTH LAKESHORE VALLEY ADDITION, AND MORE

241 SPECIFICALLY SHOWN IN EXHIBIT "A"; PROVIDING FOR SPECIAL
242 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
243 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
244 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
245 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
246 EFFECTIVE DATE.
247

248 The motion failed by a vote of 3 ayes to 3 nays (Nielsen, Sevier, Farris) with one absent
249 (Scott).

250 Councilmember Nielsen then suggested that the entire ordinance be reviewed again in
251 order help facilitate some level of consensus related to this issue and the next issue on
252 the agenda this evening (public hearing #2).

253 Councilmember Sweet offered general comments related to the necessity for retailers to
254 compete, and he would like the council to consider hearing additional commentary from
255 the business in an effort to be better informed while considering approval of this outside
256 storage request.

257 Mayor Cecil offered a motion to move this item to the next regularly scheduled council
258 meeting so that a full council can be present for a future vote related to this item.
259 Councilmember Sweet seconded the motion.

260 Councilmember Sevier generally indicated that he is not in support of allowing this type
261 of outside storage because additional and more businesses will eventually come forth to
262 ask for such special use permit to allow for outside storage outside of their retail
263 establishment. He suggested that perhaps the Council should reevaluate the zoning
264 ordinance related to outside storage.

265 Mayor Cecil indicated that this type of outside storage was most recently approved by
266 council related to the new 7-11 retail store off of Horizon / FM 3097.

267 Mayor Pro Tem Farris indicated that the ice storage machine and the Red Box can both
268 be placed inside of the store. He also believes that the propane tank storage is not
269 entirely a necessity and that in a way it serves as a sign of sorts to be used as a tool to
270 draw customers into their store.

271 Planning Director Robert LaCroix commented that the propane storage has to be located
272 outside due to fire code regulations and safety reasons. He reminded the council that
273 the competitive aspect is related to the propane tanks.

274 Councilmember Nielsen reminded the Council that her motion to allow only the propane
275 storage outside and require the ice storage and Red Box to be moved indoors failed at
276 the last council meeting.

277 LaCroix indicated that 30% outside storage / display, as long as it is located under a
278 canopy and covered, is allowed at a nearby CVS.

279 The manager indicated that the ice storage box was removed from her store within the
280 last two weeks. She indicated that the propane storage tank storage has been moved
281 under the canopy. LaCroix indicated that the 30% requirement allowed elsewhere within
282 the city is not allowed in this particular planned development district (PD district).

283 Councilmember Nielsen then made a motion to allow outside storage of propane tanks
284 and to require that the Red Box and ice storage box to be required to be moved indoors if
285 the manager so chooses. Mayor Cecil seconded the motion.

Farris again indicated that he is not in support of the motion because he would like to protect the planned development zoning and not set precedence for future retailers moving in to this PD area.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 10-____

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 AMEND (PD-65) PLANNED DEVELOPMENT NO. 65 (ORD NO. 08-02), SPECIFICALLY TO ALLOW FOR OUTSIDE DISPLAY OF CERTAIN ITEMS IN CONJUNCTION WITH THE EXISTING WALGREEN'S RETAIL STORE LOCATED AT 2007 N. GOLIAD, AND ON A 2.02 ACRE TRACT OF LAND KNOWN AS LOT 1, BLOCK B, NORTH LAKESHORE VALLEY ADDITION, AND MORE SPECIFICALLY SHOWN 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.

The motion passed by a vote of 4 ayes to 2 nays (Farris and Sevier) with one absent (Scott).

Mayor Cecil made a motion to direct staff to evaluate the existing ordinance associated with this PD in order to assess if the city is inconsistent with outside storage displays throughout the city. Councilmember Nielsen seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

2. Z2010-015 - Continue a public hearing and consider approval of an ordinance for a request by Mostafa Setayesh of The Dimension Group for approval of an amendment to the existing Specific Use Permit (Ord. No. 07-23), specifically to allow for outside display of certain items in conjunction with the existing 7-Eleven convenience store located on Lot 2, Block A, Hillcrest Center Addition, being 1.02-acres zoned (GR) General Retail district and located at 3250 North Goliad, and take any action necessary. (1st Reading)

Mayor Cecil opened the public hearing. There being no one to come forth and speak, Mayor Cecil then closed the public hearing.

James Massey
Real Estate Manager for 7-11

Mr. Massey indicated that a propane storage cage as well as a Red Box are currently located outside of this 7-11 store. Mr. Massey indicated that he is agreeable to removing any of this storage from the front of the store if that is the direction given by Council. He indicated that the outside ice storage box is typically displayed outside of his store during the summer months but can be removed entirely during the cooler months. Mr. Massey indicated that Red Box has indicated to him and to 7-11 that they will not allow the Red Box to be brought inside of the store.

336
337 Mayor Cecil made a motion to allow only the propane tanks to be stored outside of the
338 store.

339
340 Councilmember Sweet pointed out that this particular item is associated with an SUP
341 rather than an amendment to a PD.

342
343 Councilmember Nielsen seconded the motion, indicating that she would like the Red Box
344 and Ice Storage box to be placed inside of the store if he desires to have these two items
345 as part of his store.

346
347 Councilmember Sevier offered comments which led Mayor Cecil to then withdraw his
348 motion. He suggested that the council consider allowing the temporary outside storage
349 of these items until the city considers this issue further.

350
351 Councilmember Sevier made a motion to allow this 7-11 store to temporarily have
352 outside display / storage of these items (Red Box, ice box and propane tanks) until the
353 city evaluates the issue further. Mayor Cecil seconded the motion.

354
355 Planning Director Robert LaCroix reminded the Council that this is a specific use permit
356 rather than a planned development district. He indicated that this is a general retail
357 zoning, and some sort of amendment to the existing SUP is required in order to allow the
358 7-11 to do this.

359
360 Councilmember Sevier withdrew his motion. Mayor Cecil then made a motion to revise
361 the existing SUP to allow for outside storage of the propane tank storage only.

362
363 Mr. Massey asked that the Red Box be at least temporarily allowed at this location.
364 LaCroix indicated that no Red Box is currently located at this store. LaCroix clarified that
365 only outside storage of an ice box and propane tanks are currently present at this
366 location. No Red Box is currently present at this location.

367
368 Councilmember Sweet seconded the motion.

369
370 Councilmember Farris expressed general concern about making current decisions that
371 go against past zoning and past concessions that were allowed when a business was
372 originally established.

373
374 Councilmember Sweet generally indicated that he always wants businesses to be able to
375 come before the council and seek approval for certain things associated with the
376 success and operation of their business.

377
378 The ordinance was read as follows:

379
380 CITY OF ROCKWALL
381 ORDINANCE NO. 10-

382
383 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
384 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
385 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
386 AMENDED, SO AS TO AMEND A SPECIFIC USE PERMIT (ORD. NO.

07-23) SPECIFICALLY TO ALLOW FOR OUTSIDE DISPLAY OF CERTAIN ITEMS IN CONJUNCTION WITH THE EXISTING 7-ELEVEN CONVENIENCE STORE LOCATED AT 3250 N. GOLIAD, ANDON A 1.02 ACRE TRACT OF LAND KNOWN AS LOT 2, BLOCK A, HILLCREST CENTER ADDITION, AND MORE SPECIFICALLY SHOWN 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.

The motion passed by a vote of 5 ayes, 1 nay (Farris) and 1 absent (Scott).

VIII. SITE PLANS / PLATS

1. MIS2010-003 - Discuss and consider a request by Lisa Gruner of Wholesale Homes, Inc., on behalf of Felipe Saldana, for approval of a special request to the standards of the (PD-75) Planned Development No. 75 district (Ord 09-37), specifically to allow for a residential home not meeting the exterior materials requirements on the property located at 195 and 207 Nicole, being Lots 1365 and 1366, Rockwall Lake Estates Phase 2, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this item. He indicated that a representative from Wholesale Homes is present to speak on behalf of the applicant this evening and to ask for approval of this special exception request. LaCroix indicated that the property is currently vacant and that the applicant would like to place a manufactured home on this property that does not currently meet city standards. He explained that 50% hardy board or masonry is currently required under the existing Planned Development regulations. The applicant would like to place a home that is 100% vinyl and contains no hardy board or masonry. A special exception procedure is in place to allow an applicant to seek approval of a special exception associated with the building materials. LaCroix indicated that hardy board, but not vinyl, has been approved by Council with past special exception requests. LaCroix further indicated that the Planning & Zoning Commission recommended denial of this special exception request by a 6 to 1 vote. Staff also does not recommend granting this special exception.

Lisa Gruner
Wholesale Homes, Inc.
6006 West IH-30
Royse City, TX

Ms. Gruner indicated that this home has been purchased by a single mother who has one child with down syndrome. She indicated that the owner, Ms. Saldana, purchased the manufactured home prior to purchasing the piece of land that she hopes to place the home on in the future. She was not told by the seller that this type of home would not be allowed to be placed on the property in Lake Rockwall Estates. Gruner indicated that if this home is allowed to be moved onto the property in question, new skirting and a new foundation as well as a new septic tank system would be placed on the property along with placement of this manufactured home. Gruner indicated that this particular manufactured home is a 1999 model.

438
439 Due to a lack of a motion associated with this request, Mayor Cecil indicated that the
440 request is denied.
441

- 442 2. SP2010-012 - Discuss and consider a request by Brian Fetz of GHA
443 Architecture / Development for approval of a variance to the roof design
444 standards of the IH-30 Overlay district, in conjunction with a site plan for a
445 3,750-sf drive-thru restaurant on Lot 4, Block 1, Rockwall Centre Corners
446 Addition, being a 1.293-acre tract zoned (C) Commercial district and
447 situated at the southeast corner of SH 205 and IH-30, and take any action
448 necessary.

449 Planning Director Robert LaCroix provided brief background information related to this
450 item, indicating that this site will be home to a new In-N-Out Burger restaurant and that
451 the retailer has been working well with staff through the planning and zoning process.
452 LaCroix provided a brief explanation, indicating that the only variance being requested
453 this evening is in associated with a desired pitched roof. He explained that a ¾ vote of
454 Council members present this evening is required for approval of this variance request.
455 He indicated that the Planning & Zoning Commission recommended approval of this
456 variance request by a vote of 7 to 0. LaCroix clarified that 5 out of 6 council members
457 must agree to grant this variance in order for it to pass this evening.
458

459 Brian Fetz
460 GHA Architecture / Development
461 Melissa, TX
462

463 LaCroix indicated that a similar roof pitch is located in the city at the current Taco
464 Cabana location.
465

466 Councilmember Nielsen made a motion to approve the variance request associated with
467 the pitched roof as recommended by the Planning & Zoning Commission and staff.
468 Councilmember Sweet seconded the motion, which passed by a vote of 6 ayes to 1
469 absent (Scott).
470

471 IX. ACTION ITEMS

472

- 473 1. Discuss and consider a request from Mr. Brian E. Fetz, Sr. Property
474 Development Manager for Gerdes, Henrichson & Associates, for a height
475 variance of a pole sign for In-N-Out Burger, to be located on their property
476 in the 1200 Block of E. I-30, and take any action necessary.

477 Director of Code Enforcement, Jeffrey Widmer, indicated that the current ordinance only
478 allows for a pole sign at a height of 40 feet. Widmer indicated that In-N-Out Burger is
479 requesting a variance to allow for a 50 foot sign instead. Toyota of Rockwall was granted
480 at 48 foot variance in the past, and Rockwall Honda was previously granted a variance to
481 allow for a 50 foot sign.
482

483 Councilmember Farris indicated that he is willing to raise the height to the same as
484 height as the Toyota sign (48 feet) but is not willing to go any higher.
485

486 Councilmember Sevier indicated that he would like the total visual appearance of the
487 sign not exceed an equal height compared to the Toyota sign.

Councilmember Sevier made a motion to allow a sign not to exceed 60 feet or not to exceed the elevation height of the Toyota pole sign, whichever overall height is less. Mayor Cecil seconded the motion.

Councilmember Nielsen asked for clarification on how a past council viewed the McDonald's signage when it first went in. City Manager Couch indicated that it fell under regulations associated with an old ordinance and she believes about 30 feet was the maximum height allowed at that time but that the sign was allowed to be installed at about 40 or 45 feet instead.

Councilmember Nielsen indicated that she is not comfortable supporting the motion on the floor, one that would allow a maximum of a 60 foot sign. She indicated that she may be able to support a maximum of 48 feet, though.

Mr. Fetz indicated that he is willing to modify their signage so that the façade of the sign matches the façade of the building, including some stone and masonry.

Mr. Farris expressed that he would like to avoid a convoluted appearance of signs in this area of the IH-30 corridor. He indicated that he will support a maximum height of 48 feet but no more. Cecil asked if Farris would consider a maximum of 50 feet. After consideration, Farris indicated that he will support 50 feet but no more.

Mayor Cecil withdrew his second. Councilmember Russo then seconded Sevier's original motion.

Councilmember Sweet expressed that he believes the applicant is indicating specifics related to the height of sign he needs in order to compete with nearby businesses.

After some discussion, the motion failed by a vote of 4 ayes to 2 nays (Nielsen and Farris) with one absent (Scott) because it required a super majority vote of council members present in order to pass.

Councilmember Farris made a motion to approve the In-N-Out-Burger sign at a maximum height of 48 feet. Councilmember Russo seconded the motion. Cecil reminded Council that it requires a super majority vote of the Council in order for the motion to pass.

Mark Noack
Project Manager of this In-N-Out Burger location

Mr. Noack came forth and explained that going east bound, one cannot see the sign if it is anything below 60 feet. He indicated that he would like the Council to consider approval of the same elevation that would be equal to the overall height of the existing Toyota sign. He is willing to agree to 60 feet or a maximum above sea level height that would make the In-N-Out Burger sign equal to the overall height of the Toyota sign.

Councilmember Russo pointed out that the various photos provided are not, in his opinion, very comparable because they were taken at different points along the interstate.

Mr. Noack requested that the Council consider a maximum height of the sign at 55 feet so that the sign can hopefully be seen by those traveling east bound.

Mayor Pro Tem Farris asked if this is a deal breaker for In-N-Out Burger. Noack indicated that this could quite possibly be a deal breaker if the sign height is not approved because it is very important, internally, to In-N-Out. Mayor Pro Tem Farris then amended his motion to allow a sign height at a maximum height of 50 feet. Councilmember Russo seconded the amended motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).

2. A2010-001 - Discuss and consider approval of development agreements that have been offered by the City, in accordance with Chapters 43 and 212 of the Texas Local Government Code, and accepted by property owners within the four (4) areas of a proposed 824.91-acre annexation, and take any action necessary.

Planning Director Robert LaCroix provided brief background information related to this item. He stated that with this item the council is considering accepting the 212 development agreements that have been submitted by various property owners who qualify to enter into such agreements. Notices were sent out to affected property owners twice to allow for ample opportunity for property owners to be made aware of the 212 agreement opportunity and to allow time for those agreements to be signed and submitted to the city.

Councilmember Nielsen made a motion to approve the 212 agreements associated with the areas described as Areas 1, 2, 3, and 4, which includes agreements with the owners of twenty-three (23) of the forty-seven (47) parcels, for a period of three (3) years, denying a request for a 5-year term by the White Family (Area 1), and approving the requested addendum of planned improvements for Christy Bray (aka Raymon & Christy Huddleston). Mayor Cecil seconded the motion, which passed by a vote of 6 ayes with 1 absent (Scott).

3. A2010-001 - Discuss and consider approval of an ordinance for a City-initiated request to annex four (4) areas totaling approximately 824.91-acres overall and contiguous to the existing City of Rockwall city limits line, and generally described as follows (2nd Reading):

- a. Area 1 - 538.90 acres located West of SH 205, South of FM 549 and Northeast of Hanby Lane
- b. Area 2 - 111.80 acres located north of FM 1139 and east of FM 549
- c. Area 3 - 81.96 acres located along the west side of Rochell Road south of SH 276
- d. Area 4 - 92.25 acres located along southeast side of FM 550 south of SH 276

Councilmember Nielsen made a motion to approve the ordinance. Mayor Cecil seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 10-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 824.91 ACRES OF LAND OVERALL COMPRISED OF FOUR (4) AREAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; EXCLUDING FROM ANNEXATION THOSE PARCELS FOR WHICH A NON-ANNEXATION AGREEMENT HAS BEEN EXECUTED BY THE OWNERS AND HAS BEEN APPROVED BY THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING A SAVINGS CLAUSE.

The motion passed by a vote of 6 ayes with 1 absent (Scott).

4. Discuss and consider waiving building permit fees for nonprofit organizations and take any action necessary.

Councilmember Sevier indicated that he would like the city to consider waiving permit fees, in general, for non-profit organizations. Councilmember Nielsen indicated that non-profits currently have the opportunity to come before the Council and ask for consideration of a waiver to permit fees and that they should do so. Councilmember Farris generally indicated that he agrees with Councilmember Nielsen and believes these sorts of issues should be considered by the council on a case by case basis if and when a non-profit comes before the council for consideration of waiving such fees.

The Council took no formal action related to this item.

5. Discuss and consider possible prohibition of K-2 drug sales in the city and take any action necessary.

Councilmember Sevier indicated that he placed this item on the agenda for consideration this evening. He asked Police Chief Mark Moeller to come forth and brief the Council related to this item.

Moeller indicated that K-2 is basically a synthetic version of marijuana. It is a substance that is sprayed and it gives hallucination affects similar to that of marijuana. He recommended that the council consider prohibiting the possession or sale of K-2 within the City of Rockwall. He also indicated that there is a similar plant called Salvia Divinorum that is also currently being utilized as a substitute for K-2. Salvia is smoked like marijuana. Staff is recommending that the processing and sale of this plant be prohibited as well, but not necessarily a ban on the growing of such plant. Nielsen asked why the state or federal government is not regulating these substances / plants. Moeller indicated that they are currently not regulating these substances but that other municipalities are currently prohibiting K-2 and Salvia Divinorum. Moeller indicated that only one business, that he knows of, is selling the K-2 product within the City of Rockwall. He also stated that it is very expensive and is selling for over \$30 a gram. Moeller briefly spoke about the intention behind passing an ordinance prohibiting such substances. Farris expressed that he is concerned that the K-2 product is an incense product, not a tobacco product, so a minor can therefore go into a store and purchase

637 this type of item with no problem and no checks are in place to prohibit them from doing
638 so.

639
640 Councilmember Sevier made a motion to direct staff to bring back an ordinance
641 prohibiting K-2 and salvia divinorum for the Council to consider. Councilmember Russo
642 seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).
643

644 **X. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
645 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
646

- 647 1. Departmental Reports
648 Building Inspections Monthly Report - August 2010
649 Fire Department Monthly Reports - August 2010
650 Internal Operations Department Monthly Report - August 2010
651 Police Department Monthly Report - August 2010
652 Recreation Monthly Report - August 2010
653 Harbor PD Monthly Report - August 2010

- 654 2. City Manager's Report
655

656 City Manager Julie Couch reminded Council that the U.S. Open Triathlon is this weekend.
657 She also pointed out various upcoming important dates for the Council to note on their
658 calendars.
659

660 Texas Night Out (the Texas equivalent of National Night Out) is tomorrow evening.
661 Council Members are invited to ride out with an officer tomorrow evening if they would
662 like.
663

664 Finance Director Mary Smith indicated that the most recent sales tax report was up by
665 ten percent.
666

667 Couch indicated that Luna de Noche, a new pizza place and a new hamburger place are
668 all going to move into The Harbor very soon.
669

670 Mayor Cecil then adjourned the meeting at 9:00 p.m. Council did not reconvene into
671 Executive Session at the close of the public meeting.
672

673 **XI. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
674 **GOVERNMENT CODE TO DISCUSS:**
675

- 676 1. Deliberation regarding the purchase, exchange, lease, or value of real
677 property.
678 2. Personnel Issues, including Board, Commission, and Committee
679 Appointments, and Related Matters.
680 3. Commercial or financial information regarding business prospects that the
681 City seeks to have locate, stay, or expand in or near the territory of the
682 City of Rockwall and with which the Board is conducting economic
683 development negotiations.
684 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
685 with attorney with regard to a matter that it is the duty of the attorney to

consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

XII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council took no action because they did not convene in end-of-meeting Executive Session.

XIII. ADJOURNMENT


The public meeting was adjourned at 9:00 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 18th day of October, 2010.



William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, October 18, 2010
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, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and regarding Holt v. City of Rockwall.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See notes below after the public meeting was called to order for actions taken as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 1st day of November, 2010.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, October 18, 2010

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, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

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

Mayor Pro Tem Farris made a motion to authorize Mayor Cecil to sign the settlement agreement with Holt Properties regarding the Holt v. City of Rockwall lawsuit. Councilmember Sweet seconded the motion, which passed unanimously (7 ayes to 0 nays).

Mayor Pro Tem Farris made a motion to reappoint Donna Orr to the Architectural Review Board with a term to expire in August of 2012. Councilmember Sweet seconded the motion, which passed unanimously.

Mayor Pro Tem Farris made a motion to move Jennifer Willis and Trenton Cornehl from alternate members to voting members on the Board of Adjustments to replace Mike Heffler and Rick Mase, with terms for Willis and Cornehl to expire in August of 2012. Councilmember Sweet seconded the motion, which passed unanimously.

Mayor Pro Tem Farris made a motion to reappoint to the Parks Board Brandy Patterson, Marcus Yarborough and Kevin Moffatt, each with two year terms to expire in August of 2012. Councilmember Sweet seconded the motion, which passed unanimously.

Mayor Pro Tem Farris made a motion to appoint Clint Brooks to the Park Board to replace Herb Moltzan. With a two year term to expire in August of 2012. Councilmember Scott seconded the motion, which passed unanimously.

Mayor Pro Tem Farris made a motion to approve the City of Rockwall entering into an agreement with the Hitt family for right of way acquisition on FM 549. Mayor Cecil seconded the motion, which passed unanimously.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SWEET

Councilmember Sweet delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Pancreatic Cancer Awareness Month

94 Mayor Cecil indicated that the proclamation would be moved from this agenda to the
95 November 1st agenda instead.
96

97 IV. CONSENT AGENDA
98

- 99 1. Consider approval of the minutes from the October 4, 2010 regular city
100 council meeting and take any action necessary.
- 101 2. Consider approval of the purchase of 2011 police interceptor vehicles and
102 take any action necessary.
- 103 3. Discuss and consider an **ordinance** prohibiting the sale and possession
104 of synthetic cannabinoids, salvia divinorum and other related products,
105 including associated paraphernalia, and take any action necessary. **(1st**
106 **reading)**
- 107 4. Consider award of the Brockway Branch Channel Improvements
108 construction contract and take any action necessary.
- 109 5. Consider the award of the FM-740 Parkway Drainage Project construction
110 contract and take any action necessary.
- 111 6. Z2010-014 - Consider approval of an **ordinance** for a request by
112 Walgreen Co. for approval of an amendment to (PD-65) Planned
113 Development No. 65 (Ord. No. 08-02), specifically to allow for outside
114 display of certain items in conjunction with the existing Walgreen retail
115 store located on Lot 1, Block B, North Lakeshore Valley Addition, being
116 2.02-acres zoned (PD-65) Planned Development No. 65 district and
117 located at 2007 North Goliad, and take any action necessary. **(2nd**
118 **Reading)**
- 119 7. Z2010-015 - Consider approval of an **ordinance** for a request by Mostafa
120 Setayesh of The Dimension Group for approval of an amendment to the
121 existing Specific Use Permit (Ord. No. 07-23), specifically to allow for
122 outside display of certain items in conjunction with the existing 7-Eleven
123 convenience store located on Lot 2, Block A, Hillcrest Center Addition,
124 being 1.02-acres zoned (GR) General Retail district and located at 3250
125 North Goliad, and take any action necessary. **(2nd Reading)**

126
127 Councilmember Scott pulled item #1 from the Consent Agenda. Councilmember Sevier
128 pulled items #2, #4 and #5 for further discussion.
129

130 Mayor Cecil made a motion to approve Consent Agenda item #1. Councilmember Sweet
131 seconded the motion, which passed by a vote of 6 ayes to 1 abstention (Scott).
132

133 Councilmember Sevier asked some clarifying questions related to the purchase of new
134 police vehicles. He then made a motion to approve Consent Agenda item #2. Mayor Pro
135 Tem Farris seconded the motion, which passed unanimously.
136

137 Councilmember Sevier made a motion to approve Consent Agenda item #3. Mayor Cecil
138 seconded the motion. After brief discussion related to growing of Salvia Divinorum and
139 clarification of the use of the word "spice" in the "whereas" section of the ordinance, the
140 ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE 10-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES TO PROVIDE FOR A NEW SECTION PROHIBITING THE SALE AND POSSESSION OF SYNTHETIC CANNABINOIDS, SALVIA DIVINORUM AND OTHER RELATED PRODUCTS, INCLUDING ASSOCIATED PARAPHERNALIA, WITHIN THE CITY OF ROCKWALL; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$2,000 FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously.

Related to Consent Agenda item #4, Councilmember Sevier asked clarifying questions related to the source of funding for this project. Councilmember Sevier then made a motion to approve Consent Agenda item #4. Councilmember Scott seconded the motion, which passed unanimously.

Councilmember Sevier made a motion to approve Consent Agenda item #5. Councilmember Scott seconded the motion, which passed unanimously.

Related to item #6, Mayor Pro Tem Farris indicated that he did not support this item at the last Council meeting and will not be supporting it this evening either. Farris indicated that he believes denying this item is in the best interest of the citizens. Scott made a motion to approve the ordinance for #6. Councilmember Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 10-28

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 AMEND (PD-65) PLANNED DEVELOPMENT NO. 65 (ORD NO. 08-02), SPECIFICALLY TO ALLOW FOR OUTSIDE DISPLAY OF HOUSEHOLD PROPANE CANISTERS IN CONJUNCTION WITH THE EXISTING WALGREEN'S RETAIL STORE LOCATED AT 2007 N. GOLIAD, BEING A 2.02 ACRE TRACT OF LAND KNOWN AS LOT 1, BLOCK B, NORTH LAKESHORE VALLEY ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes to 1 nay (Farris).

194 Regarding Consent Agenda item #7, Mayor Pro Tem Farris indicated that he is not in
195 support of this item either. Councilmember Scott then made a motion to approve
196 Consent Agenda item #7. Councilmember Sweet seconded the motion, and the
197 ordinance was read as follows:

198
199 CITY OF ROCKWALL
200 ORDINANCE NO. 10-29
201

202 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
203 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
204 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
205 AMENDED, SO AS TO AMEND A SPECIFIC USE PERMIT (ORD. NO.
206 07-23) SPECIFICALLY TO ALLOW FOR OUTSIDE DISPLAY OF
207 HOUSEHOLD PROPANE CANISTERS IN CONJUNCTION WITH THE
208 EXISTING 7-ELEVEN CONVENIENCE STORE LOCATED AT 3250 N.
209 GOLIAD, BEING A 1.02 ACRE TRACT OF LAND KNOWN AS LOT 2,
210 BLOCK A, HILLCREST CENTER ADDITION; PROVIDING FOR
211 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT
212 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
213 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
214 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
215 EFFECTIVE DATE.
216

217 The motion passed by a vote of 6 ayes to 1 nay (Farris).
218

219 Mayor Cecil reordered the agenda, and Action Item #2 was addressed next by the City
220 Council.
221

222 V. APPOINTMENTS
223

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

227 Chair of the Planning & Zoning Commission, Phillip Herbst, came forth and offered brief
228 comments related to certain items on the council agenda. The Council took no action
229 related to this item.
230

- 231 2. Appointment with Roy Sterling of 1535 Murphy Drive (Waterstone
232 Estates), to discuss alternatives to the approved masonry screening wall
233 for the adjacent Sonoma Court (aka Canyon Ranch) multi-family
234 residential development, including a possible variance to Section 5.6,
235 Screening from Residential Uses, of Article VIII, Landscape Standards of
236 the Unified Development Code, and take any action necessary.

237 Roy G. Sterling
238 1535 Murphy Drive
239 Rockwall, TX
240

241 Mr. Sterling presented some photographs for the Council to review. He then explained
242 that Planning Director Robert LaCroix spoke with him a while ago about the possibility of
243 a 6 foot brick fence being built at the rear of his property to separate his property from
244 the proposed apartment community. Mr. Sterling indicated that he has a desire to have

the existing trees retained and asked that they not be removed. Mr. Sterling indicated that the city informed him that in lieu of a 6 foot brick fence, an 8 foot tubular steel wall might be built instead. Mr. Sterling expressed that he is in favor of the 8 foot tubular steel fence being built rather than the 6 foot masonry / brick fence.

After some discussion, Waterstone Estates resident Harold Snyder was asked by Councilmember Scott to come forth and speak to the Council.

Harold Snyder
1519 Murphy Drive
Rockwall, TX

Mr. Snyder came forth and explained that he is here to speak as a citizen and not as a representative of the homeowners association for Waterstone Estates. When asked by Councilmember Scott if he had previously discussed the issue with Mr. Sterling, Mr. Snyder expressed that he does not remember discussing this issue with Mr. Sterling a year or two ago when he (the HOA representative) and the developer were asked by the Council to negotiate with each other the height and material that would be used for the fence. Mr. Snyder indicated that he is in favor of a solid masonry wall rather than a tubular steel fence.

Councilmember Scott asked City Engineer Chuck Todd to clarify which of the options would be less intrusive and save the most trees. Todd indicated that the tubular, steel fence would end up saving the most trees when compared to the solid, masonry wall.

Mr. Sterling generally indicated that if both the city and the developer are okay with the construction of an 8 foot tubular steel fence, it is this type of fence he would like to see built instead of a 6 foot masonry fence. He is concerned that the Waterstone Estates HOA is speaking on behalf of everyone who lives along this property line without even asking everyone who lives along this property line for input.

Councilmember Sevier expressed that this issue has been ongoing for at least two years now and that a resolution is needed.

Mr. Farris asked for clarification from Mr. Snyder related to what his desire is regarding the trees. Mr. Snyder, indicating he was speaking as a homeowner not a representative of the HOA, stated that his desire is to have the masonry fence for a security buffer and to have additional, quick growing trees planted in order to provide noise and light screening. Mr. Farris expressed that he does not believe trees can be saved if a masonry wall is constructed. Farris stated that he believes the best screening mechanism is to leave the existing trees and vegetation in place rather than have any fence constructed by the developer at all.

Planning Director Robert LaCroix indicated that the developer currently intends to construct a 6 foot masonry fence. He clarified that the approved treescape plan for this development does not call for Thuja Green Giant trees to be planted, as was alluded to a few minutes ago by Mr. Snyder.

Mayor Cecil then recessed the meeting into Executive Session. When Mayor Cecil called the meeting back to order, it was noted that Councilmember Matt Scott was not present at this time and had temporarily left the meeting.

296
297 Mayor Cecil made a motion to table this item until the next regular Council meeting.
298 Mayor Pro Tem Farris seconded the motion. It was indicated that members of the public
299 are asked and highly encouraged to submit feedback and opinions to Planning Director
300 Robert LaCroix and his staff over the course of the next two weeks for the council to
301 consider further in two weeks.

302
303 Councilmember Sweet indicated that while he feels he has already heard from members
304 of the public and residents in the Waterstone Estates community, he looks forward to
305 hearing from more of the residents, especially the more than 100 homeowners living in
306 Waterstone Estates.

307
308 Mayor Cecil indicated that he and the Council would like to make a decision that is good
309 for all parties involved, realizing that not everyone will be totally satisfied with the
310 decision.

311
312 The motion passed by a vote of 6 ayes to 1 absent (Scott).

- 313
314 3. Appointment with resident Rosemary Berkley to hear concerns related to
315 helicopters operating out of Presbyterian Rockwall and take any action
316 necessary.

317 Rosemary Berkley
318 103 Windmill Ridge Drive
319 Rockwall, TX

320
321 Ms. Berkley indicated that she has an objection to the helicopter service operating out of
322 Presbyterian Rockwall. Berkley indicated that she first began expressing her concerns
323 to Mr. Ken Teel of the hospital who referred her to Careflight to have them try to address
324 her concerns. She also indicated that she has expressed concern to city staff and to
325 councilmember Nielsen about the flight path that helicopters take when flying in and out
326 of the hospital. She indicated that the helicopters cause problems such as shingles
327 coming loose from her home, limbs and leaves being lost from her trees, her patio
328 covering being damaged and her home being shaken and audibly disturbed when
329 helicopters fly over. Berkley asked for clarification related to what the term "no fly zone"
330 means to the City of Rockwall. Mayor Cecil indicated that the city does not have a 'no fly
331 zone' but the city does have an agreement in place with Careflight. Councilmember
332 Nielsen pointed out that the agreement in place requires that the helicopters not fly over
333 the existing residential homes when coming into or leaving out of the hospital. Ms.
334 Berkley pointed out that she believes the location of the heliport pad was poorly placed.
335 General discussion took place related to possible development of a 'no fly zone'
336 ordinance. Mayor Cecil indicated that the heliport was not placed on top of the hospital
337 itself because of potential, future, upward growth / expansion of the hospital. General
338 discussion took place related to past public notification and solicitation of feedback
339 associated with the hospital's PD (planned development) before and when the hospital
340 was first constructed.

341
342 Councilmember Farris made a motion to direct staff to draft an ordinance prohibiting any
343 helicopters from flying over residential homes near Presbyterian Rockwall and
344 designating a 'no fly zone.' General discussion took place related to potential
345 enforcement issues associated with such ordinance and designation of a 'no fly zone.'

Councilmember Sweet seconded the motion. He expressed that he does not believe weather is a factor associated with helicopters flying over Ms. Berkley's or anyone else's home.

Councilmember Matt Scott returned to the meeting at this time.

Councilmember Sevier indicated that relocation of the helipad is likely not an option but that city staff could work with the helicopter contractors to come up with a viable solution.

Councilmember Scott indicated that a lot of discussion originally took place concerning the location of the helipad. After a great deal of input and discussion, it was decided that the helipad would be constructed in its current location.

When asked by Ms. Berkley about liability, City Attorney Pete Eckert expressed that he does not believe this situation constitutes "a taking" on the part of the city, but he and staff will evaluate this possibility further. Councilmember Scott indicated he believes the city would not be liable. He instead believes that if anyone might be liable for damages, it would most likely be the hospital.

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

4. Appointment with Neighborhood Street Maintenance C3 Team to hear project presentation, and take any action necessary.

City Manager Julie Couch indicated that this C3 team has put in a great deal of hard work related to this Customer Centered Culture (C3) and has developed a lot of good recommendations.

Brad Griggs, Director of Streets and Right-of-Ways, offered brief background information and comments related to the team.

City staff member John Ankrum explained the purpose of the team, including investigation of why citizen satisfaction on past citizen surveys showed to be 'low' related to streets and drainage.

Mayor Pro Tem Farris asked if citizens involved in the focus groups indicated whether or not raising taxes is an acceptable way to help pay for and implement some of the improvements that are needed. General discussion took place related to warranty issues on new roadways.

Councilmember Sevier expressed concern that TXDOT is not maintaining their right-of-ways within our city. General discussion took place related to the width of roadways in other, comparable market cities. It was indicated that many comparable cities maintain a 31 foot roadway width rather than the 29 foot roadway width currently required as a minimum development standard in Rockwall. General discussion took place related to street name signs as well as way finding signs.

396 VI. PUBLIC HEARING ITEMS

- 397
398 1. Z2010-016 - Hold a public hearing and consider approval of an
399 ordinance for a city-initiated request to amend the Unified Development
400 Code (Ord. No. 04-38), specifically Article IV. Permissible Uses, and
401 Article V. District Development Standards, and take any action necessary.
402 (1st Reading)

403 Planning Director Robert LaCroix provided brief background information on this item,
404 indicating that this is a city initiated request to amend the UDC. He stated that this
405 ordinance would allow for and designate areas within the city for wineries in some of the
406 commercial, retail and agricultural districts with a specific use permit process in place
407 for the council to consider each on a case by case basis. He also indicated that this
408 ordinance would allow for those wishing to place solar panels on their commercial and
409 residential structures the ability to do so without seeking a specific use permit from the
410 city council. He also indicated that this ordinance would clarify demolitions in the city's
411 historic overlay district, requiring a 60 day demolition delay. This would include
412 landmarks in the downtown area. This will allow the Historic Preservation Advisory
413 Board (HPAB) and the City Council enough time to consider if a potential demolition
414 structure can be saved. The ordinance also clarifies allowing pergolas and similar
415 structures in the takeline overlay district located on the shoreline of Lake Ray Hubbard.
416 A publication was sent to the newspapers, posted on the city's website and sent out on E
417 News fifteen days in advance. The Planning & Zoning Commission did recommend
418 approval of these UDC modifications.
419

420 Lengthy, general discussion took place related to timeframes associated with potential
421 demolitions and how the process would work between and among all parties involved,
422 including the property owner, the HPAB and the Council.
423

424 Councilmember Russo expressed that he has concerns about the process being too
425 vague and he does not like the city's designated preservation officer (presently Planning
426 Director Robert LaCroix) having the ability to potentially override a demolition
427 determination made by the HPAB.
428

429 Mayor Cecil then opened the public hearing. There being no one to come forth and
430 speak related to this item, Mayor Cecil then closed the public hearing.
431

432 Mayor Cecil then made a motion to approve Z2010-016 and the associated ordinance.
433 Councilmember Sweet seconded the motion. The ordinance was read as follows:
434

435 CITY OF ROCKWALL
436 ORDINANCE NO. 10-
437

438 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
439 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
440 CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS
441 HERETOFORE AMENDED BY AMENDING ARTICLE IV.
442 PERMISSIBLE USES, AND ARTICLE V. DISTRICT DEVELOPMENT
443 STANDARDS; PROVIDING FOR A PENALTY OF FINE NOT TO
444 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
445 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
446 PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN

EFFECTIVE DATE.

The motion passed by a vote of 6 ayes to 1 nay (Russo).

- 2. Z2010-017 - Hold a public hearing and consider approval of an ordinance for a request by Richard Skorborg of Stone Creek Balance, Ltd, for proposed amendments to (PD-70) Planned Development No. 70 District (Ord. 07-13), being 395-acres overall and generally known as the Stone Creek development, located along the east side of SH 205, south side of FM 552, west side of Hays Rd and north side of Quail Run Rd, and take any action necessary. (1st Reading)**

Planning Director Robert LaCroix indicated that this is a zoning case that has been advertised but the developer has requested that the public hearing be continued until the next regularly scheduled city council meeting.

Mayor Cecil then opened the public hearing. Councilmember Sweet made a motion to continue the public hearing until the November 1, 2010 city council meeting. Mayor Pro Tem Farris seconded the motion, which passed by a vote of 7 ayes to 0 nays.

- 3. A2010-002 (6:00 pm) - Hold a public hearing and consider a City-initiated request to annex land in accordance with previously approved Chapter 212 Texas Local Government Code Development Agreements, specifically for two (2) tracts of land comprising approximately 58.584-acres located along the south side of Clem Road east of FM 1141, and contiguous to the existing city limits line. (1st Public Hearing)**

Planning Manager Michael Hampton provided background information related to this item. Affected property owners have been notified and public hearings have been advertised in accordance with the law.

Mayor Cecil opened the public hearing and asked if anyone would like to speak.

**Allen Stevenson
427 Clem Road
Rockwall, TX**

Mr. Stevenson indicated that he has lived at this location for twenty-eight years. He originally asked for the 212 agreement to be signed for fifteen years but the city would only agree to sign a one year 212 agreement because they did not want to tie the hands of future councils. He was also told that a one year agreement was desired by the city in order to control possible future development. Mr. Stevenson provided background information from the Texas Municipal League related to the Texas Legislature's intent behind allowing and encouraging 212 agreements for property owners who farm and ranch to remain outside of the city limits and not be annexed.

There being no one else to come forth and speak related to this item, Mayor Cecil then closed the public hearing. The Council took no formal action related to this item.

The Council next addressed Public Hearing item #5.

- 496 4. A2010-003 (6:00 pm) - Hold a public hearing and consider a City-initiated
497 request to annex land in accordance with previously approved Chapter
498 212 Texas Local Government Code Development Agreements,
499 specifically for ten (10) tracts of land comprised of approximately 68.954-
500 acres generally located south of SH 276 and west of FM 550, and
501 contiguous to the existing city limits line. (1st Public Hearing)

502 Planning Manager Michael Hampton indicated that the existing 212 agreements were
503 previously extended for one year, but the Council recently denied a request to extend the
504 agreements further. Hampton indicated that affected property owners have been notified
505 and that all applicable laws have been adhered to related to these annexations.
506

507 Mayor Cecil then opened the public hearing.
508

509 Sue Ann White
510 417 Green Circle
511 Royse City, TX 75189
512

513 Ms. White expressed that she is opposed to her property being annexed, but she
514 believes the City Council is going to annex her property anyway. Ms. White indicated
515 that during the Fourth of July and New Years holidays, twenty-four days out of the year,
516 they would like to continue selling fireworks as they have done for the last forty years.
517 She indicated that the fireworks stand supplements her and her husband's retirement
518 and will drastically affect the viability of her family's income in the future. She would like
519 the Council to continue allowing her to sell the fireworks with the understanding that
520 fireworks would not be set off in this location, only sold.
521

522 Councilmember Scott asked city attorney Pete Eckert if the city can grant an exception to
523 this ordinance. Scott asked if the ordinance can be amended to allow the sale and
524 possession of fireworks within the city yet still prohibit discharging fireworks within the
525 city. Mr. Eckert indicated that he and staff will evaluate this possibility and bring it back
526 to council at the next meeting.
527

528 There being no one else to come forth and speak, Mayor Cecil then closed the public
529 hearing. No action was taken by Council.
530

531 Public Hearing item #6 was then addressed by Council.
532

- 533 5. A2010-002 (6:30 pm) - Hold a public hearing and consider a City-initiated
534 request to annex land in accordance with previously approved Chapter
535 212 Texas Local Government Code Development Agreements,
536 specifically for two (2) tracts of land comprising approximately 58.584-
537 acres located along the south side of Clem Road east of FM 1141, and
538 contiguous to the existing City Limits line. (2nd Public Hearing)

539 Mayor Cecil opened the public hearing and asked if anyone would like to speak.
540

541 Allen Stevenson
542 427 Clem Road
543 Rockwall, TX
544

Mr. Stevenson again came forth and expressed that he does not wish to be annexed and does not believe he gains anything for himself or his property if he is annexed.

There being no one else to come forth and speak, Mayor Cecil then closed the public hearing. The Council took no formal action related to this item.

Public Hearing #4 was then addressed by the Council.

6. A2010-003 (6:30 pm) - Hold a public hearing and consider a City-initiated request to annex land in accordance with previously approved Chapter 212 Texas Local Government Code Development Agreements, specifically for ten (10) tracts of land comprised of approximately 68.954-acres generally located south of SH 276 and west of FM 550, and contiguous to the existing City Limits line. (2nd Public Hearing)

Mayor Cecil opened the public hearing. There being no one to come forth and speak, Mayor Cecil then closed the public hearing. The Council took no action related to this item.

VII. ACTION ITEMS

1. Discuss and consider adoption of an ordinance regulating recycle receptacles and take any action necessary. (1st reading)

Jeffrey Widmer, Director of Code Enforcement, provided background information related to this item. He indicated that he has modified the original ordinance that was proposed and has removed the permit requirement and to require that public screening should occur when possible or that these receptacles would be placed in the most discreet location as possible on the property.

Councilmember Nielsen made a motion to approve the ordinance as presented. Mayor Pro Tem Farris seconded the motion. After brief discussion related to enforcement of this ordinance, the ordinance was read as follows:

CITY OF ROCKWALL, TEXAS ORDINANCE NO. 10-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 14 HEALTH & SANITATION BY ADDING A NEW ARTICLE, ARTICLE VI RECYCLE DUMPSTERS; 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 AN EFFECTIVE DATE.

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

This concluded the public meeting agenda, and Mayor Cecil indicated that the Council would not be reconvening back into Executive Session. Therefore, the meeting was adjourned at 9:13 p.m.

- 596 2. Discuss and consider a setback and size variance request for a new
597 monument sign for American National Bank, located at 2865 Ridge Road,
598 and take any action necessary.

599
600 The City Council addressed this item first, following the Consent Agenda items. Mr. Tom
601 Johnson came forth and offered brief comments related to this request.

602
603 Councilmember Sweet then made a motion to approve the variance request.
604 Councilmember Scott seconded the motion, which passed unanimously.

605
606 Appointment items were addressed next during the Council meeting.

607
608 **VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
609 **GOVERNMENT CODE TO DISCUSS:**

- 610
611 1. Deliberation regarding the purchase, exchange, lease, or value of real
612 property.
- 613 2. Personnel Issues, including Board, Commission, and Committee
614 Appointments, and Related Matters.
- 615 3. Commercial or financial information regarding business prospects that the
616 City seeks to have locate, stay, or expand in or near the territory of the
617 City of Rockwall and with which the Board is conducting economic
618 development negotiations.
- 619 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
620 with attorney with regard to a matter that it is the duty of the attorney to
621 consult with the Council pursuant to the Attorney Client Privilege under
622 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
623 Texas and regarding Holt v. City of Rockwall.

624
625 **IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

626
627 Council did not convene in end-of-meeting Executive Session. Therefore, no action was
628 taken.

629
630 **X. ADJOURNMENT**

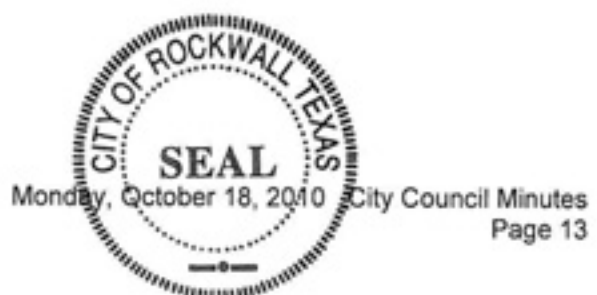
631
632 The meeting was adjourned at 9:13 p.m.

633
634 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
635 **this 1st day of November, 2010.**

636
637 **ATTEST,**

638 *Kristy Ashberry*
639
640 **Kristy Ashberry, City Secretary**

William R. Cecil
William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL
ANNUAL RETREAT
October 21-23, 2010
Star Brand Ranch
1182 Star Brand Drive
Kaufman, Texas 75142**

The following members of Council were present at the retreat: Mayor Bill Cecil, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo, and Cliff Sevier. Also present were City Manager Julie Couch, Assistant City Manager Rick Crowley and department directors.

Thursday, October 21, 2010 – 6:00 p.m.

Council and Staff arrived at Star Brand Ranch at this time to check in and have dinner. No business was conducted at this time, and no action was taken.

Friday, October 22, 2010 - 7:30 a.m.

General discussion took place related to the following topics:

- Balanced Scorecard/Customer Centered Government
- John King Blvd Design Guidelines
- Capital Improvement Planning
- Legislative Agenda

The Council took no action related to any of the discussion items.

Saturday, October 23, 2010 - 7:30 a.m.

General discussion took place related to the following topics:

- Balanced Scorecard/Customer Centered Government
- John King Blvd Design Guidelines
- Capital Improvement Planning
- Legislative Agenda

The Council took no action related to any of the discussion items.

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

51 consult with the Council pursuant to the Attorney Client Privilege under
52 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
53 Texas.

54 The Council took no action as a result of Executive Session.

55
56 The retreat was adjourned at 12:00 p.m. on Saturday, October 23, 2010.
57

58 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
59 this 1st day of November, 2010.

60
61 ATTEST:

62 *Kristy Ashberry*
63 _____
64 Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, November 01, 2010

4:00 p.m. Pre-Council Meeting

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

I. CALL TO ORDER

Mayor Pro Tem Farris called the meeting to order at 4:00 p.m. Present were Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Bill Cecil and Council Member Mark Russo were absent from the meeting. Mayor Pro Tem Farris immediately recessed the public 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

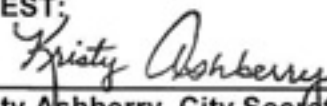
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

IV. ADJOURNMENT

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 15th day of November, 2010.**

ATTEST:


Kristy Ashberry, City Secretary


William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, November 01, 2010

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Pro Tem Farris called the meeting to order at 6:00 p.m. Present were Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Bill Cecil and Council Member Mark Russo were absent from the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MATT SCOTT

Councilmember Matt Scott delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Pancreatic Cancer Awareness Month

Councilmember David Sweet came forth and introduced Virginia Holleman and Jeffrey Ross. After Ms. Holleman and Mr. Ross presented some statistics and offered comments related to pancreatic cancer, Councilmember Sweet read and presented the proclamation.

2. Herb Moltzan Appreciation Day

Mayor Pro Tem Farris came forth and introduced Herb Moltzan, stating that he is a former member of the park board whose leadership and guidance on the Park Board has been steadfast and strong over the years. Farris then read and presented the proclamation to Mr. Moltzan.

3. Animal Shelter Appreciation Week

Councilmember Cliff Sevier came forth and introduced Jeffrey Widmer, Director of Animal Services, who provided brief comments related to his staff and related to an upcoming event being held in association with Animal Shelter Appreciation Week. Councilmember Sevier then read and presented the proclamation.

IV. OPEN FORUM

Mayor Pro Tem Farris then explained how Open Forum is conducted. He asked if anyone would like to address the Council during this time. There being no one to come forth, he then closed Open Forum.

V. CONSENT AGENDA

1. Consider approval of the minutes from the October 18, 2010 regular city council meeting and take any action necessary.

2. Consider approval of the minutes from the October 21-23, 2010 Rockwall City Council Annual Retreat and take any action necessary.

- 93 3. Discuss and consider authorizing the City Manager to engage Rutledge,
94 Crain & Company PC to conduct the City's audit for the fiscal year ended
95 September 30, 2010 and take any action necessary.
- 96 4. Consider approval of an **ordinance** regulating recycle receptacles and
97 take any action necessary. **(2nd reading)**
- 98 5. Consider approval of an **ordinance** prohibiting the sale and possession of
99 synthetic cannabinoids, salvia divinorum and other related products and
100 taken any action necessary. **(2nd reading)**
- 101 6. Z2010-016 - Consider approval of an **ordinance** for a city-initiated
102 request to amend the Unified Development Code (Ord. No. 04-38),
103 specifically Article IV. Permissible Uses, and Article V. District
104 Development Standards, and take any action necessary. **(1st Reading)**

105 Councilmember Nielsen made a motion to approve the entire Consent Agenda (items 1-
106 6). Councilmember Sevier seconded the motion.

107
108 The ordinances were read as follows:

109
110 CITY OF ROCKWALL, TEXAS
111 ORDINANCE NO. 10-31
112

113 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
114 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES
115 IN CHAPTER 14 HEALTH & SANITATION BY ADDING A NEW
116 ARTICLE, ARTICLE VI RECYCLE DUMPSTERS; PROVIDING FOR
117 A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
118 THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE;
119 PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN
120 EFFECTIVE DATE.

121
122
123 CITY OF ROCKWALL, TEXAS
124 ORDINANCE 10-30
125

126 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
127 ROCKWALL, TEXAS, AMENDING CHAPTER 18 OF THE CODE OF
128 ORDINANCES TO PROVIDE FOR A NEW SECTION PROHIBITING
129 THE SALE AND POSSESSION OF SYNTHETIC CANNABINOIDS,
130 SALVIA DIVINORUM AND OTHER RELATED PRODUCTS,
131 INCLUDING ASSOCIATED PARAPHERNALIA, WITHIN THE CITY OF
132 ROCKWALL; PROVIDING FOR A PENALTY OF A FINE NOT TO
133 EXCEED THE SUM OF \$2,000 FOR EACH OFFENSE; PROVIDING A
134 SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

135
136 CITY OF ROCKWALL
137 ORDINANCE NO. 10-
138

139 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
140 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
141 CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS
142 HERETOFORE AMENDED BY AMENDING ARTICLE IV.
143 PERMISSIBLE USES, AND ARTICLE V. DISTRICT

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

The motion passed unanimously of those present (Cecil and Russo absent).

VI. APPOINTMENTS

1. Appointment with Margie VerHagen, Executive Director of Rockwall County Committee on Aging (RCCOA), to hear annual report and request for funding in 2010-2011 and take any action necessary.

Rob Glover came forth and indicated that he will be standing in for Ms. VerHagen this evening to present the annual report and request funding. He explained that \$21,500 is being requested for this year. Sixty percent of those served by RCCOA live within the City of Rockwall. He also stated that 20,470 meals were served this past year at a cost of \$3.25 per meal. He explained that the recent Rockwall Fire Department grant dealing with installation of fire and carbon monoxide detection equipment in the homes of elderly in the community has led to many new patrons being located and now served by RCCOA.

After brief discussion, Councilmember Nielsen made a motion to approve the funding request in the amount of \$21,500. Councilmember Scott seconded the motion. The motion passed by a vote of 5 ayes with 2 absent (Cecil and Russo).

VII. ACTION ITEMS

1. Discuss and consider the use of way finding signs for the downtown area, and take any action necessary.

Planning Director Robert LaCroix offered introductory remarks and background information related to this item. He explained that staff has evaluated and priced out the possibility of utilizing an outside sign company to design and produce these signs and possibly move forward with about eight signs, which would be erected and maintained by the city itself. He indicated that staff recommends seeking input from the Downtown Advisory Board related to these signs and their placement. He explained that each sign is estimated to cost about \$525.

Councilmember Sevier asked about the possibility of getting downtown businesses involved to help pay for the signs and to utilize the signs to direct drivers to their businesses. LaCroix indicated that this would be considered 'off site advertising,' which is currently not allowed under existing regulations. He indicated that the general objective of the signs being suggested this evening is to direct drivers to a general area of the city or to a public location / facility such as the downtown area, city hall or the courthouse.

After brief comments, Councilmember Sweet made a motion to approve the concept plan as presented by staff and to forward the information to the Main Street Board for their input and suggestions. Councilmember Scott seconded the motion. The motion passed by a vote of 5 ayes with 2 absent (Cecil and Russo).

2. Hear presentation from Director of Animal Services regarding the new Rockwall Kennel Club and take any action necessary.

194 Jeffrey Widmer, Director of Animal Services, provided background information related to
195 this item, indicating that this is a great new public relations tool for the Animal Adoption
196 Center. It is a program where animals adopted from the shelter can be registered as a
197 Rockwall Kennel Club animal and can be featured on the shelter's Facebook page to help
198 acknowledge the recent adoption and promote animal adoptions at the shelter. Widmer
199 indicated that the new Club will be kicked off at the upcoming Helping Hands Home for
200 the Holidays Gala and the Hilton. Councilmember Nielsen offered general thanks to
201 Jeffrey for his work on this new program and indicated she is excited and in support of
202 this new effort.

203
204 The Council took no formal action related to this item.

- 205
206 3. Discuss and consider a recommendation for task order contracts
207 associated with capital planning for downtown improvements and an
208 athletic complex and take any action necessary.

209 Assistant City Manager Rick Crowley provided background information on this item,
210 indicating that council has expressed a desire to move forward with placing downtown
211 improvements and an athletic complex before the voters in a November 2011 bond
212 election. He explained that the task order contracts are being put forth due to a need to
213 ensure staff is on target with accurately cost estimating the projects as they move along.
214 He further explained that as work is needed, the consultants who are retained will
215 provide associated cost estimates to the city to consider as the projects move forward.

216
217 After brief discussion, Councilmember Scott made a motion to instruct the city manager
218 to move forward with execution of task order contracts associated with capital
219 improvement planning for downtown improvements and an athletic complex for the 2011
220 bond election, authorizing her to sign contracts with the following firms in association
221 with each of these projects:

222
223 Athletic Complex – MHS Architects (architect) and Landscapes Unlimited (construction
224 manager)
225 Downtown improvements – La Terra Studio (architect) and Hill & Wilkinson (construction
226 manager).

227
228 Councilmember Sevier seconded the motion.

229
230 General discussion took place related to funding of these task order contracts and how
231 the money will be repaid to the city's general fund through bond monies if and when the
232 projects are approved by voters in the November 2011 bond election.

233
234 The motion passed by a vote of 5 ayes with 2 absent (Cecil and Russo).

- 235
236 4. Discuss and consider approval for the allowance of a special event in the
237 one-hundred block of S. San Jacinto Street between Rusk Street and
238 Washington Street, and take any action necessary.

239 Planning Director Robert LaCroix indicated that the downtown merchants would like to
240 host an art market in conjunction with the annual Christmas parade. Along with this
241 event, they would like the city to grant a special event permit and allow them to close
242 down a portion of San Jacinto. LaCroix indicated that, if approved, staff will notify all the
243 property owners and businesses in the area to let them know of the event and associated

road closure. Banners will also be put out ahead of time to notify the public of the event and street closure. He further indicated that downtown merchants are hoping this will become an annual event.

Councilmember Sweet made a motion to approve the event permit, including the associated road closure. Councilmember Scott seconded the motion, which passed by a vote of 5 ayes with 2 absent (Cecil and Russo).

5. Discuss alternatives to the approved masonry screening wall for the adjacent Sonoma Court (aka Canyon Ranch) multi-family residential development, and take any action necessary, including a possible variance to Section 5.6, Screening from Residential Uses, of Article VIII, Landscape Standards of the Unified Development Code.

Mayor Pro Tem Farris asked if anyone in the audience disagrees with the masonry screening wall. There being no indication of such disagreement, Farris explained that no action would be taken this evening related to this item.

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

1. Departmental Reports
 - Building Inspections Monthly Report - September 2010
 - Finance Department Monthly Report - September 2010
 - Fire Department Monthly Report - September 2010
 - Internal Operations Monthly Report - September 2010
 - Kaufman Area Rural Transportation Quarterly Report
 - Police Department Monthly Report - September 2010
 - Recreation Monthly Report - September 2010
 - Harbor PD Monthly Report - September 2010
 - Rockwall County Committee on Aging Quarterly Report

2. City Manager's Report

Council had no questions or comments related to these reports, and no action was taken.

The meeting was adjourned at 6:51 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 pursuant to the Attorney Client Privilege under

the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council did not reconvene into Executive Session at the end of the public meeting. Therefore, no action was taken as a result of end-of-meeting Executive Session.

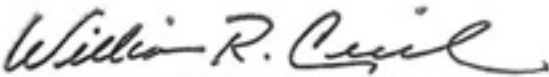
XI. ADJOURNMENT

The meeting was adjourned at 6:51 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 15th day of November, 2010.

ATTEST:

Kristy Ashberry, City Secretary


William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, November 15, 2010
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, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

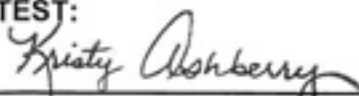
See end of meeting Executive Session for actions taken.

IV. ADJOURNMENT

Executive Session adjourned at 5:15 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 6th day of December, 2010.**

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, November 15, 2010

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, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert and members of the 2010-2011 Rockwall Youth Advisory Council (YAC).

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

Councilmember Nielsen delivered the invocation and led the Pledge of Allegiance.

Members of Council and staff then introduced the Rockwall Youth Advisory Council (YAC) members who were present to observe and 'shadow' city council and staff members during a portion of the public meeting.

III. CONSENT AGENDA

1. Consider approval of the minutes from the November 1, 2010 regular city council meeting and take any action necessary.
2. Consider authorizing the purchase of a loader for the city's streets department as approved in the FY11 budget and take any action necessary.
3. Consider a contract with Rockwall County Committee on Aging for certain nutritional and senior service programs and take any action necessary.
4. P2010-018 - Discuss and consider a request by Pann Sribhen of PSA Engineering, LLC for approval of a preliminary plat of Rockwall Market Center South Addition, being four (4) lots on a vacant 5.9-acre tract zoned (C) Commercial district and situated at the northern corner of Ralph Hall Pkwy and Market Center Blvd, and take any action necessary.
5. Consider a resolution requesting members of the 82nd Texas legislature to support an increase in funding for local park grants and state park funding, and take any action necessary.
6. Consider a subordination agreement between the City of Rockwall and the State of Texas for a drainage easement at the Chandlers Marina, within the Lake Ray Hubbard takeline leased by the City of Rockwall, for the FM-740 Roadway Improvements, and take any action necessary.

Councilmember Russo pulled item #1 in order to abstain from the vote on this item.

Mayor Cecil then made a motion to approve Consent Agenda items #2-6. Councilmember Sweet seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

Councilmember Sweet then made a motion to approve Consent Agenda item #1. Councilmember Scott seconded the motion, which passed by a vote of 5 ayes with 2 abstentions (Cecil and Russo).

IV. APPOINTMENTS

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

Chairman of the Planning & Zoning Commission, Phillip Herbst, came forth to offer brief comments to the City Council related to items on tonight's city council agenda. The council took no formal action related to this item.

2. Appointment with Jerry Archer, owner of Archer's Car Care, to discuss and consider requirements of the fire code and the SUP associated with his business located at 306 E. Washington Su. #C, and take any action necessary.

Mr. Jerry Archer
306 E. Washington, Suite #C
Rockwall, TX

Mr. Archer indicated that for the last several months, he has been trying to facilitate an agreement with the building owner to cover the cost of the fire sprinkler system that needs to be installed at his business location. He indicated that he and the property owner have agreed to split the cost of this system on a 50% / 50% cost sharing basis. He is currently trying to retain a company to install the system at the best possible price. He asked the Council to consider extending his specific use permit for an additional six months in order to allow him sufficient time to get the system installed as required by the city.

Planning Director Robert LaCroix indicated that the thing being requested of Council this evening is not actually an extension to the existing SUP. The SUP that was previously in place has already expired. What Mr. Archer is requesting, LaCroix explained, is actually an exception to the fire code.

Mayor Pro Tem Farris made a motion to grant Archer Car Care six months to come into compliance with the fire sprinkler / fire suppression system requirement. He clarified that the system must be installed, up and running by the end of the six month timeframe. He also included in his motion the understanding that the city would cover the cost (an estimated \$5,000) associated with extending the city water main to Archer's business so that he can tie into this water line for his fire suppression system. Councilmember Sevier seconded the motion.

General discussion took place related to if extension of this city main would benefit anyone other than Archer's business. Staff indicated that only Archer's business would benefit from this extension. Councilmember Sweet generally expressed concern related to the city covering the cost of extending the city water main (\$5,000). City Engineer Chuck Todd came forth and provided clarifying comments related to the city main, explaining that it needs to be extended by eighty feet. This extension would allow Archer

to tie into the system, but the water line would end at that point. General discussion then took place related to a future rezoning of Archer's business in the downtown area.

Mayor Pro Tem Farris amended his motion to instruct staff to have the 80 feet of public water main extended at a cost not to exceed \$5,000, that the rezoning of the property be initiated and completed and that thereafter, Mr. Archer would have a period of six months after zoning is approved to install the fire suppression / fire sprinkler system.

Councilmember Scott indicated that he feels a bit of reservation about the city covering the \$5,000 cost of extending the water main. Councilmember Sweet also indicated that he has a bit of hesitation regarding having the city cover this cost as well. General discussion took place related to the types of businesses that may wish to locate in the suites immediately adjacent to Archer's Car Care.

Mayor Pro Tem Farris amended his original motion to specify that:

His motion is to grant Archer Car Care a six month extension to the fire sprinkler installation requirements after the city has completed the rezoning process related to this property and that the city spend no more \$5,000 out of the water / sewer fund in order to extend the water main by eighty feet.

Assistant City Manager Rick Crowley offered brief comments related to the discussion, indicating that the city does have money set aside in the water / sewer fund for use related to fire suppression systems in the downtown area. He also offered that it is very likely that similar requests from other downtown businesses will come before council for consideration in the future.

Councilmember Russo seconded Farris' amended motion.

Councilmember Scott again indicated that he does not believe the city should spend tax payer money on extending the water main for this building. Councilmember Sweet generally agreed with Councilmember Scott.

The motion passed by a vote of 4 ayes with 3 against (Sweet, Scott, Nielsen).

3. Appointment with Connie Cannady, with J. Stowe & Co, LLC., to discuss the compliance review of cable services franchise fees, Public, Educational and Governmental fees, and selected other provisions of the Franchise Agreement between the City of Rockwall, Texas, and Charter Communications, and take any action necessary.

Ms. Cannady
1300 East Lookout Drive
Richardson, TX

Ms. Cannady came forth to address Council related to this item, indicating that Rockwall's franchise agreement with Charter Cable will expire in November of 2011. At that time, Charter will fall under the statewide franchise regulations which are different than the city's existing franchise agreement with Charter. Also at that time certain regulatory powers included in the current franchise agreement will no longer be available to the City.

190
191 Cannady indicated that the franchise review and associated report provides a preliminary
192 estimate of the additional franchise fees due to the City from Charter, identification of
193 areas of non-compliance, and issues that remain outstanding to-date. Council
194 approved staff

195
196 Councilmember Nielsen made a motion to instruct staff to proceed with the
197 recommendations, pursue the assessment of liquidated damages and/or legal remedies,
198 and to continue further discussions with Charter for resolution. Mayor Pro Tem Farris
199 seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

- 200
201 4. Appointment with members of the Rockwall Youth Advisory Council
202 (YAC) to hear project ideas for the current school year and take any
203 action necessary.

204 Youth Advisory Council chairman Jon Falcon and YAC secretary Shannon Lockhart
205 came forth and offered introductory remarks related to the YAC's preferred project for
206 the year. He indicated that YAC would like the Council to consider granting YAC
207 permission to move forward with planning and executing the annual "senior" prom, for
208 the 55 + year olds in the community, as their main project this school year. Lockhart
209 provided some thoughts and ideas related to how the YAC might make the "senior" prom
210 extra special this year. Falcon also offered brief comments related to a second project
211 idea, one consisting of a 'green' recycling program and promotion of such program
212 within the local schools.

213
214 Mayor Cecil then made a motion to approve the YAC moving forward with the "senior"
215 prom as their main project focus this year. Councilmember Sweet seconded the motion.
216 The motion passed by a vote of 7 ayes to 0 nays.

217
218 **V. PUBLIC HEARING ITEMS**

- 219
220 1. Hold a public hearing and consider approval of an ordinance repealing
221 ordinance numbers 05-55 and 06-22 and amending the Code of
222 Ordinances in Chapter 18 Offenses and Miscellaneous Provisions, Article
223 II "Teen Curfew" to provide for updated provisions and take any action
224 necessary (1st reading).

225 City Manager Julie Couch provided brief background information related to this item.
226 Mayor Cecil then opened the public hearing. There being no one to come forth and
227 speak related to this item, Mayor Cecil then closed the public hearing. Mayor Cecil then
228 made a motion to approve the ordinance as presented by staff. Councilmember Scott
229 seconded the motion. The ordinance was read as follows:

230
231 **CITY OF ROCKWALL**

232
233 **ORDINANCE NO. 10-_____**

234
235 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
236 **ROCKWALL TEXAS, REPEALING ORDINANCE NUMBERS 05-50**
237 **AND 06-22 AND AMENDING THE CODE OF ORDINANCES IN**
238 **CHAPTER 18 OFFENSES AND MISCELLANEOUS PROVISIONS,**
239 **ARTICLE II TEEN CURFEW TO PROVIDE FOR UPDATED TEEN**

CURFEW PROVISIONS; PROVIDING FOR AN ENFORCEMENT PROVISION; PROVIDING FOR A PENALTY OF A FINE NOT LESS THAN FIFTY DOLLARS (\$50.00) AND NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING FOR A SUNSET PROVISION IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE 370.002; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously.

2. Z2010-019 - Hold a public hearing and consider approval of an ordinance for a request by Dewayne Cain of Resthaven for approval of a Specific Use Permit (SUP) to allow for a "Cemetery / Mausoleum" within the (Ag) Agricultural district, specifically for the existing Rest Haven cemetery located at 2720 SH 66 being approximately 41 acres and comprised of Tracts 1, 2-1, 2-3, 11-1, and portions of Tracts 2 and 11, Abstract 72, W. M. Dalton Survey, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided brief background information related to this item. Fourteen notices were sent out to adjacent property owners. One reply has been received back in favor of this item and none have been received back in opposition.

Dewayne Cain
305 Stonebridge
Rockwall, TX

Mr. Cain came forth and asked that the council please consider approving this item.

Mayor Cecil then opened the public hearing. There being no one to come forth, Mayor Cecil then closed the public hearing. Councilmember Nielsen then made a motion to approve the SUP and associated ordinance. Councilmember Sevier seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 10-_____

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) TO ALLOW FOR A "CEMETERY/MAUSOLEUM" WITHIN THE (AG) AGRICUTURAL DISTRICT, SPECIFICALLY FOR THE REST HAVEN CEMETERY LOCATED AT 2720 SH 66, BEING APPROXIMATELY 41 ACRES AND COMPRISED OF TRACTS 1, 2-1, 2-3, 11-1, AND PORTIONS OF TRACTS 2 AND 11, ABSTRACT 72, W. M. DALTON SURVEY; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

- 293
294 3. FF2010-003 - Hold a public hearing and consider a request from Dave
295 Meyer for approval of a front yard fence, including variances to the
296 maximum height requirement of 42-inches (proposed 4-ft, or 48-inches),
297 on his property located at 1551 Coastal, being Lots 16, Block L, Hillside
298 Phase 5, zoned (PD-3) Single Family Residential district, and take any
299 action necessary.

300 Director of Building Inspections and Code Enforcement, Jeffrey Widmer, provided brief
301 background information related to this item. He indicated that notices were mailed out to
302 twenty-six adjacent property owners in the area. Seven replies have been received back.
303 Two expressed that they are in favor of the front yard fence, and five expressed that they
304 are in opposition to the fence.

305
306 David Meyer
307 1551 Coastal Drive
308 Rockwall, TX
309

310 He indicated he moved into the Highland Shores subdivision in August of 2009. He
311 apologized for erecting the fence without a city permit or approval. He indicated that
312 none of the contractors with whom he spoke indicated that pulling a city permit was
313 necessary, and he spent approximately \$2,500 on having the fence installed. Also, the
314 Shores Homeowners Association (HOA) approved the front yard fence and never
315 indicated he would need a permit either. He generally indicated that the fence was
316 erected in an effort to keep his pets contained within the front yard since his back yard is
317 completely concreted.

318
319 Mayor Pro Tem Farris clarified with Mr. Meyer that the Shores HOA did not at any time
320 indicate that Mr. Meyer needed to pull a city permit before erecting the fence.

321
322 Mayor Cecil opened the public hearing. There being no one to come forth and speak,
323 Mayor Cecil then closed the public hearing.
324

325 Mayor Pro Tem Farris expressed concern about approving this front yard fence variance
326 because he believes it would set a precedence that is undesirable in The Shores
327 neighborhood. Furthermore, he does not believe it aesthetically blends well with the
328 neighborhood. Councilmember Scott also expressed that he is not in favor of approving
329 this front yard fence due to the likelihood that an undesirable precedence would be
330 created if council were to approve it.

331
332 Mayor Cecil indicated that due to a lack of motion on the part of the council, the front
333 yard fence variance is by default disapproved.
334

335 Action Item # 2 was then discussed by Council.

336
337 VI. ACTION ITEMS

- 338
339 1. Discuss and consider options to televise and stream City Council meeting
340 video and audio and take any action necessary.

341 Finance Director provided brief background information related to this item, indicating
342 that staff has evaluated a possible option to have video streaming of council meetings

provided by a company out of Plano, called Swagit Productions, LLC. Smith indicated that since staff prepared this memo and the recommendation related to Swagit Productions, the city's technology staff installed new monitors in the council chambers, and these new monitors may potentially cause complications related to Swagit's streaming video.

Mayor Pro Tem Farris indicated that he is not ready to move forward with this staff related recommendation relative to Swagit Productions. He believes that other companies exist that could do this, for example a company called U Stream, at very little to no cost.

Mayor Cecil made a motion to instruct staff to go back and conduct additional research related to this item. Mayor Pro Tem Farris seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Action Item #4 was then addressed by Council.

2. A2010-002 - Discuss and consider approval of an **ordinance** for a City-initiated request to annex land in accordance with previously approved Chapter 212 Texas Local Government Code Development Agreements, specifically for two (2) tracts of land comprising approximately 58.584-acres located along the south side of Clem Road east of FM 1141, and contiguous to the existing City Limits line, and take any action necessary.
(1st Reading)

Planning Director Robert LaCroix provided brief background information related to this item, indicating that all legal requirements were adhered to relative to these annexation proceedings. Councilmember Sweet made a motion to approve the ordinance as presented. Councilmember Sevier seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 10-35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 58.584-ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

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

3. A2010-003 - Discuss and consider approval of an **ordinance** for a City-initiated request to annex land in accordance with previously approved Chapter 212 Texas Local Government Code Development Agreements, specifically for ten (10) tracts of land comprised of approximately 68.954-acres generally located south of SH 276 and west of FM 550, and contiguous to the existing City Limits line, and take any action necessary.
(1st Reading)

393 Planning Director Robert LaCroix provided brief background information related to this
394 item, indicating that all legal requirements were adhered to relative to these annexation
395 proceedings.

396 Mayor Pro Tem Farris made a motion to approve A2010-003 and the associated
397 ordinance, including a seven year 212 agreement being granted to Sue Ann White for her
398 existing fireworks related business. The ordinance was read as follows:

399 CITY OF ROCKWALL, TEXAS

400
401 ORDINANCE NO. 10-____

402
403 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
404 ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF
405 CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL,
406 TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY
407 CONSISTING OF 68.954-ACRES OF LAND, WHICH SAID
408 TERRITORY LIES ADJACENT TO AND ADJOINS THE
409 PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL,
410 TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

411
412 The motion passed by a vote of 7 ayes to 0 nays.

413 Action Item #1 was addressed next by council.

- 414 4. Consider approving the Corridor Plan and discuss developer participation
415 in conjunction with the proposed John King Corridor Plan, and take any
416 action necessary.

417 Planning Director Robert LaCroix provided brief background information related to this
418 item.

419
420 Mayor Pro Tem Farris made a motion to approve the John King Corridor Plan as
421 presented by staff. Councilmember Scott seconded the motion, which passed by a vote
422 of 6 ayes to 1 against (Sevier).

423
424 Mayor Cecil recessed the public meeting back into Executive Session at 8:07 p.m.

425
426 VII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
427 GOVERNMENT CODE TO DISCUSS:

- 428
429 1. Deliberation regarding the purchase, exchange, lease, or value of real
430 property.
- 431 2. Personnel Issues, including Board, Commission, and Committee
432 Appointments, and Related Matters.
- 433 3. 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 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
438 with attorney with regard to a matter that it is the duty of the attorney to
439 consult with the Council pursuant to the Attorney Client Privilege under

the Texas Disciplinary Rules of Professional Conduct of the State Bar of
Texas.

VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Glen Farris made a motion to appoint Councilmember David Sweet as an additional liaison to the Rockwall Independent School District (RISD). Mayor Cecil seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Sweet).

IX. ADJOURNMENT

The meeting adjourned at 11:45 p.m. after actions were taken as a result of Executive Session.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 6th day of December, 2010.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, November 22, 2010
7:00 p.m. Special Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 7:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Mayor Cecil immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. 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.
3. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


No action was taken as a result of Executive Session.

IV. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6th day of December, 2010.

ATTEST,



Kristy Ashberry, City Secretary



William R. Cecil, Mayor

Monday, November 22, 2010



Special City Council Meeting. Minutes
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MINUTES
ROCKWALL CITY COUNCIL

Monday, December 06, 2010
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, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of public meeting for actions taken as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 20th day of December, 2010.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, December 06, 2010

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, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

Mayor Pro Tem Farris made a motion to reappoint John Hohenshelt, Bill Houser and Kevin Fowler to the Rockwall Economic Development Corporation Board, each to serve a three year term which will expire in December of 2013. Councilmember Sweet seconded the motion, which passed unanimously.

Mayor Pro Tem Farris made a motion reappoint Sandra Whitley and Barbara Coleson to the Main Street Advisory Board, each to serve a two year term which will expire in January of 2013. Mayor Cecil seconded the motion, which passed unanimously.

Mayor Pro Tem Farris made a motion to appoint Herb Moltzan to the Historic Preservation Advisory Board to replace Darlene Singleton for a two year term which will expire in August of 2012. Mayor Cecil seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Scott).

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER RUSSO

Councilmember Russo delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Recognition of Rockwall University Graduates

Mayor Cecil invited Cheryl Dunlop, Director of Administrative Services, to come forth and help recognize Irene Hatcher and Mike McVea, two city employees, who have recently completed the requirements associated with Rockwall University. Each employee gave some background information on themselves as well as what they learned through the program. Mayor Cecil then presented certificates and tokens of appreciation to Mrs. Hatcher and Mr. McVea.

IV. OPEN FORUM

Mayor Cecil explained how Open Forum is conducted and asked if there is anyone who would like to come forth and address the Council during this time. There being no one to come forth and speak, Mayor Cecil then closed the Open Forum.

V. CONSENT AGENDA

1. Consider approval of the minutes from the November 15, 2010 regular City Council meeting and take any action necessary.
2. Consider approval of the minutes from the Monday, November 22, 2010 special City Council meeting and take any action necessary.
3. Consider approval of the purchase of a new 2011 model utility truck, and take any action necessary.
4. Z2010-016 - Consider approval of an **ordinance** for a city-initiated request to amend the Unified Development Code (Ord. No. 04-38), specifically Article IV. Permissible Uses, and Article V. District Development Standards, and take any action necessary **(2nd reading)**.
5. Consider approval of an **ordinance** repealing ordinance numbers 05-55 and 06-22 and amending the Code of Ordinances in Chapter 18 Offenses and Miscellaneous Provisions, Article II "Teen Curfew" to provide for updated provisions and take any action necessary **(2nd reading)**.
6. Z2010-019 - Consider approval of an **ordinance** for a request by Dewayne Cain of Resthaven for approval of a Specific Use Permit (SUP) to allow for a "Cemetery / Mausoleum" within the (Ag) Agricultural district, specifically for the existing Rest Haven cemetery located at 2720 SH 66 being approximately 41 acres and comprised of Tracts 1, 2-1, 2-3, 11-1, and portions of Tracts 2 and 11, Abstract 72, W. M. Dalton Survey, and take any action necessary. **(2nd reading)**
7. A2010-002 - Consider approval of an **ordinance** for a City-initiated request to annex land in accordance with previously approved Chapter 212 Texas Local Government Code Development Agreements, specifically for two (2) tracts of land comprising approximately 58.584-acres located along the south side of Clem Road east of FM 1141, and contiguous to the existing City Limits line, and take any action necessary. **(2nd reading)**
8. Consider approval of a development agreement that has been offered by the City, in accordance with Chapters 43 and 212 of the Texas Local Government Code, and accepted by the property owner of a 2.77-acre tract known as Tract 8, Abstract 73, R. Dickens Survey, and take any action necessary.
9. A2010-003 - Consider approval of an **ordinance** for a City-initiated request to annex land in accordance with previously approved Chapter 212 Texas Local Government Code Development Agreements, specifically for ten (10) tracts of land comprised of approximately 68.954-acres generally located south of SH 276 and west of FM 550, and contiguous to the existing City Limits line, and take any action necessary. **(2nd reading)**

Councilmember Sevier pulled item #7 for discussion. Mayor Cecil then made a motion to approve the remaining consent agenda (#1, 2, 3, 4, 5, 6, 8 and 9). The motion passed by a vote of 7 ayes to 0 nays.

Councilmember Sevier pulled item #7 and made a motion to table this item until the December 20, 2010 City Council meeting. He generally expressed that he would like to allow an opportunity for possible consideration of a 212 agreement associated with a parcel located in this area. City Attorney Pete Eckert indicated that tabling this item is okay from a legal standpoint. Councilmember Russo seconded the motion. Sevier indicated that it is the veterinarian, Dr. Stevenson, who lives on Clem Road, that would possibly like to negotiate a 212 agreement with the city. Councilmember Scott generally expressed concern about treating Dr. Stevenson's property any differently than the Council has treated other annexation properties in the past. For this reason, Scott indicated that he is not in support of the motion. Councilmember Nielsen expressed that the Council did receive a second request this week from Dr. Stevenson asking for consideration of a 212 agreement, and she believes it would be okay to wait another two weeks before moving forward with second reading of the ordinance. The motion then passed by a vote of 6 ayes with 1 against (Scott).

VI. APPOINTMENTS

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

Chair of the Planning & Zoning Commission, Phillip Herbst, came forth and offered brief comments to the Council related to MIS2010-004 on tonight's City Council agenda. The council took no formal action related to this item.

2. Appointment with Omega Hawkins, General Manager of Kaufman Area Rural Transportation, to hear annual report and request for funding for the 2010-2011 budget year and take any action necessary.

Mayor Cecil explained that Ms. Hawkins cannot be present this evening and has asked that this item be postponed until the next regular Council meeting. He then offered a motion to table this item until the December 20, 2010 City Council meeting. Mayor Pro Tem Farris seconded the motion, which passed unanimously.

3. Appointment with Judge Cathy Mason Penn to receive the annual report of the Rockwall Municipal Court and take any action necessary.

Judge Penn came forth and offered comments relative to the written report she prepared for the Council. Judge Penn indicated that she would like to see some analysis of turn around time associated with the time a citation is issued until the time it is disposed of / resolved. She believes this analysis can be worked on with staff members.

After brief discussion, no formal action was taken related to this item.

VII. SITE PLANS / PLATS

1. MIS2010-004 - Discuss and consider a request by Merion Miller for approval of a variance to the masonry building requirements, specifically to allow for metal canopy structures in association with the Paradise Burger Co. under construction within the Harbor development, which is zoned (PD-7) Planned Development No. 7 district and located at 2109 Summer Lee Drive, and take any action necessary.

188 Planning Director Robert LaCroix offered brief background information related to this
189 item. He indicated that this item is related to a canopy structure which has already been
190 installed at this location. He indicated that a rendering was presented to staff several
191 months ago and that staff informed Mr. Miller of the masonry building requirements that
192 would still need to be adhered to at that time. LaCroix further indicated that the Planning
193 & Zoning Commission has indicated that they are not comfortable with the building
194 material that has been installed at this location as they believe it would be too 'rusty' in
195 appearance. An alternate material, similar to what has been used in the past at the local
196 Saltgrass Restaurant, was recommended by the Planning & Zoning Commission instead.

197
198 Merion Miller
199 306 Shamrock Circle
200 Rockwall, TX 75032
201

202 Mayor Pro Farris expressed concern about why the rendering that was given to staff is
203 different than the material that ended up actually being installed. Councilmember Sevier
204 asked LaCroix for clarification on the SUP being requested. LaCroix explained that the
205 material used exceeds the ten percent maximum metal requirement allowed at The
206 Harbor. Nielsen expressed concern that other businesses have come forth in the past to
207 ask for variances on metal material and the Council has disapproved several of these in
208 the past. Staff again indicated that an alternate material, similar to what has been used at
209 the local Saltgrass, was recommended by the Planning & Zoning Commission.
210

211 Councilmember Nielsen made a motion to accept the Planning & Zoning Commission's
212 recommendations related to this item. Mayor Pro Tem Farris seconded the motion.
213 Farris then expressed concern about this item indicating that he does not believe the
214 look of this canopy fits well with the architectural feel of the Harbor / PD 32 development.
215 Councilmember Sweet asked for clarification related to the nature of Mr. Miller's request.
216 He generally indicated that he does not necessarily have a problem with the metal
217 canopy as it has already been constructed.
218

219 Councilmember Nielsen then restated her motion as follows: to approve MIS2010-004
220 (Paradise Burger) and the associated metal canopy according to the recommendations of
221 the Planning & Zoning Commission including making roofing material more uniform and
222 to meet all structural engineering requirements such as are appropriate. Councilmember
223 Sevier then seconded this restated motion. LaCroix indicated that staff will allow Mr.
224 Miller to go ahead and open his business with the understanding that the canopy
225 modifications will be made in accordance with direction from the Council.
226

227 The motion passed by a vote of 6 ayes with 1 against (Farris).
228

229 VIII. ACTION ITEMS 230

- 231 1. Discuss and consider addendum to contract with Allied Waste Services
232 and take any action necessary.

233 Finance Director Mary Smith provided brief background information related to this item.
234 Smith indicated that over the five year contract period, Allied had a couple of rate
235 increases though there was not a rate increase last year.

236 Mayor Pro Tem Farris made a motion to approve the contract extension with Allied Waste
237 Services. Councilmember Sevier seconded the motion. Councilmember Sweet indicated

238 that he is not in support of the motion because he voted against it in the past, believing
239 that the contract should go out for bid. The motion then passed by a vote of 6 ayes with
240 1 against (Sweet).

- 241 2. Discuss and consider the 2010 Citizen Survey and take any action
242 necessary.

243 City Manager Julie Couch provided brief background information related to this item.
244 Ray Turco then came forth and provided a presentation on the upcoming survey. He
245 indicated that the survey will be bilingual, in both English and in Spanish, for the first
246 time. He then indicated that the Council has been provided a draft of the potential survey
247 questions that may be asked in the upcoming survey. Councilmember Scott expressed
248 concern about some of the questions being proposed to be asked on the survey. He also
249 indicated that he does not support doing the survey in Spanish. Councilmember Russo
250 asked if the survey could possibly be conducted online in addition to mail survey.
251 General discussion then took place related to how the online results could be controlled
252 in order to be statistically valid. Mayor Pro Tem Farris offered brief input related to some
253 of the questions proposed to be asked on the survey. Turco indicated that the city
254 usually experiences a fifteen to twenty percent response rate on the survey and that each
255 resident receives a survey and has an opportunity to respond. General discussion took
256 place related to the types of questions that should be asked on the survey.
257

258 Mayor Pro Tem Farris made a motion to table this item until the second regular council
259 meeting in January of 2011. Councilmember Sweet seconded the motion. The motion
260 then passed unanimously.

- 261 3. Discuss and consider a lost and found pet program using social media
262 and the City's website in conjunction with the Animal Services
263 Department and take any action necessary.

264 Councilmember Russo indicated that he placed this item on tonight's agenda to suggest
265 that the city's social networking sites be utilized to help citizens get the word out
266 regarding their lost pets. Council informally directed staff to develop some
267 recommendations related to this concept and then come back to the Council with these
268 suggestions at a future meeting. No formal action was taken related to this item.
269

270 IX. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
271 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.
272

- 273 1. Departmental Reports
274 Fire Department Monthly Reports - October 2010
275 Internal Operations Department Monthly Report - October 2010
276 Finance Department Monthly Report - October 2010
277 Building Inspection Monthly Reports - October 2010
278 Police Department Monthly Report - October 2010
279 Recreation Department Monthly Report - October 2010
280 Harbor PD Monthly Report - October 2010
- 281 2. City Manager's Report

City Manager Julie Couch provided very brief comments and asked if anyone had questions related to these reports. There being no questions, the meeting was adjourned at 7:42 p.m. Council did not reconvene into Executive Session.

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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

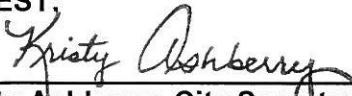
See the start of the public meeting above for actions taken in pre-meeting Executive Session.

XII. ADJOURNMENT

The public meeting was adjourned at 7:42 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 20th day of December, 2010.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Wednesday, December 15, 2010
5:30 p.m. Special Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 5:30 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris, Council Member Margo Nielsen, and Council Member Mark Russo. Council Members David Sweet, Matt Scott and Cliff Sevier were absent from the meeting. Mayor Cecil immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. 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.
3. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

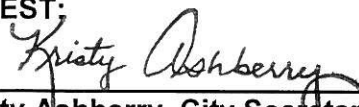
Mayor Cecil called the public meeting back to order, and no action was taken as a result of Executive Session.

IV. ADJOURNMENT

The meeting adjourned at 6:35 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 20th day of December, 2010.

ATTEST:



Kristy Ashberry, City Secretary


William R. Cecil, Mayor



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MINUTES ROCKWALL CITY COUNCIL

Monday, December 20, 2010
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, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public 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 including development contract for an office project in the PD-32 Harbor District area and the Presbyterian Hospital Development Agreement.
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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

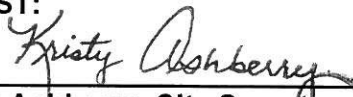
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of public meeting below for actions taken as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 3rd day of January, 2011.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, December 20, 2010
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, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

Mayor Pro Tem Farris made a motion to approve the second amendment to the development agreement with Presbyterian Hospital of Rockwall. Councilmember Scott seconded the motion, which passed unanimously.

Mayor Pro Tem Farris made a motion to authorize staff to amend the contract with LaTerra to include other park projects. Mayor Cecil then seconded the motion, which passed unanimously.

Councilmember Scott made a motion authorize the city manager to execute development agreements with Harbor Heights Investors subject to resolving the insurance questions, confirming the legal descriptions of the properties involved and approval of the agreements as to legal form. Mayor Pro Tem Farris seconded the motion, which passed by a vote of 6 ayes and 1 nay (Sevier).

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SEVIER

Councilmember Sevier delivered the invocation and led the Pledge of Allegiance.

III. CONSENT AGENDA

1. Consider approval of the minutes from the December 3, 2010 special City Council meeting and take any action necessary.
2. Consider approval of the minutes from the December 6, 2010 regular City Council meeting and take any action necessary.
3. Consider approval of the minutes from the December 15, 2010 special City Council meeting and take any action necessary.
4. Consider approval of a proposal to upgrade the generator at the Rockwall Municipal Service Center and take and action necessary.
5. Consider a resolution authorizing Cities Aggregation Power Project, Inc. (CAPP) to negotiate an extension to the current electric supply agreement and take any action necessary.
6. Consider award of the construction contract for the Ralph Hall Left Turn Lane Construction Project and take any action necessary.

- 92 7. P2010-019 - Discuss and consider a request by Pann Sribhen of PSA
93 Engineering, LLC for approval of a final plat of Lot 1, Rockwall Market
94 Center South Addition, and the right-of-way for Ralph Hall Ct, being
95 3.780-acres overall zoned (C) Commercial district and situated along the
96 north side of Ralph Hall Pkwy east of Market Center Blvd, and take any
97 action necessary.

98 Councilmember Scott pulled Consent Agenda items 2, 3 and 6 for further discussion.
99 Councilmember Nielsen then made a motion to approve the remaining items. Mayor Pro
100 Tem Farris seconded the motion, which passed unanimously.

101
102 Regarding Consent Agenda item #2, Mayor Cecil made a motion to approve these
103 minutes. Councilmember Scott pointed out one needed correction and then seconded
104 the motion, which passed unanimously.

105
106 Councilmember Scott indicated he will abstain from item #3 since he was absent from
107 the meeting. Mayor Cecil then made a motion to approve this item, and Mayor Pro Tem
108 Farris seconded the motion. The motion passed by a vote of 5 ayes with 2 abstentions
109 (Sweet and Scott).

110
111 Regarding Consent Agenda item #6, Councilmember Scott asked some clarifying
112 questions related to the low bidder and regarding the estimated construction timeframe
113 associated with installation of this turn lane. After brief comments, Councilmember
114 Scott made a motion to approve Consent Agenda item #6, which was seconded by
115 Councilmember Sweet. The motion passed unanimously.

116
117 **IV. APPOINTMENTS**

- 118
119 1. Appointment with the Planning and Zoning Chairman to discuss and
120 answer any questions regarding cases on the agenda and related issues
121 and take any action necessary.

122 Chair of the Planning & Zoning Commission, Phillip Herbst, came forth and offered brief
123 comments related to recommendations associated with items on tonight's council
124 agenda.

125
126 Mayor Cecil then addressed Action Item #3 on the Council agenda.

- 127
128 2. Appointment with John Thomas of 2010-2011 Leadership Rockwall Class
129 to hear presentation regarding class project and take any action
130 necessary.

131 John Thomas of the 2010-2011 Leadership Rockwall Class came forth to offer a
132 presentation to the Council related to a proposed class project involving construction of
133 an off leash dog park at Harry Myers Park. He indicated that the class has been
134 developing this idea for the last six weeks or so and has received a lot of positive
135 feedback related to this project idea. He indicated that if approved by Council, the class
136 hopes to have the park constructed and open by May 1, 2011. He briefed the council on
137 potential sponsors who have already expressed a large interest in helping to help fund
138 and / or donate materials to help bring the dog park to fruition. He also offered
139 comments related to promotion of the dog park once opened.

141 Parks Director Brad Griggs indicated that the Park Board reviewed this project proposal
142 two weeks ago and made a recommendation that this project be considered for approval
143 by the City Council. Councilmember Russo made brief comments and then offered a
144 motion to approve and support the dog park proposal as presented. Mayor Pro Tem
145 Farris seconded the motion. He asked what contingencies have been considered if
146 insufficient funds are raised. Mr. Thomas indicated that a final budget has not been set,
147 but he believes the sponsorship monies informally indicated thus far are quite
148 substantial. Councilmember Sweet asked clarifying questions related to future
149 maintenance of the park. Mr. Griggs indicated that the Leadership Rockwall Class will
150 maintain the park for one year and then the city will maintain it thereafter. Griggs
151 indicated that he does not believe this will result in any extra burden for his staff since
152 city staff is already maintaining this park. After additional, brief discussion, the motion
153 passed unanimously.

- 154
155 3. Appointment with Administrative Intern, JoDee Sanford, to hear
156 presentation on city's strategic business plan and take any action
157 necessary.

158 JoDee Sanford came forth to offer a brief presentation on the city's recently updated
159 strategic business plan. Councilmember Nielsen asked clarifying questions related to
160 the process that was undertaken by staff to update this strategic business plan for the
161 organization. Staff indicated that this will soon be placed on the city's website for the
162 public to view. The council took no formal action related to this item.

163
164 **V. PUBLIC HEARING ITEMS**

- 165
166 1. Z2010-020 - Hold a public hearing and consider approval of an
167 ordinance for a request by Denise Dale for approval of a Specific Use
168 Permit (SUP) to allow for a "Bed and Breakfast Operation" as an
169 accessory to her existing single family home located at 218 Autumn Ct,
170 being Lot 26, Block M, Windmill Ridge Estates Phase 3B, which is zoned
171 (PD-13) Planned Development No. 13 district and designated for (SF-7)
172 Single Family Residential uses, and take any action necessary. (1st
173 Reading)

174 Planning Director Robert LaCroix provided brief background information related to this
175 item. He indicated that several zoning regulations dictate where a bed and breakfast can
176 be located and how it must be operated. Mr. LaCroix indicated that this item requires
177 approval of a special use permit. He also indicated that limitations related to parking
178 would be placed on the property and that guests will only be allowed to stay on Friday
179 and Saturday nights.

180
181 LaCroix indicated that notice was published in the local newspaper and that twenty-one
182 notices were sent out to property owners located within 200 feet of this property. Five
183 notices have been received back in favor of this request. Four written notices, one of
184 which was anonymous, have been received back in opposition to this proposed SUP.
185 LaCroix indicated that a simple majority of the council is required to approve this
186 request. LaCroix indicated that there are currently no bed and breakfasts operating
187 within the city.

188
189 Mayor Pro Tem Farris asked clarifying questions related to the Friday and Saturday night
190 restrictions. He also wondered if there are any comparable cities nearby that allow bed

191 and breakfast operations. LaCroix indicated that overall there is ten percent opposition
192 to this proposed bed and breakfast and that this percentage does not meet the twenty
193 percent opposition required for disapproval.
194

195 Denise Dale
196 218 Autumn Court
197 Rockwall, Texas
198

199 Ms. Dale came forth and offered brief comments related to her desire to open and
200 operate this bed and breakfast at her residence in Rockwall. She indicated she is very
201 passionate about this proposed business and generally indicated that she would
202 appreciate council's approval. She indicated that she plans to advertise through the
203 Rockwall Area Chamber of Commerce and through word of mouth. She hopes to charge
204 \$125 per night to her guests. Brief discussion took place related to the area within the
205 home that would be utilized for bed and breakfast guests.
206

207 Mayor Cecil opened the public hearing and asked if anyone would like to come forth and
208 speak. There being no one to come forth, Mayor Cecil then closed the public hearing.
209

210 Mayor Pro Tem Farris generally indicated he was initially leaning towards disapproving
211 this item; however, he has changed his mind after speaking with the applicant and
212 making further considerations. Farris then made a motion to approve Z2010-020.
213 Councilmember Nielsen seconded the motion. She generally indicated that she believes
214 this will be beneficial to both the applicant and to the City of Rockwall. Councilmember
215 Scott generally indicated that he is not in favor of this item because he does not believe
216 it fits well within this newer subdivision and he is not comfortable with the idea of
217 strangers being invited into a neighborhood to stay. He believes it would fit much better
218 in a historic area or out in the country and that approval of this item in this area would
219 set an odd precedent. Councilmember Sweet also generally indicated that he does not
220 believe this operation would fit well within this neighborhood. Councilmember Russo
221 generally indicated that he is having a difficult time deciding his stance on this issue.
222 Councilmember Scott asked if any deed restrictions exist that would prohibit her from
223 running this type of business out of her home. Both Mr. LaCroix and Ms. Dale indicated
224 that they do not know and have not reviewed these deed restrictions. General
225 discussion took place related to the idea of brining strangers into a neighborhood to stay
226 as well as the concept of home offices and businesses operating in neighborhoods.
227

228 After much discussion, the ordinance was read as follows:
229

230 CITY OF ROCKWALL

231 ORDINANCE NO. 11-

232 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
233 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE
234 OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,
235 SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A
236 "BED AND BREAKFAST OPERATION" AS AN ACCESSORY TO AN
237 EXISTING SINGLE FAMILY HOME LOCATED AT 218 AUTUMN CT AND
238 KNOWN AS LOT 26, BLOCK M, WINDMILL RIDGE ESTATES PHASE
239 3B AND WITHIN (PD-13) PLANNED DEVELOPMENT NO. 13 DISTRICT,
240 MORE SPECIFICALLY SHOWN IN EXHIBIT "A"; PROVIDING FOR
241 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.

242
243 **The motion failed by a vote of 2 ayes and 5 nays (Sweet, Scott, Cecil, Russo, and Sevier)**
244

- 245 2. Z2010-021 - Hold a public hearing and consider approval of an
246 **ordinance** for a request by D. W. Bobst of JBR2, LLC for approval of a
247 zoning change from (Ag) Agricultural district to (C) Commercial district on
248 a 7.32-acre property known as Tract 17-12, Abstract 80, W. W. Ford
249 Survey and located at 5133 S FM 549, and take any action necessary.
250 **(1st Reading)**

251 **Planning Director Robert LaCroix indicated that this is located near the intersection of**
252 **FM-549 and SH-205 and was recently annexed into the City. The Planning & Zoning**
253 **Commission did recommend approval to rezone this area but that it not be approved as**
254 **commercial but instead be approved as general retail since this would be more**
255 **appropriate for this property. The applicant, Mr. Bobst, has asked that this public**
256 **hearing item be continued until the second regular council meeting in January. City**
257 **Attorney Pete Eckert indicated that this timeframe is acceptable and would not result in**
258 **the need to re-advertise.**
259

260 **Mayor Cecil opened the public hearing and then made a motion to continue this public**
261 **hearing until the Tuesday, January 18, 2011 regular city council meeting.**
262 **Councilmember Scott seconded the motion, which passed unanimously.**
263

- 264 3. Z2010-022 - Hold a public hearing and consider approval of an
265 **ordinance** for a request by Randy McCurdy for approval of a Specific
266 Use Permit (SUP) to allow for a "Bail Bond Service" within the (C)
267 Commercial district, specifically within the existing shopping center at 811
268 Yellow Jacket Lane, being Lot 1, Rockwall Business Park Addition, and
269 take any action necessary. **(1st Reading)**

270 **Planning Director Robert LaCroix provided brief background information related to this**
271 **item indicating that the Planning and Zoning Commission did recommend approval of**
272 **this item by a vote of 5 to 0. Notices were sent out to property owners within 200 feet of**
273 **the property and no responses have been received back. LaCroix indicated that the one**
274 **restriction at this location is that there not be any outside storage of vehicles or other**
275 **equipment. He indicated that the business is currently operating out of a location off of**
276 **IH-30 and would like to move to an alternate location off of Yellow Jacket Lane. Mayor**
277 **Cecil then called the applicant forth.**
278

279 **Rudy Banda**
280 **1114 Hickory Park Lane**
281 **Forney, Texas**
282

283 **Mayor Cecil opened the public hearing. There being no one to come forth and speak,**
284 **Mayor Cecil then closed the public hearing.**
285

286 **Councilmember Scott made a motion to approve Z2010-002. Councilmember Russo**
287 **seconded the motion. The ordinance was read as follows:**
288
289
290
291

CITY OF ROCKWALL

ORDINANCE NO. _____

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) TO ALLOW FOR A "BAIL BOND SERVICE" WITHIN THE (C) COMMERCIAL DISTRICT, SPECIFICALLY WITHIN THE EXISTING SHOPPING CENTER LOCATED AT 811 YELLOWJACKET LN, SUITE 113 AND KNOWN AS LOT 1, ROCKWALL BUSINESS PARK ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

4. Z2010-023 - Hold a public hearing and consider approval of an **ordinance** for a request by Cameron Slown of Adams Engineering for approval of a Specific Use Permit (SUP) to allow for a "Restaurant, 2000-sf or more, w/ Drive-Thru or Drive-in" within (PD-70) Planned Development No. 70 district, specifically for a proposed 4,790-sf McDonalds Restaurant to be located on a 1.05-acre portion of Lot 6, Block A, Stone Creek Retail Addition, situated along the east side of North Goliad (SH 205) north of Bordeaux Drive, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix offered brief background information related to this item, indicating that this is located in the existing Stone Creek retail development in the north part of the city. He indicated that the McDonald's restaurant being proposed with this SUP will include a double drive thru to help move customers through more quickly. He also offered brief comments related to the updated look and feel of this proposed McDonald's. Mr. LaCroix indicated that this is now in the development stage and that more specific details related to elevation and design plans will go before the Planning & Zoning Commission and the Architectural Review Board at a future date. Forty-eight parking spaces will be included in this site plan. Notices were sent out to property owners within 200 feet of the property, and no responses have been received back at this time. LaCroix indicated that the Planning & Zoning Commission did recommend approval of this item. After brief discussion related to drainage plans, Mayor Cecil asked the applicant to come forth.

John Kristen
Real Estate Developer with the McDonald's Corporation
9628 Heatherdale Drive
Dallas, Texas

Mayor Cecil opened the public hearing. There being no one to come forth and speak, Mayor Cecil then closed the public hearing.

Councilmember Scott made a motion to approve Z2010-023. Councilmember Sweet seconded the motion. The motion was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. _____

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) TO ALLOW FOR A "RESTAURANT, 2000-SF OR MORE, W/ DRIVE-THRU OR DRIVE-IN" WITHIN (PD-70) PLANNED DEVELOPMENT NO. 70 DISTRICT, ON A 1.05-ACRE TRACT OF LAND KNOWN AS PART OF LOT 6, BLOCK A, STONE CREEK RETAIL ADDITION, AND MORE SPECIFICALLY SHOWN 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.

The motion passed unanimously (7 ayes to 0 nays).

Councilmember Scott left the public meeting at this time.

VI. SITE PLANS / PLATS

1. SP2010-014 - Discuss and consider a request by Terry Cunningham of TRC Architects for approval of an exception to the exterior materials requirements of the Unified Development Code, specifically Article V, Section 4.1, General Commercial District Standards, in association with the administrative site plan for Homebank Rockwall, proposed to be located on Lot 4, Rockwall Market Center South Addition, being 0.997-acre zoned (C) Commercial district and situated at the northeast corner of Ralph Hall Pkwy and Market Center Blvd, and take any action necessary.

Planning Director Robert LaCroix offered brief background information related to this item, indicating that the Planning & Zoning Commission liked this proposed building design and recommended approval of this item, including approval of a variance to use additional wood construction on the building.

The applicant then came forth:

Terry Cunningham, design architect
3604 South Cooper
Arlington, Texas

Councilmember Sevier asked for clarification related to the type of wood that is proposed to be used. Mr. Cunningham indicated that it is a type of cedar wood. There being no more questions of the applicant, Mayor Cecil then made a motion to approve SP2010-014.

396 Mayor Pro Tem Farris seconded the motion. The motion passed by a vote of 6 ayes with
397 1 absent (Scott).
398

399 VII. ACTION ITEMS
400

- 401 1. Discuss and consider a request for a sign height variance for JoAnn
402 Fabrics and take any action necessary.

403 Director of Code Enforcement Jeffrey Widmer provided brief background information
404 related to this item, indicating that this is part of the existing retail area known as the
405 Plaza at Rockwall near Dicks Sporting Goods. The applicant is requesting a variance to
406 allow for an eight foot wall sign as opposed to a six foot sign as currently allowed by city
407 ordinance.

408 The applicant then came forth to address council:
409

410 Tommy Bell
411 4250 Action Drive
412

413 Mayor Pro Tem Farris asked if any other businesses have been granted variances
414 associated with the height of their signs. Widmer indicated that several other existing
415 businesses near this location did seek and were granted sign variance requests by
416 council in the past.
417

418 Councilmember Sweet made a motion to approve the sign variance request as presented.
419 Councilmember Russo seconded the motion. The motion passed by a vote of 6 ayes
420 with 1 absent (Scott).
421

- 422 2. A2010-002 - Consider approval of an **ordinance** for a City-initiated
423 request to annex land in accordance with previously approved Chapter
424 212 Texas Local Government Code Development Agreements,
425 specifically for two (2) tracts of land comprising approximately 58.584-
426 acres located along the south side of Clem Road east of FM 1141, and
427 contiguous to the existing City Limits line, and take any action necessary.
428 (2nd reading)

429 Councilmember Nielsen made a motion to continue the 2nd reading of the ordinance until
430 the January 18, 2011 regular city council meeting to allow staff time to develop a 212
431 agreement with one of the property owners (Mr. and Mrs. Stevenson) for a period of
432 seven years. Councilmember Sevier seconded the motion. The motion passed by a vote
433 of 6 ayes to 1 absent (Scott).
434

435 Action Item #4 was then addressed by Council.
436

- 437 3. Discuss and consider a recommendation from the Council Naming and
438 Awards Subcommittee related to FM 3549, and take any action
439 necessary.

440 Assistant to the City Manager, Joey Boyd, offered brief background information related
441 to this item, indicating that the state is requiring that this portion of the road be renamed
442 since the city has taken over ownership of this section of roadway. Councilmember
443 David Sweet indicated that the subcommittee would like to name the road after the
444 Stodghill family. After brief comments, Councilmember Nielsen made a motion to

445 rename FM 3549 to Stodghill Road. Mayor Pro Tem Farris seconded the motion. The
446 motion passed unanimously.

447
448 **Action Item #6 was then addressed by Council.**

- 449
450 4. Discuss and consider authorizing the City Manager to execute an
451 agreement for veterinary services, to be performed in the Animal Services
452 spay/neuter clinic, and take any action necessary.

453 **Director of Animal Services, Jeffrey Widmer, provided brief comments and background**
454 **information related to this item, indicating that he believes this operation will be revenue**
455 **neutral for at least the first year. After brief discussion, Mayor Cecil then made a motion**
456 **to authorize the City Manager to execute the contract as presented. Mayor Pro Tem**
457 **Farris seconded the motion. Councilmember Sweet sought clarification related to**
458 **funding of this operation. After brief discussion, the motion passed by a vote of 6 ayes**
459 **with 1 absent (Scott).**

- 460 5. Discuss and consider authorizing the City Manager to execute a consent
461 for collateral assignment of concession agreement and an assignment
462 and assumption agreement for Chandler's Landing Marina, and take any
463 action necessary.

464 **Parks Director Brad Griggs provided brief background information related to this item.**
465 **There being no questions from Council, Mayor Pro Tem Farris then made a motion to**
466 **approve this item as presented by staff. Councilmember Nielsen seconded the motion,**
467 **which passed by a vote of 6 ayes with 1 absent (Scott).**

468 **Action Item #7 was then addressed by Council.**

- 469
470 6. Discuss and consider a park board recommendation to rename Caruth
471 Lake to Raymond Cameron Lake, and take any action necessary.

472 **Parks Director Brad Griggs indicated that the Park Board recently considered this item**
473 **and has made a recommendation to Council to consider renaming Caruth Lake to**
474 **Raymond Cameron Lake. Councilmember Nielsen offered brief comments indicating that**
475 **Mr. Cameron has made countless contributions to the community, including donating**
476 **many pieces of land to the public for use as churches and schools. Councilmember**
477 **Scott pointed out that several things in Rockwall are already named after the Caruth**
478 **family. After brief comments, Councilmember Scott made a motion to rename Caruth**
479 **Lake to Raymond Cameron Lake. Councilmember Nielsen seconded the motion, which**
480 **passed unanimously.**

481
482 **Mr. Cameron came forth and said a few words, thanking the council for honoring him in**
483 **this way.**

484
485 **Appointment Item #2 was then addressed by the Council.**

- 486
487 7. Discuss and consider authorizing the City Manager to enter into an
488 Interlocal Agreement with the TML Intergovernmental Employee Benefits
489 Pool to provide retirement benefits to pre-65 retirees, and consider
490 approval of an **ordinance** offering health benefit coverage to pre-65
491 retirees and take any action necessary **(1st reading)**

492 City Manager Julie Couch offered brief background information related to this item,
493 indicating that offering retirement benefits for those who are pre-65 is required by state
494 law once a city reaches a population of 25,000 or more. Therefore, the city is mandated
495 to provide these benefits at this time. She indicated that staff is recommending approval
496 of this item, including authorizing the city manager to enter into the interlocal agreement
497 and granting approval of the associated ordinance.
498

499 Mayor Cecil made a motion to authorize the city manager to enter into an interlocal
500 agreement with TML Intergovernmental Employee Benefits and to approve the ordinance
501 as presented. Mayor Pro Tem Farris seconded the motion. The ordinance was read as
502 follows:
503

504 CITY OF ROCKWALL, TEXAS

505
506 ORDINANCE NO. 10-37
507

508 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
509 ROCKWALL, TEXAS AUTHORIZING THE OFFERING OF HEALTH
510 BENEFITS COVERAGE TO CITY OF ROCKWALL PRE-65 RETIREES;
511 REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN
512 OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE
513

514 The motion passed by a vote of 6 ayes with 1 absent (Scott).
515

- 516 8. Discuss and consider special event promotional opportunities for the City
517 and other non-profit groups, and take any action necessary.

518 City Manager Julie Couch provided background information related to this item,
519 including brief comments related to past discussions associated with site locations and
520 possible installation of an electronic message board sign in an effort to eliminate event
521 banners at the Ridge Road / IH-30 intersection. Couch indicated that the overall goal
522 would be to eventually amend the city's sign ordinance to no longer allow banner signs.
523 Director of Streets and Rights-of-Way, Brad Griggs, then provided information to the
524 council related to traffic counts at various intersections within the city. He spoke briefly
525 of the advantages and disadvantages associated with each potential site location. He
526 also indicated He also indicated that staff is proposing an alternative to an electronic
527 message sign for Council consideration which would include creation of electronic
528 banners on the city's website which would provide website links or PDFs for detailed
529 event information. Permanent signage would be placed at major intersections directing
530 people to the website for local event information. There, the reader could learn more
531 specific information about each event. General discussion took place regarding very
532 rough cost estimates associated with construction of such signs.
533

534 Mayor Pro Tem Farris encouraged city staff to work with the Rockwall Chamber to
535 coordinate these types of community related events. He also suggested that the council
536 consider placing an electronic message board sign at the busiest intersection according
537 to the traffic counts. Couch suggested the council also consider the city hall site
538 location as a backup site in case TXDOT does not approve the first choice location.
539

540 Councilmember Russo generally indicated that he is not in support of installing an
541 electronic message board sign because he does not believe it is a good use of city

dollars because technology is developing too rapidly and he fears the technology may soon be obsolete.

Councilmember Sevier asked for clarification on the existing city ordinance related to non-profit banner signs.

Mayor Cecil indicated that he does not believe the council will be ready to move forward with making a decision this evening.

Councilmember Nielsen generally indicated that she would like the city to become more proactive in encouraging the public to visit the city's website. She generally indicated that she would like staff to consider undertaking a six month concerted effort to encourage the public to visit this proposed event site on the city's website if the council chooses to move forward with this type of solution for cleaning up banner signs.

Councilmember Sweet generally indicated that he is in favor of getting rid of the banner signs, but he strongly desires the council to consider an electronic message board sign of some sort at some location within the city.

Councilmember Russo again generally indicated that he is not in support of electronic message board signage as a solution to the banner clutter. He does not believe this type of advertising is very effective nor does he believe it is a good use of public funds.

Councilmember Sevier also indicated that he does not believe an electronic message board sign would provide a sufficient, viable solution to event advertising for the city and non-profit groups.

Couch indicated that staff will do some more research on this item and will place it back on the January 18, 2011 city council meeting for further discussion and consideration. No formal action was taken related to this item.

The public meeting was adjourned at 8:58 p.m., and Council did not reconvene back into Executive Session.

VIII. 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 including development contract for an office project in the PD-32 Harbor District area and the Presbyterian Hospital Development Agreement.
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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

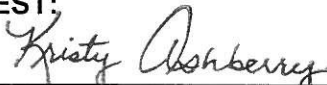
See start of the public meeting above for actions taken as a result of Executive Session.

X. ADJOURNMENT

The public meeting was adjourned at 8:58 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 3rd day of January, 2011.**

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor

