

**MINUTES
ROCKWALL CITY COUNCIL
March 3, 2003
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Jones and Councilmembers Cecil, Dobbs, Cotti, Morris, King and Raulston. Councilmember Cotti led the invocation and the Pledge of Allegiance.

Proclamations

- 3a. Severe Weather Awareness Week – Received by Chief Moeller**
- 3b. Red Cross Month – Received by Sheri Jones of the Terrell Red Cross**
- 3c. Proclamation honoring Police Officer Paul Britt – Received by Officer Britt**

Open Forum

The following persons appeared before the Council:

**Sam Buffington
509 E. Bourn Avenue
Rockwall, Texas 75087**

Mr. Buffington thanked the Council for the opportunity to have served the City. Buffington stated he loved his city and gave thanks to the City Staff for their hard work during the ice storm last week – specifically Wilke and Bennett in the Streets Department. Buffington also expressed his appreciation for the hard work of the Police Chief and City officers. Buffington stated he was appearing tonight to ask the Council for a curfew for grown ups – they are having trouble on the south side and there are things going on that need to be stopped. He will give the information to Chief Moeller. Buffington stated they needed more patrols through the south side because they were having trouble with young men being “peeping toms.” Buffington stated he will no longer answer his door after dark and is worried about the single women in the neighborhood. Buffington stated that the community will stand with the Chief.

Consent Agenda

- 5a. Consider approval of the minutes of the January 22, 2003 Worksession and the Minutes of the February 17, 2003 Regular Meeting and take any action necessary.**
- 5b. Consider approval of an *Ordinance* amending the Code of Ordinances by the addition of Article XII Retail Electric Providers and take any action necessary. (Pull this item – per the City Attorney, discussions are still ongoing with TXU).**

- 52
- 53 **5c.** Consider approval of an **Ordinance** amending Article XI Chapter 15 of
- 54 the Code of Ordinances regarding False Alarm Notification and take any
- 55 action necessary. **(2nd Reading)**
- 56
- 57 **5d.** Consider approval of an **Ordinance** amending the existing electric
- 58 franchise between the City and Oncor Electric Delivery Company to
- 59 provide for a different consideration and take any action necessary.
- 60 **(2nd Reading)**
- 61
- 62 **5e.** Consider approval of an **Ordinance** for a request from Robert Graham for
- 63 a conditional use permit to allow a detached garage exceeding the
- 64 maximum size requirements on the subject lot known as B.F. Boydston;
- 65 Block 98D located on the east side of Clark Street between Rusk and
- 66 Kaufman and take any action necessary. **(2nd Reading)**
- 67
- 68 **5f.** Consider approval of an **Ordinance** for a request from Pat Hughes for a
- 69 zoning change from A, Agriculture to GR, General Retail to be applied to
- 70 a single, 1.18-acre lot known as Lot 26, Lakeridge Estates, located at
- 71 2930 Ridge Road just north of Glen Hills Cemetery Road and take any
- action necessary. **(2nd Reading)**
- 72
- 73 **5g.** Consider approval of an **Ordinance** for a request from Douphrate and
- 74 Associates for a zoning change from A, Agricultural to C, Commercial for
- 75 a single, 0.207-acre tract of land that is a portion of a proposed replat for
- 76 Lot 1A, Block A, Lofland Industrial Park Addition, adjacent to Townsend
- 77 Drive southeast of Justin Drive and take any action necessary.
- (2nd Reading)**
- 78
- 79 **5h.** Consider approval of an **Ordinance** for a request from Heritage Christian
- 80 Academy for a conditional use permit to allow for portable buildings to be
- 81 used as temporary classrooms on a 5.0-acre tract zoned (MF-15) Medium
- 82 Density Multi-family and developed as the First United Methodist Church
- 83 addition, located southwest of S. Goliad St/SH 205 along Damascus Rd
- and take any action necessary. **(2nd Reading)**
- 84
- 85 **5i.** Consider approval of an **Ordinance** for a request from Don Taylor for a
- 86 conditional use permit to accommodate an accessory use (an 1,800
- 87 square foot metal building) to the single-family dwelling on a property less
- 88 than 10 acres that has not been subdivided or sold off in pieces since the
- 89 effective date of this ordinance or the date of annexation, whichever is
- 90 later. The proposed building will be built on a single, 4.83-acre,
- 91 agriculturally-zoned tract (A-13; Tr. 1-02) located at 1050 East Quail Run
- 92 Road northeast of Phelps Lake and take any action necessary.
- (2nd Reading)**
- 93
- 94 **5j.** **PZ-2003-14-RP** – Discuss and consider a request by Ron Ramirez of
- 95 Wier & Associates, Inc., for a replat of Lot 3, Block C, Rockwall
- 96 Technology Park, being a 22.661-acre, "LI" Light Industrial zoned tract
- 97 located along the north side of Observation Trail and the west side of
- Innovation Drive and take any action necessary.

Councilmember Cotti pulled items 5a and 5b and then made a motion to approve the remainder of the items on the Consent Agenda. Councilmember Cecil seconded the motion and the following ordinances were read:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING ARTICLE XI CHAPTER 15 OF THE CODE OF ORDINANCES, ALARM SYSTEMS BY AMENDING SECTION 15-239 FALSE ALARM NOTIFICATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE EXISTING ELECTRIC FRANCHISE BETWEEN THE CITY AND ONCOR ELECTRIC DELIVERY COMPANY TO PROVIDE FOR A DIFFERENT CONSIDERATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY ONCOR ELECTRIC DELIVERY COMPANY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A DETACHED GARAGE EXCEEDING THE MAXIMUM SQUARE FOOTAGE AND HEIGHT REQUIREMENTS WITHIN THE "SF-7", SINGLE-FAMILY RESIDENTIAL DISTRICT ON A 0.653-ACRE TRACT OF LAND KNOWN AS GRAHAM ADDITION; BLOCK A, LOT 2, CITY AND COUNTY OF ROCKWALL, TEXAS, FULLY 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.

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM "A", AGRICULTURAL TO "GR", GENERAL RETAIL DISTRICT, FOR A TRACT KNOWN AS 2930 RIDGE ROAD AND CONTAINING 1.18 ACRES OF LAND; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM "A", AGRICULTURAL TO "C", COMMERCIAL DISTRICT, CONTAINING 0.207 ACRES OF LAND; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT FOR PORTABLE BUILDINGS ON THE SAME LOT WITHIN THE "MF-15", MEDIUM DENSITY MULTI-FAMILY DISTRICT ON A 5.00-ACRE TRACT OF LAND KNOWN AS FIRST UNITED METHODIST CHURCH ADDITION, CITY AND COUNTY OF ROCKWALL, TEXAS, FULLY DESCRIBED HEREIN; PROVIDING FOR SPECIAL

153 CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM
154 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR
155 A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING
156 FOR AN EFFECTIVE DATE.

157
158 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE
159 COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS
160 PREVIOUSLY AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT FOR
161 AN ACCESSORY USE TO THE SINGLE-FAMILY DWELLING ON A PROPERTY LESS
162 THAN 10 ACRES WITHIN AN "A" AGRICULTURAL DISTRICT ON A TRACT KNOWN
163 AS 1050 EAST QUAIL RUN ROAD MORE FULLY DESCRIBED HEREIN; PROVIDING
164 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
165 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
166 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
167 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

168
169 The motion passed unanimously by a vote of 7 ayes and 0 nays.

170
171 Councilmember Cotti made a motion to approve the minutes of the January 22, 2003
172 Worksession and Councilmember Cecil seconded the motion. The motion passed
173 unanimously by a vote of 7 ayes and 0 nays.

174
175 Councilmember Cotti made a motion to approve the minutes of the February 17, 2003
176 regular meeting and Councilmember Raulston seconded the motion. The motion passed
177 unanimously by a vote of 7 ayes and 0 nays.

178
179 Councilmember Cotti stated that Consent Item 5b had been pulled per the City Attorney.
180 Cotti asked when the item would be ready for the Council's consideration and Eckert
181 advised it would be ready in time for the next meeting. Cotti then made a motion to table
182 the matter until March 17, 2003, and Councilmember Raulston seconded the motion. The
183 motion passed unanimously by a vote of 7 ayes and 0 nays.

184 185 Appointments

- 186
187 6a. Appointment with Planning and Zoning Chairman to discuss and answer
188 any questions regarding cases on the agenda and related issues and
189 take any necessary action.

190 Ross Ramsay, Planning and Zoning Commission Chairman, discussed the action taken
191 by the Commission of the various items appearing on tonight's agenda. Ramsay stated
192 that with regard to item 8b that Mr. Hairston, the applicant, was amending the landscape
193 plan and that it failed at the Planning and Zoning level.

194
195 Councilmember Morris asked Ramsay if Hairston's plan met all the requirements and
196 was advised that it did. Councilmember Cotti asked if there was anything in the original
197 landscape plan that was approved in order to qualify for any other part of the project.
198 Ramsay advised that there was not. The circumstances surrounding the project have
199 changed and Mr. Hairston wants to do less landscaping.

200 201 Public Hearing

- 202
203 7a. PZ-2003-8-RP -- A request from Steve Agee for a residential replat of
204 three lots that includes various portions of four additional lots totaling

0.412 acres located along Waterview Drive within Lakeside Village Phase
3. The subject lots are known as Tract L-55, Tract L-72 (a.k.a. 3425
Waterview) and Tract L-77 and take any action necessary.

Robert LaCroix, Director of Planning, discussed the background of the request. This will take the confusion out of the platting and gets it into a single lot tract. Staff recommends approval.

Councilmember Morris asked if this would leave any piece of land unplatted. LaCroix advised it would not.

Mayor Jones asked City Manager Julie Couch if the City would lose any revenue because of the replatting. Couch advised that it would not. Mayor Jones asked LaCroix if this was common practice and was advised that it was. Mayor Jones opened the public hearing and the following persons appeared before the Council:

**Steve Agee
103 Highview Lane
Rockwall, Texas 75087**

Mr. Agee appeared before the Council and requested approval of the replat.

There being no other persons to appear before the Council, Mayor Jones closed the public hearing.

Councilmember Morris made a motion to approve the request and Councilmember King seconded the motion. Mayor Jones stated that since this was a common practice, he could support the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Site Plans/Plats

8a. PZ-2003-5-FP-SP-BE-LP -- A request by Kip Estep for a final plat, site (including building elevations) and landscape plans for a commercially-zoned, 1.617-acre tract of land developed with the Fuji Ceramics Dental Lab and to be known as Lot 1, Block A, Estep Subdivision, located on the southwest side of SH 205 south of Sids Road and take any action necessary.

Robert LaCroix discussed the background of the request and advised that the area will be known as the Estep Subdivision. This matter was heard by the Architectural Review Board (ARB) who approved it. The area is near the SH205 Overlay District and the applicant has agreed to abide by the requirements of the Overlay District. Although the ARB had wanted all of the buildings to come into compliance with the Overlay District requirements, they are not opposed to the materials the applicant will be using. The area looks good for a commercial property. Additionally, the applicant will be adding more trees.

Councilmember King asked what color the roof would be. LaCroix advised that it would match the other buildings.

John Cooper, the builder for Fuji Labs, appeared before the Council to answer any questions.

Councilmember Cotti asked what kind of impact would it be if the Council imposed the 205 Overlay on the proposed project. Cooper advised that they could abide by the requirements without any problems. Councilmember Cotti stated that the Council would like to do this and made a motion to approve the request with Staff and Planning & Zoning recommendations and with the requirement that the project be brought up to SH205 Overlay District standards. Councilmember Raulston seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- 8b. **PZ-2003-16-LP** -- A request from David Hairston for an amended landscape plan for the Horizon Car Wash, located on a 1.74-acre commercially-zoned tract on the northeast side of Horizon Rd south of Ridge Road and north of Ralph Hall Parkway and take any action necessary.

Robert LaCroix discussed the background of the request. LaCroix advised that Mr. Hairston had to re-evaluate the plan because there will now be a lot next door. LaCroix advised that Hairston meets all of the requirements and that there is a substantial amount of landscaping. LaCroix stated that the Planning & Zoning Commission wanted more landscaping, but did not have any specific suggestions.

David Hairston, 1320 Shores Circle, Rockwall, Texas, appeared before the Council to request approval of the matter. Hairston advised the Council that this was a cost issue – that to leave the landscaping as previously approved would cost over \$50,000. Hairston advises that he still wants to bring the area up to the original landscape plan, but not at this time. Changes have occurred, like electric transformers and the turn around for cars, etc. Hairston presented this new plan and stated that he wants it to look nice and be aesthetically pleasing.

Councilmember Cotti asked if Hairston could do anything additional on the east side, like adding trees or taller shrubs. Hairston advised that he could if necessary. He is thinking about more pampas grass.

Councilmember Morris made a motion to approve the request with the requirement that additional, taller plants be added to the east side elevation of the property and Councilmember Cotti seconded the motion. Councilmember Dobbs asked if it was bermed or level and if it was irrigated, but that he liked the plan and that it looks good. Hairston advised that it was fully irrigated. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Action Items

- 9a. Discuss and consider a **Resolution** establishing a Downtown Advisory Committee and take any action necessary.

Robert LaCroix discussed the Downtown Plan and stated that the Committee had been recommended by the Consultant. The list is of suggested persons for the Committee. The Downtown does not necessarily mean just the Square. LaCroix stated that the Committee may evolve in the future.

Councilmember Cotti asked what the time frame was. LaCroix stated it would start in April with no input until the middle to latter part of April. Cotti asked if the first meeting would be in April and LaCroix stated the sooner the better. Cotti asked City Attorney Eckert if the appointments to the Committee could be discussed in Executive Session. Eckert advised that they could only if the Committee was going to become a standard board or commission.

Councilmember Raulston asked LaCroix if he had contacted anyone on the list. LaCroix stated he had talked to three people. Raulston asked if the Council need to instruct LaCroix to look for people for the committee and was advised by Julie Couch that the Council needed to approve the proposed Resolution first. Raulston then made a motion to approve the Resolution establishing the Downtown Advisory Committee and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Jones asked if the Council needed to take any further action. Couch advised that it was up to the Council, that they could do it tonight or at the next meeting. Councilmember King proposed that they wait to name anyone else. Councilmember Cotti agreed but stated he was concerned because they only have two meetings left to get things done and that they should consider appointment the Council liaison. Councilmember Raulston made a motion to appoint Councilmember King as the Council liaison to the Downtown Advisory Committee and Councilmember Morris seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 9b. Discuss and consider a request from John Wardell for waiver of improvements on Renfro Street and take any action necessary.

Robert LaCroix discussed the background of the request. LaCroix stated that utilities are in and that the applicant, John Wardell, wants the streets and sidewalks requirement waived. LaCroix stated that the City needs more right-of-way for the streets and that Wardell wants that waived too.

Councilmember Morris asked when the City approved something like this before. LaCroix stated that we did this last year on a couple of single lots. The policy has been that for single lots, improvements were not required. For any area more than a single lot, we do as for a developer and at that time we ask for right-of-way and road improvements. Morris asked if there were any sidewalks on Renfro. LaCroix advised no.

Councilmember Cecil asked what the future was for Renfro. LaCroix stated that we will have to re-hab the street. We will have to curb and gutter eventually, but there is no time frame. Cecil asked when we do the re-hab, who pays for it. LaCroix stated that it would come from bond money and that the City has always assessed the curb and gutter costs. Cecil stated that we should table this matter for now and treat it the same as other property when we rehab at a later date. LaCroix stated that this makes sense and that he did not see a problem with it. Cecil stated that it seems inequitable to require the improvements then later only require curb and gutter improvements.

John Wardell, 510 Chaps Drive, Heath, Texas, appeared before the Council and stated that he had made the request pursuant to how other lots in the area had been processed and asked the Council to please grant the waivers he had requested.

Councilmember Cotti asked if all the waivers except the right-of-way dedication were granted, would that cause a hardship. Wardell replied that it would depend on the size of the road. Chuck Todd, City Engineer, stated that for a 29 foot road that we require a 50 foot easement.

Councilmember Cecil asked Wardell his feelings on the right-of-way. Wardell asked what start it in the middle of the street. Cecil asked LaCroix if we required this type of dedication for Greg Dean. LaCroix replied that the Dean property was looked at as if it were one lot. Todd replied that we had missed getting the right-of-way from Mr. Dean. That Mr. Dean had to do utility work. Cecil wanted to know how we were going to get Dean's right-of-way. Rick Crowley, Assistant City Manager, stated that we don't always have to pay for right-of-way, that owner's adjacent to the street being upgraded will go ahead and dedicate it to the City. Cecil stated he was just thinking of the best interest in equity.

Councilmember Morris stated that Wardell had 1.72 acres/4lots and asked him what he was going to build on them. Wardell stated he would be building single-family homes, but had no plans at this time – that right now he is only seeking the waiver.

Chuck Todd stated that the City was requesting 5 feet across the front of Mr. Wardell's property. Wardell stated that he did not want to have to appear before the Planning and Zoning Commission again just for that. Todd advised that we could take it independently.

Councilmember Cecil made a motion to approve the waiver and obtain the right-of-way administratively. Councilmember Cotti seconded the motion and the motion passed by a vote of 6 ayes and 1 nay [Raulston].

- 9c.** Discuss and consider authorizing the City Manager to execute a Professional Services Agreement with Huitt Zollas Engineers for the design of the Lakeshore Drive Project and take any action necessary.

Chuck Todd discussed the background of the request. Councilmember Cotti asked if this project had a weather clause and was advised by Todd that it did. Councilmember King made a motion to approve the request and Councilmember Raulston seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 9d.** Discuss and consider the term extension for the Telecommunication Equipment Located on Boydston Street Water Tower and take any action necessary.

Rick Crowley discussed the background of this request and recommended approval with the following to be added: *"Each subsequent extension period discussed and provided for herein shall also require approval of the City Council of the City of Rockwall."* Councilmember Morris made a motion to approve the request and Councilmember Cecil seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Raulston].

- 9e.** Discuss and consider the process for conducting the City survey and take any action necessary.

402 Mayor Jones stated that he had requested Scott Self to speak to the Council regarding
403 surveys. Mr. Self stated that he had done a great number of surveys and that Ms. Miller's
404 letter was excellent. Self discussed various types of surveys and stated that if you only
405 do a written survey, it won't give you a basis for making decisions (example: unhappy
406 people will complete a survey, but a happy person will not). Self stated that talking to
407 100 people would be plenty in Rockwall. You need to make sure you know who you are
408 surveying and how it affects your universe. Self suggested that a cover letter be
409 included that states you have been chosen and to please complete and that we will be
410 calling. We could also pay them for the survey. Self stated that from 100 surveys you
411 can get a good accurate view. Self stated you need to watch your questions and how
412 you ask them and the order in which you ask them. Mayor Jones stated that Ms. Miller
413 had taken exception to statements that Mr. Turco had made.

414
415 Councilmember Cotti thanked Mr. Self for coming and speaking to the Council. Cotti
416 wanted to know if we picked the 100 people would that not skew the results? Self stated
417 that it would need to be a random selection in a scientific manner.

418
419 Councilmember Cecil asked Mr. Self what type of survey he did. Self stated that the
420 majority of the surveys that he performed were telephone surveys.

421
422 Councilmember Raulston thanked Mr. Self for coming and stated that he would like to
423 receive the \$10 for the mail survey.

424
425 Councilmember King stated that Mr. Turco had to put up with his tirade at the last
426 meeting. King stated that he had received numerous calls in response to his statement
427 that we should do a telephone survey and that they were entirely negative.

428
429 Mr. Self stated that in the last five (5) years that he has changed his terminology because
430 he realized telephone surveys don't work. He has used a blend and feels it is important
431 to give Staff the proper tools.

432
433 Councilmember Dobbs asked about a survey in person. Self stated that would not be
434 good – send the cover letter. It is almost as important as the survey itself. Dobbs asked
435 if you don't get all 100 of the surveys back if you have alternates. Self stated no.

436
437 Mayor Jones stated that he felt that a 15 minute telephone survey took away from the
438 quality of life.

439
440 Councilmember Cecil wanted to clarify the fact that Ms. Miller's letter was addressed to
441 the entire Council.

442
443 Ray Turco spoke to the Council and told them that he was not here for "he said/she
444 said." The survey is to establish benchmarks and be scientifically valid. Turco stated
445 that he did strongly recommend a telephone survey because of the input he had received
446 from Staff and that he stands by his comment that a telephone survey is statistically
447 valid. An alternative to the telephone survey is a mail survey to all residents or randomly
448 selected residents. A survey of 100 respondents by telephone will give you a $\pm 10\%$ error
449 rate. 400 will give you a $\pm 5\%$ error rate. A telephone survey is still the favored
450 methodology in this industry. Turco stated that he has not done 100 surveys by mail and
451 yes financial incentives can work. Turco stated he was sorry that there were concerns

452 raised by some of the things he said at the last meeting – that he would like to work for
453 the City.

454
455 Mayor Jones asked Mr. Turco if he had conducted the CIP survey. Turco stated he had
456 only conducted the Parks & Recreation Survey.

457
458 Councilmember King told Mr. Turco that this was not personal and he apologized if it
459 came off personally. King stated that his calls were 100% against the telephone survey.
460 It is a tough road and there was nothing against Mr. Turco.

461
462 Councilmember Cotti stated that he had two major concerns: (1) that he has a great deal
463 of heartburn with the blind telephone survey; and (2) that he prefers the mail survey, but
464 not if we narrow it down. He wants to open it up to all the residents here who pay taxes.

465
466 Mr. Turco stated that the response was in response to Raulston. Councilmember
467 Raulston stated that he would not and will not support a telephone survey. He likes the
468 method of using the voters – they come out and give us a direction.

469
470 Mayor Jones stated that he agreed with Mr. Self and Ms. Smith. Jones wanted to know if
471 a 15 minute telephone survey would skew 1 gender. Turco replied no. Jones asked
472 about the older demographic and Turco stated that the potential is there, but it does not.
473 Nor does it for an unhappy citizen.

474
475 Councilmember Cotti made a motion toward Version A, Option B and that we consider
476 opening it up to all the residents as opposed to the voter list. That we choose 4000
477 residents and then randomly choose 400 replies from that group. The cost is not to
478 exceed \$10,395.

479
480 Councilmember Dobbs asked what the cost would be on Mr. Self's survey. Mr. Self
481 advised that it is not a cost savings and that he is not proposing to do a survey.

482
483 Councilmember Cecil seconded Councilmember Cotti's motion and the motion passed
484 by a vote of 6 ayes and 1 nay [Raulston].

485
486 Mayor Jones expressed his thanks to Mr. Turco and Mr. Self for their input.

487
488 City Manager's Report to discuss current City activities, upcoming meetings, future
489 legislative activities, and other related matters.

490
491 10a. Departmental Reports

492 10b. City Manager's Report

493 Julie Couch, City Manager, reported on the trip to Austin for Rockwall County Day and
494 advised that there are several Bills that have been filed that would have an impact on the
495 City and that we will audit them and keep the Council advised of their progress.

496
497 Councilmember Cotti asked where we stood with regard to staffing in the Police
498 Department. Chief Moeller advised that we currently have 42 sworn officers. In April we
499 will have 48 sworn officers and 6 vacancies. Cotti commended the Department for their
500 work during the ice storm.

There being nothing further to come before the Council in regular session, the meeting was adjourned at 8:20 p.m. into Executive Session.

Action Taken as a result of Executive Session

No action was taken.

ATTEST:

Ken Jones, Mayor

Dorothy Brooks, City Secretary

41

42 (2) **PZ-2002-31-FP** – Discuss and consider approval of a request
43 from Dub Douphrate for a final plat of a 21.441-acre, four-lot, light-
44 industrially zoned property known as Rockwall Distribution
45 Complex located on the north side of SH 276 adjacent (to the
46 west) of the Rockwall Technology Park and take any action
47 necessary.

48 (3) **PZ-2003-13-RP** – Discuss and consider approval of a request
49 from John Rose of Quorum Horizon Ridge, LP, for a commercial
50 replat of a 3.571-acre tract being Lots 7 and 8, Block A, Horizon
51 Ridge Addition, located along the north side of Ralph Hall Pkwy
52 between Arista Rd and Horizon Rd.

53 (4) Discuss and consider approval of an **Ordinance** granting an
54 increase in the 65 years and over exemption for property taxes
55 and take any action necessary. **(1st Reading)**

56 (5) Discuss and consider approval of an **Ordinance** providing for the
57 registration of retail electric providers and take any action
58 necessary. **(1st Reading)**

59 (6) Discuss and consider approval of an extension to the contract
60 mowing agreement and take any action necessary.

61 (7) Discuss and consider approval of a **Resolution** urging Texas
62 State Policy Makers to adopt and implement policies that equalize
63 competition and encourage investment in the latest broadband
64 telecommunication technology and take any action necessary.

65 **Councilmember Raulston requested that item 4b(7) be pulled and then made a motion to**
66 **approve the items 4b(1) through 4b(6). Councilmember Morris seconded the motion and**
67 **the ordinances were read as follows:**

68

69 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING
70 AN INCREASE IN THE 65 YEARS AND OVER EXEMPTION FOR PROPERTY TAXES
71 PURSUANT TO THE APPLICABLE PROVISIONS OF THE TEXAS CONSTITUTION AND TAX
72 CODE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
73 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

74

75

76 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
77 CHAPTER 15 OF THE CODE OF THE CITY OF ROCKWALL BY THE ADDITION OF ARTICLE
78 XII, REGISTRATION OF RETAIL ELECTRIC PROVIDERS; PROVIDING THIS ORDINANCE BE
79 CUMULATIVE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
80 GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTION; PROVIDING FOR AN
81 EFFECTIVE DATE.

82

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

84

Councilmember Cotti made a motion to approve item 4b(7) and Councilmember Morris seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Raulston].

Appointments

- 5a. Appointment with Lewis Crain, C.P.A. of Rutledge, Crain & Co. to hear report regarding the City's Comprehensive Annual Financial Report for the period ended September 30, 2002, and take any action necessary.

Lewis Crain, CPA, gave a short report regarding the City's Comprehensive Annual Financial Report. Crain stated that the City had a good year and thanked the City for allowing him to be our auditor for the last five years. Councilmember Cotti thanked Mr. Crain for the hard work he and others had put into the report. Mayor Jones thanked Mr. Crain for doing a good job for the City.

- 5b. Appointment with Fred C. Smith to discuss his request for a sign variance and take any action necessary.

Jeffrey Widmer discussed the request by Fred Smith for the sign variance. Councilmember Cotti asked City Attorney Eckert if we needed to hold a public hearing on this request. Eckert advised that we did not. Fred Smith appeared before the Council and asked for their approval of the request. Smith advised he was asking for the variance due to the widening of FM740 and that he wanted to meet the City requirements when the sign was moved. Former City Councilmember Nell Welborn appeared before the Council and advised that she was prepared to give a short Power Point presentation.

Councilmember Cotti asked the Council if they needed to see the presentation or if they were ready to vote on the request. The Council advised that they were ready to vote. Councilmember Cotti then made a motion to approve the request and Councilmember Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 5c. Appointment with Sherry Pittman to discuss a proposed name change for the "Old Rockwall Historic District" and take any action necessary.

Sherry Pittman, 602 Storrs, Rockwall, Texas, appeared before the Council to discuss the request for a name change. City Attorney Eckert advised the Council that this did not change the ordinance and that they could act on the request at this time. Councilmember Cecil made a motion to approve the change of the name to "Old Town Rockwall Historic District" and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 5d. Appointment with Planning and Zoning Chairman to discuss and answer any questions regarding cases on the agenda and related issues and take any necessary action.

Ross Ramsay appeared before the Council and discussed the actions taken by the Planning and Zoning Commission on the items before the Council tonight. Councilmember Morris asked why the Planning and Zoning Commission had denied item 6b and was advised by Ramsay that the Commission felt the lot was too small for the size the of building and they felt it was inappropriate.

134 **Public Hearing**

- 135
- 136 **6a. PZ-2003-11-CUP --** Consider approval of an **Ordinance** for a request
- 137 from Billy Bradshaw for a conditional use permit to allow a temporary
- 138 portable food service facility within a 0.25-acre tract of commercially-
- 139 zoned land located at the northeast corner of SH 205 and Emma Jane
- 140 (907 S. Goliad) and take any action necessary. **(1st Reading)**

141 **Robert LaCroix, Planning Director, discussed the background of the request. LaCroix**

142 **advised that Mr. Bradshaw was requesting that he be allowed to operate a snow cone**

143 **facility from approximately April 15 through September 15 and that Staff recommended**

144 **approval of the request. Councilmember Cotti stated that the former users of the**

145 **property had left wood and pumpkins in the area and asked if it would be cleaned up.**

146 **LaCroix advised that they should clean it up and that Staff would make sure that the**

147 **pumpkins were removed.**

148

149 **Mayor Jones opened the public hearing and the following persons appeared before the**

150 **Council:**

151

152 **Bill Bradshaw (Applicant)**

153 **149 Skyview**

154 **Point, Texas**

155

156 **Mr. Bradshaw stated that he would make sure that the area was cleaned.**

157

158 **Councilmember King congratulated Mr. Bradshaw on bringing the snow cone facility to**

159 **the area for another year and asked what color he was going to paint the stand.**

160 **Bradshaw stated he would paint it whatever color the City wanted. Councilmember**

161 **Dobbs told Bradshaw that he did a good job. Councilmember Raulston stated that not**

162 **just the kids enjoyed it.**

163

164 **There being no other persons to appear before the Council, Mayor Jones closed the**

165 **public hearing.**

166

167 **Councilmember Raulston made a motion to approve the request and Councilmember**

168 **Morris seconded the request. The ordinance was read as follows:**

169

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

171 **AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF**

172 **ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A CONDITIONAL USE**

173 **PERMIT TO ALLOW A TEMPORARY PORTABLE FOOD SERVICE FACILITY ON A**

174 **TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR SPECIAL CONDITIONS;**

175 **PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO**

176 **THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**

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

178 **FOR AN EFFECTIVE DATE.**

179

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

- 181
182 **6b. PZ-2003-12-CUP--** Consider approval of an **Ordinance** for a request by
183 Wesley Baker for a conditional use permit to allow an accessory building
184 exceeding the maximum permitted height and size requirements, and not
185 meeting the required materials requirements, on a single, 1.0-acre tract
186 being Lot 25, Block A, Saddlebrook Estates #2, located at 2396
187 Saddlebrook Lane and zoned "SF-16" Single-Family and take any action
188 necessary. **(1st Reading)**

189 **Robert LaCroix discussed the background of the request and stated that the Planning**
190 **and Zoning Commission did not like the metal building or the size of the building.**

191
192 **Mayor Jones opened the public hearing and the following persons appeared:**

193
194 **No one appeared and the applicant did not appear**

195
196 **City Attorney Eckert advised the Council that they could continue the matter to the next**
197 **meeting. Councilmember Cotti made a motion to continue the request to the April 7,**
198 **2003, meeting and Councilmember King seconded the request. The motion passed**
199 **unanimously by a vote of 7 ayes and 0 nays.**

200
201 **Site Plans / Plats**

- 202
203 **7a. PZ-2003-15-FP / PZ-2002-106-LP-TP – (1)** Consider approval of a
204 request from Oscar Galan of Classic Design Group for a final plat of a
205 2.442-acre tract of land known as Lot 1, Block A, Song Addition, situated
206 within Planned Development No. 32 (PD-32) on the southwest side of
207 Horizon Road (FM 3097), northwest of Ridge Road (FM 740) and take
208 any action necessary.

- 209 **(2)** Consider approval of a request from Oscar Galan of Classic Design
210 Group for a landscape plan for a retail development proposed on a 2.442-
211 acre tract of land known as Lot 1, Block A, Song Addition, situated within
212 Planned Development No. 32 (PD-32) on the southwest side of Horizon
213 Road (FM 3097), northwest of Ridge Road (FM 740) and take any action
214 necessary.

215
216 **Robert LaCroix discussed the background of the request and stated that this is the final**
217 **plating stage and recommend approval of both the landscaping plan and the tree plan.**

218
219 **Oscar Galan, 1415 S. Center Street, Arlington, Texas, Applicant, appeared before the**
220 **Council and requested approval of the request.**

221
222 **Councilmember Morris made a motion to approve both the final plat and the**
223 **landscaping plan and Councilmember Raulston seconded the motion. The motion**
224 **passed unanimously by a vote of 7 ayes and 0 nays.**

- 225
226 **7b. PZ-2003-17-RP --** Consider approval of a request by Archie Underwood
227 for a commercial replat of a 2.44-acre tract of land to be known as Lots 1
228 and 2, Block A, Bernice Subdivision / Lakeside Batting Park Addition,
229 situated on the south side of I-30 and the north side of Tubbs Rd and take
230 any action necessary.

231 **Robert LaCroix discussed the background of the request, stating that the applicant was**
232 **just moving a lot line making the batting cage smaller and the other side larger and**
233 **recommended approval. Mr. Underwood was present and asked for approval of the**
234 **request. Councilmember Raulston made a motion to approve the request and**
235 **Councilmember Cecil seconded the request. The motion passed unanimously by a vote**
236 **of 7 ayes and 0 nays.**

237
238
239 **Action Items**

- 240
241 **8a.**Discuss and consider funding for the Youth Advisory Council and take
242 any action necessary.

243 **Councilmember Cotti stated that he had requested this item be put on the agenda for**
244 **discussion. Cotti stated that the Rockwall Youth Advisory Council (YAC) had been**
245 **formed about 1 ½ months ago, but no funding was made at that time. Cotti suggested**
246 **that some of the Mayor/Council budget funds be re-allocated to fund the YAC and**
247 **challenged the YAC to determine their budget needs.**

248
249 **Councilmember Cecil stated that this was a very reasonable request. Councilmember**
250 **King concurred and stated we should see what we can come up with. Councilmember**
251 **Morris stated that they should be careful asking teenagers how much money they**
252 **needed (everyone laughed).**

253
254 **Councilmember Cotti suggested that Mr. Harton, Julie Couch and Mary Smith meet and**
255 **discuss the matter. Mr. Harton advised the Council that the Youth Advisory Council**
256 **could have the information about how much they felt they needed by mid-April.**
257 **Councilmember Cecil stated he felt they were very responsible teenagers.**
258 **Councilmember Cotti made a motion to proceed with the funding and Councilmember**
259 **Cecil seconded the motion. Mayor Jones advised that he was not going against the YAC!**
260 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- 261
262 **8b.**Discuss and consider a concealed handgun resolution and policy and
263 take any action necessary.

264 **Cheryl Austin, Director of Administrative Services, discussed the background of the**
265 **request. Austin stated that HB-878 may require changes in the future.**

266
267 **Councilmember King asked if this what the school and county were doing and Julie**
268 **Couch replied yes, that it is close. Councilmember Morris stated that all we needed to**
269 **remember was Section 30.5 of the Texas Penal Code.**

270
271 **Councilmember King made a motion to approve the resolution and policy and**
272 **Councilmember Morris seconded the motion. The motion passed unanimously by a vote**
273 **of 7 ayes and 0 nays.**

- 274
275 **8c.** Discuss and consider approval for the City Manager to execute an
276 agreement regarding the Myers Park project and take any action
277 necessary.

278 **Brad Griggs, Parks Director, discussed the request and the reason it had increased by**
279 **\$13,000 and stated that this is Hunt Construction's final guaranteed maximum price.**
280 **Griggs advised the Council that we have the funds to cover the increase.**

281
282 **Councilmember Raulston made a motion to approve the request and Councilmember**
283 **Morris seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0**
284 **nays.**

- 285
286 **8d.** Discuss and consider approval for the City Manager to execute the
287 Master Advance Funding Agreement with the Texas Department of
288 Transportation and take any action necessary.

289 **Julie Couch, City Manager, discussed the request and recommended that the Council**
290 **approve the agreement. Couch advised that TxDOT is ready to start right-of-way**
291 **acquisition on SH-205.**

292
293 **Councilmember Raulston made a motion to approve the request. Councilmember Cotti**
294 **asked if there was any negotiation at this level. Couch replied that utilities negotiation**
295 **will take place later. Cotti then seconded the motion. The motion passed unanimously**
296 **by a vote of 7 ayes and 0 nays.**

- 297
298 **8e.** Discuss and consider Hotel/Motel Subcommittee recommendation for
299 funding "Great Strides" Cystic Fibrosis Walk-A-Thon and take any action
300 necessary.

301 **Councilmember Cotti stated that this came to the Subcommittee's attention last week**
302 **and made a motion to approve the request. Mayor Jones seconded the motion and the**
303 **motion passed unanimously by a vote of 7 ayes and 0 nays.**

- 304
305 **8f.** Discuss and consider the Downtown Advisory Committee and take any
306 action necessary.

307 **Robert LaCroix discussed this item and stated that they were presenting a list of persons**
308 **who stated they would like to serve on the Downtown Advisory Committee. LaCroix**
309 **stated that Staff had suggested there be 8-10 members.**

310
311 **Mayor Jones stated that the list looked like a Who's-Who of the downtown area.**

312
313 **Councilmember Raulston made a motion to approve the list. Robert LaCroix reminded**
314 **Raulston that they only wanted 8-10 people. Raulston suggested that they take the**
315 **bottom 3 off the list.**

316
317 **Councilmember Cecil stated that there was a critical aspect to the removal of anyone on**
318 **the list. That there were very good people on the list and that they should accept the list**
319 **without removing anyone. Mayor Jones asked Councilmember Raulston if he was willing**
320 **to amend his motion.**

Councilmember Raulston stated he was going by Staff's request and that he was willing to amend his motion to include the entire list.

Councilmember King stated that he concurred that everyone should be left on the list – to remember that not everyone will be at every meeting.

Councilmember Dobbs stated that he concurred and feels that everyone would be a contributor.

Councilmember Raulston then amended his motion to include the entire list and Councilmember Cecil seconded the motion. Mayor Jones stated it was a good idea. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 8g. Discuss and consider the Sesquicentennial Committee candidates and take any action necessary.

Councilmember Cotti stated that the first two members of the Committee, Sherry Pittman and Dennis Dayman were present. Cotti stated that they had met with Brad Griggs and plan to have information for the Council in June and then decide on the funding that will be needed. Cotti advised that a Committee of 9 members had been approved and that they had a list of 10 – 11 people who had stated they would like to work on the Committee. Cotti stated that they would like to discuss the matter in Executive Session if possible. City Attorney Eckert advised that it would be appropriate. Cotti went on to say that Joey Boyd and Brad Griggs are the Staff members involved in the project and that he is the unofficial liaison and will continue in that position if it is ok with the remainder of the Council. Cotti stated that Sherry and Dennis have enthusiasm and that there are some good names on the list.

Mayor Jones wanted to know if we should allow all 10 to serve.

Ms. Pittman stated that they wanted to include life-long residents on the committee. Councilmember Cotti stated that he had also added a couple of names and that this is going to be a large group. Cotti stated he was concerned with the number of people on the Steering Committee. He is not uncomfortable with the entire list, but that the Council might have others they want to include.

Ms. Pittman stated that she thought they could expand the Committee for other areas to be included. Cotti stated that they needed to do more homework.

Councilmember King asked if it would be beneficial not to discuss this tonight to get more names and then bring it back at the next meeting.

Councilmember Cotti stated they would bring back a resolution with the names at the next meeting. Mayor Jones, Sherry Pittman, Dennis Dayman and Councilmember Cotti will work on the list.

There being no further business to come before the Council in regular session, the meeting was adjourned into Executive Session at 7:45 p.m.

Hold Executive Session under Sections 551.072, 551.074, and 551.086 of Texas Government Code to Discuss:

- a. Land Acquisition for City Facilities and Park Land.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.

Take Any Action as Result of Executive Session

Councilmember King made a motion to approve the Resolution regarding the necessity of eminent domain to obtain the land needed for the fire station from the Caruth Trust and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Raulston made a motion not to pursue the easement from Granville Davis and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

There being no further business to come before the Council, the meeting was adjourned at 8:30 p.m.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary