

51 containing Lots 32E and 32B of the B.F. Boydston Addition, and includes the
52 addresses of 402 N. Fannin St and 302 Williams St. The zoning change request
53 is intended to accommodate an expansion and parking area for the existing
54 Tropical John's landscape nursery and greenhouse establishment. **(2nd**
55 **Reading)**

- 56
57 **5d.** Consider approval of an **Ordinance** amending the Code of Ordinances in
58 Chapter 16 Motor Vehicles by providing for the prima facie speed limit along
59 FM740 and take any action necessary. **(2nd Reading)**
60

- 61 **5e. A2003-001 --** Consider approval of an **Ordinance** for a City initiated request to
62 annex land within the Rainbow Lake Estates Subdivision in addition to property
63 south and west of the Foxchase Subdivision being more fully described below
64 and take any action necessary **(2nd Reading):**
65

66 Being a tract of land situated in the E. Teal Survey, Abstract No. 207,
67 Rockwall County, Texas, including a part of an addition known as
68 Rainbow Lake Estates recorded in Cabinet D, Slide 344; a part of Tract
69 7, as described in Deed recorded in Volume 184, Page 490, Deed
70 Records, Rockwall County, Texas; an 8.099 acre tract of land described
71 in Deed to Steven D. Himmelreich, recorded in Volume 685, Page 122,
72 Deed Records, Rockwall County, Texas; a 1.8652 acre tract described in
73 Deed to Whittle Development, recorded in Volume 269, Page 45; and a
74 part of that tract of land conveyed to Thomas W. Jones, et al by Deed
75 recorded in Volume 166, Page 410, Deed Records, Rockwall County,
76 Texas; and being more particularly described by metes and bounds.
77

- 78 **5f.** Consider approval of a bid award for the Myers Park waterline and take any
79 action necessary.
80
81 **5g.** Consider approval of the abandonment of the Old Quail Run East right-of-way to
82 the abutting landowner and take any action necessary.
83
84 **5h.** Consider approval of an Ordinance repealing Sec. 15-19 of the Code of
85 Ordinances pertaining to garage sale permits and take any action necessary.
86

87 **Councilmember Raulston made a motion to approve all of the items on the Consent**
88 **Agenda and Councilmember Morris seconded the motion. The ordinances were read as**
89 **follows:**
90

91
92 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
93 **AMENDING THE CODE OF ORDINANCES IN CHAPTER 17 MUNICIPAL COURT BY**
94 **THE ADDITION OF SEC. 17-13 MUNICIPAL COURT TECHNOLOGY FEE TO PROVIDE**
95 **FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY**
96 **FEE; PROVIDING FOR A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED**
97 **DOLLARS (\$500); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN**
98 **EFFECTIVE DATE.**
99

100 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
101 **AMENDING THE CODE OF ORDINANCES IN CHAPTER 26 WATER, SEWERS &**
102 **SEWAGE DISPOSAL, ARTICLE III RATES AND CHARGES, BY THE ADDITION OF**
103 **SEC. 26-50 FIRE HYDRANT METERS; PROVIDING FOR A FINE NOT TO EXCEED THE**
104 **SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR A SEVERABILITY**
105 **CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**
106

107 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
108 AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF
109 ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN
110 ZONING FROM "GR", GENERAL RETAIL AND "SF-7", SINGLE FAMILY RESIDENTIAL
111 DISTRICT, TO "PD", PLANNED DEVELOPMENT DISTRICT NO. 55, FOR A TRACT
112 KNOWN AS LOTS 32E AND 32B, OF THE B.F. BOYDSTON ADDITION; AND
113 CONTAINING 0.427 ACRES OF LAND; PROVIDING FOR SPECIAL CONDITIONS;
114 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
115 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
116 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR
117 AN EFFECTIVE DATE.

118
119 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
120 AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI OPERATION, DIVISION 7
121 BY ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES
122 UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, SECTION 545.356, UPON
123 FM-740, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF
124 ROCKWALL, TEXAS; PROVIDING FOR POSTING OF SIGNS; PROVIDING A PENALTY
125 OF A FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200);
126 PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

127
128 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
129 PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF
130 ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING
131 OF 44.8168 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND
132 ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS;
133 PROVIDING FOR AN EFFECTIVE DATE.

134
135 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
136 AMENDING CHAPTER 15 OF THE CODE ORDINANCES IN ARTICLE I BY REPEALING
137 SEC. 15-19 PERMIT REQUIRED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING
138 A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

139
140 The motion passed unanimously by a vote of 7 ayes and 0 nays.

141
142 **APPOINTMENTS**

143
144 **6a.** Appointment with Doris Yanger of the Rockwall Artists League.

145
146 Doris Yanger appeared before the Council and thanked them for their support and invited
147 them to the reception for the juried art exhibit that will be held. Mayor Jones stated that
148 he would attend and say a few words. Councilmember Cotti thanked Ms. Yanger and her
149 peers for their hard work and advised the people in the audience that Ms. Yanger
150 designed the maze here at City Hall.

151
152 **6b.** Appointment with Shannon Cox of the Shores Country Club regarding
153 amendment to Exhibit E and take any action necessary.

154
155 Shannon Cox was not available, so the City Parks and Recreations Director, Brad Griggs,
156 discussed the request. The Club does not wish to overseed the greens with rye this
157 winter and the members of the Club agree. Councilmember Morris asked Griggs if he
158 had a problem with this. Griggs stated that he did not and it was a good practice not to
159 overseed. Morris then made a motion to approve the request and Councilmember King
160 seconded the motion. Councilmember Cotti asked if IRI was in compliance. Griggs
161 advised that they are – that they have worked hard. Cotti stated that was due in part to
162 Griggs' hard work. Councilmember McCallum asked about the status of the maintenance
163 items. Griggs stated that they had made improvements, but there are little things that
164 could be improved. The Golf Superintendent's office is a mess. When asked if the
165 homeowners adjacent to the greens agreed with the decision not to overseed, Griggs

166 stated that they were not consulted since they do not have a vested interest in the Club.
167 Mayor Jones asked if the Council could vote on this request since Mr. Cox was not
168 present. City Attorney Pete Eckert advised that they could. The motion passed
169 unanimously by a vote of 7 ayes and 0 nays.

- 170
171 **6c.** Appointment with Planning and Zoning Chairman to discuss and answer any
172 questions regarding cases on the agenda and related issues and take any
173 necessary action.
174

175 Homer Flores, Chairman of the Planning and Zoning Commission, discussed the two site
176 plan items on the agenda. Flores stated that 2003-015 was approved unanimously by the
177 Commission. The applicant will be clearing mostly cedar trees from the lots. Then each
178 lot will be reviewed individually by Robert LaCroix, Planning Director. Flores stated that
179 2003-016 was a request from David Hairston for additional canopies and that this had
180 also been unanimously approved by the Commission.

- 181
182 **6d.** Appointment with North Texas Municipal Water District regarding status report on
183 the Rockwall/Heath wastewater transmission line and take any action necessary.
184

185 Julie Couch, City Manager, introduced Randall Dobbs of the North Texas Municipal Water
186 District (NTMWD). Mr. Dobbs presented a power-point presentation to the Council to
187 update them on the Heath/Rockwall transmission line. Mr. Dobbs asked for \$921,400 in
188 additional funds due to the higher cost of obtaining right-of-way for the line.

189
190 Councilmember Cotti asked for a clarification on the amount of funds being requested
191 and the completion date. R. Dobbs stated that the funds are in addition to the original
192 amount of \$233,750 and that the completion date should be March 2005.

193
194 Finance Director, Mary Smith, stated that there would be no increase in our sewer rates
195 until 2006.

196
197 Councilmember Morris asked where this was coming from – that he was surprised by
198 this request and asked how it was to be paid. Smith stated that when the debt is issued,
199 NTMWD will reimburse the City. We have the funds in the water/sewer fund or through
200 the impact fees. Morris asked why the cost is so much higher. R. Dobbs stated that the
201 appraised values of the property are higher than originally estimated.

202
203 Councilmember McCallum asked R. Dobbs when they knew about the increase. R.
204 Dobbs stated they knew several months ago. McCallum stated that this was totally
205 unacceptable. Couch advised that Staff had been working with them diligently the last
206 several months. McCallum stated that it was unusual that the Council did not know
207 about it. He stated in the future the Council and NTMWD should have clear
208 communication. If they knew it was not going to come in on budget, they should have at
209 least sent a memo.

210
211 Councilmember Morris made a motion to move ahead and approve the payment of the
212 additional funds and suggested very strongly that this kind of surprise not happen again.

213
214 Councilmember Cotti asked how soon they would know if Forney was going to
215 participate and its impact. Couch stated that we would know in approximately 30 days.
216 Cotti asked if a decision had to be made today. Couch stated that the bottom line is that
217 we have to have the line. R. Dobbs stated that these funds should be all that is
218 necessary. Cotti then seconded the motion made by Councilmember Morris.

Councilmember Dobbs asked if NTMWD used more than one appraiser. R. Dobbs stated that they did not.

Councilmember Raulston stated that he felt the Council had no choice in approving the increase, but he has a hard time accepting a million dollar increase and stated that NTMWD need to use the money wisely.

Mary Smith stated that she does not expect that the expenditure of the funds will have an impact on the City in the case of an emergency or catastrophic event since these funds will come from the water/sewer funds or from the impact fee fund.

Mayor Jones stated that he did not like the dramatic increase either and he is sure NTMWD doesn't either, but he would support it.

Councilmember McCallum stated that he has to support the increase for the citizens, but how it was handled was totally unacceptable.

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

SITE PLANS

- 7a. **SP2003-015** -- Discuss and consider approval of a request by Eddie Collins of Rockwall Shores, Ltd., for a tree removal permit and treescape plan for a 6.3 (+/-) acre tract located within the Lake Ray Hubbard takeline and immediately adjacent to Lots 19-26, Block B, Hillcrest Shores Phase 3 and take any action necessary.

Councilmember Dobbs recused himself from hearing or taking action on this item.

Robert LaCroix discussed the background of the request. The applicant is asking to be allowed to proceed with removal of trees pursuant to the takeline draft guidelines. This is a new subdivision and they are at the point of getting the lots ready for sale. Staff has reviewed the plan and the plan was approved by the Planning and Zoning Commission. The concern is that even though the Council can approve this, Planning and Zoning wants the applicant to bring individual lots back for approval. Under the tree ordinance anything under 6" can be removed. The applicant will be cleaning and removing the underbrush and small trees.

Mayor Jones stated that he did not know why this is on the agenda since the Council has not approved the take line plan.

Councilmember Morris stated that the draft guidelines are for a second tree ordinance that has not been approved yet and asked if it would be wise to wait until it is approved. LaCroix stated that he thinks some clean up could occur. Staff is concerned because there is so much in there – the homeowner should determine which trees they want. Morris asked if Dallas had to approve the request. LaCroix stated yes, but that we have to approve it first.

Councilmember Cotti stated that approval by the Council would be a legal approval and that we don't have to have an approved ordinance. City Attorney Eckert agreed that this would be a legal action.

272 Mayor Jones stated that if we allow this, we are setting a precedent and then what will
273 stop everyone along the takeline from doing the same thing.

274
275 Joey Howell (applicant) stated that it is his understanding that there are no other
276 residential developments like this in the City. Basically, they are only requesting removal
277 of 36 cedar trees.

278
279 Mayor Jones stated that the view corridors they are talking about have not yet been
280 approved. Howell stated that he understood that, but that they came forth in good faith
281 to request the removal and followed the draft guidelines.

282
283 Councilmember McCallum stated there are production builders on both sides of the
284 development and asked Howell what happens if they can't sell the lots. Howell stated
285 that if you have the larger water view lot you are going to have the expensive homes,
286 even if they are not "custom built" homes.

287
288 Mayor Jones asked Eddie Collins (applicant) what happened to all the trees on the site –
289 that it looks like they cleared the hillside. Collins stated that all they took out were locust
290 trees, which have thorns, and Bois D'Arc trees. Collins stated that any tree that can be
291 saved by them will be. They spent \$1.6 million for drainage and grading.

292
293 Councilmember Cotti asked if it would be possible to transplant the trees if the City had a
294 place. Collins stated that the trees are too big – they would have to be pulled out with a
295 crane. If a lot doesn't have a lake view, it doesn't have a high value.

296
297 Councilmember Raulston asked Collins to clarify the number of trees being removed,
298 pursuant to the drawing.

299
300 Councilmember McCallum asked Collins to clarify if they are asking to remove 30 trees in
301 addition to the smaller trees. Collins stated that they might not remove some of the
302 smaller trees. McCallum asked if it would be a fair assumption that if they removed all
303 the smaller trees and left the larger trees that they would have a lake view. Collins stated
304 that they would not have a view because the large cedar trees would obstruct the view.
305 Some of the larger cedars are 25 foot in diameter at the bottom and when there are
306 several together they block the view. McCallum asked them if they have to remove the 30
307 trees in addition to the smaller trees. Joey Howell stated yes, but that this would be
308 under Staff supervision. That they are willing to work with the City anyway they can.
309 McCallum asked if they only want to remove the cedar trees at this time. Collins stated
310 they believe so at this time. McCallum stated that his concern is with the 30 larger trees.
311 He has gone out and looked at the landscape and he likes the trees and the wild life that
312 lives there. McCallum stated that he is opposed to taking out the larger trees – he cannot
313 support taking out the 30 larger trees.

314
315 Councilmember Cotti asked whether or not the applicant would be allowed to remove the
316 trees using our current ordinance. LaCroix stated that it is different. If it was on a
317 regular lot we would ask them to replace 75% of the number of the inches removed.

318
319 Mayor Jones stated he wouldn't want them working on his property because he wouldn't
320 have any trees left.

321
322 Councilmember Cotti stated that Council is in a dilemma because the guidelines the
323 applicants used have not been approved. There is probably a lot of wild life and birds in

the area. However, by not approving the removal we are impeding the development of the lots. The tree removal plan must be in place.

Councilmember Morris stated that this area will be high value/low density and that we need to move ahead.

Councilmember King stated that he had also looked at this property and there is something to be said about clearing out small trees and underbrush. King stated that he would prefer to defer this matter. We judge every case on its merit. Let us have our discussion regarding the takeline. In order to be fair to you and the citizens, we need to discuss it.

Councilmember Cotti offered a motion to table the matter until the October 20, 2003, meeting and Councilmember Morris seconded the motion. Councilmember McCallum stated that the Council will do what they can to support the developer, but need to take the environment into consideration. The motion passed by a vote of 6 ayes and 1 abstain [Dobbs].

- 7b. **SP2003-016** -- Discuss and consider approval of a request from David Hairston for an amended site 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 Pkwy. The amended site plan proposes the addition of canopy shade structures to accommodate increased automobile detailing and to provide a sheltered outdoor waiting area for customers and take any action necessary.

Robert LaCroix discussed the background of the request. LaCroix stated that the applicant had indicated that he would probably want to add more than the one canopy he was originally requesting. LaCroix stated he advised the applicant to go ahead and request all of the canopies at this time. The canopies must match the existing canopy and will have no signage. LaCroix stated that the applicant was present.

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

ACTION ITEMS

- 8a. Discuss and consider modification to the Subdivision Standards to require provision of essential franchise services prior to closeout of a development and take any action necessary.

Councilmember Raulston recused himself from hearing or taking action on this item.

Councilmember Cotti stated that he had put this item on the agenda for discussion because he had received complaints regarding the length of time it took to get phone service in a new development. In some developments there is no phone service and the citizens have waited up to 90 days for a phone.

Dennis Bailey, the Southwestern Bell representative, advised the council that the Public Utility Commission (PUC) has guidelines they must follow for the service to be complete. Bailey then went on to discuss the process and discussed the most recent quarterly report for the Dallas-Fort Worth area. It showed in that report that only two commitments

were missed. Bailey advised that a phone order cannot be placed until an electric meter is set.

Councilmember Morris asked what happens if they don't comply with the guidelines. Bailey stated that there are extensive fines for failure to comply. Morris stated that he had not had a lot of luck pushing Southwestern Bell. Morris stated that if he is the 76th homebuyer and he knows he is not going to have a phone for 90 days that he would not want to hold up the entire development.

Councilmember Cotti thanked Bailey for the update and stated it sounded like we are not experiencing any major delays. Cotti asked if there was anyway that the Council could impress on the company that it is important for a family to have a phone and not have to wait 90 days for it. Bailey stated it was their goal to hit the 95% mark. Their problem is that they have a limited number of resources – manpower and work load. Cotti then questioned whether a letter could be sent to SBC to encourage closer cooperation between the City and SBC given our rapid growth rate. Bailey stated that perhaps the City could send some correspondence to him that he could share regarding our concerns in the high growth areas.

Councilmember Morris stated that he thinks this is the only way we will be able to handle this problem. We cannot not close out a development.

Councilmember Cotti thanked Mr. Bailey for addressing the Council and for being open to the correspondence – anything that we can get the problem taken care of is great. Bailey advised us to let him know if we have a problem. Cotti then asked Julie Couch to prepare the correspondence for the Mayor's signature.

- 8b. Discuss and consider extending the moratorium on property zoned "A," Agricultural District and take any action necessary.

Robert LaCroix discussed the background of the request. The current moratorium expired today and they need more time to prepare the new ordinance, especially with the new economic analysis input.

Councilmember Morris made a motion to approve the request based on Staff recommendations and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 8c. Discuss and consider a change in trash pick-up sequences around the City of Rockwall and take any action necessary.

Mary Smith, Finance Director, discussed the background of the request. Smith stated that about six months ago she met with Doug Hamilton regarding the problems with the trash pick up sequence. Representatives from Trinity Waste Management are here tonight to discuss the notices regarding the change. Smith showed the Council a map which showed the new areas and the sequence of the pickups.

Councilmember Morris stated that the recyclables are ok and the trash pick up is already on time. It is a good plan.

Councilmember Raulston stated he had no problem with the plan that Trinity has done a great job.

Joseph Norlack, District Manager for Trinity, came forward and addressed the Council. Norlack stated that direct mail is the best notification process. That is followed up by door hangers and signs in the neighborhood. This gets them about 99% notification. Norlack stated that they would encourage the Council to act as soon as possible. They would like for the change to take effect by October 27, 2003.

Councilmember Cotti stated that the plan and notification process look good. Cotti then raised a question about bulk trash removal, requesting an examination of alternatives to help reduce the amount of time bulk trash is on our curbs, through better scheduling. Norlack stated that he would check on the bulk trash pickup and get back with Staff on it. Bulk trash generates the most calls and it is a difficult service to provide. Cotti stated that any ideas Norlack has we would like to hear them.

Councilmember McCallum stated that he thought the maps were great. He is concerned though regarding the environment and the aesthetic affects caused by the various wildlife that are inherent in our city. He stated as an example that he has a huge raccoon in his neighborhood that tears up the bags that are set out the night before. He asked about the possibility of carts. Norlack stated that cart service is something that a lot of cities are looking at. The negative of a cart is that not everything fits in a cart. Every city is different. They will work with Staff. It would take care of the raccoon problem. McCallum stated that we don't want to raise the cost for our citizens, but he would like to see some proposals.

Councilmember Cotti made a motion to proceed with the re-sequencing at a date to be agreed upon by Mary Smith and Trinity. Councilmember Raulston seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- 8d. Discuss and consider an Ordinance amending the Sign Code to allow for Temporary Open House Directional signs and take any action necessary.

Jeffrey Widmer discussed the background of the request and advised the Council that Judy Harris and Betty Littlefield were present to answer any questions. The proposed ordinance will expire automatically after 180 days, but if necessary the Council can take action prior to that date.

Councilmember Cotti thanked Widmer for his hard work in putting this together and offered a motion to approve the ordinance.

Councilmember King expressed his thanks to Widmer and the realtors who keep coming back and seconded the motion. King asked if there was anyway to determine the success of the signs. Betty Littlefield stated that the realtors get a report that they got a lead or a sale from the open house. Judy Harris stated that open houses are just part of doing business.

Councilmember McCallum thanked the realtors for coming back and stated that he felt the sunset provision is a good idea. McCallum stated that he thought the ordinance should state that the signs "must" contain the company name. City Attorney Eckert stated that since the name is for identification it can be required.

Councilmember Raulston asked Eckert if he thought we were going to have problems with the developers. Eckert stated that if the developer's sign falls within the dictates of the ordinance, they can put out the sign. Eckert stated that it was his understanding that

Widmer will have Code Enforcement out on Sundays to be sure the signs are taken down and fall within the guidelines of the ordinance.

Councilmember Morris stated he supported the ordinance.

Mayor Jones stated he appreciated the realtors being so diligent.

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

- 8e. Discuss and consider the Myers Park Community Building Rehab Project and take any action necessary.

Robert Hargrove, Director of Internal Operations, discussed the background of the request.

Councilmember Morris asked how this project would be funded. Hargrove stated it would be paid for out of reserves. Morris asked if this would fix the problems and if it will be money well spent. Hargrove stated that it will fix the structural problems.

Councilmember Cotti asked Mary Smith how the money coming out of reserves will affect us. Smith stated that the amount represented less than a week from the fund.

Councilmember Dobbs asked if this was in the 100 or 500 year flood plain. Hargrove answer that it is in both. Dobbs asked about building out of the flood plain. Chuck Todd, City Engineer, stated that this area is more of a backflow effect. There is no rushing water through the building. The damage to the building has come from the parking lot and from the lack of gutters.

Councilmember King asked Hargrove if he felt comfortable that we won't be exceeding the amount shown. Hargrove stated yes and that hopefully the amount will come down. King asked if the square footage only included the building and was told yes. King then made a motion to approve the request and Councilmember Morris seconded the motion.

Councilmember McCallum stated that this is remodel. Our community deserves the remodel. We have people who need the building including many non-profit groups and he is absolutely in favor. He has never seen Hargrove come back with bids that are higher and he trusts him.

Councilmember Raulston stated that he agreed with McCallum. This will bring the building up to date with Myers Park and will be money well spent.

Mayor Jones stated that was going to support this. The motion passed by a vote of 6 ayes and 1 nay [Dobbs].

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

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

Julie Couch, City Manager, reminded the Council of the worksession scheduled for tomorrow night (October 7th). The first item will be an update by Elizabeth Morris on the economic analysis model she is preparing. Couch told the Council that the Council will

need to review the assumptions history for the models. The second issue to be discussed is the takeline. Couch advised the Council that Dallas had recently approved Rowlett's plan.

Couch told the Council that we are fully staffed in our sworn officer positions. We have one dispatcher position open.

Couch advised the Council that the November worksession will include various scenarios on the economic analysis model.

Councilmember McCallum congratulated Police Chief Moeller and validated that the takeline issue was scheduled to be second on the worksession agenda. Couch stated yes because Elizabeth Morris would be here to go over the economic analysis model. McCallum stated that the Departmental Reports were good. McCallum told Brad Griggs, Park and Recreation Director, that he noticed that The Center was not meeting its objectives and wanted to know what needs to be done to help The Center meet those objections.

Mayor Jones stated that we are ready to build 7-11 Park.

Councilmember Cotti stated that the departments had put together some good reports and that the departments need to be aware that the Council does read them. The HR Report was the first he has seen at this level of detail and was glad to see it.

Julie Couch advised the Council that the Fire Department had started their clown fire program and Fire Chief Mark Poindexter had been told it was the best program in 14 years. Poindexter stated that the Fire Department Open House held October 4, 2003, was a great success with approximately 500-600 people attending.

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

No action was taken as a result of Executive Session. There being no further business to come before the Council, the meeting was adjourned at 9:30 p.m.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

MINUTES
ROCKWALL CITY COUNCIL
October 7, 2003
6:00 p.m. Worksession
City Hall, 385 S. Goliad, Rockwall, Texas

Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and Councilmembers Tim McCallum, Larry Dobbs, Bob Cotti, Billy Morris, John King and Terry Raulston.

DISCUSS ECONOMIC PLANNING ANALYSIS PLAN RELATED TO LAND USE DEVELOPMENT WITHIN THE CITY AND TAKE ANY ACTION NECESSARY.

Julie Couch, City Manager, stated that Elizabeth Morris had been hired to develop an economic analysis tool for the undeveloped areas of our community and stated that Ms. Morris would be giving a power-point presentation regarding her "Development Simulation Modeling" program.

After the presentation, Councilmember Cotti asked if the figures reflected this year's dollars and asked if she could project 10-year dollars. Morris stated that she uses the "constant dollar" factor and then, if necessary, they can go in and make changes.

Mayor Jones stated that the figures are so realistic that they are frightening

Councilmember McCallum stated he had some concern with the percentages. The median income is \$64,000 and the median home price is \$150,000 and asked if she could check on those figures. Ms. Morris stated that she could use the census data. McCallum stated that he would like to see those figures because we don't want large empty houses. Ms. Morris stated that information was easy to obtain and that she would provide it. Ms. Morris asked if the price on the zero lot homes was too low. Councilmember Dobbs stated yes, that it is probably \$150,000. Ms. Morris will bring the 10-year forecast to the next meeting and will also give sales tax potential.

Councilmember Morris stated that he thinks this is a great tool. This will point out the errors in past zoning. Morris stated he was glad we spent the money for this and was looking forward to Ms. Morris' next report.

Julie Couch advised the Council that the next worksession would be held on November 10, 2003. Couch stated that we want this to be a credible model for all of us and to let her know how they want to use the model. This is only the beginning.

Councilmember Morris stated that we need to review our minimum requirements.

Rick Crowley, Assistant City Manager, asked the Council if they would like a City map so that they could draw what they want in and then Ms. Morris could run the models.

Councilmember McCallum stated that he would like to see a model run with sales tax revenue if everything remained constant. McCallum stated that people with different

income brackets spend money in different ways and he would like to see how that affects development.

DISCUSS TAKE LINE PROGRAM AND TAKE ANY ACTION NECESSARY.

Julie Couch discussed the background of this item with regard to the areas of agreement and the areas that the Council needs to work through.

Mayor Jones stated that we should adopt the existing tree ordinance for the takeline and that there should be no swimming pools or gazebos.

Councilmember Cotti agreed that there should be no swimming pools and no trees should be removed if not allowed by our current tree ordinance, but does want to discuss the other items in the proposal.

Couch advised the Council that Dallas had denied allowing swimming pools in the takeline and had a moratorium on the building of docks and piers.

Councilmember Morris asked about lake access easements. Couch advised that we will have to work with the owners. The lake access easements are not public access easements. Crowley stated that many of the easements will deal with drainage.

Councilmember McCallum stated that we will have ongoing costs related to the takeline. Couch stated that the biggest effort during the first couple of years will be education. Crowley stated that it will become more of a contract control.

Councilmember Morris stated that this is going to create a larger problem and there are already code enforcement issues.

Councilmember Raulston stated that if there are trees in the takeline view corridor area they can remain, but you can't plant new trees.

Councilmember McCallum stated that we want our tree ordinance to stand. Brad Griggs, Parks and Recreation Director, stated that under our current ordinance if it trees are on an owners lot, they can remove them. Griggs advised that our ordinance deals mainly with development. McCallum stated that a developer can't sublease the takeline. Griggs stated that the leases will show the view corridors.

Julie Couch advised the Council that the materials they had before them were prepared by the Subcommittee. Councilmember Cotti stated that the materials were prepared after the meetings with the homeowners.

Councilmember McCallum stated that he had voted no previously for totally different reasons than Councilmember Morris. McCallum stated that if they could not get through the document that they have a problem. McCallum stated that he disagreed with Dobbs and Morris. We should allow the homeowners to build on the takeline because the value of their land will increase. We need to give them very conservative but full access to the takeline.

Couch read through the Subcommittee Recommendations and asked for Council agreement/input on each section. Couch advised the Council that the cost for the survey

would be approximately \$115,000-\$120,000. We need the survey in order to allocate the property and the City will pay the fees upfront and recoup them when the property is subleased. The initial sublease fees will include the cost of surveying, filing fees, legal fees and other direct costs. Annual lease fees will cover the cost of general lease administration, code enforcement, renewal costs, etc. The Council agreed to the Subleases Revenue and Easement recommendations and the View Preservation Corridor. The Council then discussed the recommendations for Permitted Uses.

Councilmember Raulston stated that 35% of the citizens who completed the recent survey viewed the lake as a major asset, he likes it because of its appeal and how it looks. He has been consistent in how he votes, but does fluctuate at times. Raulston stated that they needed to decide whether they want to sublease before they go through the list.

Councilmember Morris stated that he would not support any of the uses. We need to keep the land in its natural state – will agree to sublease with landscaping only. Morris stated that so far they had only been speaking to the rights of the homeowners, not the majority of the citizens. Enforcement will be a nightmare. The assumption that a nice neighborhood won't be a problem is wrong. The lots are already large enough for these uses. Don't clutter the view for all of the citizens. Set a precedent – don't be like Rowlett. Morris stated he would not vote for any of the uses.

Councilmember Raulston asked if the Council wanted to sublease with landscaping only and the sea wall.

Councilmember Cotti told Morris that he had been consistent on this. Cotti stated he agreed that the number one concern was privacy, but the homeowners also had other concerns. View is important to all of us. Cotti stated that he does not believe this will obstruct the view. The Council has been down this path and it had been previously approved – until the last meeting. If the Council is only going to sublease, he has a great concern about it. We are going back on things that were agreed to a year ago. He does not think they should waste any more time. We need to decide whether we are going to move forward and then do so.

Mayor Jones asked if they should vote. Couch stated yes they should vote on subleasing and go on from there.

Councilmember Dobbs stated that he is going to reverse his previous decision. The shoreline is very important. He cannot trust the takeline being given to people to take care of what makes Rockwall so unique. He has gone to a lot of other lakes that are built out and does not want Rockwall to look like them. We are on the deep water side and we need to preserve it.

Councilmember Morris asked if the public hearings were only for the property owners. Brad Griggs advised that the first meeting was for all the residents. Then they had separate public hearings for the homeowners. Morris stated that it appeared to him that the emphasis was notice to the people on the lake. Couch advised that the City has worked on this for 10 years. We have done surveys and held public hearings. Everyone got the notice of the first public hearing. The next meetings were with people who lived along the lake. There were 5 public hearings. Morris stated that the documents go the

great lengths to protect the rights of the homeowners not the community in general. He does not want us to jeopardize the only asset we have and clutter. He cannot support it.

Councilmember Cotti clarified that after the Council had agreed to move forward with the Sublease Program, the focus of the Subcommittee shifted to the homeowners along the takeline and, thus, the documentation before the Council tonight reflects that focus.

Councilmember King stated that they need to look at the overall big picture. There are people who want to leave Rockwall the way it was 20-30 years ago, but progress must happen. Erosion control is necessary. The lakeshore is changing. The issues are erosion control and privacy. We need to come up with a defined use. We don't want to see another Rowlett or Tawakoni. King stated he supported the use of the takeline and that the Council needs to offer incentives over which control is maintained.

Councilmember McCallum stated that we are asking for erosion control and responsibility. We need to give them an incentive for the 20,000-30,000 they will pay for the erosion control. He voted against it initially because it was too limiting. He is open to compromise so long as it is in the best interest of the citizens.

Mayor Jones stated that he agreed with Councilmembers King, Cotti and McCallum. Jones stated he will be happy to see the sea walls.

Councilmember Dobbs stated that sea walls highly enhance the property and are appraised the same as swimming pool, so the owners will be receiving some value.

Councilmember Raulston asked for a show of hands of who were in favor of subleasing the property with the permitted uses. The vote was 5 ayes [McCallum, Cotti, King, Jones, and Raulston] and 2 nays [Morris and Dobbs].

Next the Council discussed subleasing with conditional uses. Councilmember McCallum stated that fences should be limited for privacy/safety issues; sport courts could be allowed with conservative restrictions; and boat slips should be temporary and integrated into the sea wall. He stated he was in favor of the tie ups because the Council had approved them for The Harbors project.

Councilmember Cotti stated that the fences should be 4 foot high and standardized and surround play structures only. McCallum stated he was ok with this. Cotti stated that boat slips or tie ups could only be along the sea wall. McCallum advised that if a boat ties up sideways along the sea wall it must be two feet from the wall. Cotti stated that as far as the gazebos go, that Planning and Zoning can set the parameters for Council approval. Cotti stated he could support these items.

Mayor Jones stated that he could support a tie up along the sea wall but no slip.

Councilmember Dobbs stated that The Harbors is a commercial project and does not believe tie ups are a good idea. He feels they will devalue the property.

Councilmember Raulston stated that this opens the door too wide with CUP's. We have had problems with CUP's before and he would not support any CUP.

Councilmember McCallum asked what the difference was between that and the huge garages that have been approved for RV's. Raulston stated that the RV's are stored out of view of the lake and does not see how it compares. McCallum asked about them obstructing the view of a golf course. Raulston stated that CUP's come back to bite us.

Mayor Jones asked if we could limit the gazebo to 15 feet in height. Brad Griggs advised that they could do anything they wanted to. Mayor Jones stated that he could not approve a 22 foot gazebo. Councilmembers King and McCallum agreed.

The following votes for CUP items were taken:

Gazebos at a maximum height of 15 feet – passed by a vote of 3 nays [Dobbs, Raulston and Morris] and 4 ayes [McCallum, Cotti, Jones and King].

Deck or patio typically flat work at a maximum 12" above ground – steps to the takeline may also be necessary -- passed by a vote of 3 nays [Dobbs, Raulston and Morris] and 4 ayes [McCallum, Cotti, Jones and King].

Sport Courts: The nets may not be parallel with the lake and the net and poles must be lower than 6 feet in height – passed by a vote of 3 nays [Dobbs, Raulston and Morris] and 4 ayes [McCallum, Cotti, Jones and King].

Boat Tie Ups: Councilmember King asked about enforcement. Julie Couch stated that she does not want Staff involved in regulating how long a tie up remains. The amount of protection afforded the boat will dictate how long it will remain.

Councilmember McCallum stated that Dallas allows 72 hours. This is an abbreviated slip, it is just a way to tie up the boat – it would not protect the boat.

Councilmember King stated that you see used tires and does not see how we can regulate it. This is his main concern.

Mayor Jones stated all he wanted was a temporary tie up – no tires, no padding, etc.

Brad Griggs stated that allowing the cleats in the sea wall would be ok and that the ordinance could control this.

Councilmember McCallum stated that we won't allow anything but the cleats. The protection would be on the boat. The tie up would be part of the sea wall. It is the responsibility of the boat owner to protect his boat.

Mayor Jones asked Councilmember King if we only allowed tie ups if he would agree.

Cleats only on the sea wall passed by a vote of 3 nays [Dobbs, Raulston and Morris] and 4 ayes [McCallum, Cotti, Jones and King].

McCallum stated that we need to send a clear message that the sea wall is not for recreation items.

250 **Tree Preservation Recommendation**

251
252 Councilmember Raulston stated we should use our existing tree ordinance. We don't
253 need two ordinances. Councilmember Cotti stated that we need to go back and apply the
254 Tree Preservation Ordinance to the takeline. They need a tree plan – we can't just let
255 them cut the trees down. Mayor Jones stated we have a tree ordinance now and we don't
256 need a separate one for the takeline. Councilmember McCallum stated that he agreed.

257
258 Julie Couch stated that we will need to amend our current ordinance to apply to the
259 takeline. Owners will have to go to Planning and Zoning, but we will not require
260 mitigation. Councilmember Cotti stated we need to protect the trees. Councilmember
261 Raulston stated that he could support this. The item passed unanimously by a vote of 7
262 ayes and 0 nays.

263
264 **Erosion Control**

265
266 The Council approved the three types of erosion control as recommended by a vote of 7
267 ayes and 0 nays.

268
269 Julie Couch advised the Council that there will be fencing provided by the City in four
270 areas for public access areas and the Council stated they were ok with this.

271
272 Councilmember McCallum asked Couch when the Council would vote on this. Couch
273 stated that it will be put in final form and will be on the agenda for the next meeting
274 (October 20, 2003). We will then prepare the necessary ordinances and have a joint
275 meeting with the Planning and Zoning Commission before it goes into effect.

276
277 Mayor Jones stated that he appreciated everyone cooperating.

278
279 Councilmember Cotti thanked the citizens who came to listen and Brad and the Council.
280 Cotti stated that this was a difficult decision to make and he appreciated everyone being
281 respectful.

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283 The meeting adjourned at 9:42 p.m.

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Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL

October 20, 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 Ken Jones and Councilmembers Tim McCallum, Larry Dobbs, Bob Cotti, Billy Morris, John King and Terry Raulston. Councilmember McCallum led the invocation and the Pledge of Allegiance.

PROCLAMATIONS

3a. Domestic Violence Awareness Month

Mayor Jones presented the proclamation to Mary Sue Foster.

CONSENT AGENDA

4a. Consider approval of the Minutes of the September 15, 2003 City Council Meeting and take any action necessary.

4b. Consider approval of the Minutes of the September 18, 2003 City Council/Staff Retreat and take any action necessary.

4c. Consider approval of the Minutes of the October 6, 2003 City Council Meeting and take any action necessary.

4d. Consider approval of the Minutes of the October 7, 2003 City Council Worksession and take any action necessary.

4e. Consider approval of the Minutes of the July 11, 2003 Special City Council meeting and take any action necessary.

4f. Consider approval of an Ordinance repealing Sec. 15-19 of the Code of Ordinances pertaining to garage sale permits and take any action necessary. (2nd Reading)

4g. Discuss and consider an Ordinance amending the Sign Code to allow for Temporary Open House Directional signs and take any action necessary. (2nd Reading)

4h. P2003-020 -- Discuss and consider a request from Steve Meier with Mays & Company for a replat of a single, 2.53-acre tract zoned Planned Development No. 5 (PD-5) with underlying General Retail located on the east side of SH 205 north of the intersection of realigned Quail Run Road known as Quail Run Retail Addition; Lot 1, Block B and take any action necessary.

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- 4i. P2003-021 -- Discuss and consider a request by Jack Evans of Pacheco Koch Consulting Engineers for approval of a replat of Lot 9R, Block A, Horizon Ridge Addition, being a 2.586-acre tract zoned (PD-9) Planned Development No. 9 and situated south of Arista Road and west of Ralph Hall Parkway and take any action necessary
- 4j. P2003-022 -- Discuss and consider a request by Robert Schneeberg for a commercial replat of Lot 3, Block B, Rockwall High School Addition, being a 1.1988-acre tract zoned (C) Commercial and located on the southwest corner of Yellowjacket Lane and Greencrest Blvd. The proposed replat is Lot 3R, Block B, The Woods at Rockwall Addition No. 1, and will accommodate development of the "Rockwall Surgery Center" and take any action necessary.

62 **Councilmember Morris made a motion to approve all the items on the Consent Agenda**
63 **and Councilmember Cotti seconded the motion. The ordinances were read as follows:**
64

65 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
66 AMENDING CHAPTER 15 OF THE CODE ORDINANCES IN ARTICLE I BY REPEALING
67 SEC. 15-19 PERMIT REQUIRED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING
68 A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.
69

70 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
71 AMENDING THE SIGN CODE TO PROVIDE FOR TEMPORARY REALTOR OPEN
72 HOUSE DIRECTIONAL SIGNS; PROVIDING FOR REGULATIONS; PROVIDING A
73 SUNSET PROVISION; PROVIDING A FINE NOT TO EXCEED THE SUM OF FIVE
74 HUNDRED DOLLARS (\$500.00) AND THAT EACH DAY IN VIOLATION SHALL
75 CONSTITUTE A SEPARATE OFFENSE; PROVIDING A SEVERABILITY CLAUSE;
76 PROVIDING AN EFFECTIVE DATE.
77

78 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**
79
80

81 **APPOINTMENTS**

82

- 83 5a. Appointment with the Planning and Zoning Chairman to discuss and
84 answer any questions regarding cases on the agenda and related issues
85 and take any necessary action.
86

87 **Connie Jackson of the Planning and Zoning Commission appeared before the Council to**
88 **discuss the planning and zoning items on tonight's agenda. Jackson discussed each**
89 **item separately and stated that each of them had been approved 100% by the**
90 **Commission.**
91

- 92
93 5b. Appointment with Peg Pannell-Smith to give report on the Blue Pegasus
94 Foundation "Cruise 'n' Blues" Festival.
95

96 **Peg Pannell-Smith appeared before the Council to report on the "Cruise 'n' Blues"**
97 **Festival. Smith advised that they raised \$22,779, spent \$13,849 on advertising, leaving a**
98 **balance of \$7,401. Smith stated that they are currently working on the 2004 calendar and**

99 thanked the Council for their support and the grant. Smith presented pictures to the
100 Councilmembers who participated in the "cruise." Mayor Jones expressed thanks to Peg
101 and Glen for their hard work and stated that this is what our hotel/motel funds are for.
102
103

104 PUBLIC HEARING

105
106 **6a.** Hold a public hearing regarding the issuance of \$1,662,500 Milford Higher
107 Education Facilities Corporation Education Revenue Bonds (Heritage
108 Christian Academy Project), Series 2003 and take any action necessary.

109 **6b.** Consider approval of a *Resolution* approving the issuance of the
110 \$1,662,500 Milford Higher Education Facilities Corporation Education
111 Revenue Bonds (Heritage Christian Academy Project), Series 2003 and
112 take any action necessary.
113

114 **Mary Smith discussed the background of the request and advised the Council that the**
115 **City is in no way obligated on the debt.**
116

117 **Mayor Jones opened the public hearing and the following persons appeared before the**
118 **Council:**
119

120 **Kurt Kinser, 4704 Greenbriar Circle, Rockwall, Texas, asked for approval by the Council**
121 **on this request. Kinser stated that this is a State approved process for private schools**
122 **and he was grateful to the Council for their consideration.**
123

124 **There being no one further to appear before the Council, Mayor Jones closed the public**
125 **hearing.**
126

127 **Councilmember Raulston made a motion to approve the request and Councilmember**
128 **Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0**
129 **nays.**
130

131
132 **6c.** Z2003-003 -- Hold a public hearing and consider a request by Annette
133 Lall of HIS Covenant Children for an amendment to the City of Rockwall
134 Comprehensive Zoning Ordinance (Ordinance No. 83-23), Section 2.20,
135 Historic Overlay District, specifically to designate the property located at
136 303 E. Rusk (Griffith Addition, Lot A, Block 2) as a landmark property and
137 take any action necessary.
138

139
140
141 **Robert LaCroix, Director of Planning, discussed the background of the request. LaCroix**
142 **stated that the applicant as asked that this building be designated as a landmark.**
143 **LaCroix stated it would be a positive step for this building and that the building is part of**
144 **the Historical District.**
145

146 **Councilmember Dobbs asked if the building was a State historical landmark and LaCroix**
147 **stated it was not.**
148

Councilmember Cotti asked if the church and the buildings at 305 Fannin were included and LaCroix stated they were.

Mayor Jones opened the public hearing and the following persons came forward to address the Council:

Annette Lall, the applicant, came forward and stated that she feels the building holds a lot of historical value in Rockwall. Lall stated that they have contacted a Historical Architect and will be inquiring about becoming a State historical landmark.

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

Councilmember McCallum asked what they were going to do with the building. Lall advised that they were going to use the building as a wedding chapel. Councilmember McCallum then made a motion to approve the request and Councilmember Raulston seconded the motion and stated that this was great for Rockwall. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE (ORD. NO. 83-23) OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY THE AMENDMENT OF SECTION 2.20 HISTORIC DISTRICT TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR A LANDMARK PROPERTY KNOWN AS GRIFFITH ADDITION, LOT A, BLOCK 2; 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; AND PROVIDING AN EFFECTIVE DATE.

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

- 6d. Z2003-010 – Hold a public hearing and consider a city initiated amendment to the Comprehensive Zoning Ordinance (83-23) Article II, Section 2.25, SH 205 Corridor Overlay District, specifically to amend Section 2.25B “Application and Boundaries” to add those tracts of land within 200 feet of the future right-of-way of SH 205 (North Goliad) from Heath Street north to the northern city limits (approximately 4,200-ft north of FM 552), and to add standards relative to Sign Standards (new subsection 2.25F) and Lighting Standards (new subsection 2.25G) and take any action necessary.

Robert LaCroix discussed the background of the request. This portion of the overlay runs north from Heath Street to the City limits line. The portion from Heath Street south to the city limits line was approved last year. This only pertains to commercial property, it does not affect residential property. There was some confusion in this regard at the Planning and Zoning Commission hearing.

Councilmember Dobbs asked if this affects the signs at Quail Run. LaCroix stated that it would and that Eckerds had agreed to the requirements. LaCroix stated that the Albertsons preliminary plat will expire in May and signage for it would be addressed later.

201 **Mayor Jones opened the public hearing but no one appeared so the public hearing was**
202 **closed.**

203
204 **Councilmember Cotti made a motion to approve the request and Councilmember**
205 **Raulston seconded the motion. The ordinance was read as follows:**

206
207 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
208 **AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING SECTION**
209 **2.25 SH-205 CORRIDOR OVERLAY DISTRICT; PROVIDING FOR A PURPOSE**
210 **STATEMENT; PROVIDING FOR APPLICATION AND BOUNDARIES; PROVIDING FOR**
211 **ARCHITECTURAL STANDARDS; PROVIDING FOR SITE DESIGN STANDARDS;**
212 **PROVIDING FOR SIGN STANDARDS; PROVIDING FOR LIGHTING STANDARDS;**
213 **PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND**
214 **DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE;**
215 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

216
217 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- 218
219 **6e. Z2003-011 – Hold a public hearing and consider a request by Chong Park**
220 **for a conditional use permit to allow for a private club as an accessory**
221 **use to the proposed Edohana Hibachi & Sushi Restaurant located within**
222 **the Shafer Plaza development under construction on Lot 13B1, Block A,**
223 **Rockwall Towne Center, which is zoned (C) Commercial and located at**
224 **714 I-30 and take any action necessary.**

225
226 **Robert LaCroix discussed the background of the request. This is a request for a**
227 **conditional use permit to allow for a private club as an accessory use to the Edohana**
228 **Hibachi & Sushi Restaurant. The 4,999 sf restaurant is proposed within the new Shafer**
229 **Plaza building located on the north side of I-30, between the existing Grandy's and**
230 **Schlotzsky's restaurants. The floor plan shows approximately 131 seats, which meets**
231 **the minimum 100-seat requirement for private clubs in Rockwall. The development must**
232 **adhere to all other requirements in the City's private club ordinance.**

233
234 **Mayor Jones opened the public hearing and the following persons came forward to**
235 **address the Council:**

236
237 **Chong Park, applicant, appeared and requested approval. Councilmembers Raulston**
238 **and Dobbs both stated that they are looking forward to the opening of the restaurant.**

239
240 **Chamber President Bob Wieneke came forward and stated that anything that we can do**
241 **to help our business community, we should.**

242
243 **There being no one further to address the Council, Mayor Jones closed the public**
244 **hearing.**

245
246 **Councilmember Morris made a motion to approve the request and Councilmember King**
247 **seconded the motion. The ordinance was read as follows:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A PRIVATE CLUB AS AN ACCESSORY TO A RESTAURANT TO BE LOCATED ON LOT 13RB, BLOCK A, ROCKWALL TOWNE CENTRE ADDITION, AND FURTHER DESCRIBED HEREIN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

- 6f. Z2003-012 – Hold a public hearing and consider a request by Andrew Qualls for approval of a conditional use permit for a proposed office building exceeding the maximum height requirement of 36-ft on Lot 9R-1, Block A, Horizon Ridge Addition, being a 1.718-acre tract zoned (PD-9) Planned Development No. 9 and situated south of Arista Road and west of Ralph Hall Parkway and take any action necessary.

Robert LaCroix discussed the background of the request. The applicant is requesting a conditional use permit (CUP) to allow for an office building with an overall height of approximately 44 ft. The site is zoned PD-9 and designated for General Retail uses, which allows for a height up to 60 ft, however, a conditional use permit is required for buildings over 36 ft tall. The applicant is proposing a height of 44 ft for a portion of the building, but the building footprint is not changing. Staff recommends approval with the following conditions: (1) approval of replat and site plan; and (2) adherence to all fire department requirements (39 ft inside radii for firelanes, etc.) for buildings over 36 ft in height.

Councilmember Raulston stated that buildings with three stories had been turned down before, however, with this building remaining with two levels of open space he would support the request.

Councilmember Dobbs asked what the square footage of the building would be. LaCroix stated approximately 19,800 sf.

Mayor Jones opened the public hearing and the following persons came forward to address the Council:

Andy Qualls, the applicant, came forward to request approval. Qualls stated that the higher roof was only an architectural feature. Councilmember Dobbs asked if the building was preleased. Qualls stated the entire 2nd floor was spoken for.

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

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT TO ALLOW A STRUCTURE EXCEEDING THE MAXIMUM HEIGHT REQUIREMENT OF 36 FEET WITHIN PLANNED DEVELOPMENT NO. 9 (PD-9) ON A TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

SITE PLANS / PLATS

- 7a. SP2003-012 – Discuss and consider a request by Andrew Qualls for approval of a site plan (including building elevations and landscape plan) for Horizon Ridge Addition, Lot 9R, Block A, being a single, 1.718-acre tract zoned (PD-9) Planned Development No. 9 and situated south of Arista Road and west of Ralph Hall Parkway and take any action necessary.

Robert LaCroix discussed the background of the request. The proposed development is a two-story 19,800 sf office building on 1.718 acres. The applicant has proposed 76 parking spaces, including 4 handicap-accessible, which exceeds the required 66 spaces. The surplus of parking could accommodate up to 3,000 sf of medical office within the proposed structure. Because of the height of the building, the applicant has been required to provide inside turning radii of at least 39 ft for the fire lanes. Applicant will be planting trees.

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

- 7b. SP2003-013 – Discuss and consider a request from Steve Meier with Mays & Company for a site (including building elevations) and landscape plans for an Eckerd Pharmacy facility on a single, 2.53-acre tract zoned Planned Development No. 5 (PD-5) with underlying General Retail located on the east side of SH 205 north of the intersection of realigned Quail Run Road known as Quail Run Retail Addition; Lot 1, Block B and take any action necessary.

Robert LaCroix discussed the background of the request. Applicant had come before the Council previously during the moratorium and had agreed to abide by the corridor overlay and they are doing that now. Applicant will be putting in a stone skirt and archway and they have exceeded the required landscaping. They will have to mitigate for 56 trees.

Councilmember McCallum asked what percentage of stone is required. LaCroix stated that maybe 10% is required. On SH-66 20% is required. McCallum stated that we had the moratorium in place so we could have what we wanted. LaCroix stated that in this overlay there is no requirement for stone. Architectural Review was not required –

352 Planning and Zoning made the request for the stone. McCallum asked the Council if we
353 want to require 20% stone on the SH-205 Overlay Corridor.

354
355 Councilmember Cotti stated that the SH-66 Overlay required stone because of its close
356 proximity to downtown. Cotti stated he did not feel uncomfortable with the request as it
357 stands and offered a motion to approve the request.

358
359 Councilmember Raulston stated that he agreed with Councilmember McCallum and is
360 concerned that we are piece-mealing the requirements and that we need to have
361 consistency.

362
363 Councilmember Morris stated that he had no concerns and that he feels Planning and
364 Zoning is doing a good job. Morris stated that making decisions on a case-by-case
365 situation is best and then seconded Councilmember Cotti's motion. The motion passed
366 by a vote of 6 ayes and 1 nay [Raulston].

- 367
368 7c. SP2003-014 – Discuss and consider a request by Robert Schneeberg
369 of Gonzalez & Schneeberg Engineers and Surveyors for a site plan
370 (including building elevations, landscape and treescape plan) for a
371 8,400-sf surgery center located on the proposed Lot 3R, Block B,
372 The Woods at Rockwall No. 1 Addition, zoned (C) Commercial and
373 situated on the southwest corner of Yellowjacket Lane and
374 Greencrest Blvd. and take any action necessary.

375
376 Robert LaCroix discussed the background of the request. The site plan is for an 8,400 sf
377 outpatient surgery center. LaCroix stated that a surgery center is different from a
378 medical office and they reduced the parking requirement because of that and hardwood
379 trees that they want to save. LaCroix stated that they will be putting trees back in and
380 saving as many as possible and a mitigation plan is necessary. The Planning and Zoning
381 Commission felt that the roof should be lowered to bring it into better proportion with the
382 height of the walls, but the applicant advised that because of the mechanical equipment
383 required for a this type of facility the roof needed to be the height shown in order to
384 shield the equipment. A model was presented during the Planning and Zoning
385 Commission session which better presented the scale and massing of the structure and
386 the Commission elected to approve the elevations as submitted. The roof color will be a
387 dark green. It is also recommend that the window trimmings not be painted the color of
388 the roof.

389
390 Councilmember McCallum asked how many hardwood were on the plat. LaCroix stated
391 that most of the trees are located within the proposed building footprint or parking area
392 which leads to the high number of inches required for mitigation. However, most of the
393 hardwoods are more to the back of the property and they will try to save as many trees
394 as possible. Planning and Zoning tried several lay outs for the building and this was the
395 best way to situate it.

396
397 Councilmember King stated that he concurred with Councilmember McCallum's
398 comments on the trees. King asked about water run off with the amount of dirt that was
399 going to be moved. Chuck Todd, City Engineer, advised that there will be surface
400 detention on the west side of the lot.

Councilmember Cotti made a motion to approve the request with Staff and Planning and Zoning Commission recommendations and Robert's recommendation that the trim not be painted the same color as the roof.

Mayor Jones stated that we are becoming like Tyler with a high doctor ratio.

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

ACTION ITEMS

- 8a.** Discuss and consider annexation of land east and adjacent to FM-3097, bounded by County Road to the north, Wallace Lane to the east and Hubbard Road to the south, in addition to property west of SH-205, south of Mims Road and take any action necessary.

Robert LaCroix discussed the background of this item. Area 1 has 52 lots/tracts with a total current market value of \$9,128,310 and Area 2 has 1 tract with a current market value of \$1,931,550. Other than general assistance similar to that provided to other sections of the City, the only significant impact to the Planning and Zoning Department would be the development, adoption and enforcement of a zoning district for the area to be annexed. There are several single family improvements in Area 1 as well as some non-residential uses developed along FM-3097. There are also two substantial vacant tracts of land (123 acres and 131 acres). Area 2 contains 23.202 acres and is currently occupied by the J&S Expo Center. Development of a zoning district and documentation of all nonconforming uses will take time. Area 2, which contains the J&S Expo Center, presents some issues with fire and life safety codes. Should the Council approve annexation of this area, the following issues will need to be addressed: (1) fire lanes at a minimum of 24' width with 3600 psi concrete are required; (2) fire hydrants at 150 foot hose reach to the building is required; (3) life safety code requirements for the building; (4) egress, number of exits, hardware; (5) emergency lighting, signs; and (6) possible sprinkler system, fire alarm requirements. A schedule for annexation will be prepared pursuant to State law.

Councilmember Raulston stated that this is a good move and made a motion to approve the annexation.

Mayor Jones stated that Area 2 is owned by a non-profit and asked what the benefit was to the City or the non-profit. LaCroix stated that the property is still listed as J&S Expo Center. LaCroix stated he does know if Heritage Christian Academy owns it or not.

Councilmember Dobbs asked why we did not include FM-3097 to Wallace. Why not annex the south side of FM-549 in order to protect that corridor.

Councilmember Cotti asked Councilmember Raulston if he wanted to amend his motion, given the information discussed. Julie Couch, City Manager, advised that the only step tonight is to initiate the process and that they could include the south side of FM-549. Councilmember Raulston amended his motion to include the south side of FM-549 and Councilmember Cotti seconded the motion. Cotti then asked about the fire issues. Fire Chief Mark Poindexter stated that there are no fire hydrants along FM-3097, there are

metal buildings, and a day care and nursery off Wallace. In Area 2 they need hydrants and fire flow. There are major life safety concerns with the building. Poindexter advised that Fire Station No. 4 would serve Area 2.

Councilmember McCallum thanked Councilmember Dobbs for his forethought in extending the annexation to cover the south side of FM-549 and thanked Councilmember Raulston for amending his motion. McCallum stated that the only thing he needed to hear to approve annexation was the fire safety issues in Area 2. McCallum asked about the status of the Wallace Property -- the preserve. LaCroix stated that we have not done anything at this time because it is not in the City.

Mayor Jones stated that he agreed that we must annex Area 2 for the fire safety issue.

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

- 8b.** Discuss and consider approval of the Takeline Sublease policies and requirements and take any action necessary.

Brad Griggs discussed the background of the Takeline Sublease policies and requirements and gave a Power Point presentation regarding same. Councilmember Cotti made a motion to approve the policies and guidelines and Councilmember McCallum seconded the motion.

Councilmember Morris stated that he was not going to support this action and expressed his disappointment in this Council's inability to hold land in its natural state and its failure to protect the rights of the majority of the citizens.

Councilmember Dobbs pointed out the City logo and stated all you saw on it was the lake and trees with nothing else -- no gazebos. Dobbs suggested that perhaps we should change the logo from a sail boat to a fishing boat.

Councilmember Raulston stated that he did not support the policies and requirements in full and cannot give it a rubber stamp tonight.

Mayor Jones stated that he was going to support this action because it will encourage family activities.

The motion passed by a vote of 4 ayes [McCallum, Cotti, Jones and King] and 3 nays [Dobbs, Raulston and Morris].

Councilmember Cotti asked what steps were needed now. Julie Couch stated that we need to finalize the leasing plan and initiate the survey. We also need to give feed back to the Planning and Zoning Commission for a zoning overlay on the takeline. This will need to be the agenda for a joint meeting with the Planning and Zoning Commission. Cotti stated that he understood the comments made by Dobbs, Morris and Raulston. Cotti then thanked the citizens and Staff for their input.

Councilmember King stated that this was a very tough issue -- our shoreline is unique. Although there are some who do not want change, since 1975 we have grown from no houses along Ridge Road and SH-205 to the development we have today. With our growth, we need actionable control over the takeline. King stated that he had received

very few negative comments and those were why don't we allow more. There was a lot of teeth gnashing over this issue. We don't want to and are not going to look like Rowlett.

- 8c.** Discuss and consider approval of a contract with the Rockwall County Committee on Aging for Nutrition Services and take any action necessary.

Joann Glover of the Rockwall County Committee on Aging (RCCOA) came forward to address the Council and gave business cards to Councilmembers and Staff. Glover stated that they had received a grant to provide food/nutrition to the needy and needed matching funds. They provide meals on an "need" basis – whether a person is able to provide meals for themselves. RCCOA has partnered with the Rockwall Independent School District for the food preparation, which has been well received.

Councilmember Cotti stated that he strongly supported what Glover and the RCCOA is doing and made a motion to approve the request for funds, increased to what we have budgeted. Councilmember King thanked Glover for her work and stated that he had accompanied his wife delivering meals. King asked how much was budgeted and was advised the amount is \$9,855.04. King then seconded the motion approving the request.

Glover stated that she might have to come back and ask for more since they are growing and thanked the Council for their assistance.

Councilmember McCallum asked Glover how many volunteers she had. Glover stated that they have about 20 but that she needs substitutes and volunteers. McCallum asked how many more were needed. Glover stated that 5-10 substitutes would be great. McCallum stated that the Press was present tonight and that they would get the story out and let people know they are needed. Glover stated that this was the first time in 25 years that RCCOA has a waiting list to be on the Board of Directors.

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

- 8d.** Discuss and consider approval of the closure, but not the abandonment, of a part of Dickson Lane at its intersection with SH-205, as requested by John Vance and take any action necessary.

Rick Crowley discussed the background of this request. Crowley advised that the adjacent property owners were contacted and there were no objections to this closure.

Councilmember Cotti asked if this street closure was temporary. Crowley advised it would be closed until the Council reopened it. Councilmember Cotti then made a motion to approve the request.

Councilmember King asked if the closure changed our responsibility in any way. Crowley stated that the street is currently gravel and that it will probably become grass.

Mayor Jones seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- 549 **8e.** Discuss and consider a General Services Agreement with Turner, Collier
550 and Brandon for Aviation and Civil Engineering Services and take any
551 action necessary.

552 **Rick Crowley discussed the background of the request. This will assist us in helping the**
553 **Subcommittee make recommendations to help increase aviation services available within**
554 **the City.**

555
556 **Mayor Jones asked how much this study was going to cost. Crowley advised that there**
557 **is \$5,000 budgeted. If it exceeds that, we would have to come back to the Council.**
558 **Mayor Jones asked if it wouldn't be better if a local business group did the study, then it**
559 **wouldn't cost the City anything. We could partner with this group. Crowley stated that**
560 **we could partner with the group, but in his opinion the Council should take this initial**
561 **step first.**

562
563 **Councilmember Morris stated that the agreement will let us figure what we can do – what**
564 **the FAA will allow – then what it will cost. We have roads to be re-aligned and what**
565 **about the Bypass? This contract will allow us to find this out. Morris stated he did not**
566 **feel he would be comfortable with an outside group doing a study and then bringing it to**
567 **the Council for approval. This has to be a feasibility study – to determine what we can**
568 **do, will it be enough, what will it cost.**

569
570 **Councilmember McCallum stated that the Council had stated it wanted to improve the**
571 **airport to bring in more business traffic. If this is our objective – and he believes they**
572 **decided they wanted to do this – then we should partner with the business sector. We**
573 **need the input. Our airport does not have anything at this point. McCallum stated that**
574 **he will not support spending money if we don't do it right. \$5,000 is not going to cover it.**
575 **This airport has the name of Ralph Hall and we should have something that we are proud**
576 **of – a landmark – and we need to spend money to do it right.**

577
578 **Rick Crowley stated that at this point there is no issue for partnership. There is base**
579 **information which we don't have – we need the basic information before we partner.**

580
581 **Councilmember McCallum asked if it would hurt us if the private sector gets started.**
582 **McCallum stated this is in reverse and he can't support it. Crowley stated you can do it**
583 **either way, however, we are still going to need the information regarding aviation/civil**
584 **engineering. McCallum stated he had reservations spending taxpayer money on this.**

585
586 **Julie Couch stated that part of the information we are looking for is for our radio system**
587 **and that she believes Rick is right. There is base information we need before any plan is**
588 **done.**

589
590 **Councilmember Cotti stated that this should be a multi-phase process. We have an**
591 **airport that is less than desirable. We need to look at this as a “we” not a “them” or**
592 **“us.” We need to figure out the best way forward on this -- it affects our communication**
593 **system. Cotti stated he had never known a consultant that costs less than \$5,000. We**
594 **need to go ahead with this if it can get us FAA/civil engineering information.**

595
596 **Rick Crowley stated that whatever the decision is, we need to get the communication**
597 **system part complete. We could do it as a separate task order.**

Councilmember King stated that there are other issues at risk. There are a lot of utilities at the airport. King stated that he agreed totally that we partner for the ALP – if we can get it in lockstep with the City. First we need to find out about the roadway.

Councilmember Morris stated that the all the \$5,000 represents is the balance of the fund today. We need to enter into this contract for the radio tower – its purpose is to answer the questions. Nobody is saying that is all you are spending. Morris then made a motion to approve Staff moving forward. Morris stated that he would use anyone's money, however, the City must be in control. We don't have anything that's not for sale. Councilmember Raulston stated that he agreed with Morris and seconded the motion.

Bob Wieneke, President of the Chamber of Commerce, stated that they are looking at a way to better the airport. Our airport gives us advantages that other airports don't have. Wieneke stated that he thinks the partnership idea is the best. The radio tower and roadways were not considered by the private group. Mayor Jones asked Wieneke if his group would have a problem working with Collie Turner and Bradon.

Mayor Jones then asked Councilmember Morris if he would consider amending his motion to include working with the private sector. Morris replied no.

Rick Crowley stated that what we are proposing is nothing near an airport layout plan. The contract does not bind us to use them for an ALP. It is a company to work for us as we decide what we need.

Councilmember Raulston called for the vote.

Councilmember McCallum stated that based on the discussion, he could agree to move forward on this. We need to be sure we include the private sector in an ALP.

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

8f. Consider approval of a *Resolution* authorizing the submission of a grant application to the Criminal Justice Division for the formation of a joint drug interdiction task force by the cities of Rockwall, Greenville, Commerce and Terrell, and the counties of Rockwall and Van Zandt and take any action necessary.

8h. Discuss and consider approving a *Resolution* authorizing the City Manager to execute a Mutual Cooperation Agreement On Peace Officer Jurisdiction Related To A Regional Anti-Drug Abuse Task Force and take any action necessary.

Julie Couch discussed items 8f and 8h. These items are related and have been a longstanding annual renewal.

Councilmember Raulston stated that he is a strong supporter and that our unit has done a great job and made a motion to approve items 8f and 8h. Councilmember Cotti seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

- 648
649 **8g.** SP2003-015 – Discuss and consider approval of a request by Eddie
650 Collins of Rockwall Shores, Ltd., for a tree removal permit and treescape
651 plan for a 6.3 (+/-) acre tract located within the Lake Ray Hubbard
652 takeline and immediately adjacent to Lots 19-26, Block B, Hillcrest Shores
653 Phase 3 and take any action necessary.

654 **Councilmember Dobbs recused himself from participation on this item.**
655

656 **Robert LaCroix discussed the background of the request. This item was tabled at the**
657 **last meeting. The applicant has resubmitted his tree plan and believes that they can**
658 **remove only 15 trees. They can remove anything under 6 inches and other than**
659 **removing only 15 trees (vs. 30) they are pretty much sticking to the original plan.**
660 **Pursuant to the takeline guidelines passed tonight, we can ask for mitigation on all of the**
661 **takeline. LaCroix stated that we can work with what they have proposed – let them clean**
662 **up the 6” and smaller trees and brush and take out only the 15 trees.**
663

664 **Councilmember Raulston stated that he believes this is where we want to be and made a**
665 **motion to approve the request and that Staff will work with the applicant and the**
666 **applicant will only remove 15 trees.**
667

668 **Councilmember Cotti stated that as far as the tree removal goes, applicant must mitigate**
669 **and asked Raulston to amend his motion. Raulston stated that he would amend.**
670

671 **Councilmember Morris asked LaCroix if this would go to Planning and Zoning from now**
672 **on and LaCroix stated yes.**
673

674 **Councilmember McCallum stated he commended Mr. Howell for coming back and that it**
675 **sounds like we are removing 15 trees. McCallum asked if there was anyway possible that**
676 **the remaining 15 trees could be saved – until they tear out the small stuff do they even**
677 **know. Eddie Collins stated that the 15 trees will have to come out. We are running out of**
678 **time and can’t come back to a public hearing every time we want to remove a tree. We**
679 **are looking for the Staff to come out and see if there is a view. McCallum stated that if it**
680 **were just the 15 trees he could support it, however, if it is to see if the other 15 can come**
681 **out, he could not support it.**
682

683 **Mayor Jones stated he could not support cutting 15 large trees.**
684

685 **The motion passed by a vote of 4 ayes [Cotti, Morris, King and Raulston], 2 nays [Jones**
686 **and McCallum], and 1 abstain [Dobbs].**
687

688 **There being no further business to come before the Council in regular session, Mayor**
689 **Jones adjourned the meeting into Executive Session at 8:57 p.m.**
690

691 **ACTION TAKEN AS RESULT OF EXECUTIVE SESSION** 692

693 **Councilmember Raulston made a motion to authorize the City Manager to proceed with**
694 **the negotiation of a contract with MaCom for the purchase of a radio communication**
695 **system in accordance with the proposal submitted by MaCom. The motion was**
696 **seconded by Councilmember Morris and passed unanimously by a vote of 7 ayes and 0**
697 **nays.**

Councilmember Cotti made a motion to reappoint Frank Miller as the City's representative on the Rockwall County Appraisal District Board, if he is willing to accept the appointment. The motion was seconded by Mayor Jones and 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 10:00 p.m.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary