

MINUTES
ROCKWALL CITY COUNCIL
November 3, 2003
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 4:00 p.m. and adjourned immediately into Executive Session.

HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072 OF TEXAS GOVERNMENT CODE TO CONSIDER:

- a. Land Acquisition for wastewater facilities.**

MEETING WITH NORTH TEXAS MUNICIPAL WATER DISTRICT REPRESENTATIVES TO DISCUSS COMMON PROJECTS AND TAKE ANY ACTION NECESSARY.

Representatives from the North Texas Municipal Water District gave a power point presentation on current projects.

HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071 OF TEXAS GOVERNMENT CODE TO CONSIDER:

- a. Consultation with attorney pursuant to Tex. Gov't Code Section 551.071 to discuss contemplated litigation arising out of imposition of moratorium.**
- b. Consultation with attorney pursuant to Tex. Gov't Code Section 551.071 to discuss legal issues pertaining to City's liability for imposition of extension of moratorium or zoning decisions following moratorium, pertaining to attorney's ethical duty to advise city regarding such matters.**

TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of the Executive Sessions.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

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MINUTES ROCKWALL CITY COUNCIL

November 3, 2003

6:00 p.m. Regular Meeting

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

Mayor Jones called the meeting to order at 6:21 p.m. Present were Mayor Ken Jones and Councilmembers Terry Raulston, John King, Billy Morris, Bob Cotti, Larry Dobbs and Tim McCallum. Councilmember Dobbs led the invocation and Pledge of Allegiance.

PROCLAMATIONS

- a. Municipal Courts Week

Mayor Jones presented the proclamation to Municipal Court Administrator Debbie Waters and Municipal Court Judge Kortemier.

Mayor Pro Tem Bob Cotti introduced Ernestine Cole, who formed the Youth Etiquette Symposium, and Elsie Owolo, a student at the University of North Texas in Denton and a member of the Youth Etiquette Symposium. Cotti advised that Ms. Owolo had been accepted into an internship to work with the British Parliament. Cotti thanked Ms. Cole for her hard work and congratulated Ms. Owolo on her accomplishments and advised everyone that she was trying to raise money for her trip to England.

OPEN FORUM

No came forward to address the Council.

CONSENT AGENDA

- a. Consider approval of the Minutes from the October 20, 2003 City Council meeting and take any action necessary.
- b. **Z2003-003** -- Consider approval of a request by Annette Lall of HIS Covenant Children for an amendment to the City of Rockwall Comprehensive Zoning Ordinance (Ordinance No. 83-23), Section 2.20, Historic Overlay District, specifically to designate the property located at 303 E. Rusk (Griffith Addition, Lot A, Block 2) as a landmark property and take any action necessary. **(2nd Reading)**
- c. **Z2003-010** -- Consider approval of 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. **(2nd Reading)**
- d. **Z2003-011** -- Consider approval of a request by Chong Park for a conditional use permit to allow for a private club as an accessory use to the proposed Edohana Hibachi & Sushi Restaurant located within the

Shafer Plaza development under construction on Lot 13B1, Block A, Rockwall Towne Center, which is zoned (C) Commercial and located at 714 I-30 and take any action necessary. **(2nd Reading)**

- e. **Z2003-012** – Consider approval of 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. **(2nd Reading)**
- f. Consider approval of a bid award for the purchase of breathing air equipment and take any action necessary.
- g. Consider approval of a **Resolution** authorizing the purchasing of equipment in advance of the bond issue date and take any action necessary.
- h. Consider approval of an **Ordinance** amending the Sign Code and take any action necessary. **(1st Reading)**

Councilmember McCallum requested that item 5c be pulled from the Consent Agenda. Councilmember Morris made a motion to approve all of the Consent Agenda items except item 5c and Councilmember Cotti seconded the motion. The ordinances were 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 THE DESIGNATION OF A LANDMARK PROPERTY KNOWN AS GRIFFITH ADDITION, LOT A, BLOCK 2; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE 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 FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY COUNCIL 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 TO ALLOW A STRUCTURE EXCEEDING THE MAXIMUM HEIGHT REQUIREMENT OF 36 FEET WITHIN

100 PLANNED DEVELOPMENT NO 9 (PD-9) ON A TRACT OF LAND DESCRIBED
101 HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
102 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
103 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
104 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
105 PROVIDING FOR AN EFFECTIVE DATE.
106

107 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
108 TEXAS, AMENDING THE SIGN CODE IN SECTION III.B.15 TO PROVIDE FOR
109 ADDITIONAL BANNER SIGN REGULATIONS; PROVIDING FOR A PENALTY
110 OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS
111 (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER
112 CLAUSE; PROVIDING AN EFFECTIVE DATE.
113

114 The motion passed unanimously by a vote of 7 ayes and 0 nays.
115

116 Councilmember McCallum stated that he had stated his concerns about item 5c at the
117 last meeting with regard to the masonry requirements. McCallum stated that he feels the
118 requirements should match those in the SH-66 Overlay and that the requirements in the
119 proposed ordinance do not provide consistency along SH-205 coming in from the north.
120

121 Robert LaCroix, Director of Planning and Zoning, stated that the shopping centers along
122 SH-205 will be PD's and will require architectural review. The Architectural Review Board
123 has been more rigid in its requirements and the ordinance did not spell out requirements
124 because of that. The requirements in the Scenic Overlay along SH-66 were only
125 guidelines. LaCroix stated that we were more adamant about the guidelines on SH-66
126 because of Walmart.
127

128 McCallum stated that we should be adamant about all of the corridors and he does not
129 think this ordinance achieves that.
130

131 Councilmember Morris stated that he felt that this ordinance does meet the intent and he
132 feels LaCroix stated it quite well. Morris then made a motion to approve the ordinance.
133

134 Councilmember Raulston stated that he agreed with Councilmember McCallum. We
135 should have requirements that are consistent with what we have along SH-66. He agrees
136 we should have uniqueness, but we should also have stringent guidelines.
137

138 Councilmember Cotti stated that he was going to support the ordinance and seconded
139 Councilmember Morris' motion. Cotti stated that this ordinance sets out the same
140 requirements that are found in the south SH-205 overlay and the I-30 overlay, which were
141 created after the SH-66 overlay district. Cotti stated he believes this ordinance is fine.
142

143 Mayor Jones asked Councilmember McCallum if he had a question regarding the
144 percentage of stone. McCallum stated that the SH-66 overlay required 20% stone.
145

146 LaCroix advised that the current ordinance provides that no synthetic materials will be
147 used eight (8) feet from the ground up, which gives rise to the use of stone or brick. It is
148 not in the ordinance, but through the ARB we have the guidelines which can include the
149 percentage of stone. We are trying to get the areas to match.
150

151 McCallum stated that his concern is the brick façade of the buildings. The result on
152 SH-66 is what we want. We need to be consistent.

153
154 Councilmember Cotti asked City Attorney Pete Eckert if the whole ordinance would have
155 to be rewritten or just the amending ordinance. Councilmember Raulston stated it was
156 not their intent that the ordinance be rewritten. Eckert advised that only the amending
157 ordinance would have to be rewritten.

158
159 The motion failed by a vote of 3 ayes [King, Morris and Cotti] and 4 nays [Raulston,
160 Morris, Dobbs and McCallum].

161
162 Councilmember King asked City Attorney Eckert if the sign and lighting portions of the
163 ordinance failed. Eckert advised that the entire ordinance failed. Mayor Jones asked if
164 the motion could be made without prejudice so that it could come back before the
165 Council and Eckert advised that it could. Mayor Jones then made a motion that the
166 request be denied without prejudice and Councilmember King seconded the motion.
167 Eckert advised that the ordinance will have to go back to Planning and Zoning and
168 notices will be required to be sent out. Councilmember Cotti asked if the overlay for SH-
169 205 south was still in effect. Eckert advised that it was. The motion passed unanimously
170 by a vote of 7 ayes and 0 nays.

171 172 APPOINTMENTS

- 173
174 a. Appointment with Lee Gilbert of the American Legion regarding a Circle
175 10 Boy Scout Council project and take any action necessary.

176 Brad Griggs, Director of Parks and Recreation, advised the Council that Lee Gilbert was
177 unable to appear before them tonight, but that the request was for the approval for the
178 Boy Scouts to place red, white and blue ribbons on the trees to honor veterans. The
179 ribbons would be removed in about 3 weeks.

180
181 Councilmember Morris made a motion to approve the request and Councilmember Cotti
182 seconded the motion. Cotti asked for clarification that the Council was only approving
183 the request for the trees on City property. Julie Couch, City Manager, stated that was
184 correct and that Mr. Gilbert would have to ask the County for approval to put the ribbons
185 on the other trees. The motion passed unanimously by a vote of 7 ayes and 0 nays.

186 187 ACTION ITEMS

- 188
189 a. Receive update on Sesquicentennial Project and discuss and consider
190 authorizing the City Manager to execute a contract with Stewart
191 Schwenson Productions for entertainment to be provided by the Little
192 River Band and take any action necessary.

193 Brad Griggs discussed the background of the project and introduced the
194 Sesquicentennial Committee members present at tonight's meeting -- Evelyn Lofland,
195 Pam Kitowski, Mike Kitowski, Lea Ann Ewing and Kelly Allensworth. The event will be
196 held on April 17, 2004 at Myers Park. It will be an all day event. Griggs then discussed
197 the contract for the entertainment by the Little River Band and stated the band would be
198 traveling to Rockwall from Australia.

200 Mayor Jones stated it was great that 150 years ago three men digging a water well found
201 a rock wall instead. Councilmember Raulston told Griggs that he and the Committee had
202 done a great job. Councilmember Cotti stated he is thrilled -- that he had heard the band
203 in Little River, Australia years ago and that they are awesome. Councilmember
204 McCallum made a motion to authorize the City Manager to execute the contract with
205 Steward Schwenson Productions. McCallum stated that this is a fabulous committee and
206 that Evelyn Lofland had attended the 100th year celebration. Lofland stated she would be
207 wearing the dress and bonnet her mother wore to that celebration. Councilmember
208 Morris stated that he agreed with everyone and asked whose suggestion it was to bury
209 the Mayor along with the time capsule at the conclusion of the celebration in December
210 2004. Councilmember Cotti seconded McCallum's motion and the motion passed
211 unanimously by a vote of 7 ayes and 0 nays.

212
213 Mayor Jones stated he wanted everyone to know he was not one of the three men who
214 dug the well so long ago.

- 215
216 b. Receive status report on Hickory Ridge Park and discuss and consider
217 authorizing Staff to proceed and take any action necessary.

218 Brad Griggs discussed the background of the request. There is currently \$135,000
219 budgeted for Phase I of Hickory Ridge Park. The Developer has offered to provide the
220 concrete for the trails in exchange for the City allowing him to have a batch plant on the
221 property for about three weeks. We will do the grade work and remove the forms.

222
223 Councilmember Raulston told Griggs that he was doing a great job and made a motion to
224 approve the request.

225
226 Councilmember Cotti seconded the motion and asked what could the Council do to get
227 the money to get the parks done. Griggs advised that the City lost about 30% of the
228 grant funds because competition is tremendous now.

229
230 Mayor Jones stated that he supported the parks and the Parks Department.

231
232 Councilmember McCallum stated that Griggs knew how he felt about parks and every
233 time he can give Griggs a public park he will. McCallum stated that it is a travesty that
234 we don't have the money for our parks. The citizen survey showed that the citizens want
235 parks. We need to find a way to fund more and better parks.

236
237 The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 238
239 c. Consider authorizing the City Manager to execute a Professional Services
240 Agreement for the takeline survey and take any action necessary.

241 Brad Griggs discussed the background of the request. This survey is to enable us to go
242 forward with the takeline program.

243
244 Councilmember Cotti made a motion to approve the request and Mayor Jones stated that
245 since he and Cotti were on the Subcommittee, he would second the motion. The motion
246 passed by a vote of 5 ayes and 2 nays [Raulston and Morris].

- 247
248 d. Discuss and consider approval of a sign variance request by Shafer
249 Properties and take any action necessary.

Jeffrey Widmer, Building Official, discussed the background of the request. The variance request is due to constraints caused by utilities in the easement. They are requesting a 5 foot side setback and a variance on the height to increase it to 36 feet.

Councilmember Cotti asked if the sign was on a single pole if it would fit in the easement. Widmer stated it would not. The easement is only 8 ½ feet and the sign is 13 feet. Cotti stated that he had viewed the sight and felt that the sign is set back too far and is not in a good position. Widmer stated that Staff, including City Engineer Chuck Todd, has worked on this project. The problem came about because they had the sign made before they came to the City for a permit. They need a multi-tenant sign. Cotti stated that we have seen a lot of these variances and he has difficulty in supporting them and would like to get the signs permitted upfront during development. Cotti stated he could agree with the side set back, but not the height request.

Councilmember Raulston stated he also had a problem with the request.

Councilmember Morris stated that he could not add to what Councilmembers Cotti and Raulston had stated, but that he cannot agree with the height either. If we keep amending the ordinance it is not going to have any teeth left. Councilmember Raulston stated he agreed and made a motion to deny the request.

Councilmember McCallum stated he agreed with the height problem, but what about the side set back? Do they deny without prejudice? Widmer advised that they could approve the side back and deny the height request. The set back is necessary for the placement of the sign. There are two extra parking places that could be used for the sign, but he did not think it prudent to lose the parking spaces, especially with the restaurant and the Smoothie King going in. McCallum stated that he supports local business, but the height of signs is something we have to maintain.

Councilmember Cotti asked Councilmember Raulston if he would amend his motion to approve the side set back but keep the height of the sign at 30 feet and Raulston agreed. Cotti then seconded the motion.

Mayor Jones asked the City Attorney how this should be handled. Eckert advised that this is considered an approval of part of the request so with or without prejudice does not play a part in this matter.

The motion passed unanimously by a vote of 7 ayes and 0 nays. Mayor Jones stated that Lubbock and Albuquerque have small, discreet signs and that we need to do better with our signage.

- e. Discuss and consider approval of the SH-66 Landscaping project and take any action necessary.

Brag Griggs discussed the background of the request. This is a joint project with TxDOT. TxDOT will manage the project and we will maintain the landscaping after it is complete. If approved, the plans will be sent to TxDOT by November 10, 2003. TxDOT will put the project out for bid in January and award the bid in early March 2004. The project will probably take 3 – 5 months to complete.

Councilmember Cotti stated that the plans look great and made a motion to approve the request and asked if there was anyway to get it completed by April 17. Griggs advised probably not.

Councilmember King asked if there would be any lane closures during the project and Griggs advised that there will be some closures.

Councilmember Raulston stated that the plans look great and seconded Cotti's motion.

Councilmember McCallum told Griggs it was a great job and wanted to know if it could be coordinated so that there are not multiple lane and road closures at the same time. Griggs stated that he would work with the contractors on it. McCallum wanted to know if there were any additional plans for Ralph Hall Parkway. Griggs advised that bids on the Mims Road project would be opened on November 5, 2003.

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

- f. Discuss and consider authorizing the Mayor to execute Texas Department of Agriculture Amendment No. 2, Contract No. 716342 and take any action necessary.

Julie Couch, City Manager, discussed the background of the request. This will close out the contract with the Texas Capital Fund for the Townsend project.

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

8. 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 discussed the bequest to our cemetery fund. Couch stated that at this time we have no specific plans for the funds, but when plans have been formulated they will be brought to the Council.

Couch reminded everyone about the worksession scheduled for Monday, November 10, 2003. Elizabeth Morris will be here to give an additional presentation on the economic analysis modeling.

Councilmember Cotti stated he had reviewed the reports and he commended the City employees for being able to use less money than was budgeted for. Cotti asked about the use of The Center -- it is not being used as much we would like and he would like to know if Griggs had any plans on examining the rental fees and perhaps reducing them. Griggs advised that they are more than willing to look at the figures, however, if we lower the fees too much, then the taxpayers will be paying for the use by a few people. Griggs stated that the finish grade on our facility is higher than other cities and our fees are not the highest or the lowest. Cotti stated that he thinks Parks is doing a great job. Cotti then asked Police Chief Mark Moeller if there was anyway the Council could get a report

on the false alarms that the Police Department answers and the number of man hours it takes. Moeller advised that he would get the information for the Council.

Councilmember McCallum stated that the question on The Center fees was a good question, that perhaps reports could be pulled to see what needs to be done. Griggs advised that when calls came in regarding reservations they took a survey on why they did not rent the facilities: 40% said cost; 40% said no alcohol; and 20% stated something else fit their needs better. McCallum stated that a lot of the requests were for wedding receptions and perhaps we should look at the cost. Griggs stated that they will look at other options and will get back to the Council with the information. McCallum then asked the City Manager if the funds bequeathed for the cemetery could be used for other cemeteries in the City. Couch stated probably not, but that we would look into it.

There being no further business to come before the Council in regular session, the Mayor adjourned the meeting into Executive Session at 7:35 p.m.

HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074, AND 551.087 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.
- c. Deliberate commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.

ACTION TAKEN AS A RESULT OF EXECUTIVE SESSION

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

There being no further business to come before the Council, the meeting was adjourned at 8:00 p.m.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

Minutes
ROCKWALL CITY COUNCIL
November 10, 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 and Billy Morris. Councilmembers John King and Terry Raulston were absent.

Present in the audience were Gene Burton and Doug Hamilton of the Rockwall Independent School District.

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

Elizabeth Morris gave a Power Point presentation on development simulation modeling and advised the Council that her base model was complete. Morris thanked the City Staff for all their input and help with the compilation of records.

Councilmember Billy Morris stated that the modeling works fine for the City, but a big influence on the City is the school and the county. To pay for one child in school, it takes the ad valorem taxes on a \$200,000 home. We need input from the school and the county.

Elizabeth Morris advised that the model works on a property tax base. It cannot model for a school because of Robin Hood.

Julie Couch advised that we have no control over the RISD and the County. We need to look at what we can control within our boundaries. It should be noted that the model does not provide for a tax increase.

Councilmember Morris asked how effective can we be, if we don't control everything. Morris stated he wants to see something come out of this – not just examples. Can we continue to keep our tax rate down?

Julie Couch stated that we are focusing on what we can control.

Mayor Jones asked if the Legislature did anything on Robin Hood. Gene Burton advised that they had not. We are looking at a special session on April. Burton added that they do not have control of the State funding program. It is anticipated that the RISD will be in the Robin Hood Plan within 3 to 4 years.

Councilmember Cotti asked if we could show school and county population with Elizabeth Morris' scenarios. How difficult is it to create the scenarios? Morris advised that we can now model infinitely on a yearly basis. Cotti asked about the two leave-behind products. "Economic Development Fast Track" and "The Ultimate Build Out Scenario."

51 Couch advised that Fast Tracker is for an individual project. We want to have dialog –
52 model the different scenarios – then start identifying the different ways to help make
53 decisions on ratio and mix.

54
55 Councilmember Cotti stated that he believes there is a lot more discussion to be had.
56 We have the tool now. Our first responsibility is to the City, but we don't want to
57 negatively impact the school or the county.

58
59 Mayor Jones stated that he preferred larger homes and larger tracts, but there was a
60 lawsuit brought by a developer against Sunnyvale and won on something like this.

61
62 Councilmember McCallum stated that there really is not a solid bench mark. Have we run
63 a model that shows the existing zoning into the future? We need a bench mark before
64 we start developing in a certain way in the future. McCallum stated he was in favor of
65 larger lots and homes.

66
67 Julie Couch advised that we haven't made any wrong decisions. Even when we model –
68 the red line will be above the green. Remember there has been no tax increase included
69 in the model.

70
71 McCallum stated that we need to look at it in the same percentages that we have today.
72 This Council is not in favor of multi-family. What about parks? Elizabeth Morris stated
73 that they deducted acreage for parks, roads and undevelopable land. Nontaxable
74 property has been deducted. McCallum stated that 91% of our citizens want jogging
75 trails, 86% want more parks and 77% want a community college. What happens when
76 you have a community college – I would like to see a scenario. Ms. Morris stated that the
77 model does not forecast public employment, but it has been done and they could run a
78 scenario. McCallum stated we need to run scenarios based on the citizen survey. Julie
79 Couch reminded Councilmember McCallum that parks have been built into the model.

80
81 Mayor Jones told McCallum that he had good comments. Jones stated that our Police
82 Department had received a 93% approval rating – let's not overlook them.

83
84 Councilmember Dobbs stated that there are a lot of scenarios and asked Ms. Morris how
85 she did it. Guess? Ms. Morris stated that it was an "Educated Estimate" (guess). Julie
86 Couch stated that this gives us a tool to make an educated estimate in terms of how our
87 community can develop. Ms. Morris stated that this will help us model the worse case
88 scenario. Dobbs stated that so many things can happen in the future. It's all a guess –
89 its speculation. Councilmember Morris agreed that it is all a guess, but that this tool will
90 help. Dobbs stated that it will be changing weekly, monthly – this City changes.

91
92 Julie Couch stated that the Council was going to have to zone the AG property. This tool
93 will help predict the amount of square footage and it will allow us to have a better idea of
94 how to zone the property and the implications.

95
96 Councilmember Cotti asked if all church property was nontaxable. Julie Couch stated
97 not yet.

98
99 Mayor Jones stated that he thinks Ms. Morris' product is great.

Gene Burton came forward to address the Council. Burton stated that they appreciate being considered in our considerations and commends the City Administration and Staff for their efforts in keeping open communications between the City and the School. Burton stated that the RISD is in the process of working with a tomagrapher and they use the historical perspective factors/variables in their planning.

Councilmember Morris thanked Mr. Burton for his comments. Mayor Jones stated that he appreciated the School's cooperation.

Julie Couch stated that we will put a discussion item on the November 17th agenda so we can end the moratorium on the AG land. Councilmember Morris asked why we had to end the moratorium. Couch stated that it is a property rights issue. If we end it, she is not suggesting that we immediately rezone it. Morris stated that he does not want to zone the land and then find out that we don't like how it was zoned – like we have before. Don't get in any hurry. Couch stated that we do have to move forward. Morris stated we need to be sure we can live with the minimum requirements.

Robert LaCroix, Director of Planning and Zoning, advised the Council that the Planning and Zoning Commission is ready to hold a joint session with the Council.

There being nothing further to come before the Council in regular session, the meeting adjourned into Executive Session at 7:32 p.m.

HOLD EXECUTIVE SESSION UNDER SECTIONS 551.087 AND 551.074 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- a. Deliberate commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.

TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION.

Councilmember Cotti made a motion to appoint Sabrina Rasor as an additional alternate member of the Youth Advisory Council, move Jessica Vasquez from being a regular member to being an alternate member and move Meagan Wilson from being an alternate member to being a regular member. Councilmember McCallum seconded the motion and the motion passed by a vote of 5 ayes and 0 nays and 2 absent [King and Raulston].

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

ATTEST:

Ken Jones, Mayor

Dorothy Brooks, City Secretary

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**MINUTES
ROCKWALL CITY COUNCIL**

November 17, 2003
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 6:10 p.m. Present were Mayor Ken Jones and Councilmembers Tim McCallum, Larry Dobbs, Bob Cotti, Billy Morris, John King and Terry Raulston. Councilmember Raulston led the invocation and Pledge of Allegiance.

Mayor Jones then called Sabrina Rasor forward and swore her in as a new Youth Advisory Council Member.

PROCLAMATIONS

- a. Rockwall Housing Authority Day

Mayor Jones presented the proclamation to Tony Rios, Sam Buffington, Betty Weishaar and other members of the Rockwall Housing Authority.

Mayor Jones then called Victor Willis forward. Mr. Willis presented the City with a "Charity Bear" numbered 150 representing our sesquicentennial. Local merchants purchased 7,000 of the bears and the proceeds of the sale of the bears will go 100% to local charities.

CONSENT AGENDA

- a. Consider approval of the Minutes of the November 3, 2003, City Council meeting and take any action necessary.
- b. Consider approval of an **Ordinance** amending the Sign Code and take any action necessary. **(2nd Reading)**
- c. **P2003-024** -- Consider approval of a request from Michael Allen with Allen & Ridinger Consulting, Inc. for a replat of a commercially-zoned single, 1.53-acre lot known as Lot 3R, Block C, LaJolla Pointe Addition - Phase I located between Laguna and Catalina Drives northeast of Village Drive and north of the westbound I-30 service road and take any action necessary.
- d. **P2003-025** -- Consider approval of a request from Ernest Hedgcoth for a final plat of a single, 0.708-acre commercially-zoned tract to be known as Lot 1, Block 1, Horizon Village Addition, located on the northeast side of Horizon Road, approximately 135 feet northwest of Ralph Hall Parkway and take any action necessary.
- e. Consider approval of a **Resolution** authorizing the Mayor to execute a quitclaim deed for the abandonment of the right-of-way on a section of St. Mary Street to the abutting landowner and take any action necessary.

- 51
- 52 f. Consider approval of the award of the bid for vehicle purchases and take
- 53 any action necessary.
- 54
- 55 g. Consider authorizing the City Manager to execute an agreement with
- 56 Data Prose to out source the printing and mailing of utility bills and take
- 57 any action necessary.
- 58
- 59 h. Consider approval of a **Resolution** implementing a \$0.35 charge on the
- 60 Charter Cable bill for non-commercial educational and governmental
- 61 access programming and take any action necessary.
- 62
- 63 i. Consider authorizing the City Manager to execute an Engineering
- 64 Services Agreement for the design of Summer Lee Road from Horizon
- 65 Road to Lakefront Trail and take any action necessary.
- 66
- 67 j. Consider approval of a **Resolution** authorizing the Mayor to execute a
- 68 quitclaim deed for the abandonment of the public road easement (right-of-
- 69 way) located adjacent to Harlan Park Phase 1 and Castle Ridge Estates
- 70 to the abutting landowner and take any action necessary.
- 71
- 72 k. Consider approval of a **Resolution** authorizing the City Manager to
- 73 execute a Multi-jurisdictional Pretreatment Agreement with the North
- 74 Texas Municipal Water District and take any action necessary.
- 75
- 76 l. Consider approval of an **Ordinance** regarding industrial waste and take
- 77 any action necessary.
- 78
- 79 m. Consider approval of an award of a bid for Ralph Hall Parkway Phase 2B
- 80 Landscaping and Irrigation Improvements and take any action necessary.
- 81

82 Councilmember Cotti requested that items 5f and 5l be pulled and then made a motion to

83 approve the remaining items on the Consent Agenda. Councilmember Morris seconded

84 the motion and the ordinance was read as follows:

85

86 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,

87 TEXAS, AMENDING THE SIGN CODE IN SECTION III.B.15 TO PROVIDE FOR

88 ADDITIONAL BANNER SIGN REGULATIONS; PROVIDING FOR A PENALTY

89 OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS

90 (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER

91 CLAUSE; PROVIDING AN EFFECTIVE DATE.

92

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

94

95 Councilmember Cotti stated that he had pulled item 5f because it was the purchase of

96 Ford Crown Victoria police cars. Cotti wanted to know if there were going to be any

97 ramifications if we purchased the cars. Police Chief Mark Moeller stated that Ford had

98 taken steps to alleviate the problems and had provided shields at no cost and the

99 Department has installed trunk packs. The only thing that they have not purchased is the

100 fire suppression pack, which would cost the City \$52,360 for all of its police cars.

101 Moeller stated that the only other car available is the Dodge Interceptor, which is much

smaller. Moeller stated that with all the current testing performed by Ford that he is comfortable with the changes made and recommends approval of the purchase of the Crown Victorias. Councilmember Cotti then made a motion to approve item 5f. Councilmember Morris seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti stated that he had talked to Assistant City Manager Rick Crowley concerning consent item 5l and asked Mr. Crowley to give the remainder of the Council a status update on the matter. Crowley stated that the City is served by two sewer plants and the City is obligated to provide the pretreatment program. Periodically circumstances change and we have to re-calculate the requirements. This ordinance is to keep us in compliance with state and federal regulations. Cotti then made a motion to approve the request and Councilmember Morris seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL TEXAS; TO BE KNOWN AS THE INDUSTRIAL WASTE ORDINANCE; PROVIDING REGULATIONS FOR THE DISPOSAL OF SEWAGE AND THE USE OF PUBLIC SEWERS; REGULATING THE DISCHARGE OF INDUSTRIAL WASTES INTO THE SANITARY SEWER OF THE CITY; REGULATING SEWER AND MISCELLANEOUS DISCHARGES; PROVIDING FOR A PERMIT SYSTEM WITH DENIAL, SUSPENSION, REVOCATION AND AN APPEALS PROCESS; PROVIDING A PENALTY CLAUSE AND A REPEALING CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

APPOINTMENTS

- 6a. 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.

Homer Flores, Chairman of the Planning and Zoning Commission, came forward to address the Council. Flores discussed the various items on tonight's agenda and stated that both items were unanimously approved by the Commission. There were some issues regarding Carrabba's, but they met with the Architectural Review Board and those issues were ironed out.

- 6b. Appointment with Chuck Todd for a status report on the design status of the Clark Street project and take any action necessary.

Chuck Todd, City Engineer, gave a Power Point presentation on the status of the Clark Street Project. Todd stated that there will be landscaping, calming devices and parking niches. The project will start in June 2004 and take about a year to complete. They will do the project by section in order to avoid traffic problems.

Councilmember Raulston asked how long the medians were. Todd replied that they would vary in size to a few hundred feet.

Councilmember Morris asked if the City was receiving fewer complaints about truck traffic on Clark. Julie Couch, City Manager stated that she had not received as many

calls. Morris then asked Todd how the asphalt road would wear. Todd stated that it would be ever bit as strong as concrete.

Councilmember Cotti asked if the drawing of one of the medians showed a tree in it. Todd replied no, that it will all be low shrubs. Cotti told Todd that he appreciated the work he had put in on this project.

Councilmember King asked Todd about the parking niches. Todd stated that the niches will have parallel parking. Homeowners will still have their driveways, the niches will provide extra, off-street, parking to the area homeowners. King stated that the niches were large enough for an RV or car/boat. Todd stated that when he inspected the area prior to planning the project that he saw mostly cars – no RV's or boats.

Mayor Jones told Todd that just because he had received a few questions, it did not mean he is not doing an outstanding job.

- 6c. Appointment with Mary Smith regarding intent to refinance certain debt items.

Mary Smith advised the Council that interest rates had dropped since the bonds were issued and our financial advisors had recommended refinancing the bonds. There will not be an extension of the payoff date. The sale will take place December 1, 2003, and we will have our ordinance then. State law provides that the sale is effective immediately upon reading the ordinance so there is no action tonight.

Mayor Jones told Smith that she had done an outstanding job.

Councilmember King asked about the savings. Smith advised that the savings are scheduled over the years and an exact amount will depend on the rates.

PUBLIC HEARING

- 7a. **P2003-023** -- Hold a public hearing for a request from Penny Tunnel for a residential replat of Lot 8, Block B, Oaks of Buffalo Way Addition, being a 1.51-acre tract zoned (SF-E/1.5) Single-Family Estate district and located at 2020 Winding Oaks Court and take any action necessary. (1st Reading)

Robert LaCroix, Director of Planning and Zoning, discussed the background of the request. The replat involves a ten foot (10') wide "Common Area Access Easement" that runs along the northern boundary of the subject lot. The applicant is requesting removal of the easement.

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

Penny Tunnell, 2020 Winding Oaks Court, Rockwall, Texas 75032, the applicant came forward and requested approval of the replat.

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

Councilmember McCallum stated that he had recently moved into Ms. Tunnell's neighborhood and that she has a beautiful home and that he would support this request.

Councilmember Morris 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.

SITE PLANS / PLATS

- 8a. **SP2003-017** -- Discuss and consider approval of a request from Michael Allen with Allen & Ridinger Consulting, Inc. for a site plan to accommodate a Carrabba's Italian Grill restaurant on a single, 1.53-acre commercially-zoned lot known as Lot 3R, Block C, LaJolla Pointe Addition - Phase I located between Laguna and Catalina Drives northeast of Village Drive and north of the westbound I-30 service road and take any action necessary.

Robert LaCroix discussed the background of the request. The site plan indicates a proposed layout for a 6,240 square foot restaurant. The site will be accessed from Catalina Drive via a common access easement that ties into the existing entrance for Saltgrass Steakhouse. An additional entrance is provided from Laguna Dr. in the rear of the site. The required parking for this restaurant is 64 spaces and the applicant is providing 122 spaces. Staff and the Planning and Zoning Commission had recommend less parking and more landscaping, but Carrabba's subsequently submitted a floor plan with 233 seats along with a letter outlining their needs for the additional parking. LaCroix then discussed the Landscape Plan, the Building Elevation and the Photometric Plan. LaCroix stated that Carrabba's meets the overlay district specifications. With regard to the roof cap, the Architectural Review Board did not like it and requested that they use treated wood. There will be wooden window sills that will require maintenance, but both the ARB and the Planning and Zoning Commission approved the use.

Councilmember Cotti asked if the treescape plan for LaJolla was for the entire development. Cotti stated that he feels the east side of the site needs more landscaping to break up the appearance of solid concrete from the front to the rear. LaCroix stated that with the retaining walls, there is not enough room to plant anything.

Mike Allen of Allen & Ridinger, the applicant, came forward and addressed the Council. Allen stated that Carrabba's biggest concern was the parking. There will be an additional retaining wall on Lot 4. Cotti stated that if there was anything they could do to add landscaping, it would be great. Allen stated that the veneer on the retaining walls will probably be concrete.

Councilmember McCallum asked how many parking spaces Saltgrass has. LaCroix stated that it has about 150-154 spaces. McCallum stated that Saltgrass has done a good of landscaping that its parking lot is not as obtrusive – most of their parking is in the back. LaCroix stated that Carrabba's parking is not in the front, it's just that Saltgrass is laid out differently. McCallum stated that he would agree regarding the retaining wall. We are working hard to be consistent and are not concerned with what works in other cities.

Councilmember Dobbs asked about the fake windows. Allen stated that that area is where the kitchen and storage will be. Dobbs asked if the landscaping on the roof is real. Allen replied yes. There are special trusses to hold the dirt and it will have drip irrigation.

Councilmember Morris stated that it sounds like they have done all they can and made a motion to approve the request. Morris stated that once the landscaping on the west side grows, it will look better. Councilmember King seconded the motion and asked if the yearly maintenance on the stain for the windows was effective. Allen stated yes. It is a part of their maintenance plan for all of the stores (150).

Councilmember Cotti stated that he would support this request. He believes in the process and what Councilmember Morris stated about the west side landscaping is true.

Councilmember Dobbs asked if they had a cross-parking agreement with Saltgrass, especially for lunch since Carrabba's is not open then. Allen stated that they would not tow any cars.

Councilmember Raulston stated that he agreed with Councilmember McCallum. We need to be consistent. Raulston stated he would support the request, but that he would be watching to be sure they follow the maintenance items.

Councilmember McCallum stated that he was torn – they have great food. McCallum stated that he does believe in consistency – we need to be sure they meet Rockwall standards.

Mayor Jones stated that he also has concerns and wants consistency within the City, but they have done as well as possible and he is going to support the request.

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

ACTION ITEMS

- 9a. Discuss and consider approval of a **Resolution** of the City Council providing for a 90-day extension of the current 120-day moratorium for accepting, processing, or granting a development application including platting, replatting, site planning and/or zoning and expanding the moratorium to include specific properties along the transportation corridors for which zoning and future use maps are inconsistent, on property that lies within five hundred (500) feet either side of current or proposed major transportation corridors along which no overlay zoning districts currently exist within the City of Rockwall and take any necessary action.

Robert LaCroix discussed the background of the request. Councilmember Raulston made a motion to approve the request and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

There being no further business to come before the Council in regular session, the meeting was adjourned into Executive Session at 7:17 p.m.

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

- 10a.** Land Acquisition for City Facilities and Park Land.
- 10b.** Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- 10c.** Deliberate commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.

TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

There being no further business to come before the Council, the meeting was adjourned at 8:15 p.m.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary