

Minutes
Rockwall City Council
December 1, 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, Billy Morris, John King and Terry Raulston. Councilmember Bob Cotti was absent. Councilmember King led the invocation and Pledge of Allegiance.

PROCLAMATIONS

3a. Rockwall Fire Department Clowns Appreciation Day

Mayor Jones read letters he received from the teachers and children at Rochelle Elementary and presented the proclamation to Fire Chief Mark Poindexter, Fire Marshall Ariana Adair, Fire Inspector James Simmons, and Rockwall Volunteer Firefighter Dale Downum.

As a surprise to the Council, Hella Shriners O.E. McGuffey, Jerry Norvell, Bob Jensen, Rob Scoggins and Forest Murley presented a plaque to the Mayor in appreciation of the City's generosity during the Shriners' "Bucket" campaign. In two days in Rockwall they raised \$12,000.00.

OPEN FORUM

No one came forward to address the Council.

CONSENT AGENDA

- 5a.** Consider approval of the Minutes of the November 10, 2003, City Council worksession and take any action necessary.
- 5b.** Consider approval of the Minutes of the November 17, 2003, City Council meeting and take any action necessary.
- 5c.** Consider approval of an **Ordinance** regarding industrial waste and take any action necessary. **(2nd Reading)**
- 5d.** Consider approval of a bid award for the Long Branch Lift Station and Force Main and take any action necessary.
- 5e.** Consider approval of a **Resolution** authorizing the City Manager to submit an application to the Texas Parks and Wildlife Department for grant funds under the Community Outdoor Outreach Program (COOP) and take any action necessary.

Councilmember Morris requested that item 5a be pulled and made a motion to approve the remaining items. Councilmember McCallum asked that item 5e be pulled and seconded Councilmember Morris' 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 by a vote of 6 ayes and 1 absent [Cotti].

Councilmember Morris then made a motion to approve item 5a and Councilmember McCallum seconded the motion. The motion passed by a vote of 4 ayes, 2 abstaining [Raulston and King] and 1 absent [Cotti].

Councilmember McCallum stated that he pulled item 5e because he wanted to know how many children we help with this program. Brad Griggs, Director of Parks and Recreation, stated that it depends on the program and the time of year. At times we have 50-55 children a day. McCallum asked if this grant could be used to provide scholarships to other organizations' programs and Griggs stated it could not. We do, however, have agreements with other organizations for scholarships. McCallum stated that a lot of the calls he has received indicated that we need a field on the south side. McCallum stated that we need to get the word out about the availability of scholarships for the various programs. McCallum then made a motion to approve item 5e and Councilmember Morris seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Cotti].

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.

No one from the Planning and Zoning Commission was present at the meeting since the only public hearing item on the agenda was the annexation.

- 6b. Appointment with Ronny Ross to discuss a request for an exception to the provisions of Resolution No. 03-02 that established a 120-day moratorium on land currently zoned (A) Agricultural and take any necessary action. (The property is located at 3027 N. Goliad (SH 205) and has an existing single-family residence.)

Robert LaCroix, Director of Planning and Zoning, discussed the background of the request. This request falls under both the AG moratorium and the SH-205 moratorium. The request is for a single-family structure which will be SF-16. The applicant was not present.

Councilmember Morris asked City Attorney Pete Eckert if the applicant had to be here. Eckert advised that he did not. Morris then made a motion to approve the request and

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

- 6c. Appointment with Ray Turco regarding citizen survey and take any action necessary.

Ray Turco gave a power point summary presentation on the results of the 2003 citizen survey. Councilmember McCallum thanked Mr. Turco for the wonderful survey and stated the survey had a lot of impact. McCallum asked if voter vs. nonvoter results were available. Turco stated that they could be prepared. McCallum wanted to know if the survey could be broken down by area. Mr. Turco stated that it could not. McCallum asked City Manager Julie Couch if the chart that showed what Staff and Council felt were important could be updated to include the citizens. Couch stated that we would be following up on this. McCallum then stated that he had to give Brad Griggs a plug – the jogging trails rated high. McCallum also noted to the Chief of Police Mark Moeller that public safety had rated high too.

Mayor Jones thanked Mr. Turco for a very good job.

PUBLIC HEARING ITEMS

- 7a. Hold a public hearing and consider a City initiated request to annex land of approximately 634.812 acres (Area 1) situated south of County Line Road, east of FM 3097, north of E. Cullins Rd, and southwest of SH-205, and land of approximately 23.02 acres (Area 2) situated southwest of SH-205 and south of Mims Road and take any action necessary.

Robert LaCroix, Director of Planning and Zoning, discussed the background of the annexation. With regard to Area 1, 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 areas 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 and 131 acres). Area 2 contains 23.02 acres and is currently occupied by the J&S Expo Center. Development of a zoning district and documentation of nonconforming uses will take time but should be possible with existing personnel, however, it will take time away from other projects and priorities. We do not anticipate any significant increases in departmental budgets for the annexation of Area 1 or Area 2. Area 2 presents some issues with fire and life safety codes and these issues will need to be addressed should the Council approve annexation of this area. These include: fire lanes at a minimum of 24' width with 3600 psi concrete are required; fire hydrants at 150 foot hose reach to the building is required; life safety code requirements for the building; egress, number of exits, hardware; emergency lighting, signs; and possible sprinkler system, fire alarm requirements.

LaCroix then discussed the Service Plan. Immediate services will include Police and Fire Services, Health Code enforcement for weeds, brush, junk/abandoned vehicles, building codes, animal control, etc. Other services will become effective within 60 days, such as solid waste pick-up. Solid waste pick-up is not available immediately because the City will need to work with the provider to facilitate implementation of the service, but it will be in effect within the 60 days. With regard to water, the City will obtain and eventual

construct mains. Tapping/sewer fees will be accessed. This is the first public hearing and no action is required by the Council tonight.

The next public hearing will be December 15, 2003. The first reading of the ordinance will be January 5, 2004 and the second reading (if the Council approves the annexation) will be January 19, 2004, which will be the effective date of the annexation.

If the Council approves the annexation, the Planning and Zoning Commission will then determine the zoning districts.

Mayor Jones then opened the Public Hearing and the following persons appeared to address the Council:

Ernie Hughes
5830 S. FM-549

Mr. Hughes stated that this is a land grab for taxes. The annexation will reduce their property values. Mr. Hughes presented a petition to City Manager Julie Couch which was signed by the landowners within Area 1 who are against the annexation. Mr. Hughes then quoted from the 14th Amendment to the Constitution and stated that forced annexation is unconstitutional and is an insult to the military personnel who are fighting for the rights of the people in Iraq.

Ms. Vicky Yarbrough
285 Ranch Trail

Ms. Yarbrough stated that taxes will be higher and that is money that the City will be taking away from the children in the area.

Rebecca Kuban
5459 S. FM-549

Ms. Kuban stated that she has a 12 acre ranch and the 7 lots from Cullins to SH-205 are deed restricted. Ms. Kuban stated that they have horses, dove hunts, free range chickens and annual fireworks. They also shoot coyotes that come on their land. Ms. Kuban stated she doesn't want to change her life style. She does not need jogging trails, she has 3000 feet of fence line that she walks and burns brush away from. Ms. Kuban stated "I'll pay you to stay out of my business." Ms. Kuban stated that there are no CIP projects south of SH-205 and asked that the Council remove the 7 lots from Cullins to SH-205 from the annexation.

Scott Blackwood
5205 S. FM-549

Mr. Blackwood stated that he moved his family to the country approximately 9 months ago and that he disagrees that it is in his best

200 interest to be annexed. "There will be a fight – what you are doing is
201 wrong."
202
203

204 **John H. Wallace**
205 **868 Wallace Lane**
206

207 We have a working farm that has been in the family since 1881. We have
208 many questions. A working farm within the city limits is a big problem.
209

210
211 **Gerald Luecke**
212 **1110 Oakmont Dr.**
213 **Richardson, TX**
214

215 Mr. Luecke stated he is part of the Wallace Family. His main point is that
216 this is a working farm – Why is it needed? He and his family enjoy coming
217 out and visiting the farm. It is important for the children. He is concerned
218 about the taxes and how they will affect the working farm. All of our family
219 says no to the annexation.
220

221
222 **Mary Jean Wallace Ackert**
223 **2241 Highwood**
224 **Dallas, TX**
225

226 Ms. Ackert stated that she was born into a rich heritage – The Wallace
227 Farm. She spent many years visiting the farm and they built the house
228 themselves. We still have people that live there. There is still virgin
229 grassland that has never been plowed. The first people that lived in the
230 area were Native Americans – she and her dad use to hunt for arrowheads.
231 Ms. Ackert asked the Council to please consider the fact that they have
232 everything they need. The County takes care of the streets – your survey
233 says you can't take of the streets you already have. You are taking the
234 country away. Leave Area 1 alone – we don't need Rockwall. You need to
235 reconsider this because you bit off more than you can chew.
236
237

238 **Bill Morton**
239 **2248 Wallace Lane**
240

241 The land is in a trust. No one can sell the land. I don't kill the wildlife, I
242 encourage it. I am against the annexation.
243
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245 **John Robertson**
246 **941 FM 1149**
247 **Owner of Area 2**
248

249 I bought the property because it was in the country. The things that have
250 been said about the facility are slander. You can't tell anything from just

251 looking at the outside. We do a lot to make that property safe. I don't see
252 that having to pay more taxes will help make it safer. We are conscience of
253 safety issues. Don't judge how I do my business. Even if this is annexed
254 in I still won't have a vote because I live in McLendon-Chisholm. I don't see
255 any benefit to the annexation. In September of 1999 there was new
256 legislation regarding annexation. I have spoken to several attorneys and
257 we don't feel that you have followed the law. If you go forward with the
258 annexation, we will file suit against you.

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261 **Sandra McClellan**
262 **259 Ranch Trail**

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264 We get no help from the County on our roads. We don't want to be in the
265 City. You aren't annexing Lake Rockwall Estates. We will sue.

266
267
268 **Karen Pope**
269 **626 E. Cullins**

270
271 Read a letter from Rebecca Pope, her 13 year old daughter. Her friends like
272 to come to her house because there is so much do to. They shoot guns,
273 have bonfires, and fireworks. Please don't take this away.

274
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276 **Mike Hopper**
277 **218 Cullins Road**

278
279 I also resist the annexation. If you are interested in quality of life then
280 focus on Happy Country Mobile Homes and Lake Rockwall Estates. We
281 don't need any help.

282
283
284 **Tony Pope**
285 **626 E. Cullins**

286
287 I have lived in Rockwall County for 9 years and we have owned our farm for
288 97 years. The taxes are too high now. It takes 6-8 weeks to just to pay the
289 school and county taxes. If we are annexed, am I going to be reimbursed
290 for costs? There are easements in the area. Jeff Boyd is his granddad and
291 has autos on the land.

292
293
294 **Shiree Manning**
295 **5879 FM-1139**

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297 I am here to protect my mother's land – 10 acres. She has had it since
298 1967. We don't want to be annexed. You need to start with Happy Country
299 Mobile Homes.

J. C. Crabtree
6052 S. FM-549

If we are annexed I'll give you the bill I received for \$87,000 for the run off. At 3097/549 there are 3 water lines on that property – Kelly's property). Why are you paying to put in a line? It was in the paper. (Julie Couch stated that the City of Rockwall was not putting in a water line there at this time.)

Phil Hicks
5942 S. FM-549

I live here and raise my children in the country – the way all children should be raised. I don't want to be annexed.

Don Wallace
330 H. Wallace Lane

I have a small trucking operation that I run out of my house. I don't need anyone telling me I can't park my truck at my house. There is no benefit from the annexation.

Russell Kelly
3322 Lakeside Drive

I know several of you personally. 38 states have made annexation illegal. I need to feel comfortable that you are making the right decision. People are begging you – "Don't annex my land!" You have the power. Do what is in your hearts – do the right thing!!!

Gary Sinclair
5904 S. FM-549

Can we ask questions? (Attorney Eckert said he could.) Why not Lake Rockwall Estates and Happy Country Mobile Homes?

Greg Ward
302 Ranch Trail

I have my own theory why you don't annex Happy County Mobile Homes. I have to share in their misery. Their dogs kill my goats and cows. We have parties for the kids – yes, we have bonfires. We don't want to be annexed. We enjoy our lives just the way they are. Don't annex us.

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

Mayor Jones stated that no action would be taken tonight and that the Council would take their comments into consideration. Jones advised that the next public hearing would be December 15, 2003.

ACTION ITEMS

- 8a. Consider adoption of an **Ordinance** authorizing the issuance and sale of the City's General Obligation Refunding Bonds, Series 2003; levying an annual ad valorem tax and providing for the security for and payment of said Bonds; approving the official statement; calling outstanding bonds for redemption; providing an effective date; and enacting other provisions relating to the subject and take any action necessary.

David Medanich of First Southwest came forward to address the Council. Mr. Medanich advised that the City retained its rating on the bonds and that the City would save approximately \$205,000 over the term of the bonds. Mayor Jones thanked Mr. Medanich for saving the citizens the \$205,000. Councilmember Morris made a motion to approve the ordinance and sale of the bonds and Councilmember Raulston seconded the motion. The ordinance was read as follows:

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2003; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; CALLING OUTSTANDING BONDS FOR REDEMPTION; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

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

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

- 9a. Departmental Reports
9b. City Manager's Report

Julie Couch, City Manager, advised that the tree lighting ceremony would be held on Thursday, December 04, 2003, at 7:00 p.m. at City Hall and that it will be the kick-off of the Sesquicentennial Celebration. Couch also advised that there will be an Open House at City Hall after the Christmas Parade on Saturday, December 6, 2003, from 10:00 a.m. until Noon. Couch also advised that The Harbor Project, Phase 1 will be presented to the Planning and Zoning Commission on Tuesday, December 2, 2003 and that it would be on the Council's December 15th agenda.

Mayor Jones let everyone know that there will be 20 Dancing Santas and their elves all over town on Friday, December 5, 2003.

There being no further business to come before the Council in regular session, the meeting was adjourned into Executive Session at 8:20 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.
- 10d. Litigation regarding code enforcement issues.

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 10:00 p.m.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

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**MINUTES
ROCKWALL CITY COUNCIL**

December 15, 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, and Terry Raulston. Councilmember John King was absent. Councilmember Morris led the invocation and Pledge of Allegiance.

PROCLAMATIONS

3a. Proclamation recognizing Rosemary Hanrahan.

Mayor Jones read a proclamation recognizing Rosemary Hanrahan for becoming a United States citizen in June 2003 and her dedication to volunteering in her community and for the City of Rockwall.

3b. Centennial of Flight Day

Mayor Jones also presented a proclamation to the Rockwall Civil Air Patrol members recognizing the 100th Anniversary of the Wright Brothers first heavier-than-air powered flight and the CAP's service to Rockwall.

CONSENT AGENDA

4a. Consider approval of the Minutes of the December 1, 2003, City Council meeting and take any action necessary.

4b. Consider approval of an engineering contract with Brockett, Davis & Drake for The Harbor public improvement area and take any action necessary.

4c. Consider approval of a landscape architectural contract with TGB for The Harbor public improvement area and take any action necessary.

4d. Consider approval of a Resolution regarding cash in lieu of land fees and take any action necessary.

4e. Consider approval of a pro rata equipment fee for parks and take any action necessary.

4f. Consider approval of an agreement with the REDC for funding of The Harbor public improvement area and take any action necessary.

Councilmember Cotti made a motion to pull item a and f, and to approve items b, c, d and e. Councilmember Morris seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (King).

Councilmember Morris made a motion to approve item a. as written. Councilmember Raulston seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain (Cotti), and 1 absent (King).

Mary Smith provided the following information concerning item f. to the City Council: Section 2, (b)(i) in the first sentence the last day of September should be 30, a statement reflecting the general terms of the proposed Certificates of Obligation including but not limited to term, rate, payment amortization, language that limits the REDC's ultimate costs of the improvements, and a provision that allows the REDC to participate 100% in the proceeds, if any, that may be derived from third parties funding access or similar rights to those improvements the REDC is directly creating. With that explanation, Mayor Jones made a motion to approve item f. Councilmember Raulston seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (King).

APPOINTMENTS

- 5a. 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 discussed cases due for consideration by the Council on the agenda.

- 5b. Appointment with Jerry Sylo, representative for Rockwall Properties, to discuss a request for exceptions to the provisions of the Agriculture moratorium and roadway corridor moratorium and take any necessary action. (The property is located near the intersection of FM 1141 and SH 66).

Jerry Sylo, representing Rockwall Properties gave a presentation for a development in the Oak Creek Subdivision, east of Williams Middle School and south of SH-66. Councilmember Cotti asked Robert LaCroix if the proposal was in line with the Comprehensive Plan for long-range planning in this area. Robert LaCroix said this area is currently scheduled for medium density residential. The moratoriums will expire in March on the overlay districts and the agriculture moratorium expires around February 1st 2004. Councilmember Cotti stated that he wants to wait for the review of land uses before making a decision. He also expressed concern that the realignment of SH-66 has not yet been finalized. Mr. Sylo indicated that waiting would cause problems for his client. Rockwall Properties needs this project in order to move forward with other developments in the area.

Councilmember McCallum asked what type of development would be built. Mr. Sylo described a development with common open space, architecture associated with the downtown area as though it were an extension of the downtown, and a neo-traditional design. Councilmember McCallum asked if the vision of Rockwall Properties was to build an extension of the downtown and incorporate duplexes within that development. Mr. Sylo explained that with the residential development, the number of duplexes would be reduced from approximately 78 to approximately 40 residences. Councilmember McCallum asked Mr. LaCroix if the rezoning of the land south of SH-66 could be rezoned

as part of this action. LaCroix said that the City could entertain rezoning the property, but the property is vested due to a final plat.

Councilmember Dobbs expressed concern about the affects of greenbelts south of the future SH-66 and the location of the electric easement. He wanted to know if some lots would be realized adjacent to the electric right-of-way.

Mayor Jones made a motion to table this request until the end of the moratoriums. Councilmember McCallum seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (King).

- 5c. Appointment with Ron Wyatt to discuss revising the Tree Preservation Ordinance and take any necessary action.

Ron Wyatt and Helen Elkins discussed the Tree Preservation Ordinance. Mr. Wyatt would like the ordinance to be more restrictive and protect more trees. His group would like to work with the City to make recommendations to strengthen the ordinance. Councilmember McCallum likes the idea and wants to address the over banking of trees and look for places to transplant or save existing trees in lieu of banking tree money for purchasing trees in the future. He stressed that mitigation is not preservation. Julie Couch said City Staff will look at this program and believed this could be achieved in certain projects like the Harbor Project.

Councilmember Cotti thanked the presenters and proposed that City Staff look at the proposal from Mr. Wyatt's group and which recommendations can be incorporated into our existing Tree Preservation Ordinance. Morris thanked the presenters as well. Robert LaCroix said he and his staff would work with Mr. Wyatt and study what other cities in the metroplex are doing with tree ordinances. He wants to provide the best ordinance for the City and make it a part of the Comprehensive Zoning Ordinance.

- 5d. Appointment with Youth Advisory Council members regarding status of skateboard ordinance and take any action necessary.

Rachel Hall and Meagan Wilson presented a status report and recommendations concerning the skateboard ordinance. The recommendations include skate proofing, sidewalks, various bannings, and new skate parks.

Councilmember Cotti asked how many skaters there are in the City. It wasn't known for sure, but the sport is increasingly popular. The results of a survey conducted by the Youth Advisory Council doesn't determine that but 110 surveys were distributed and approximately 75% returned and validated. Dorothy Brooks will develop an ordinance based on recommendations provided by the YAC. The YAC will present the proposed ordinance at a January 2004 Council meeting.

Councilmember McCallum asked that the remaining YAC members in the audience stand and be recognized. Councilmember Raulston thanked the YAC for their hard work and said that private property owners must make the decision on their properties, but the City would take these recommendations and consider them for the future.

Councilmember Dobbs suggested that the YAC approach the school district to make skating a school sponsored sport.

- 5e. Appointment with Rockwall Breakfast Rotary President Stephen Straughan to discuss the National Child Identification Program and take any action necessary.

Stephen Straughan gave a presentation on the National Child Identification Program and showed an informational DVD. This program is sponsored by the American Football Coaches Association and the Rotary. Councilmember Cotti made a motion to approve a resolution in support of the program. Councilmember Dobbs seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (King). At Mayor Jones' request, Councilmember Cotti read the resolution aloud for the audience.

- 5f. Appointment with Gerald Houser, owner of Highway 276 Self Storage, to discuss a request for an exception to the provisions of the moratorium on certain roadway corridor and take any necessary action.

Gerald Houser is asking for a waiver of the moratorium on property he owns on the north side of SH-276. He wants to develop the back 2 acres adjacent to his existing facility. Councilmember Cotti made a motion to approve the request. Councilmember Morris seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (King).

PUBLIC HEARING

- 6d. **Z2003-015** -- Hold a public hearing and consider approval of an **Ordinance** for a request by Dwight Bosworth of Marine Quest Chandelers Landing for an amendment to City of Rockwall Ordinance No. 02-50, specifically to allow for the display and sales of new boats at the existing 3.5488-acre Chandelers Landing Marina development situated within the E. Teal Survey, Abstract No. 207 and located on the south west end of Henry M. Chandler Drive and take any action necessary. **(1st Reading)**

Robert LaCroix discussed the issues of the case. The request is to use an open space area to display new boat sales. This area is not designated in the PD, which was amended last year to allow for specific areas for this type of use. There are issues with ongoing code compliance at the existing facility and the issue of access for fire service. City Staff and the P&Z are against the request. The applicant has withdrawn the request, but after the posting of the agenda. City Attorney Pete Eckert informed the Council that since the request is currently in the jurisdiction of the Council, it could be heard and action taken despite the withdrawal of the request by the applicant. Councilmember Cotti asked Mr. Eckert if the Council grants the withdrawal, when could a subsequent application be made. Mr. Eckert said an application could be made as early as the next Planning & Zoning development cycle begins. He informed the Council that if the request is heard and denied, then the applicant must wait 1 year. Councilmember Cotti asked to hear the case. Mayor Jones opened the public hearing. Kathy Givens, 23 Live Oak Lane, Lake Dallas, Texas, representing the applicant explained why the request was

192 withdrawn. Ron Coleson, 228 Sovereign Court, Rockwall, Texas, spoke against the
193 request. He believes the code violations should be corrected and worries that the boat
194 operations would spill over into the parking lot. Mayor Jones closed the public hearing.
195 Councilmember Morris made a motion to deny the request with prejudice.
196 Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1
197 absent (King).
198

- 199 **6c. Z2003-014 --** Hold a public hearing and consider approval of an *Ordinance* for a
200 city-initiated amendment to (PD-9) Planned Development No. 9 to add
201 approximately 36.5427 acres currently zoned (A) Agricultural district, including a
202 portion of the Rainbow Lake Estates subdivision and various tracts located
203 southwest of Rainbow Lake Estates and north of White Road and take any action
204 necessary. **(1st Reading)**
205

206 Robert LaCroix discussed the issues of the case. This is the Rainbow Lake Estates area.
207 Home construction has now begun in this development. City Staff recommends
208 extending a previous annexation and rezoning to provide proper zoning for the current
209 construction being built. Staff asks for a 5-foot landscape buffer along Tubbs Road.
210 Mayor Jones opened the public hearing. Councilmember Raulston inquired about the
211 extension of Rainbow Road. LaCroix said that extension was part of the developer's
212 agreement and would be built in the future. Mayor Jones closed the public hearing.
213 Councilmember Morris made a motion to approve the request. Councilmember Cotti
214 seconded the motion. The ordinance was read as follows:
215

216 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE
217 COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS
218 PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM "A"
219 AGRICULTURAL TO "PD-9", PLANNED DEVELOPMENT NO. 9 DISTRICT, FOR A
220 36.5427 ACRE TRACT BEING A PORTION OF THE RAINBOW LAKE ESTATES
221 ADDITION AND ALL OF TRACTS 4-1 AND 4-3, ABSTRACT 207, AND MORE FULLY
222 DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS;
223 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
224 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
225 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR
226 AN EFFECTIVE DATE.
227

228 The motion passed by a vote of 6 ayes and 1 absent (King).
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- 230 **6b. FF2003-003 --** Hold a public hearing and consider a request by John and
231 Mary Jewell for a front yard fence and arbor structure at 7131 Holden Dr,
232 a 0.23-acre (10,000 sf) property zoned (SF-10) Single Family Residential
233 and legally described as Lot 16, Block B, Harlan Park Phase 1 and take
234 any action necessary.

235
236 Robert LaCroix discussed the issues of the case. The applicant has built a front yard
237 fence and arbor structure without a permit and is located in City right-of-way. Both
238 exceed height limitations. There is no variance for a fence in the right-of-way. Twenty-
239 two notices were sent and 7 responses received back in opposition of the fence. The
240 Planning & Zoning Commission denied the request for a variance 6-0. Mayor Jones
241 opened the public hearing. Councilmember McCallum asked if we have granted
242 permission for front-yard fences in the past, but just not in this neighborhood. LaCroix
243 said that was true. Councilmember Raulston asked if work needed to be performed in

the ROW, would we have to move the structure. LaCroix said that was true and that the City would not replace the structure. Councilmember Cotti made a motion to continue the public hearing since the applicant was not in attendance. Councilmember McCallum seconded the motion. The motion passed by a vote of 6 ayes and 1 absent.

- a. **A2003-002** -- Hold a public hearing and consider a City initiated request to annex land of approximately 634.812 acres (Area 1) situated south of County Line Road, east of FM 3097, north of E. Cullins Rd, and southwest of SH-205, and land of approximately 23.02 acres (Area 2) situated southwest of SH-205 and south of Mims Road and take any action necessary.

City Attorney Pete Eckert asked Robert LaCroix some legal questions regarding the annexation. He asked Mr. LaCroix to describe the notices in the newspaper. Mr. LaCroix said he had the publisher's affidavit published on November 19, 2003, which was held on December 1, 2003. He marked it exhibit 1 for the record and handed it to the City Secretary. The second notice appears in the newspaper on December 3, 2003 for the December 15, 2003 meeting. He marked the second notice as exhibit 2 and handed it to the City Secretary for the record. The publisher's affidavit has not been received as of this date and Mr. Eckert asked that the record remain open until such time that it is received. A list of notices and property owners in the affected area of the proposed annexation was also noted. Mr. LaCroix marked it as exhibit 3 and gave it to the City Secretary for the record. State law requires that notice be place on the website if the governmental entity has a site. Mr. LaCroix explained that the notice did not appear on the website due to the City losing the ability to maintain the site. The external company responsible for hosting the site experienced technical problems that were never corrected, ceasing their operations, leaving the City without access and ability to update the content of the site. This began around the first week of September 2003. The City was unable to use the website for the purpose of these notices. The City has purchased the rights to the site and is currently in the redesign phase and plans to launch the site in February 2004.

Mr. LaCroix discussed the issues associated with the annexation. Area 1 is approximately 634.812 acres and Area 2 consisting of approximately 23.02 acres southwest of SH-205 and south of Mims Road. Immediate services provided to Areas 1 and 2 are police, fire, health and code compliant services, street maintenance, building codes, animal control, and general complaints. He also discussed that any structure under construction at the effective date of the annexation are exempted. Water and wastewater service will occur in the future after the City incorporates the service area into the water and wastewater master plans. Mr. LaCroix explained that our current annexation plan does not include Lake Rockwall Estates and that the City must have a proposed area for annexation on its plan if it exceeds 100 residences, which Lake Rockwall Estates does. The City will look at its plan for annexation of Lake Rockwall Estates in the future. Once an annexation plan is established, it takes 3 years before that area can be annexed. Current uses can continue in Areas 1 and 2; however, if the use is changed or expanded, it must be approved by the City. All new structures must be approved by the City and meet its building standards. He also explained that working farms may remain and possibly be zoned as agricultural. Mayor Jones opened the public

hearing. Councilmember Raulston asked about the boundary with the City of Heath. Julie Couch explained that the corner of FM-3097 and FM-549 was actually in the City of Rockwall's ETJ. The boundary adjustment actually brought the property being proposed for annexation into the Rockwall ETJ after the City of Heath deannexed it from their city limits. The following citizens spoke about the proposed annexation:

Ann Wallace Morton, 224 H. Wallace Lane

She is against the annexation, the land has been in her family for 120 years as a farm and ranch. This farmland is the last true prairie land, never been plowed. Want the land to stay as a working farm. They have a family partnership that will insure this. They currently have law enforcement and fire service, septic systems that work, trash pickup. She wants to know what the City could offer them that they don't already have. She's worried about the restrictions that will be imposed by annexation. LaCroix said future development will occur east of their property. When development does occur, sewer service will be extended to them.

Patricia Wallace Luecke, 1110 Oakmont Drive, Richardson, Texas

Owns property in Area 1. Believes annexation is not wrong but forced annexation is wrong. Currently lives in the City but wants to retire in the country. If her property is annexed, she will lose that opportunity. Doesn't want the City to control their lives. If annexation is forced, they should get to vote if they want to be added to the city. Wants to form a committee of City officials, Rockwall residents, and property owners affected by this annexation to come together and find a solution that would be beneficial to everyone.

John H. Wallace, 868 H. Wallace Lane, Rockwall, Texas

H. Wallace Lane is named after his grandfather who purchased the land in 1881. He was a cattleman and farmer. Mr. Wallace is the third generation. Said the Mayor and Council and City Staff are fair and honest, but they have no representative to speak on their behalf and hope the Council will consider the down sides as well as the benefits of annexing this area.

Gerald Luecke, 1110 Oakmont Drive, Richardson, Texas

Member of Wallace family by marriage. The family limited partnership was formed to keep the land together and keep it a working farm. Concerned about the restrictions annexation brings in limiting the operations of the farm. The increase of taxes could cause a deficit to the farming operations. Wants to also preserve the native prairie grassland. Proposes that development restrictions be made on the property if it is agreed not to be annexed. Asked that careful consideration be made and not force annexation on them.

Ramona Lafavors, 1927 Random Oaks Drive, wants Council to consider annexing Lake Rockwall Estates into the City of Rockwall. She has lived there since 1986 and wants to have pride in her neighborhood again.

Clyde Schremp, 1933 S. Lakeshore Drive

Doesn't live in either areas, but thinks forced annexation is wrong. Proposes that the City find a compromise where everyone benefits. Asked Mr. Eckert if a legal compromise could be done. Mr. Eckert said annexation is a legislative prerogative of the Council and there are agreements that have been executed in the past.

Rebecca Kuban, 5459 S. FM-549

Has 12 acres on FM-549. Lots are deed restricted for no less than 6 acres. She's worried about the change in lifestyle. Doesn't like the same restrictions as a person living in a subdivision for her property if annexed. She sees no other privilege other than being taxed. Believes the City can control development without annexing by extending its extra-territorial jurisdiction. Doesn't understand why the City hasn't put a plan in place that will address the needs of low-income residents.

Todd White

Speaking for John Robertson and the Rockwall Indoor Sports Expo located in Area 2 of the annexation. Does not favor annexation and feels that anyone benefits from annexation. The City has initiated various moratoriums and suggests that the City is stretched thin and cannot handle the growth. He spoke of the difficulties in extending services such as water and wastewater to annexed areas. He also told the property owners to get ready for strict building standards, warrants, and inspections of their properties.

Leslie Wilson, 535 Cullins Road

Wanted to know who decided on the annexation of this area. Mayor Jones explained that a decision was made at an annual planning retreat to look at certain areas for possible annexation. Julie Couch said the City routinely examines the level of growth in its ETJ and takes measures through annexation to control the growth in the area. The City of Rockwall has conducted annexations since 1986 as necessary to control the growth surrounding the city. Development is occurring in this area, across the roadway from the city limits of Rockwall. Ms. Wilson said that 100% of the population of area 1 is opposed to annexation while many areas have been annexed voluntarily by the City in the past. She feels like the City is using a loophole around the state requirements in order to annex. Mr. LaCroix said the City is following state law in the annexation process. She hoped that the Council would take into consideration what the homeowners wish in this matter.

Earnie Hughes, 5830 S. FM-549

Mr. Hughes said he believes the City did not follow due process and violates the 14th Amendment because involuntary and forced annexation is unconstitutional in the state of Texas when citizens are not given the opportunity to vote in the matter. In addition, he believes the City violated public notice laws because the website was not maintained and information placed on it concerning the annexation. Objects to the limited time given to speak and the 7 Council members having the fate of so many in their hands. Feels that the City is annexing for their tax money and is concerned about losing the rural way of life he's enjoyed in the past. He too is concerned about the Lake Rockwall Estates community.

Bill Morton, 224 Wallace Lane, read a letter from Michael H. Wallace. (copy not given)

Is concerned about the barbed wire fence and the eight acres he and his wife own. He loves nature and was concerned about utility lines going through his property. Julie Couch stated that the City of Heath is building a main transmission line for direct distribution from the North Texas Municipal Water District. He then read the letter from Michael H. Wallace, 6271 Horizon Drive. Also opposes the annexation. Mr. Wallace feels the City is discriminating against Lake Rockwall Estates because its not aesthetically pleasing, and that it does not add value to the tax roll, unlike the properties proposed for annexation. Feels the City should amend its annexation area to include Lake Rockwall Estates and exclude the Wallace properties.

Sandra McClellan, 259 Ranch Trail

Doesn't believe the level of services will improve if annexed. Doesn't think state laws were followed. Doesn't want city services, doesn't need city services.

Kurt Kail, 555 FM-3097

Lives in Area 1. Didn't sign the list opposing annexation at first, but is going to sign after tonight's meeting because he's learned the facts of the case. Feels annexation is wrong.

Russell Kelly, 3322 Lakeside Drive

Believes the city will collect tax money and will not provide much in return, except parks. Feels the County is doing a good job already in controlling the area and enforcing the laws concerning firearms and fire works. Said

property is too expensive for people to buy land and put anything but high-quality structures on them. Everyone is against annexation. Said the Rockwall Indoor Sports Expo is a tremendous facility that is a benefit to the area. Concerned that the city is circling Lake Rockwall Estates and leaving enough out to circumvent state law.

Tony Pope, 626 E. Cullins Road

Said the City should not spend money to build another fire station and improve FM-3097 because they have an existing station 3 miles away and TXDOT will improve the roadway in the future.

Scott Blackwood, 5205 S. FM-549

Echoed the concerns of those before him. Wants an explanation and justification of annexation. Hasn't heard valid reasons for skipping Lake Rockwall Estates and taking in Area 1. Said the City should annex Lake Rockwall Estates incrementally. Said he purposely moved out of the City. He said it's confusing what he can and cannot do if annexed. He doesn't believe services will get better if annexed.

Phil Hicks, 5942 S. FM-549

Said the Council is being partial by annexing their area.

Mary Jean Wallace Akert, 2241 Highwood, Dallas, Texas

Feels they are being taxed without representation. It isn't right for the state of Texas to give the right of annexation without representation. They want to be treated equally.

Archie Kelly

Lives by the sewer plants and built buildings in the past. Has made the best use for the property.

Deborah Sinclair, 5904 S. FM-549

Wants to know how it will affect the motorcycle track they built on the property and the cars they fix. Doesn't need parks and other services. Said the people who really need help are being over looked in Lake Rockwall Estates.

J.C. Crabtree, 6052 S. FM-549

Wants City to clean up Lake Rockwall Estates. Said 120 voters would use their right to vote if annexed. Kids live in filth in the mobile homes. Wants

the City to annex LRE and do the right thing and give people a clean place to live.

Morris Kelly, 235 County Line Road

No taxation without representation. Wants the City to do the right thing and vote no to annexation.

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

SITE PLANS / PLATS

7a(1). P2003-027 -- Discuss and consider a request by T.F. Stone Companies, Inc. for a preliminary plat for an 8.089-acre tract to be known as Lot 1, Block A, Rockwall Commons Addition, located along the east side of Ridge Rd (FM 740) within the (PD-1) Planned Development No. 1 district, which has been designated for mixed use development and take any action necessary.

Robert LaCroix discussed the issues of the case. He discussed the preliminary plat. It is intended to accommodate the mixed used project which comprises over 46,000 square feet of office / retail space and 202 multi-family units. The property is located on Ridge Road with the Brookshire's Shopping Center on the north and the railroad on the east. P&Z recommended approval. The ultimate ratio of non-residential to multi-family at approximately 3.8/1. All parking for residential will be located in the back. This development will be a pedestrian friendly development. The development has 35% landscaping / open space, far exceeding the 20% requirement. There are a number of trees being removed but many trees will be replaced on the site.

Councilmember Morris asked about the minimum and maximum size of the residential units. Tom Stone with T.F. Stone Companies discussed the project and explained that the proposed project will be the highest valued asset on the tax roll because it is valued at between \$24-\$26 million. At the current tax rate, The Commons would generate over \$600,000 in tax revenue per year and will raise the value of adjacent problems.

Greg Faulkner with Humphrey's Partners discussed the site plan and size of the apartments. Most of the retail space is located in the front of the structure with residential units over the retail and in the rear of the property. One bedroom apartments will comprise approximately 65% of the residential space, 31% will be two bedroom, and 4% will be three bedroom units. The sizes range from approximately 700 square feet up to approximately 1600 square feet on the larger units. These apartments will be geared toward young professionals and not necessarily for families. Mr. Stone said the one bedroom units range from 688 square feet to 905 square feet, the two bedrooms range from 972 square feet to 1270 square feet and the three bedrooms are from 1417 square feet to 1621 square feet. The average for one bedroom is 769 square feet, two bedrooms average 1067 square feet, and three bedrooms average 1516 square feet.

Councilmember Cotti asked the distance from the rear of the development to the single-family residences across the railroad track. Mr. Faulkner estimates the distance to be approximately 1000 feet.

Councilmember Raulston stated that he likes what he sees compared to the last version, especially the 202 apartments compared to the original 222 apartments. Councilmember Raulston made a motion to approve the request. Councilmember McCallum asked about the square footage of retail space included in the project, which is approximately 46,000 square feet. He asked for examples of businesses that might be moving into the retail space. Mr. Stone couldn't provide that information. Councilmember Cotti seconded the motion. The motion failed by a vote of 2 ayes (Cotti, Raulston) and 4 nays (Morris, Jones, Dobbs, McCallum) and 1 absent (King).

Mayor Jones made a motion to reconsider the request. Councilmember McCallum seconded the motion. The motion passed by a vote of 4 ayes (Raulston, Jones, Dobbs, and Cotti) and 2 nays (Morris, McCallum) and 1 absent (King).

7a(2). SP2003-019 -- Discuss and consider a request by T.F. Stone Companies, Inc. for site plan (including building elevations, landscape plan, treescape plan, and photometrics) approval of an 8.089-acre mixed use development located on the proposed Lot 1, Block A, Rockwall Commons Addition, situated along the east side of Ridge Rd (FM 740) and zoned (PD-1) Planned Development No. 1. The proposed development features 202 multi-family units in addition to office and retail uses and take any action necessary.

Councilmember Cotti made a motion to approve the request. Councilmember Raulston seconded the motion. The motion passed by a vote of 4 ayes (Jones, Cotti, Raulston, Dobbs), 2 nays (Morris, McCallum) and 1 absent (King)

7b(1). P2003-028 -- Discuss and consider a request from Rob Whittle of Whittle Development, Inc. for preliminary plat approval of a 2-lot, 23.65-acre tract to be known as Lots 1 and 2, Block A, The Harbor - Rockwall Addition, located along the Lake Ray Hubbard shoreline south of I-30 and north and west of Summer Lee Drive. The subject site is zoned (PD-7) Planned Development No. 7 and take any action necessary.

Robert LaCroix discussed the issues of the request. The two lot 23.65 acre tract is zoned PD-7 and is being preliminary platted to accommodate construction of an office, retail, cinema, hotel and restaurant development to be called The Harbor. This will be phase 1 of the development. Staff and P&Z recommend approval of the request on conditions of meeting all site plans and engineering requirements. The project developer, Rob Whittle, also discussed the merits of the request. Councilmember McCallum asked about citizen concerns and the view corridor study and tree removal. City Staff is looking at ways to transplant trees and offering residents the opportunity to take those trees and mitigating trees over a longer period of time – a phased mitigation to gauge where the best use of those trees would be.

558

559 Mr. Whittle showed the fly-over DVD of the proposed development and described the
560 attributes of the development. After meeting with homeowner groups, they reduced the
561 hotel from six to five stories and made all retail elements that were originally three story
562 to one and two story structures to try and address concerns of property owners backing
563 up to the development about obstructing current lake views. A comprehensive study
564 was conducted of each property owners exact view corridor, showing what they had
565 today, what they would lose, and what they would gain. Mr. McCallum thanked Mr.
566 Whittle for his effort and hard work to address the concerns of the property owners and
567 that as many trees are being preserved as possible. Julie Couch said a program for
568 property owners to take the trees for transplanting and through mitigation can be done
569 once the developer has identified those trees. Mr. Whittle said those trees can be
570 identified with a ribbon and a coordinated effort undertaken in the near future.

571

572 Councilmember Dobbs asked about the trees on I-30 blocking the site of the
573 development. Julie Couch said the City has talked to TXDOT about clearing some of the
574 growth. Councilmember Raulston made a motion to approve the request.
575 Councilmember Cotti seconded the motion. Nancy Parsons, 1791 Lacosta Drive, spoke
576 about her concerns with regard to safety, traffic, pollution, noise, and lights.
577 Councilmember Morris asked her what she would like to see developed on the site. Ms.
578 Parsons said she thinks a smaller scaled development without the theater would be
579 better. Terry McBain, 2828 Mira Vista, had the same concerns and what the City will do
580 for the residents. She's concerned about safety and vandalism, light and traffic. Julie
581 Couch discussed how the City will address their concerns. A traffic study was
582 conducted at FM-740 and Summer Lee Drive and that intersection will be signaled with
583 traffic lights in the future. The City's traffic engineer is developing a plan for traffic
584 calming from Porto Fino Drive up to the intersection of FM-740 and Summer Lee Drive
585 occurs in order to minimize and discourage people from using that route as the primary
586 entrance to the development. Additionally, right-of-way at the intersection to add turn
587 lanes to help the flow of traffic. The City will establish a public improvement area and
588 will provide professional security services and maintenance services on both the public
589 and private sides of the project. Mayor Jones reassured the property owners that the
590 city staff and the City Council are aware and responsive to their concerns.

591

592 Councilmember Cotti said lighting, noise and other concerns will be addressed during
593 the site plan approval process.

594

595 The motion was passed by a vote of 6 ayes and 1 absent (King).

596

597 **7b(2). SP2003-020** -- Discuss and consider a request from Richard Nordyke of
598 O'Brien and Associates, Inc., for site plan approval (including landscape
599 plan, building elevations, etc.) of a 31.8-acre development known as "The
600 Harbor," which includes cinema, office, retail, restaurant and hotel uses
601 situated along the Lake Ray Hubbard shoreline south of I-30 and north
602 and west of Summer Lee Drive. The subject site is zoned (PD-7) Planned
603 Development No. 7 and take any action necessary.

604

Julie Couch discussed the lighting issue. The lighting plan meets current requirements; however, Mr. Whittle has agreed to look at alternative lighting to better address the homeowners' concerns while still meeting safety standards. Recognizing safety is the paramount concern, the City will work with the developer to see what can be most effective and still meet the City's requirements. Councilmember Raulston made a motion to approve the request. Councilmember McCallum asked Mr. Whittle to comment on the lighting. He said the heights of the lights have been dropped and will do everything possible to minimize the light shining on the homes within city standards for safety. It was discussed that the street lighting may be moved and designed to accommodate the homeowners. Mr. McCallum seconded the motion. The motion was passed by a vote of 6 ayes and 1 absent (King).

ACTION ITEMS

8a. Discuss Charter Cable franchise and take any action necessary.

Councilmember McCallum discussed concerns about areas within the City that have not had cable services extended. Certain areas have experienced disputes between Charter Cable, which has the franchise to serve Rockwall and incumbent providers before annexation. Many times agreements have not been completed and people have gone without service due to a dispute among providers on existing infrastructure.

Blake Cummings with Charter Communication gave a report on the status of an agreement with Classic Cable, who currently has a franchise agreement. He gave a report on the areas that cable has been extended recently. Charter has several areas that they are working on in new areas, having completed new service for approximately 1582 new lots. Julie Couch explained that in the franchise agreement with Charter, there has to be a specific density before they are required to extend service to the area. Councilmember Raulston commended the Charter staff in the Rockwall office.

8b. Discuss and consider holding a joint session of the Planning & Zoning Commission and City Council, setting a specific date, and prescribing the type of notice to be given of the time and place of the public hearing.

Robert LaCroix discussed holding a joint meeting to discuss multiple overlay districts within the City and how best to send out a large volume of notices. He proposed using a universal notice and provided a draft copy of the notice for Council approval. The notices would be distributed in the utility bill. Councilmember Cotti made a motion to proceed using the recommended form and hold the meeting on Monday, February 9, 2004 at 6:00 p.m. Councilmember Morris seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (King).

8c. Discuss and consider approval of a new third party administrator contract for health insurance and take any action necessary.

Cheryl Austin discussed concerns and employee dissatisfaction with the current third party administrator. Request for proposals were sent out and examined with the recommendation to select Group and Pension Administrators as the City's new third party administrator. Councilmember Cotti made a motion to approve the contract. Councilmember McCallum seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (King).

654 There being no further regular business to come before the Council, the meeting was
655 adjourned into Executive Session at 11:47 p.m.

656
657 No action was taken as a result of Executive Session.

658
659 There being no further business to come before the Council, the meeting was adjourned
660 at 12:30 a.m.

661
662
663
664
665 _____
666 Ken Jones, Mayor

667 ATTEST:

668
669 _____
670 Dorothy Brooks, City Secretary
671