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# MINUTES ROCKWALL CITY COUNCIL

January 5, 2004

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, Bob Cotti, Billy Morris, John King and Terry Raulston. Councilmember Larry Dobbs was absent due to his resignation effective January 2, 2004. Mayor Jones led the invocation and the Pledge of Allegiance.

## OPEN FORUM

Dennis Bailey of SBC came forward and announced that SBC had filed for a rate reduction package with the PUC on December 19, 2003. This reduction will affect extended area calling for certain customers by reducing the fee for extended area calling from \$19.85 to \$5.00. If a residential customer has the following a la carte features, or if these are included in one of the SBC Packages, i.e., All Distance, Essential Phone Solutions, or similar packages that include these features, then they are eligible for the rate reduction, which is effective today:

- Call waiting;
- Call waiting ID;
- Caller ID;
- 3-way Calling; and
- Call forward, busy line, don't answer

Councilmember Cotti thanked Mr. Bailey for initiating this reduction and stated that there are still people with 771-772 exchanges that want to get rid of the \$19.85 they have to pay for extended area calling.

Mayor Jones also thanked Mr. Bailey.

Councilmember Raulston asked Mr. Bailey if there would be a notification sent to the affected customers. Bailey stated that there would be.

## CONSENT AGENDA

- 4a. Consider approval of the purchase of gasoline and diesel fuels and take any action necessary.
- 4b. Consider approval of an **Ordinance** authorizing a joint public hearing to be held with the Planning and Zoning Commission on February 9, 2004, and take any action necessary. [1<sup>st</sup> Reading]

- 46       **4c.   P2003-029** -- Consider approval of a request from Rob Whittle of  
47       Whittle Development, Inc. for final plat approval of a 2-lot, 23.65-  
48       acre tract to be known as Lots 1 and 2, Block A, The Harbor -  
49       Rockwall Addition, located along the Lake Ray Hubbard shoreline  
50       south of I-30 and north and west of Summer Lee Drive. The subject  
51       site is zoned (PD-7) Planned Development No. 7.
- 52       **4d.   Z2003-014** -- Consider approval of an **Ordinance** for a city-initiated  
53       amendment to (PD-9) Planned Development No. 9 to add  
54       approximately 36.5427 acres currently zoned (A) Agricultural  
55       district, including a portion of the Rainbow Lake Estates subdivision  
56       and various tracts located southwest of Rainbow Lake Estates and  
57       north of White Road. **(2<sup>nd</sup> Reading)**
- 58       **4e.**   Consider approval of a **Resolution** authorizing the Mayor to  
59       execute the "Buffalo Creek Interceptor System Contract" with the  
60       North Texas Municipal Water District and take any action  
61       necessary.

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

66  
67       AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
68       TEXAS, AUTHORIZING A JOINT PUBLIC HEARING TO BE HELD WITH THE  
69       PLANNING AND ZONING COMMISSION FOR CERTAIN AMENDMENTS TO  
70       ZONING REGULATIONS AND ZONING DISTRICT BOUNDARIES AS  
71       PRESCRIBED IN THE NOTICE; PROVIDING AN EFFECTIVE DATE.

72  
73       AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
74       TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE  
75       CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A  
76       CHANGE IN ZONING FROM "A", AGRICULTURAL TO "PD-9", PLANNED  
77       DEVELOPMENT NO. 9 DISTRICT, FOR A 36.5427-ACRE TRACT BEING A  
78       PORTION OF THE RAINBOW LAKE ESTATES ADDITION AND ALL OF  
79       TRACTS 4-1 AND 4-3, ABSTRACT 207, AND MORE FULLY DESCRIBED  
80       HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS;  
81       PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO  
82       THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
83       SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
84       PROVIDING FOR AN EFFECTIVE DATE.

85  
86   **The motion passed by a vote of 6 ayes and 1 absent [Dobbs].**  
87

#### 88   **APPOINTMENTS**

- 89  
90       **5a.**   Appointment with Planning and Zoning Chairman to discuss and  
91       answer any questions regarding cases on the agenda and related  
92       issues and take any necessary action.

93 **There were no items on the agenda to be addressed by the Planning and**  
94 **Zoning Chairman and he did not attend the meeting.**

- 95
- 96 **5b.** Appointment with Brad Holland, representative of Rockwall  
97 Lakeside Church of Christ, to discuss a request for exceptions to  
98 the provisions of the Agricultural moratorium and the roadway  
99 corridor moratorium and take any necessary action. (The property  
100 is located on the west side of FM 549 between SH 66 and Airport  
101 Road).

102

103 **Robert LaCroix, Director of Planning and Zoning, discussed the background of**  
104 **the request. The waiver is for both the AG moratorium and the Corridor**  
105 **moratorium. Mr. Holland came forward and addressed the Council and gave a**  
106 **short slide presentation on the proposed property site at FM549 and Airport**  
107 **Road. This request is being made so that the property can be re-platted. They**  
108 **recently sold their property on Williams to Helping Hands and need to get this**  
109 **project started.**

110

111 **Councilmember Cotti asked Mr. Holland if waiting 45-60 days would adversely**  
112 **affect the project. Holland replied that it would. Councilmember Cotti then made**  
113 **a motion to approve the request and Councilmember Morris seconded the**  
114 **motion. The motion passed by a vote of 6 ayes and 1 absent [Dobbs].**

115

116

117 **PUBLIC HEARING ITEMS**

- 118
- 119 **6a. FF2003-003 --** Continue a public hearing and consider a request by  
120 John and Mary Jewell for a front yard fence and arbor structure at  
121 7131 Holden Dr, a 0.23-acre (10,000 sf) property zoned (SF-10)  
122 Single Family Residential and legally described as Lot 16, Block B,  
123 Harlan Park Phase 1.

124 **This item was withdrawn by the applicants.**

125

126 **SITE PLANS/PLATS/ANNEXATION**

- 127 **7a. A2003-002 --** Discuss and consider approval of an **Ordinance** for a  
128 City initiated request to annex land of approximately 634.812 acres  
129 (Area 1) situated south of County Line Road, east of FM 3097,  
130 north of E. Cullins Rd, and southwest of SH 205, and land of  
131 approximately 23.02 acres (Area 2) situated southwest of SH 205  
132 and south of Mims Road. **(1<sup>st</sup> Reading)**

Robert LaCroix discussed the background of this request and stated that this was the culmination of the public hearings and that Staff recommended approval. If passed, the second reading will be on Tuesday, January 20, 2004, due to the Martin Luther King holiday falling on Monday, January 19, 2004.

Councilmember Morris made a motion to approve as described (Area 1 and Area 2) and stated that this will help corral Happy Country Homes and help future development. After interruptions from the audience, Morris stated "We allowed you to speak uninterrupted – I hope you will do the same for us."

Councilmember McCallum stated that one of the objections to the annexation brought up the width requirements and asked the City Attorney if measurement we were using was correct. Attorney Chris Caso stated that attorney Pete Eckert had reviewed the proposed annexation carefully and that the proposed annexation areas fall within the guidelines.

Councilmember Raulston stated that he could not support this annexation package. Raulston stated that he does support annexation, but that he does not agree with this package as a whole.

Councilmember King stated that his major concern is due process. King stated that they had all received letters saying that due process was not followed. There was also a question about it not being posting on our web site. King stated that he wanted to be sure (1) that we used proper due process; and (2) we are on solid ground. Attorney Caso stated that the people had a chance to be heard at the two public hearings. Caso stated that attorney Eckert had stated that all legal requirements for the annexation had been met. King stated that there has to be value received for the people being annexed. Nobody wants to write a check to the City. Parts of this annexation make sense, parts don't. King stated that he had gone out and driven the area and had come to the very difficult decision not to support the package tonight.

Councilmember Cotti stated that this has been the most difficult decision that he has had to make. It makes sense to annex Area 2 at this time, but there are still some questions about Area 1 that need clarification. He can't support the annexation as currently proposed.

Councilmember McCallum stated that this has been a wonderful process to follow. McCallum asked, due to the concern of some of the other councilmembers to the annexation, if there was anyway that the areas could be broken up and not all annexed tonight. Attorney Caso stated that the public notice describes the maximum amount of land to be annexed, but that the maximum amount does not have to be annexed. McCallum asked if Area 1 could be divided. Caso stated that so long as the final ordinance has the correct metes and bounds for the area being annexed, it could be divided. Based on that, McCallum asked if it would be possible to annex only a portion of Area 1. Julie

181 Couch, City Manager, advised that it could be done that way. McCallum asked if  
182 the action failed tonight, if they were barred for any certain time before bringing  
183 this back. Couch advised that they were not. McCallum stated that a couple of  
184 weeks ago that we had asked the Youth Advisory Council members to attend the  
185 meetings to observe the annexation process first hand. McCallum stated that he  
186 wanted to thank everyone for their participation. McCallum stated that he is just  
187 like the residents in Area 1 – he lives in the area and has a septic system and has  
188 RCH water and that he has to drive further than they do to the highway. It is not  
189 “the country.” He looks over the Wallace “Preserve” every night. What did it  
190 look like 100 years ago – 10 years ago? What is it going to look like 20 years from  
191 now? That is the Council’s job. It is not about taxation – it is about development.  
192 McCallum stated that he had a wonderful conversation with Mr. Kelly. The  
193 development that Mr. Kelly put in does not match with the “Corridor”  
194 requirements. The sewer plant is awful! Julie Couch advised that the sewer plant  
195 is not the City’s, it belongs to Lake Rockwall Estates. McCallum stated that land  
196 in the area had been sold to Baylor and that he was still struggling with the  
197 decision as the development will surely escalate the growth in the area and that  
198 we must think about how to protect what will be a major corridor into our city.  
199

200 Mayor Jones stated that he felt he had to do what is right for the citizens of  
201 Rockwall. Since there was no second to Councilmember Morris’ motion, the  
202 motion died.  
203

204 Councilmember Cotti then made a motion to approve the annexation of Area 2  
205 since it is already surrounded by the City and to move Area 1 into long-range  
206 planning worksession where the Council considers this along with Lake Rockwall  
207 Estates and any other areas for future annexation.  
208

209 Councilmember McCallum asked if we could annex just the corridor and Couch  
210 replied yes.  
211

212 Councilmember Morris asked Councilmember Cotti to clarify his motion. Morris  
213 stated that the Council had never talked about including any additional land being  
214 annexed in with Lake Rockwall Estates because Lake Rockwall Estates was so  
215 unique. Councilmember Cotti stated that he feels it is inappropriate to annex  
216 Area 1 at this time. He wants to look at the whole area in a worksession and  
217 annex the property in phases.  
218

219 Councilmember Raulston stated that the Council needs to meet regarding  
220 annexation. The Council needs to just stop this action and come back and work  
221 on it in sections. Raulston stated that he would not support to annex Area 2  
222 either.  
223

224 Mayor Jones stated that if we go ahead with the annexation of Area 2, but not  
225 Area 1, it will give them time to prepare to be annexed.  
226

Councilmember Cotti asked City Attorney Caso if there was any problem with Area 2 being a stand alone. Caso replied no – property owners have the ability come in and petition to be annexed. Cotti stated that we need to go back to the drawing board for Area 1.

Councilmember McCallum stated that they need to be concerned regarding the development in Area 1 – look at the corridor.

Councilmember King stated that he supported the annexation of Area 2 and that they should go back to the drawing board on Area 1.

Mayor Jones stated that if we annex Area 2 tonight, we would have a little done and won't have to go back to square one. Mayor Jones then seconded Cotti's motion. The motion passed by a vote of 4 ayes [McCallum, Cotti, Jones, King], 2 nays [Morris, Raulston], and 1 absent [Dobbs].

Mayor Jones thanked the citizens for their input.

#### ACTION ITEMS

- 8a. Discuss and consider approval of an **Ordinance** repealing Chapter 9 Electricity and Chapter 21 Plumbing of the Code of Ordinances and take any action necessary.
- 8b. Discuss and consider approval of an **Ordinance** amending the Code of Ordinances to provide for a new Chapter 6 Buildings and Building Regulations and take any action necessary.
- 8c. Discuss and consider approval of an **Ordinance** amending Chapter 10 Fire and Fire Protection of the Code of Ordinances and take any action necessary.
- 8d. Discuss and consider approval of an **Ordinance** amending Chapter 16 Motor Vehicles and Traffic of the Code of Ordinances and take any action necessary.

Jeffrey Widmer (Building Official) and Ariana Adair (Fire Marshall) discussed the background of items of 8a – 8d and gave a power point presentation on the changes. Councilmember McCallum asked for clarification on the requirements regarding residential sprinklers and asked what the citizens were going to achieve from this – besides a safe home. Widmer advised that it is up to the builders whether or not to pass the cost savings on to the consumers. McCallum asked what it would cost to install a sprinkler system. Ariana Adair stated that for new construction, the cost of a sprinkler system is \$1.00 per square foot. There is no set amount on a remodel, but it would probably cost anywhere from \$2.00 to \$3.00 per square foot. McCallum thanked Widmer and Adair for a great job and stated that his concern was for the citizen. Widmer stated that he had been told that with new energy efficient building, a 1900 square foot home only had a \$60 a

month utility bill. Adair stated that with a sprinkler system a consumer would see a 15%-30% reduction in their insurance costs.

Councilmember Cotti stated that Widmer and Adair had worked hard on these ordinances. Cotti asked why we did not adopt the 2003 International Fire Code. Adair stated that the North Texas Council of Governments had not yet reviewed it, but that one of the requirements in it was that all homes had to be sprinklered. Cotti stated that he understands this and that the 2000 Version should work fine. In reference to Chapter 6, Building Code, Cotti stated that the ordinance needed to be revised to show that the Building and Standards Commission has 7 members. He further asked if we needed to re-confirm the Construction Advisory & Appeals Board. Widmer stated that he had spoken with the City Attorney and the City Manager about the Board and that there is no action that needs to be taken at this time. The Board has not met in the six years that Widmer has been here. Our current process has pretty much eliminated the need for such a Board. Cotti asked the City Attorney, Pete Eckert, if we needed to take each item separately or if a motion could be made to approve all of them. Eckert advised that each item needed to be acted on separately.

Councilmember Cotti then made a motion to approve item 8a and Councilmember Raulston seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL BY REPEALING, IN THEIR ENTIRETY, CHAPTER 9 ELECTRICITY AND CHAPTER 21 PLUMBING; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

Councilmember Raulston made a motion to approve item 8b and Councilmember King seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS; PROVIDING FOR A PENALTY OF A FINE OF TWO THOUSAND DOLLARS (\$2,000.00) 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; PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Raulston made a motion to approve item 8c and Councilmember Cotti seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 10 FIRE

PREVENTION AND PROTECTION TO PROVIDE FOR THE ADOPTION OF THE 2000 INTERNATIONAL FIRE CODE AND THE ROCKWALL FIRE PROTECTION SYSTEMS INSTALLATION STANDARDS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

Councilmember Cotti made a motion to approve item 8d and Councilmember King seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 16 MOTOR VEHICLES AND TRAFFIC, IN ARTICLE V OFFICIAL TRAFFIC CONTROL SIGNS, SIGNALS, ETC. FOR COMPLIANCE WITH THE 2000 INTERNATIONAL FIRE CODE; PROVIDING FOR A FINE OF A SUM NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

- 8e. Consider approval of a **Resolution** authorizing notice to be sent regarding creation of a Tax Increment Financing Reinvestment Zone and take any action necessary.

Mary Smith, Finance Director, discussed the background of the request. The Tax Increment Financing Reinvestment Zone ("TIF") is being implemented for The Harbor Project. This request is for authorization to send notices to the other taxing entities – the School and the County – regarding the TIF.

Councilmember Raulston asked for clarification on the areas to be included and then made a motion to approve the request. Councilmember Cotti seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [Dobbs].

- 8f. Discuss future annexation planning for Lake Rockwall Estates and take any action necessary.

Pursuant to Councilmember Cotti's request, Item 8f was brought forward before the Council prior to the deliberation of item 7a regarding the annexation of land south of the City. Councilmember Cotti stated that he would like to discuss how to move forward with a plan to annex Lake Rockwall Estates. Cotti stated since it will be a three-year plan, we need to get started on it. Cotti stated he had two questions: (1) is the Council agreeable; and (2) how do we proceed.



Councilmember Morris stated personally he would rather discuss one annexation item at a time. This is not the place to discuss future annexations -- it should be done in a worksession environment.

Councilmember McCallum stated that he is concerned that we are talking about only one area and that there are other areas that we need to discuss. That we need to talk about services first. This should be in a worksession. McCallum stated that he does not want to confuse this discussion with the next issue.

Councilmember Raulston told Cotti that he had brought up a good point, but that he understood Billy and Tim's points. Raulston stated that he thinks it is time we bring Lake Rockwall Estates into the City to help these people have a better quality of life. We need to set a workshop date in the near future to discuss this and other areas.

Councilmember King stated that he appreciated Cotti's efforts to bring this forward, but that he agreed with Morris that we have to have a workshop to discuss all areas. King stated that we need to move this discussion to a worksession and out of the "hard to do file."

Councilmember Morris made a motion to instruct staff to set a joint worksession to discuss annexation. Councilmember Raulston seconded the motion. Councilmember McCallum stated "Let's get this done, but don't limit it to Lake Rockwall Estates." Councilmember Cotti stated that the whole objective of his request, as reflected in the packet of information provided to each Councilmember, was to get this into a worksession and that he was prepared to meet at any time to discuss this and all other annexation areas.

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

**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, reminded the Council that there would be a joint worksession with Planning and Zoning on Monday, February 9, 2004. Couch also discussed the Rockwall County EPA Attainment/Non-Attainment 8-Hour Requirement. The EPA has not finalized the decision and we are trying to avoid being designated a non-attainment area. The largest impact being designated as a non-attainment area is funding for highway maintenance. If we are designated as a non-attainment area, we will have to prove that road improvements will help air quality.

Councilmember Cotti asked about the Police Report and was advised by the City Secretary that it was in his mail. Cotti then asked Robert Hargrove what the

status was of the Council recorder. Hargrove advised that a new one should be here within 30 days.

There being no further business to come before the Council in regular session, Mayor Jones adjourned the meeting into Executive Session at 8:09 p.m.

No action was taken during Executive Session.

There being no further business to come before the Council, the meeting was adjourned at 9:00 p.m.

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Ken Jones, Mayor

**ATTEST:**

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Dorothy Brooks, City Secretary

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**MINUTES**  
**ROCKWALL CITY COUNCIL**

January 20, 2004

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, Bob Cotti, Billy Morris and Terry Raulston. Councilmember John King was absent. There is one vacancy on the Council.

Councilmember Bob Cotti led the invocation and the Pledge of Allegiance.

**3. PROCLAMATIONS**

**a. Kiwanis presentation of Christmas Parade Awards**

David Couch of Kiwanis and Mayor Jones presented the awards.

**b. Presentation of Certificate of Achievement for Excellence in Financial Reporting**

Mayor Jones presented the Proclamation to Mary Smith, Finance Director.

Mayor Jones recognized the Shooting Stars, a local 4H Club who were attending in order to learn more about local government.

**4. CONSENT AND PUBLIC HEARING**

**a.** Consider approval of the minutes of the December 15, 2003 City Council meeting and take any action necessary.

**b.** Consider approval of the minutes of the January 5, 2004 City Council meeting and take any action necessary.

**c.** Consider approval of an **Ordinance** to hold a joint public hearing 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 and take any action necessary. **(2<sup>nd</sup> Reading)**

**d.** Discuss and consider approval of an **Ordinance** repealing Chapter 9 Electricity and Chapter 21 Plumbing of the Code of Ordinances and take any action necessary. **(2<sup>nd</sup> Reading)**

**e.** Discuss and consider approval of an **Ordinance** amending the Code of Ordinances to provide for a new Chapter 6 Buildings and Building Regulations and take any action necessary. **(2<sup>nd</sup> Reading)**

**f.** Discuss and consider approval of an **Ordinance** amending Chapter 10 Fire and Fire Protection of the Code of Ordinances and take any action necessary. **(2<sup>nd</sup> Reading)**

**g.** Discuss and consider approval of an **Ordinance** amending Chapter 16 Motor Vehicles and Traffic of the Code of Ordinances and take any action necessary. **(2<sup>nd</sup> Reading)**

- 51 h. **P2003-034** -- Consider approval of a request from Ernest Hedgcoth for a  
52 replat of a single, commercially-zoned 0.7304-acre tract known as Lot 1,  
53 Block 1, Horizon Village Addition, located on the northeast side of Horizon  
54 Road (FM 3097) approximately 135 feet northwest of the intersection with  
55 Ralph Hall Parkway and take any action necessary.  
56
- 57 i. **P2003-035** -- Consider approval of a request by Steve Isbell of Realty  
58 Capital Rockwall, Ltd for a replat of Lot 10R, Block A, Horizon Ridge  
59 Addition, being a 2.31-acre tract zoned (PD-9) Planned Development No.  
60 9 and designated for (GR) General Retail uses, situated along the south  
61 side of Arista Road east of Ridge Road and take any action necessary.  
62
- 63 j. **P2003-036** -- Consider a request by D.R. Horton Custom Homes for a  
64 residential final plat of Promenade Harbor II, being a 16-lot, 9.788-acre  
65 development located adjacent to Lake Ray Hubbard south of Dalton  
66 Road, immediately south of Promenade Harbor I and north of Shores  
67 North Phase 4 and take any action necessary.  
68
- 69 k. Consider approval of a bid award for the Harbor Sewer Line Contract and  
70 take any action necessary.  
71
- 72 l. Consider approval authorizing the City Manager to execute an  
73 Engineering Contract Amendment for the Clark Street Project and take  
74 any action necessary.  
75
- 76 m. Consider approval authorizing the City Manager to execute an  
77 Engineering Contract for Vulnerability Assessment and take any action  
78 necessary.  
79
- 80 n. Consider approval of an **Ordinance** for a City initiated request to annex  
81 land of approximately 23.02 acres situated southwest of SH 205 and  
82 south of Mims Road and take any action necessary. (2<sup>nd</sup> Reading)  
83

84 **Councilmember Cotti asked that item 4n be pulled and then made a motion that items 4a**  
85 **through 4m be approved. Councilmember Morris seconded the motion and the**  
86 **ordinances were read as follows:**  
87

88 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
89 AUTHORIZING A JOINT PUBLIC HEARING TO BE HELD WITH THE PLANNING AND  
90 ZONING COMMISSION FOR CERTAIN AMENDMENTS TO ZONING REGULATIONS  
91 AND ZONING DISTRICT BOUNDARIES AS PRESCRIBED IN THE NOTICE; PROVIDING  
92 AN EFFECTIVE DATE.  
93

94 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
95 AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL BY  
96 REPEALING, IN THEIR ENTIRETY, CHAPTER 9 ELECTRICITY AND CHAPTER 21  
97 PLUMBING; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER  
98 CLAUSE; PROVIDING AN EFFECTIVE DATE.  
99

100 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
101 AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER  
102 6 BUILDINGS AND BUILDING REGULATIONS; PROVIDING FOR A PENALTY OF A  
103 FINE OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL  
104 BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION  
105 OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
106 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

107  
108 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
109 AMENDING THE CODE OF ORDINANCES IN CHAPTER 10 FIRE PREVENTION AND  
110 PROTECTION TO PROVIDE FOR THE ADOPTION OF THE 2000 INTERNATIONAL FIRE  
111 CODE AND THE ROCKWALL FIRE PROTECTION SYSTEMS INSTALLATION  
112 STANDARDS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM  
113 OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE  
114 DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION  
115 OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER  
116 CLAUSE; PROVIDING AN EFFECTIVE DATE.

117  
118 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
119 AMENDING THE CODE OF ORDINANCES IN CHAPTER 16 MOTOR VEHICLES AND  
120 TRAFFIC, IN ARTICLE V OFFICIAL TRAFFIC CONTROL SIGNS, SIGNALS, ETC. FOR  
121 COMPLIANCE WITH THE 2000 INTERNATIONAL FIRE CODE; PROVIDING FOR A FINE  
122 OF A SUM NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) AND A  
123 SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR  
124 ON WHICH A VIOLATION OCCURS; PROVIDING A SEVERABILITY CLAUSE;  
125 PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

126  
127 The motion passed by a vote of 5 ayes and 1 absent [King].  
128

129 Councilmember Cotti then made a motion to table item 4n until the second meeting in  
130 February (February 16, 2004) and Councilmember Morris seconded the motion. The  
131 motion passed by a vote of 5 ayes and 1 absent [King].  
132

## 133 5. APPOINTMENTS

- 134 a. Appointment with Planning and Zoning Chairman to discuss and answer  
135 any questions regarding cases on the agenda and related issues and  
136 take any necessary action.

137 Homer Flores, Chairman of the Planning and Zoning Commission, appeared before the  
138 Council and discussed the public hearing items and site plans and plat items on the  
139 agenda. With regard to an item not on tonight's agenda, Flores stated that the Planning  
140 and Zoning Commission had sent the plans for the new Sonic at Horizon Road back to  
141 the planners for more work.  
142

- 143 b. Appointment with Margo Nielsen of Helping Hands regarding "Super  
144 Hoops" – a basketball street tournament to raise funds and take any  
145 action necessary.

146 Margo Nielsen, Mike Beringer and Joe Lang addressed the Council regarding "Super  
147 Hoops" which will benefit the Helping Hands Shoe Bank. The event will be held May 1<sup>st</sup>  
148 and 2<sup>nd</sup> at Chandler's Marina and they expect about 1000 children to participate. The  
149 Mayor and Councilmembers were invited to come out and participate as honorary  
150 officials and they were presented with whistles.  
151

152 Councilmember Cotti stated that he was all for this – so long as he didn't have to play.  
153

154 Mayor Jones stated that he knows that there are adults who would like to play. Joe Lang  
155 stated that this year was for children only, but that future years will include adults.  
156

157 Councilmember McCallum stated that he wanted to challenge Mayor Jones to donkey  
158 basketball. McCallum stated that he coaches basketball and that this will be great for the  
159 kids.  
160

161 Mayor Jones stated that Margo does a lot of good for Rockwall and that she deserved a  
162 standing ovation – which she received.

- 163  
164 c. Appointment with Judge Kortemier for presentation of his annual report  
165 and take any action necessary.

166 Judge Kortemier discussed his annual report and thanked the Councilmembers, Julie  
167 Couch and Doug Hamilton for enhancing the Court's staff. Kortemier stated that they  
168 processed 15,000 Class C cases in 2003.

169  
170 Mayor Jones thanked Judge Kortemier for helping our citizens, especially our youth.

171  
172 Councilmember Cotti complimented Judge Kortemier and Debbie Waters on their job –  
173 they made the Court successful by their hard work. Cotti then thanked them for their  
174 hard work and leadership.

175  
176 Councilmember Morris stated that he agreed with Councilmember Cotti. Morris stated  
177 that since his youngest son had moved to Lubbock, he had not seen as much of Judge  
178 Kortemier. Morris stated that Kortemier does an excellent job with about half the staff of  
179 comparable cities.

180  
181 Councilmember McCallum stated that he echoes the comments made by the other  
182 Councilmembers. McCallum stated that he was anxious to see Doug Hamilton's report.  
183 McCallum stated that in the past communication had been an obstacle. McCallum stated  
184 that Kortemier and his staff had done a tremendous job and that the Council owed them  
185 the help and recommendations Mr. Hamilton has put together. McCallum then asked for  
186 a clarification on how many jury trials are held. Kortemier discussed the process and  
187 stated that most of the cases are settled before trial.

188  
189 Councilmember Raulston told Kortemier and his staff that they are a great asset to the  
190 City and thanked them for their hard work.

191  
192 Mayor Jones also thanked Kortemier and his staff.

193  
194 Councilmember Raulston left the meeting.

195  
196 **6. PUBLIC HEARING**

- 197 a. **Z2003-016** -- Hold a public hearing and consider an **Ordinance** for a  
198 request from Ronny Joe Ross for the zoning change from (A) Agricultural  
199 to (SF-16) Single-Family Residential 16,000 square foot lot minimum for  
200 the property known as the 0.84-acre southern portion of Abstract No. 131;  
201 Tract 9 located at 3027 North Goliad on the west side of SH 205, north of  
202 Quail Run Road West and take any action necessary.

203  
204 Robert LaCroix, Planning Director, discussed the background of the request. Ronny Joe  
205 Ross had previously received approval from the City Council to file his request for a  
206 zoning change from "A" Agricultural to "SF-16" Single Family Residential on a 0.84-acre  
207 lot located at 3027 N. Goliad, on the west side of SH-205, north of Quail Run Road West.  
208 In addition to the re-zoning of the property, the applicant is proposing a final plat of the  
209 property.

210  
211 Mayor Jones opened the public hearing and the following persons came forward to  
212 address the Council:

213  
214 **Lonnie Hale, 4409 Shady Lane, Rowlett, Texas. Mr. Hale stated he was**  
215 **representing the applicant and that the applicant's intention was to build**  
216 **his home on the lot and reside there.**  
217

218 **There being no one else to address the Council, Mayor Jones closed the public hearing.**  
219

220 **Councilmember Morris made a motion to approve the request with Staff**  
221 **recommendations and Councilmember Cotti seconded the motion. The motion passed**  
222 **by a vote of 4 ayes and 2 absent [King and Raulston].**  
223

- 224 **b. P2003-031 -- Hold a public hearing and consider a request from Robert**  
225 **Williams for a residential replat serving to combine Lots 9-R and 10-R,**  
226 **Block E, Chandlers Landing Phase 16, located at 281 Victory Lane and**  
227 **take any action necessary.**  
228

229 **Robert LaCroix discussed the background of the request. The applicant and owner is**  
230 **requesting a replat of Lots 9R and 10R, Block E, Chandlers Landing Phase 16, into one**  
231 **new lot to be known as Lot 10R-2. A 15-ft utility easement straddles the existing**  
232 **common property line and is proposed to be removed with this replat. The applicant has**  
233 **obtained approval for the removal from the various utility companies. A new 5-ft**  
234 **maintenance and access easement will be required along the north property line.**  
235

236 **Mayor Jones opened the public hearing and the following persons came forward to**  
237 **address the Council:**  
238

239 **Robert Williams, 281 Victory Lane, Rockwall, Texas. Mr. Williams asked for**  
240 **approval and stated that he would be utilizing the area for a side yard.**  
241

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

244 **Councilmember Morris made a motion to approve the request with Staff**  
245 **recommendations and Councilmember Cotti seconded the motion. The motion passed**  
246 **by a vote of 4 ayes and 2 absent [King and Raulston].**  
247

- 248 **c. P2003-032 -- Hold a public hearing and consider a request from Carl**  
249 **Glaze with Habitat for Humanity for a residential replat of two lots zoned**  
250 **SF-7 within the Southside Overlay District (min. lot 5000 s.f.) containing**  
251 **0.257 acres known as Canup Addition, Lot 37 and S ½ of Lot 38 (1009**  
252 **Sam Houston) located at the northeast corner of Sam Houston and**  
253 **Dickey Street. Approval of the subject replat would accommodate a**  
254 **variance for the depth of Lot 38R which is less than the 100' minimum.**  
255 **Take any action necessary.**  
256

257 **Robert LaCroix discussed the background of the request. The applicant's intention is to**  
258 **subdivide the single tract into two lots and to build two Habitat for Humanity residential**  
259 **structures, one fronting on Sam Houston and the other fronting on Dickey. This replat**  
260 **requires a variance for the lot depth than 100 feet for Canup Subdivision Lot 38R. No**  
261 **notices were returned in opposition to the replat.**  
262

263 **Mayor Jones stated that we appreciate what Habitat does and then opened the public**  
264 **hearing. The following persons came forward to address the Council:**  
265

Carl Glaze, 3050 Red Valley Run, Rockwall, Texas, and Mr. Kevin Kelly of The Shores. Mr. Glaze advised that they are trying to bring housing back into Rockwall. They want to build two homes on the replatted lots.

Councilmember McCallum commented that this area of our City is in need and programs like Habitat for Humanity will help turn the tide. Hard working people want to live here.

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

Councilmember McCallum made a motion to approve the request with Staff recommendations and Councilmember Cotti seconded the motion stating that he cannot think of a better cause – that they have done a tremendous job. The motion passed by a vote of 4 ayes and 2 absent [King and Raulston].

- d. **P2003-033** -- Hold a public hearing and consider a request from Michael Dowdey for a residential replat of a 101-lot, 37.423-acre subdivision known as Hillcrest Shores - Phase III located between North Lakeshore Drive and Lake Ray Hubbard north of the Hillcrest Shores Greenbelt Area and Hillcrest Shores – Phase II and take any action necessary.

Robert LaCroix discussed the background of the request. This is a request for a residential replat of the 101-lot, 37.423 acre subdivision known as Hillcrest Shores – Phase III located between North Lakeshore Drive and Lake Ray Hubbard north of Hillcrest Shores Greenbelt Area. Staff recommends approval of the request with the following conditions:

1. Approval of the engineering plans, including but not limited to, the condition that no screening walls be placed within water or utility easements.
2. Securing requisite letters from utility companies authorizing the revision to any utility easements on the replat.

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

Michael Dowdey, 5225 Village Creek Drive, Plano, Texas. Mr. Dowdey stated that he is requesting the replat in order to be in conformance. Councilmember Cotti asked if any of the lot sizes were changed and Dowdey stated not in general. There are still 101 lots.

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

Councilmember Cotti made a motion to approve the request with Staff and Planning and Zoning recommendations and Councilmember Morris seconded the request. The motion passed by a vote of 4 ayes and 2 absent [King and Raulston].

## **7. SITE PLANS / PLATS**

- a. **P2003-030** -- Discuss and consider a request from Ronny Joe Ross for the final plat of the proposed (SF-16) Single Family Residentially-zoned property known as the 0.84-acre southern portion of Abstract No. 131;



Tract 9 located at 3027 North Goliad on the west side of SH 205, north of Quail Run Road West and take any action necessary.

**Robert LaCroix discussed the background of the request, stating that this request is a final plat for the property approved for replatting earlier this evening. LaCroix stated that Staff recommends approval of the request with the following conditions:**

- 1. Approval of the engineering plans including, but not limited to, connecting to the City sewer system and payment of applicable impact fees.**
- 2. Verification of any easements on the subject lot.**
- 3. TxDOT permit for driveway connection (if needed).**
- 4. Approval of the requested zoning change from Agricultural to SF-16 Residential District (which was approved earlier tonight).**

**Councilmember Morris made a motion to approve the request with Staff recommendations and Councilmember Cotti seconded the motion. The motion passed by a vote of 4 ayes and 2 absent [King and Raulston].**

- b. SP2003-018 -- Discuss and consider a request from Dan Highley of Seneca Management, Inc. for an amended development plan for a 10.39-acre, 111-unit multi-family retirement community on the site zoned (PD-27) Planned Development No. 27 district and known as Tract 31, Abstract 255 (B.J.T. Lewis Survey) located adjacent to Damascus Road southwest of SH 205 (S. Goliad) and east of the UPRR right-of-way and take any action necessary.**
- c. P2003-026 -- Discuss and consider a request from Dan Highley of Seneca Management, Inc. for a preliminary plat of a 10.39-acre, 111-unit multi-family retirement community on the site zoned (PD-27) Planned Development No. 27 district and to be known as Lot 1, Block A, Rockwall Apartments Addition, located adjacent to Damascus Road southwest of SH 205 (S. Goliad) and east of the UPRR right-of-way, and take any action necessary.**

**Robert LaCroix discussed the background of the requests 7b and 7c. The plan outlines two phases, although there are currently no plans for Phase 2. Phase 1 is approximately 7.93 acres and proposes 111 multi-family “retirement” units incorporated into a 3-story structure with a maximum height of 44 feet. There are 57 two-bedroom units and 54 one-bedroom units proposed, with an average unit size of 828-sf indicated. The parking for the development would include both surface parking as well as an underground level beneath the main building. The development will be surrounded by a 6-ft wrought iron fence and gated for security. To improve access and circulation for the entire area (including the Our Lady of the Lake Church and Heritage Christian Academy), the development includes a dedication for and widening of Damascus Road, as well as the dedication and construction of an emergency access easement at the terminus of Damascus Road that would connect to Murphy Drive in Waterstone Estates (which will be gated and used only by emergency vehicles). Damascus Road must also be realigned at its intersection with SH-205 so that it aligns with Justin Dr to the northeast (via a**

separate development agreement between the City and Raymond Cameron, landowner). Staff recommends approval with the following conditions:

1. Approval of a preliminary plat (Case No. P2003-026).
2. Submittal and approval of final plat to follow preliminary plat approval.
3. Submittal and approval of engineering plans.
4. Submittal and approval of site plan.
5. Separate development agreement required for realignment and construction of Damascus Road and SH-205 at Justin Drive.
6. Developer to construct north and west half of Damascus Road as shown on plat.
7. Emergency access drive connection between Murphy Drive and Damascus Road to be constructed by Developer.
8. To ensure retirement use, deed restrictions for age restrictions must be created and recorded by developer prior to final plat approval and commencement of construction.

Dan Highley, applicant came forward and addressed the Council. Highley stated that they are working on the deed restrictions.

Councilmember Morris asked who would be paying for the emergency access drive and Damascus Road. Robert LaCroix stated that Mr. Cameron would be dedicating the right-of-way to the City and the City will be building a portion of Damascus. The developer is responsible for the emergency access drive. Julie Couch, City Manager, advised that the City had already planned to realign Damascus with SH-205. Morris then made a motion to approve the amended development plan.

Mayor Jones asked if we could require that the roads be finished before construction.

Rick Dirkse, a representative of HCA, came forward to address the Council. Mr. Dirkse suggested that a bridge be built over the railroad tracks, which would create more access to the property. Chuck Todd, City Engineer, advised that it would be very cost prohibitive to do this – well over a million dollars. Mr. Dirkse asked when they could expect construction to begin on Damascus – he is concerned about the traffic, construction and school. Julie Couch advised that it would be tied in with construction of the development. Chuck Todd advised Mr. Dirkse that construction of the new entrance could be built around the current entrance and would not affect traffic.

Councilmember Cotti seconded Councilmember Morris' motion, stating that this development is in compliance with the zoning regulations.

Councilmember McCallum asked there would be any accessory uses with the development. Mr. Highley stated that there would be a club house, an exercise room and a library, but there will be no retail. McCallum stated that this clearly falls within the zoning regulations and that they have done what they were asked to do. This is well within what was requested by the neighbors.

Mayor Jones thanked Mr. Highley for addressing the Council and stated that this was our only retirement community and it was important that it remain so. The motion passed by a vote of 4 ayes and 2 absent [King and Raulston].

- d. **SP2003-022** -- Discuss and consider a request by Steve Isbell of Realty Capital Rockwall, Ltd for site plan approval of Rockwall Office Park, located on a 2.31-acre tract known as Lot 10R, Block A, Horizon Ridge Addition, and zoned (PD-9) Planned Development No. 9, situated along the south side of Arista Road east of Ridge Road within the Scenic Overlay district and take any action necessary.

Robert LaCroix discussed the background of the request, which is a proposed office development that incorporates three (3) one-story structures totaling 26,032-sf surrounding a detention pond, with two access points along the south side of Arista Road. Staff recommends approval with the following conditions:

1. Approval of engineering plans.
2. Approval of replat (Case No. P2003-035).
3. Adherence to all fire department requirements.
4. All trees to be planted at least 5-ft from all utility lines, fire hydrants, etc.
5. Maximum overall mounting height for all light fixtures to be 20-ft or less.

Councilmember Cotti made a motion to approve the request with Staff recommendations and Councilmember Morris seconded the motion. The motion passed by a vote of 4 ayes and 2 absent [King and Raulston].

#### 8. ACTION ITEMS

- a. Discuss and consider approval of the tax incentive package provided by the *Historically Significant Sites Tax Exemption Program* (City of Rockwall Ordinance No. 03-28) for the Old Methodist Church (102 N. Fannin) and Education Building (303 E. Rusk) property (Griffith Addition, Lot A, Block 2) located on North Fannin between Kaufman and Rusk, and take any action necessary.

Robert LaCroix advised that the applicant for this request had been withdrawn.

- b. Presentation by Doug Hamilton of Hamilton & Associates of his Process Improvement Project for Municipal Court and take any action necessary.

Mayor Jones called Doug Hamilton forward to address the Council prior to the public hearing items. Hamilton thanked the Council for the opportunity to address the Council and stated that he was impressed with Judge Kortemier and Debbie Waters and the Municipal Court Staff. Hamilton stated that he couldn't give them enough praise. The perception of the Court is that it is a professional court. Hamilton then gave a power point presentation on his findings and recommendations.

Councilmember Cotti asked if the associate judge had to be a licensed attorney. City Attorney Pete Eckert stated no, that it could be someone who is skilled, pursuant to our

467 Charter. Cotti stated that he is ready to support the recommendations and asked where  
468 the extra \$22,000 would come from. Mary Smith, Finance Director, stated that \$17,000  
469 had been collected by the end of November and that the remainder can be  
470 accommodated by the increased fees. Cotti then made a motion to accept the report and  
471 recommendations and instruct staff to proceed.

472  
473 Councilmember Morris seconded the motion. Morris told Hamilton that the report was  
474 very good and that they could certainly come up with the extra funds for someone who  
475 brings in over a \$1 million a year.

476  
477 Councilmember McCallum asked, based on implementing the recommendations, how  
478 long it would take for the Court to get caught up. Hamilton stated that contingent on the  
479 Council's approval, they would immediately start with the new docket. After  
480 implementation it will take 4-6 weeks to catch up. McCallum asked if there would be an  
481 increase in the cost for the prosecutor. Hamilton stated that the increase should be a  
482 wash. McCallum asked if the equipment in the courtroom was adequate to meet all  
483 needs and if they had all the tools that they need, i.e., furniture, etc. Mary Smith advised  
484 that we had budgeted for furniture this year. Hamilton stated that Judge Kortemier had  
485 asked for new stamps for the file jackets, but that Debbie Waters had taken care of that.

486  
487 The motion passed by a vote of 4 ayes and 2 absent [King and Raulston].  
488

- 489 c. Discuss and consider approval of funds to repair Fire Station No. 1 roof  
490 and take any action necessary.

491 Robert Hargrove discussed the background of the request and recommended approval  
492 of option two.

493  
494 Councilmember McCallum asked if bids were to be taken on this project. Hargrove  
495 advised that the price for option two was the low bid. McCallum then made a motion to  
496 approve option two and Councilmember Morris seconded the motion. The motion  
497 passed by a vote of 4 ayes and 2 absent [King and Raulston].  
498

- 499 d. Discuss and consider authorizing the City Manager to execute an  
500 Agreement Letter with the North Texas Municipal Water District to replace  
501 the Squabble Creek WWTP Outfall Pipeline, as previously approved in  
502 the 2003-2004 Annual Operating Budget, and take any action necessary.

503 Rick Crowley, Assistant City Manager, discussed the background of the request and  
504 advised that the funds for this project had been provided for in this year's budget.  
505 Councilmember Morris made a motion to approve the request and Councilmember Cotti  
506 seconded the motion. The motion passed by a vote of 4 ayes and 2 absent [King and  
507 Raulston].  
508

- 509 e. Discuss and consider approval of a Preliminary Financing Plan for the TIF  
510 Zone and take any action necessary.

511 Mary Smith, Finance Director, discussed the background of this request. Smith advised  
512 that she had met with Commissioners Self and Wimpee and that the School Board had  
513 appointed Brad Lambert to meet with her. Smith stated that she needed the Council's  
514 approval in order to present the TIF financing plan to the School and the County.  
515

Councilmember Cotti made a motion to approve the request and Councilmember Morris seconded the request. The motion passed by a vote of 4 ayes and 2 absent [King and Raulston].

- f. Discuss and consider calling a public hearing on March 1, 2004, regarding creation of the TIF Zone and take any action necessary.

Mary Smith discussed the background of the request. Councilmember Cotti made a motion to approve holding the public hearing on March 1, 2004, and Councilmember Morris seconded the motion. The motion passed by a vote of 4 ayes and 2 absent [King and Raulston].

There being no further business to come before the Council in regular session, Mayor Jones adjourned the meeting into Executive Session at 8:07 p.m.

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

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

**10. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

Council approved a Resolution appointing Debbie Waters as Associate Judge of the Municipal Court by a vote of 4 ayes and 2 absent [King and Raulston].

The Council reappointed Bob Cotti to the Fire Pension Board.

There being no further business to come before the Council, the meeting was adjourned at 9:00 p.m.

---

Ken Jones, Mayor

**ATTEST:**

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Dorothy Brooks, City Secretary

**MINUTES**  
**January 22, 2004**  
**3:00 p.m. Worksession**  
**City Hall, 385 S. Goliad, Rockwall, Texas**

Mayor Jones called the meeting to order at 3:08 p.m. Present were Mayor Jones and Councilmembers Tim McCallum, Bob Cotti and Terry Raulston. Absent were Councilmembers Billy Morris and John King.

**DISCUSS ANNEXATION PLANNING AND TAKE ANY ACTION NECESSARY**

City Manager, Julie Couch, discussed the various areas to be discussed at this meeting, including the ETJ, Lake Rockwall Estates, and other areas to be annexed.

Robert LaCroix, Planning and Zoning Director, read to the Council the requirements from Section 42.052 of the Government Code for annexation plans. The Code states that areas containing more than 100 residential units require an annexation plan. An annexation plan is not necessary if there 99 or fewer residential units in an area or if someone petitions to be annexed. If you do a plan, you identify areas to be annexed and those areas cannot be brought into the city prior to 3 years. The area to be annexed must be annexed within 31 days after the end of the 3 years and if it is not, then it cannot be annexed for 5 years.

The annexation plan must provide for an inventory of services – those already in place and those that will be required; the annexation plan must be posted on the website for three years; and notices must be sent.

We adopted a resolution in 1999 stating that we did not have an annexation plan.

Councilmember Cotti stated that our website should be online at the end of February and asked LaCroix how long it would take to put a plan together for Lake Rockwall Estates. LaCroix advised it would take approximately 45 days. Cotti stated that Lake Rockwall Estates is the only area that exceeds the 100 house limit. Cotti then asked if we would have to repeal the 1999 resolution. Julie Couch stated we would not have to repeal the 1999 resolution, just adopt a new one.

Couch asked the Council how they wanted to proceed regarding Lake Rockwall Estates. Annexation of Lake Rockwall Estates will have a big impact on the City. Couch stated if they are ready for us to bring it in that we need to be deliberate in our decisions. We need to have some dialog.

Councilmember Cotti stated that if we don't annex in Lake Rockwall Estates, that the conditions there will continue and that he is compelled to annex them in. It will be a costly process. Cotti stated he wanted to proceed, but just talk about it today to obtain the information necessary to begin the process.

Councilmember McCallum stated that before we jump into action, we need to listen to Staff regarding the existing problems and how they will impact Code Enforcement, the

50 Streets Department, etc. What is the impact on the citizens? If you are bringing in an  
51 area, we need to balance out the cost. The burden will be on the citizens.

52  
53 Couch stated that she agreed that we need to look at the cost implications. Couch stated  
54 that Staff could come back with scenarios that would show the various implications.

55  
56 Councilmember McCallum stated that he wanted to look at it that way. He would like to  
57 have a detailed analysis regarding paying for the services, how the plan can be crafted  
58 and shelter the burden for the remainder of the community and what the cost to the  
59 average citizen would be. We owe that to our citizens.

60  
61 Councilmember Raulston asked if during the three year period of the annexation plan, if  
62 that area would continue to grow the way it currently is or would there be a moratorium?  
63 We definitely need to look at the different areas to minimize the impact. Raulston stated  
64 he would like to see various scenarios.

65  
66 Councilmember Cotti stated that he agreed with Councilmembers McCallum and  
67 Raulston. He wants to be sure we are not scared off by the numbers. They are going to  
68 be high.

69  
70 Julie Couch stated that if it is the goal of the Council to annex Lake Rockwall Estates,  
71 they need to give Staff some direction. Couch stated she would like some time to put  
72 this together, at least 60 days. Staff could present their findings at the next worksession,  
73 which is scheduled for Monday, May 10, 2004, at 6:00 p.m.

74  
75 Mayor Jones stated that when we do annex Lake Rockwall Estates, it will need to be  
76 phased in because of the cost.

77  
78 Couch stated that the soonest we can annex any portion of Lake Rockwall Estates is  
79 three years.

80  
81 Councilmember McCallum stated it is an issue of being informed and not being scared  
82 off by the numbers.

83  
84 Couch stated that Staff will take the information on Lake Rockwall Estates and break it  
85 out into phases. The information previously provided is worst case scenarios. Example:  
86 We would probably not reconstruct the streets.

87  
88 Mayor Jones asked City Attorney Pete Eckert if we do decide to annex a portion of Lake  
89 Rockwall Estates, if it would be an additional three years before they could annex  
90 another portion. Eckert stated it depends on the plan.

91  
92 Robert LaCroix stated that it has to be annexed within 31 days of the end of three years.

93  
94 Couch stated that we would look at the legal aspects as well.

95  
96 Councilmember McCallum asked if City Attorney Eckert was going to put together a firm  
97 opinion on this.

98  
99 LaCroix stated it is complicated. Couch stated it will depend on the scenarios and that  
100 we will look at cost, time, legal aspects, etc.

101  
102 The Council directed Staff to work up the scenarios on Lake Rockwall Estates.  
103

104 Couch then stated that Staff wanted direction from the Council regarding annexation of  
105 land in area 1. Couch stated that three scenarios had been prepared. Chuck Todd, City  
106 Engineer, discussed the three scenarios. Todd stated that you have to annex land  
107 contiguous to the city limit lines. Couch stated that with regarding to the 1000 foot rule,  
108 there is a rule that states it does not apply if the land is adjacent to another city limit.  
109

110 Councilmember McCallum asked how many plats were included at this time. Chuck  
111 Todd advised that he did not know. McCallum asked if there was a way to skip around  
112 homeowners and take in only development land. McCallum asked if we picked up all of  
113 Whittle's land on the corner of Horizon & 549. Todd replied yes. McCallum stated that  
114 the hospital will be across the street and those three corners could be heavy commercial.  
115

116 Couch stated that at this time we have no control over someone subdividing their land.  
117 What was shown to the Council were three scenarios. There are a variety of ways of  
118 development an annexation. At this point we need to get the Council's goals and how  
119 they want us to proceed.  
120

121 Councilmember Cotti asked if there are any benefits one plan might have over the other  
122 that might meet the objectives and be limited in impact. Couch stated our goal would be  
123 to bring in those areas developed or to be developed. Cotti stated that from his  
124 perspective, having better control on structures being built on 3097 is his goal but he  
125 does not want to impact farms and residences. His concern is along the 3097 corridor to  
126 the hospital. In his opinion, Plan 3 is the best.  
127

128 Couch stated that any vacant land adjacent to the hospital should be brought in.  
129

130 Councilmember Raulston asked if Couch wanted their decision now. He agrees with  
131 Cotti, that we need to do the 3097 corridor and along the Wallace Preserve, which will get  
132 Lake Rockwall Estates. Couch asked if he was interested in looking south of 549 along  
133 Boyd Road. Raulston stated he did not want us to bite off too much at one time.  
134

135 Couch stated that we could not bring the hospital site in because that was in Heath, but  
136 we can look at the adjacent area.  
137

138 Councilmember McCallum stated that he liked what Raulston brought up. He is in favor  
139 of protecting the development of the corridors into our city. Example: Sonic did not  
140 originally fit our plan and it is less than a mile away. When the hospital goes in there will  
141 be major development, doctor offices, pharmacies, fast food, etc. We need to control  
142 this. How do we keep that 1000 feet when we touch with Heath. We need to leave the 12-  
143 acre tracts/homeowners alone. The immediate concern is for the three corners.  
144

145 Mayor Jones stated that he does not want to encroach on the Wallace Farm. Chuck Todd  
146 drew a rough area on the map for the area to be annexed. Cotti stated that was ok, but  
147 he wants minimal impact on farms and residences. Mayor Jones stated that he liked this  
148 proposal. Councilmember McCallum stated that for the protection of our citizens, if we  
149 have to infringe, we should. Maybe we should talk to Heath -- we should look at all  
150 parameters.  
151



152 **Pete Eckert stated that if you put an area in the plan, then it would just take amendments**  
153 **to the plan – if you phase it.**

154  
155 **Couch stated that there would be no formal action today. The Council stated it is**  
156 **agreeable with the proposed plan.**

157  
158 **Mayor Jones stated that when the proper time comes, we need to do a better selling job**  
159 **and let them know what benefits they will be receiving.**

160  
161 **Councilmember McCallum stated that this is truly what we wanted – to protect/control**  
162 **development along the corridor.**

163  
164 **Mayor Jones adjourned the meeting at 4:21 p.m.**

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**Ken Jones, Mayor**

169  
170 **ATTEST:**

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**Dorothy Brooks, City Secretary**  
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