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MINUTES ROCKWALL CITY COUNCIL

February 2, 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, and Terry Raulston. Absent were Councilmembers Billy Morris and John King. There is currently a vacancy on the Council. Councilmember McCallum gave the invocation and led the Pledge of Allegiance.

City Secretary Dorothy Brooks, acting in her capacity as a notary public, swore Deborah Waters in as Assistant Municipal Court Judge.

OPEN FORUM

Mayor Jones asked if there was anyone in attendance at the meeting tonight who wanted to speak in open forum. No one came forward to speak.

CONSENT

- 5a. Consider approval of the minutes of the January 20, 2004, City Council meeting and take any action necessary.
- 5b. Consider approval of an **Ordinance** for a request from Ronny Joe Ross for the zoning change from (A) Agricultural to (SF-16) Single-Family Residential 16,000 square foot lot minimum for the 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. **(2nd Reading)**
- 5c. Consider approval of award of the bid for street materials to the lowest responsible bidder and take any action necessary.
- 5d. Consider approval of award of the bid for water meters to the lowest responsible bidder and take any action necessary.
- 5e. Consider approval of renewal of the litter abatement contract and take any action necessary.

Councilmember Cotti made a motion to approve items 5a through 5e, as set out above, and Councilmember McCallum seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM "A", AGRICULTURAL TO "SF-16", SINGLE FAMILY RESIDENTIAL DISTRICT, FOR THE SOUTHERN 0.84 ACRE PORTION OF A TRACT OF LAND KNOWN AS S. KING ABSTRACT NO. 131, TRACT 9; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON

51 WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE;
52 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
53

54 The motion passed by a vote of 4 ayes and 2 absent [King and Morris].
55

56 **APPOINTMENTS**
57

- 58 6a. Appointment with Nancy Beaty for report on the 2003 Pumpkin Patch and
59 take any action necessary.

60 Nancy Beaty came forward and gave her report on the 2003 Pumpkin Patch. Beaty
61 advised that Channel 8 did a report on the Pumpkin Patch which resulted in great
62 attendance – people from over 40 communities attended.
63

64 Councilmember Cotti stated that volunteer hours are uncountable and that a lot of work
65 went into this important kick-off to Rockwall's Holiday Season. He then asked Beaty if
66 she had an estimate of the total number of visitors. Beaty advised that she did not have
67 that number tonight. Cotti told Beaty that they did a great job and wished them
68 continued success.
69

70 Mayor Jones stated that he appreciates all she does – it was an outstanding job.
71

72 Councilmember McCallum stated that he and his children make this an annual event and
73 that he appreciates the job done. McCallum asked Beaty if she know how many
74 pumpkins were sold. Beaty advised that she was uncertain of the number sold, but that
75 they had several deliveries of over 14,000 pounds of pumpkins.
76

77 Councilmember Raulston stated that the Pumpkin Patch is a great ongoing event and
78 that he is proud of the work Beaty does and thanked her for her hard work.
79

- 80 6b. Appointment with Planning and Zoning Chairman to discuss and answer
81 any questions regarding cases on the agenda and related issues and
82 take any necessary action.

83 Philip Herbst of the Planning and Zoning Commission came forward to address the
84 Council. Herbst advised that there was only 1 item on tonight's agenda and that the
85 Commission recommended approval with the condition that the applicant add stone.
86

87 Councilmember McCallum asked if the Commission sent the applicant back to work on
88 that. Herbst stated yes, that it came back a much better looking building. McCallum
89 asked if the Commission had the applicant make changes to the canopy. Herbst stated
90 that they had not that they had concentrated on the building and the landscaping.
91 McCallum asked what the percentage of stone was. Robert LaCroix, Planning Director,
92 stated that it is not quite 20% -- the entry will be all stone. McCallum thanked Herbst for
93 sending the applicant back and stated that he and Councilmember Raulston are working
94 to get consistency in the corridors.
95

- 96 6c. Appointment with Russell Kelly regarding annexation.

97 Mayor Jones called Russell Kelly forward and jokingly asked him which one of the City's
98 plans he prefers? Kelly replied "Neither!"
99

100 Kelly stated that the Council does a lot for the community and so does the City Staff. He
101 then went on to read Section 43.052(c) out of the Municipal Code. Kelly went on to talk

about the City's PPC rating, which at this time is 5. Kelly stated that "blind annexation without research is wrong." Kelly stated that if you reduce the ISO (PPC) and do infrastructure, the people will thank you. Kelly stated that the City needed to hire an outside firm to develop an annexation plan. Kelly asked the Council to make an unbiased decision that is morally and legally correct. Kelly then presented pictures of Lake Rockwall Estates and a map of the City which supposedly showed that many, many streets did not have fire hydrants.

Councilmember McCallum asked Kelly if had talked to our Fire Chief. Kelly stated no, he went over his head. McCallum asked Fire Chief Mark Poindexter to come forward and address the ISO issues that Kelly had brought up.

Poindexter advised that the city map that Kelly had presented was a water service map and did not show fire hydrants. Kelly could have obtained a copy of that map from Poindexter. Poindexter went on to state that the number of streets without fire hydrants does count on the ISO rating and that we have been working on it. Poindexter stated that in March 2003, the City was graded and the results are still pending in New York. Since the findings have not yet been published, Poindexter stated he could not reveal what the rating will be, but that it will be lower than 5.

McCallum asked Poindexter about the new building codes. Poindexter stated that there is some impact – buildings 5,000 square feet and larger are required to be sprinklered. McCallum advised Kelly that we did take into account Lake Rockwall Estates and that we are currently working on this. We are looking at that area for an annexation plan. McCallum asked Kelly about his bias? We did not annex your neighbors, but there is a big question regarding development from an annexation view. McCallum told Kelly that he had a biased view. McCallum told Kelly he needed to take his neighbors into consideration when he built his buildings. Do the same thing he is asking the Council to do – remove his bias. McCallum stated that the Council is trying to not be bias.

Kelly stated that he did not mean to imply that the Council's decisions were bias. We feel like we have done a good job. There is no trash – no unsightly equipment. We've landscaped as much as we could afford. They are nice, clean little buildings that people can afford. Those buildings fill a need for supplying moderately priced buildings. We have already filed our permits for our project and we will finish it. I am just trying to protect the neighborhood.

Councilmember Cotti thanked Kelly for bringing what he did before the Council. The photos show what is out there. There are issues and points that I will ask our City Attorney to address when we reach that item on the agenda. I don't think any of us are here in a self-serving position. We are here to do what is best for Rockwall.

SITE PLANS / PLATS

- 7a. SP2003-021** -- Discuss and consider a request from Ernest Hedgcoth for a site plan of a single, commercially-zoned 0.642-acre tract known as Lot 1, Block 1, Horizon Village Addition, located on the northeast side of Horizon Road (FM 3097) approximately 135 feet northwest of the intersection with Ralph Hall Parkway and take any action necessary.

Robert LaCroix, Planning Director, discussed the background of the request. This is for a Sonic Franchise near Lowe's at FM 3097. LaCroix stated that the Planning and Zoning

Commission recommended stone on the entry and that the applicant has agreed to do that. The applicant will also use brown stone/brick band accents around the building. This is a better looking Sonic than you will find in most communities. Planning and Zoning recommended approval with the condition that the entry be stone and the accents be added.

Councilmember Cotti asked if they had new elevation plans tonight. LaCroix advised that they did not. Cotti then stated the handmade markups on the plan would suffice and that this is a good plan and made a motion to approve the request with Planning and Zoning Commission conditions. Councilmember Raulston seconded the motion. Raulston asked if, since this was a small tract, if there was no detention pond. LaCroix stated that there is a pond in the back that they will tie into. Chuck Todd, City Engineer, confirmed this.

Councilmember McCallum asked what the percentage of stone was. LaCroix told him it was pushing 20%. McCallum asked if this was the requirement and LaCroix stated there is no requirement.

Mayor Jones stated that he will support the request – especially if he can get a #1 cheeseburger.

The motion passed by a vote of 4 ayes and 2 absent [King and Morris].

ACTION ITEMS

- 8a. Discuss and consider annexation of south area and take any action necessary.

Rick Crowley discussed the background of the annexation. Robert LaCroix discussed the various options. Option 1 is to take 3097 to 549; Option 2 is to take 3097 to J. Boyd Road to Cullins and back. LaCroix stated that they did follow the property lines. It is easier for the appraisal district and for the City. Crowley stated that there is any number of variations. We thought these represented what you had stated you desired.

Mayor Jones asked if there had to be two more public hearings. Crowley advised yes, there would be.

Councilmember Cotti asked how many properties were in each option. LaCroix stated he didn't know for certain, maybe 40. Cotti then stated he had attempted a count and found roughly 36 in Option 1 and 47 in Option 2. Cotti then asked City Attorney Pete Eckert to address the issues raised by Mr. Kelly with regarding to Section 43.052(c); 43.052(h)(1); and 43.052(1). What we do should be within the law.

Eckert stated that 43.052(c) is the requirement for an annexation plan. There are exceptions or exemptions to the plan, as stated in 43.052(h), which are most commonly used by home-rule cities. This section exempts any number of tracts, so long as there are only 99 residences in the tract. This is the advice the TML has used since the law was passed. What has been proposed to you and what you considered earlier as Area 1 falls under this. All prerequisites must be met. There is no court interpretation of the 100 residence exemption. There was a significant annexation case out of San Antonio (who has aggressively pursued annexation) and the court ruled in the city's favor.

Councilmember Cotti stated that from these comments it appears we are in accordance with all the legal aspects of the annexation. We have taken the steps to lower our ISO rating and better provide fire protection services in Rockwall. However, since there are only 4 Councilmembers here tonight, Cotti stated he thought it would be the City's best interest to table the matter until February 16, 2004, so all members can be here and we can also talk about Area 2 annexation. He then made a motion to table the action until the February 16th meeting.

Councilmember Raulston stated that he agreed with Councilmember Cotti that this matter should be before a full Council and seconded the motion.

Councilmember McCallum stated that this is an issue best served by the full Council and he supported the motion. McCallum stated that during the worksession they listened to the homeowners, we want to control entrances to the City. With a border with another city we might be able to avoid annexing any more people. McCallum asked City Attorney Pete Eckert to check this out. McCallum stated he was concerned not only about the Kelly's, but about the Baylor Hospital construction and future pharmacies.

Mayor Jones asked Eckert if he had any opinion on the 500 foot vs. 1000 foot distance. Eckert advised that he would get back to him on that. Mayor Jones then called for the vote and the motion passed by a vote of 4 ayes and 2 absent [King and Morris].

Rick Crowley asked for clarification. Less than 1000 feet has to do with whether or not we cross 549. Mayor Jones stated that in order to protect our borders that we needed to cross 549. Councilmember Cotti stated that he would like to see both options. Mayor Jones asked if the Wallace Farm was left out. Crowley advised it was – on both maps.

Mayor Jones asked Mr. Wallace if he had a question. Wallace stated that he had a question regarding the 1000 feet, but it had already been answered.

- 8b.** Discuss and consider an amendment to the Sign Ordinance regarding flags and take any action necessary.

Jeffrey Widmer, Building Official, discussed the background of the request.

Councilmember Cotti stated that our current ordinance covers the areas of concern brought forward in this request with the exception of a few areas. We don't want to limit the use of flags. Sec. 4f addresses prohibited flags but does not address what flags can be used. If we change this section, I think it would cover what we need. We should add a provision to allow a company flag in an area where flags are allowed.

Widmer stated that Staff liked option 3 – use only in conjunction with national/state flags. 2 poles would be required to be able to regulate this in the future. We are not opposed to corporate logo flags.

Councilmember McCallum stated that he has not seen that this is an overwhelming issue in this City. McCallum stated that he thinks we should leave it as it is – less regulation.

Councilmember Raulston stated that he agreed with McCallum. So far there aren't any flags that are distasteful.

Councilmember Cotti stated that we do have some inconsistencies in our ordinance as its defines signs and flags and he thinks the ordinance needs to be revised to clear up any confusion.

Widmer stated that a few flags have popped up that have caused alarm. There is really nothing in our ordinance now and a business could literally line the street with corporate logo flags.

Councilmember McCallum stated that he supported the businesses of Rockwall. Councilmember Raulston stated that he agreed with McCallum. Make changes when they are warranted. Raulston asked Cotti if he was suggesting cleaning up the language of the ordinance. Cotti replied yes. If the language is cleaned up, then you have a clear understanding of when a flag is a sign and when it is a flag. I want to do everything I can to help businesses survive in our community.

Rick Crowley, Assistant City Manager, stated that if in fact the logo flags are signs, then they may carry a legal non-conforming use.

Councilmember Cotti stated that the language of the ordinance should be cleaned up to clearly identify when they are used as signs.

Crowley stated that if the flags are at the dealership they would be corporate logos or signs. Widmer stated that the corporate flags need to fly with other flags.

Councilmember McCallum stated that he did not see the problem. Why are we trying to regulate. Why are we trying to make law for something that is not a problem? We don't have an issue at this time. Widmer advised they would do whatever the Council wanted them to do.

Councilmember Cotti stated that regardless of whether we have a problem, the inconsistencies in the ordinance still need to be cleared up.

Councilmember Raulston stated that he agreed with Councilmember Cotti. I support cleaning up the wordage and bring it back to us.

Mayor Jones stated if it is not a problem, then don't fix it.

Councilmember McCallum stated that he agreed. He will look at the ordinance very closely. We want them to grow their businesses here in Rockwall – otherwise they will take their businesses elsewhere. We should support our businesses.

Mayor Jones asked Councilmember McCallum if he thought the ordinance should be amended. McCallum stated that he had not read the ordinance, but that he would oppose any new language. Widmer stated that they would revise the ordinance. Mayor Jones stated the he will always support American signs. Widmer stated that we are not against American flags. Pete Eckert advised that he would look at the language.

No further action was required or taken.

- 8c.** Discuss and consider a report from the Ethics Subcommittee and take any action necessary.

Rick Crowley discussed the background of this item. The bottom line is that no changes are warranted at this time. The Subcommittee recommends that Pete Eckert hold seminars for the boards and commissions. The City Manager will hold seminars for Department Heads as necessary.

Councilmember Raulston stated that this is a great job and that he supports continuing and moving forward with this.

Councilmember Cotti stated that Crowley did not mention an informational brochure. Cotti wanted to know if we have a time frame that Mr. Eckert could hold the seminars. Crowley advised that he would work with Mr. Eckert in this regard. Eckert advised it should be within a month or so in order to coordinate with the spring elections.

Councilmember Raulston made a motion to accept the report of the Ethics Subcommittee and Mayor Jones seconded the motion. The motion passed by a vote of 4 ayes and 2 absent [King and Morris].

- 8d. Discuss and consider Council Subcommittee recommendations for animal shelter architectural services and take any action necessary.

Rick Crowley discussed the background of this item. Crowley advised that the City has taken RFP's from several architects and that Quorum Architects had been chosen. The City will enter into contract negotiations with Quorum for design of an animal shelter.

Councilmember Cotti stated that designing an animal shelter is a long range planning process. Once the plan is complete, what are we going to do with the information? When the CIP made its recommendation to the Council two years ago, it did not have a design and it was difficult to determine what was needed and how much it would cost. Given this, and for clarification purposes, where are we today, where do we go?

Crowley advised that the contract will have steps and information will be reported along the way. This will allow us to put design and construction costs together. This is State mandated and we have to now move forward. There will be dialog with Staff and Council during the process.

Councilmember Cotti stated that we had 7 respondents to the Request for Information, who all provided outstanding responses. Quorum has experience. They can tailor their design to meet specific needs. McCallum, Raulston and Staff felt Quorum was the best choice.

Mayor Jones asked if we had to have Quorum speak. Robert Hargrove replied no.

Councilmember Cotti made a motion to proceed with the Subcommittee's recommendation to authorize the City Manager to negotiate a contract with Quorum to design an animal shelter for Rockwall.

Councilmember McCallum stated that he was not on the Subcommittee, but Quorum did represent the best choice should we decide to go forward. We need to exercise fiscal responsibility. Quorum can find a cost effective design. McCallum then seconded the motion and stated that he knows we have a long way to go and that we may need voter approval.

The motion passed by a vote of 4 ayes and 2 absent [Morris and King].

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

Rick Crowley advised that Police Chief Mark Moeller had submitted a racial profiling report pursuant to State law. Crowley also advised that the wastewater treatment line to Mesquite cost less than the stated amount by approximately \$2 million. This, in addition to Forney coming on line, should reduce our costs significantly.

Councilmember Raulston stated that we wouldn't be hearing from the North Texas Municipal Water District for more money.

Councilmember Raulston then made a motion to accept the racial profiling report and Councilmember Cotti seconded the motion. The motion passed by a vote of 4 ayes and 2 absent [Morris and King].

There being no further business to come before the Council in regular session, Mayor Jones adjourned the meeting into Executive Session at 8:14 p.m.

HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074, AND 551.087 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. 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. Potential Litigation: Sewage Damage.

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 9:30 p.m.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

Corridor Overlay District; Section 2.30 (E-SH 66 OV) East SH 66 Corridor
Overlay District. (1st Reading)

Robert LaCroix, Planning Director, discussed the background regarding the various corridors and described them on the map. LaCroix advised that this was not for right-of-way and that most of the corridors will not affect residential zoning. It will affect apartments. The corridors will provide for a 500 foot buffer on either side of the roadway.

Homer Flores, Chairman of the Planning and Zoning Commission, stated that the Commission had discussed the ordinances and in the past there has been some confusion as to existing structures. LaCroix stated that existing structures will not be required to be brought up to standards unless there is more than a 20% change in the structure.

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

Robin Nickels
No. 6 Norman Trail
Rockwall, Texas

Nickels stated that the roadway was following the right-of-way and wanted to know if we would build a wall around the neighborhood.

LaCroix advised that we are not addressing the roadway alignment tonight. If we build the road, right-of-way will have to be obtained.

Julie Couch, City Manager, advised that the road alignment is not being discussed tonight – this is only for the corridor overlay.

Ms. Lee Helm
1569 E. Quail Run

Ms. Helm stated she is concerned because the road runs through her driveway. The front five acres are in a flood plain and the road could not be built there. We are concerned because you are taking our land.

Julie Couch stated that the corridor ordinances are not written to include a certain tract of land.

Homer Flores stated that we don't want to minimize your concerns, but we can only act on what is on the agenda tonight. We are not talking about right-of-way.

Rhonda Koussa
7135 Harlan

Ms. Koussa stated that she had been told the City could take her house. She wanted to know if we are going to widen SH-205.

Councilmember Cotti stated he could see how it can be confusing. SH-205

is not a 2005 project and is not necessarily a 2010 project. No one is going to take your land.

Koussa stated that she could not wait until the road is out there, she has to protect her assets.

Councilmember Cotti requested that the City Manager provide an overview of the planned road projects over the next several years to eliminate confusion. Julie Couch stated that she had not planned on talking about highway widening, but advised that SH205 is not on the plans for widening within the next 5-10 years. Couch stated that they did not have to worry that something was going to happen within the next two years. Couch stated we can't tell you when SH-66 is going to be widened. FM-549 will be widened, but not in the next 2-3 years. SH-276 is planned for 2007. The Bypass is a totally different project. It has been on our Thoroughfare Plan for 20 years. Pieces have already been built. There are sections that we have not determined yet where it will be. We are not determining the alignment tonight.

Councilmember McCallum stated that maybe we had not appropriately defined it. We are here tonight because we are concerned about development in our community. These roads are corridors into and out of our community and we are trying to get some consistency throughout the community. By setting these ordinances, it protects your property in the long run. It is a look to the future and control of development.

Chuck McDonough
1495 Hickory Creek

McDonough asked how we are going to enforce the corridor, if we don't know where the roadway is.

Robert LaCroix stated that all roads are in except the 205 Bypass and parts of it have been aligned through developers dedicating it as right-of-way. These zoning overlays are for retail/commercial property. Most of the use in the area north will be residential. It will not prevent you from doing what you want to do. It will affect you if you are business.

Kenneth Phillips
2530 Day Break

Phillips advised that he lived in Lofland Farms and that his backyard faces 276. Phillips wants to know what he is facing.

Couch advised that there will be no additional right-of-way needed.

Councilmember McCallum thanked the Planning and Zoning Commission for looking at the stone requirement. This will help with consistency and limit synthetic materials to 50%, but how does this compare to what we have today?

154 LaCroix stated that this will mean we are getting a much better product

155
156 McCallum asked if they had considered a 6" caliper for trees. LaCroix
157 stated that a 6" caliper would be for mitigation. A 4" tree is a good size tree
158 and does well when transplanted. McCallum then asked if the 15' setback
159 for retail/commercial will accomplish what we need. LaCroix stated it
160 would.

161
162 Connie Jackson of the Planning and Zoning Commission stated that a 4"
163 caliper is the best for survival. Larger trees don't do as well.

164
165 Lee Helm
166 1569 E. Quail Run

167
168 Mr. Helm asked if we were not approving the alignment as shown. Couch
169 advised that we are not defining a route for a road. It only says that 500
170 feet on either side of a road (which could be anywhere) will be in the
171 overlay. Mr. Helm asked if there was anyway that they could find out what
172 the process will be when alignment takes place. Couch advised that if he
173 would leave his name with Robert LaCroix, we will set up a meeting to
174 discuss it.

175
176 Glen Farris
177 1225 Memorial Dr.

178
179 I am on the Park Board and I've seen where we plant 4" – 6" trees. I would
180 like to see trees that will not have to be cut off below the power lines.
181 There should be plants used from our area. I would like for you to consider
182 this.

183
184 There being no one further to address the Council, Mayor Jones closed the public
185 hearing.

186
187 Homer Flores then asked for a motion. Jeff Carroll made a motion to approve Z2004-001
188 with Staff recommendations. Philip Herbst seconded the motion and the motion passed
189 unanimously.

190
191 Councilmember Raulston then made a motion to approve the request and
192 Councilmember Cotti seconded the motion. The ordinances were read as follows:

193
194
195 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS
196 AMENDING THE ROCKWALL COMPREHENSIVE ZONING ORDINANCE ADDING A
197 NEW SECTION 2.26 (N-SH 205 OV) NORTH SH 205 CORRIDOR OVERLAY DISTRICT;
198 PROVIDING FOR A PURPOSE STATEMENT; PROVIDING FOR APPLICATION AND
199 BOUNDARIES; PROVIDING FOR ARCHITECTURAL STANDARDS; PROVIDING FOR
200 SITE DESIGN STANDARDS; PROVIDING FOR LANDSCAPING STANDARDS;
201 PROVIDING FOR SIGN STANDARDS; PROVIDING FOR LIGHTING STANDARDS;
202 PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND
203 DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A REPEALER
204 CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN
205 EFFECTIVE DATE.
206

207 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS
208 AMENDING THE ROCKWALL COMPREHENSIVE ZONING ORDINANCE ADDING A
209 NEW SECTION 2.27 (205 BY-OV) 205 BYPASS CORRIDOR OVERLAY DISTRICT;
210 PROVIDING FOR A PURPOSE STATEMENT; PROVIDING FOR APPLICATION AND
211 BOUNDARIES; PROVIDING FOR ARCHITECTURAL STANDARDS; PROVIDING FOR
212 SITE DESIGN STANDARDS; PROVIDING FOR LANDSCAPING STANDARDS;
213 PROVIDING FOR SIGN STANDARDS; PROVIDING FOR LIGHTING STANDARDS;
214 PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND
215 DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE;
216 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

217
218 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
219 AMENDING THE ROCKWALL COMPREHENSIVE ZONING ORDINANCE BY ADDING A
220 NEW SECTION 2.28 (SH 276 OV) SH 276 CORRIDOR OVERLAY DISTRICT;
221 PROVIDING FOR A PURPOSE STATEMENT; PROVIDING FOR APPLICATION AND
222 BOUNDARIES; PROVIDING FOR ARCHITECTURAL STANDARDS; PROVIDING FOR
223 SITE DESIGN STANDARDS; PROVIDING FOR LANDSCAPING STANDARDS;
224 PROVIDING FOR SIGN STANDARDS; PROVIDING FOR LIGHTING STANDARDS;
225 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS
226 (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE;
227 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

228
229 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS
230 AMENDING THE ROCKWALL COMPREHENSIVE ZONING ORDINANCE ADDING A
231 NEW SECTION 2.29 (FM 549 OV) FM 549 CORRIDOR OVERLAY DISTRICT;
232 PROVIDING FOR A PURPOSE STATEMENT; PROVIDING FOR APPLICATION AND
233 BOUNDARIES; PROVIDING FOR ARCHITECTURAL STANDARDS; PROVIDING FOR
234 SITE DESIGN STANDARDS; PROVIDING FOR LANDSCAPING STANDARDS;
235 PROVIDING FOR SIGN STANDARDS; PROVIDING FOR LIGHTING STANDARDS;
236 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS
237 (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE;
238 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

239
240 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS
241 AMENDING THE ROCKWALL COMPREHENSIVE ZONING ORDINANCE ADDING A
242 NEW SECTION 2.30 (E-SH 66 OV) EAST SH 66 CORRIDOR OVERLAY DISTRICT;
243 PROVIDING FOR A PURPOSE STATEMENT; PROVIDING FOR APPLICATION AND
244 BOUNDARIES; PROVIDING FOR ARCHITECTURAL STANDARDS; PROVIDING FOR
245 SITE DESIGN STANDARDS; PROVIDING FOR LANDSCAPING STANDARDS;
246 PROVIDING FOR SIGN STANDARDS; PROVIDING FOR LIGHTING STANDARDS;
247 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS
248 (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE;
249 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

250
251 The motion passed by a vote of 4 ayes and 2 absent [King and Morris].
252
253

- 254 **3b. Z2004-002 --** Hold a public hearing and consider an **Ordinance** for a City
255 initiated request to amend the Comprehensive Zoning Ordinance of the
256 City of Rockwall by amending Article III - Site Plan Approval, Section F.3 -
257 Architectural Board of Review Duties, specifically to require a review by
258 the Architectural Board of Review for development within the following
259 overlay districts: (I-30 OV) I-30 Corridor Overlay District; (SH 205 OV) SH
260 205 Corridor Overlay District; (N-SH 205 OV) North SH 205 Corridor
261 Overlay District; (205 BY-OV) 205 Bypass Corridor Overlay District; (SH
262 276 OV) SH 276 Corridor Overlay District; (FM 549 OV) FM 549 Corridor
263 Overlay District; and (E-SH 66 OV) East SH 66 Corridor Overlay District.
264 **(1st Reading)**

Robert LaCroix discussed the background of the item. This ordinance will provide that the Architectural Review Board will review plans that fall within the corridors.

Mayor Jones opened the public hearing. No one came forward to address the Council and the public hearing was closed.

Homer Flores stated that the Commission had been working closely with the Architectural Review Board and he believes that it is important that they have a part in this. Greg Burgamy made a motion to approve Z2004-002 and Connie Jackson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Raulston made a motion to approve the ordinance and Councilmember McCallum seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE ROCKWALL COMPREHENSIVE ZONING ORDINANCE AMENDING ARTICLE III, SECTION 3.1 SITE PLAN APPROVAL, F. 3. ARCHITECTURAL BOARD OF REVIEW DUTIES; PROVIDING FOR DUTIES OF THE BOARD TO INCLUDE CERTAIN CORRIDOR OVERLAY DISTRICTS WITHIN THE CITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 ayes and 2 absent [Morris and King].

ACTION ITEMS

- 4a. Discuss the proposed revised Comprehensive Zoning Ordinance with staff, consultant and Planning Commission and take any action necessary.

Robert LaCroix, Planning Director, discussed the background of the review. The revision is not totally complete, but it is close. LaCroix introduced Dennis Wilson, the consultant, and stated that they wanted to go over the changes with the Council, get some direction from them, and then go back to the Planning and Zoning Commission for a public hearing on it. Dennis Wilson then proceed to go through the plan section by section, detailing the changes in each section.

Councilmember Cotti stated that we still carry MF-15 although everything is MF-14. Why not change it? Wilson stated that was a great idea. Cotti then stated that we have 53-54 PD ordinances that have changed over time and stated that they should be listed. Wilson stated that the Appendix shows the approved PD's. Cotti then stated that he would like to ask Ross Ramsay if he could share some perspectives with the Council. Ramsay stated that he would wait until the public hearing that a lot of effort has gone into this update and this is a good ordinance.

Dennis Wilson stated that whenever we get it complete, no matter how long we've worked on it, there is always a fall out. Wilson stated that in copies to be given to the

public only a list of the PD ordinance numbers will be given, otherwise that is too much paper.

Pete Eckert, City Attorney, advised that we may be coming back to the Council in a few weeks with regard to SOB's. Garland just passed an extensive SOB ordinance based on a court case from Houston. We may want to do a rewrite of our ordinance.

Councilmember McCallum inquired about having 2 accessory buildings for a duplex and asked if the buildings would be smaller because of the smaller lot. Robert LaCroix stated that they would be. McCallum stated that a lot of homeowner associations address accessory buildings as well and asked if we will support the homeowner association rules. Wilson stated that we would.

Councilmember Cotti stated that regard to fences he has seen some wooden fences with brick pillars and they are attractive. Wilson stated that they would provide for this or masonry fences.

Mayor Jones stated that Wilson was doing a good job, that there were not many questions tonight. Pete Eckert advised that no action would be taken on this issue tonight.

Jeff Carroll asked Wilson if buildings over 25,000-sf had been addressed. Wilson advised that they had been addressed in all areas. Carroll stated that the Landscape Standards should address plants that should come from our area. Wilson stated that the best place to discuss the landscaping is in site plan review. With regard to trees under power lines having to be cut, he hopes with new development we will have underground utilities that will take care of the problem.

Robert LaCroix stated that they would like to do the tree preservation ordinance and the zoning code simultaneously. That is the direction he would like to go. Mayor Jones stated trees 4" in diameter should be saved per the local tree preservationist. Councilmember McCallum stated that mitigation is not the same thing as preservation and that we should adopt a plan similar to the City of Allen.

Councilmember Cotti asked what the timing would be on bringing this ordinance before the Council for approval. LaCroix stated that they should be completed in the early spring. Cotti stated he would like to get it in place by June. Cotti then stated that the Council had already approved the takeline and wanted to know if that would be a part of this or a separate ordinance. LaCroix stated that that right now they are separate, but they may be able to include it. Cotti stated that he does want to expedite the Takeline Ordinance, however, does not want to hold this ordinance up and appreciated the feedback.

Councilmember McCallum stated that obviously they would be conjunctive – ordinance and policy regarding trees.

Mayor Jones stated that Wilson did a very good job and Councilmember Cotti stated that he echoed the Mayor's comments wholeheartedly and thanked Robert, Staff and the Planning and the Planning and Zoning Commission and stated that he looked forward to seeing the plan in its final form.

Stephen Straughan stated that he was concerned regarding the overlay areas where we are regulating monument signs – we need to look at this as unfair competition.

Councilmember McCallum stated that Staff had looked at the sign ordinance regarding flags and that this was something else we could look at. McCallum stated he was glad to see the plan and that Julie deserved credit for pulling the group together. This plan is for the long term, we have to focus on the future and this sets us in the right direction.

Homer Flores stated that the Commission would get with Robert to look at the plan and then have the public hearing.

- 4b. Discuss garbage pickup schedules and alternatives for bulk pickup and take any action necessary.

Mary Smith, Finance Director, discussed the background of this item and introduced representatives from Trinity Waste Services (Trinity). Smith advised that we are still having trouble with bulk trash.

Councilmember Cotti stated that when you talk about the bulk trash, you are talking about bulk which often includes toilets, etc. Cotti stated he is in favor of limiting the amount of time stuff like that is on the curb. Cotti asked if the new schedule had reduced the amount of bulk on the street. Trinity advised that when they clear a sector, they call the City and let them know. They recommend a one time a month pickup and would split the City into four sectors. With the 4-ft cut stacks they are recommending, if there was a large amount of bulk, they would come back and pick it up. They recommend a cart with 1 pick-up a week and with 1 brush pick-up a month.

Julie Couch asked Trinity to discuss how the carts work and where they are to be placed. Couch asked if the truck that would be used to pick the carts up would be bigger than the trucks they are currently using. Trinity stated that the new trucks weighed 3000 pounds more. Couch stated that it would impact the older streets and alleys.

Councilmember Cotti stated that there may be a number of folks who are unable to handle these carts and asked if we went to the carts whether there would still be an option for bags. Trinity replied that it must be in the cart. They did offer to move carts from the side of the home to the alley or street if given addresses of those who might need this service. Cotti stated that we might not have addresses for those people that would need help. Trinity stated that it would be an education process.

Councilmember McCallum stated that he thought most progressive cities had gone to this method. The biggest issue is image. McCallum stated that he thinks we should be aware of image with regard to bulk pick-up. He asked Trinity if the concept of people needing assistance was foreign to them. Trinity stated it was not. McCallum stated that he thought the carts might be easier and stated that he would like to look at options that include the polycart – no bags because animals break into them. McCallum stated that he would like to look at the rates. There are advantages and he thinks for an image in our community it is important, however, we need to be fiscally responsible.

Mary Smith stated that there are no figures now. Going to the carts would be an extremely large outlay of capital for Trinity – for the carts and the trucks. Smith stated that she would like to survey the citizens.

Councilmember Raulston asked if the cost would be a burden that Trinity would bear. Trinity stated that it would. Raulston stated that the truck to pick-up the carts would have an arm on it and that the citizens would need to be educated on how to place the carts. Trinity agreed it would be an educational process. Raulston asked about cars parked on the street, blocking the carts. Trinity replied that would be a problem.

Mayor Jones stated that he had never seen the brush cut into 4 foot lengths and that we would have to educate our citizens on that.

Councilmember Cotti stated that he agreed with Councilmember McCallum that image is important. Cotti stated that he agreed that we should get citizen input, but 6 options are too many. Cotti stated that he would like to discuss this further and get some figures and let our citizens decide.

Councilmember McCallum stated that a lot of our citizens are using a currently using a similar cart. Trinity stated that their carts are made of a different material than the carts that you can find at Home Depot. When asked how long it would take to replace a broken cart, Trinity replied it would be replaced within 48 hours.

Councilmember Raulston stated that he agreed with Councilmember Cotti that taking the 6 options to the citizens was too many. He would like to look at options 2, 3 and 4.

Julie Couch stated that she thinks they are talking about several different issues. Couch stated that she would like to get costs on 3 areas and then get feedback: (1) current trash pick-up with 1x a month brush pick-up; (2) start using polycarts; and (3) have fewer brush pick-ups. Councilmember Raulston stated that he would agree to that method. Councilmember Cotti stated that if that would get the information we need, he is all for it. He would like the cart. Councilmember McCallum stated that he concurred and then asked if we really want to cut the trash pick-up to 1x a week. He is ok with the bulk pick-up, but doesn't believe they should have to cut their brush.

Mary Smith stated that we deal with large quantities of brush. She will talk to the City Engineer regarding the size of the trucks and the alleys and streets.

There being no further business to come before the Council in regular session, Mayor Jones adjourned the meeting into Executive Session at 8:51 p.m.

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

- 5a. Consultation with attorney pursuant to Tex. Gov't Code Section 551.071 to discuss legal issues pertaining to City's liability for imposition of extension of moratorium or zoning decisions following moratorium, pertaining to attorney's ethical duty to advise city regarding such matters.

TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

468 **There being no further business to come before the Council, the meeting was adjourned**
469 **at 10:30 p.m.**

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471
472
473 **Ken Jones, Mayor**
474

475 **ATTEST:**

476
477
478 **Dorothy Brooks, City Secretary**
479

Minutes
Rockwall City Council
February 16, 2004
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 6:03 p.m. Present were Mayor Ken Jones and Councilmembers Tim McCallum, Bob Cotti, Billy Morris, John King and Terry Raulston. Councilmember Raulston led the invocation and Pledge of Allegiance. [Place 2 is vacant]

PROCLAMATIONS

3a. Black History Month

Mayor Jones presented the proclamation to former Councilmember Sam Buffington, Buffington's nephew, and John Shirey.

CONSENT ITEMS

4a. Consider approval of the Minutes of the Worksession Meeting held on January 22, 2004, and take any action necessary.

4b. Consider approval of the Minutes of the City Council Meeting held on February 2, 2004, and take any action necessary.

4c. Consider approval of an **Ordinance** for a City initiated request to amend the Comprehensive Zoning Ordinance of the City of Rockwall by adding the following new sections; Section 2.26 (N-SH 205 OV) North SH 205 Corridor Overlay District; Section 2.27 (205 BY-OV) 205 Bypass Corridor Overlay District; Section 2.28 (SH 276 OV) SH 276 Corridor Overlay District; Section 2.29 (FM 549 OV) FM 549 Corridor Overlay District; Section 2.30 (E-SH 66 OV) East SH 66 Corridor Overlay District and take any action necessary. **(2nd Reading)**

4d. Consider approval of an **Ordinance** for a City initiated request to amend the Comprehensive Zoning Ordinance of the City of Rockwall by amending Article III - Site Plan Approval, Section F.3 - Architectural Board of Review Duties, specifically to require a review by the Architectural Board of Review for development within the following overlay districts: (I-30 OV) I-30 Corridor Overlay District; (SH 205 OV) SH 205 Corridor Overlay District; (N-SH 205 OV) North SH 205 Corridor Overlay District; (205 BY-OV) 205 Bypass Corridor Overlay District; (SH 276 OV) SH 276 Corridor Overlay District; (FM 549 OV) FM 549 Corridor Overlay District; and (E-SH 66 OV) East SH 66 Corridor Overlay District and take any action necessary. **(2nd Reading)**

4e. Consider approval of an **Ordinance** amending the Code of Ordinances in Chapter 3 Alcoholic Beverages prescribing distance requirements from a public school, church, public hospital or private school within which sale of alcoholic beverages is prohibited and take any action necessary. **(2nd Reading)**

4f. Consider authorizing the City Manager to execute a contract extension with American National Bank and take any action necessary.

4g. Consider authorizing the City Manager to execute the necessary documents to proceed with the 2004 household hazardous waste event and take any action necessary.

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- 4h. Consider authorizing the City Manager to execute a Tax Increment Financing District Agreement with Rockwall County and take any action necessary.
 - 4i. Consider approving the award of the bid to the lowest bidder for construction of the Shores and Champion Sidewalk Project and take any action necessary.
 - 4j. Consider adopting the recommendation of the Parks and Recreation Board to name Park District 10 to "The Park at Hickory Ridge" and take any action necessary.

67 **Councilmember King requested that items 4a and 4b be pulled. Councilmember Cotti requested**
68 **that item 4e be pulled and then made a motion to approve the remaining items on the Consent**
69 **Agenda. Councilmember Raulston seconded the motion and the ordinances were read as follows:**
70

71 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE
72 ROCKWALL COMPREHENSIVE ZONING ORDINANCE ADDING A NEW SECTION 2.26 (N-SH 205
73 OV) NORTH SH 205 CORRIDOR OVERLAY DISTRICT; PROVIDING FOR A PURPOSE
74 STATEMENT; PROVIDING FOR APPLICATION AND BOUNDARIES; PROVIDING FOR
75 ARCHITECTURAL STANDARDS; PROVIDING FOR SITE DESIGN STANDARDS; PROVIDING FOR
76 LANDSCAPING STANDARDS; PROVIDING FOR SIGN STANDARDS; PROVIDING FOR LIGHTING
77 STANDARDS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND
78 DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE;
79 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

80
81 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE
82 ROCKWALL COMPREHENSIVE ZONING ORDINANCE ADDING A NEW SECTION 2.27 (205 BY-
83 OV) 205 BYPASS CORRIDOR OVERLAY DISTRICT; PROVIDING FOR A PURPOSE STATEMENT;
84 PROVIDING FOR APPLICATION AND BOUNDARIES; PROVIDING FOR ARCHITECTURAL
85 STANDARDS; PROVIDING FOR SITE DESIGN STANDARDS; PROVIDING FOR LANDSCAPING
86 STANDARDS; PROVIDING FOR SIGN STANDARDS; PROVIDING FOR LIGHTING STANDARDS;
87 PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS
88 (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A
89 SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

90
91 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE
92 ROCKWALL COMPREHENSIVE ZONING ORDINANCE BY ADDING A NEW SECTION 2.28 (SH 276
93 OV) SH 276 CORRIDOR OVERLAY DISTRICT; PROVIDING FOR A PURPOSE STATEMENT;
94 PROVIDING FOR APPLICATION AND BOUNDARIES; PROVIDING FOR ARCHITECTURAL
95 STANDARDS; PROVIDING FOR SITE DESIGN STANDARDS; PROVIDING FOR LANDSCAPING
96 STANDARDS; PROVIDING FOR SIGN STANDARDS; PROVIDING FOR LIGHTING STANDARDS;
97 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00)
98 FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A
99 SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

100
101 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE
102 ROCKWALL COMPREHENSIVE ZONING ORDINANCE ADDING A NEW SECTION 2.29 (FM 549
103 OV) FM 549 CORRIDOR OVERLAY DISTRICT; PROVIDING FOR A PURPOSE STATEMENT;
104 PROVIDING FOR APPLICATION AND BOUNDARIES; PROVIDING FOR ARCHITECTURAL
105 STANDARDS; PROVIDING FOR SITE DESIGN STANDARDS; PROVIDING FOR LANDSCAPING
106 STANDARDS; PROVIDING FOR SIGN STANDARDS; PROVIDING FOR LIGHTING STANDARDS;
107 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00)
108 FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A
109 SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

110
111 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE
112 ROCKWALL COMPREHENSIVE ZONING ORDINANCE ADDING A NEW SECTION 2.30 (E-SH 66
113 OV) EAST SH 66 CORRIDOR OVERLAY DISTRICT; PROVIDING FOR A PURPOSE STATEMENT;
114 PROVIDING FOR APPLICATION AND BOUNDARIES; PROVIDING FOR ARCHITECTURAL
115 STANDARDS; PROVIDING FOR SITE DESIGN STANDARDS; PROVIDING FOR LANDSCAPING
116 STANDARDS; PROVIDING FOR SIGN STANDARDS; PROVIDING FOR LIGHTING STANDARDS;
117 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00)
118 FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A
119 SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
120

121 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE
122 ROCKWALL COMPREHENSIVE ZONING ORDINANCE AMENDING ARTICLE III, SECTION 3.1
123 SITE PLAN APPROVAL, F. 3. ARCHITECTURAL BOARD OF REVIEW DUTIES; PROVIDING FOR
124 DUTIES OF THE BOARD TO INCLUDE CERTAIN CORRIDOR OVERLAY DISTRICTS WITHIN THE
125 CITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS
126 (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A
127 SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
128

129
130 The motion passed unanimously by a vote of 6 ayes and 0 nays.
131

132 Councilmember Raulston made a motion to approve items 4a and 4b and Councilmember Cotti
133 seconded the motion. The motion passed by a vote of 4 ayes and 2 abstain [King and Morris].
134

135 Councilmember Cotti requested clarification of the dates for first and second reading of the
136 ordinance for item 4e then made a motion to approve the item. Councilmember Raulston
137 seconded the motion and the ordinance was read as follows:
138

139 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE
140 CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 3 ALCOHOLIC BEVERAGES
141 TO PROHIBIT THE SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A PUBLIC OR
142 PRIVATE SCHOOL, CHURCH, OR PUBLIC HOSPITAL; PROVIDING A PENALTY OF A FINE NOT
143 TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500); PROVIDING A SEVERABILITY
144 CLAUSE; PROVIDING AN EFFECTIVE DATE.
145

146 The motion passed unanimously by a vote of 6 ayes and 0 nays.
147

148 APPOINTMENTS 149

- 150 5a. Appointment with Planning and Zoning Chairman to discuss and answer any
151 questions regarding cases on the agenda and related issues and take any
152 necessary action.

153 Philip Herbst of the Planning and Zoning Commission came forward to address the Council.
154 Herbst discussed the Commission's actions on the public hearing items on tonight's agenda and
155 the site plans. Herbst advised that the Commission recommended approval of all the items.
156

157 Councilmember McCallum stated that he had noticed that Homer Flores had dissented on the
158 snow cone stand and asked why. Herbst advised that Flores had a concern about the drive that
159 the applicant had put in, however, no one else on the Commission had a problem with it, so the
160 item was approved by the Commission.
161

162 Mayor Jones stated that he would support this item because he was not going to hinder the kids
163 eating snow cones. McCallum stated that evidently Flores did not like snow cones. (Everyone
164 laughed)
165

- 166 5b. Appointment with Russell Kelly regarding annexation.

167 Russell Kelly addressed the Council and stated that he had talked with former Representative
168 Fred Bossey about the intent of the annexation law and read from a letter he received from Mr.
169 Bossey. Kelly reiterated several times that we must have a three year plan.
170

- 171 5c. Appointment with Ernie Hughes.

172 Ernie Hughes addressed the Council and stated that he had corresponded with Governor Rick
173 Perry and that Perry had sent him a note telling him to work with his state representatives to get
174 involuntary annexation banned. Hughes stressed that we need a three year plan and wanted to
175 know why they had to tell the Council what the law is – Staff should be telling them. Hughes
176 stated there is no reason to annex any residence on FM 549. The City needs to concentrate on
177 taking care of the problems in the City.

178
179 **6. PUBLIC HEARINGS**
180

- 181 a. **Z2004-003** -- Hold a public hearing and consider approval of an **Ordinance** for a
182 request from Michael Allen with Allen & Ridinger Consulting, Inc. for approval of
183 a conditional use permit (CUP) allowing for a private club as an accessory use to
184 the Carrabba's Italian Grill restaurant that is under construction on the 1.53-acre
185 commercially-zoned tract known as Lot 3R, Block C, La Jolla Pointe Phase I
186 Addition and located at 1599 Laguna Drive and take any action necessary.
187 **(1st Reading)**
188

189 Robert LaCroix, Planning Director, discussed the background of this request from Carrabba's
190 Italian Grill and recommend approval with the following conditions:
191

- 192 1. That the restaurant adheres to all requirements of the City of Rockwall
193 private club ordinance (Ord. No. 85-2), including but not limited to:
- 194 a. There shall be no exterior entrance to the bar area except
195 emergency fire exists if requires.
- 196 b. There shall be no exterior signs advertising the sale of alcoholic
197 beverages.
- 198 c. Drinks shall not be offered for sale at a price reduced from the
199 customary prices during a specified period of time for promotional
200 purposes (i.e., Happy Hour), whether it be reducing the price of a
201 drink, offering 2 drinks for the price of one or selling more than the
202 customary and usual quantity per drink at the same price.
- 203 d. Revenues from the sale of alcoholic beverages shall not exceed
204 40% of the gross revenues derived from the sale of food and
205 beverages.
- 206 e. No gaming devices, such as billiard tables, pinball machines, and
207 other coin operated game machines shall be permitted inside the
208 private club.
- 209 2. That the private club adheres to the site plan and floor plan attached to the
210 ordinance as Exhibit "A".

211
212 Mayor Jones opened the public hearing and the following persons came forward to address the
213 Council:
214

215 Dale Ridinger, 109 W. Main, Lewisville, Texas, of Allen & Ridinger Consulting,
216 asked for approval of the application.
217

218 Councilmember Cotti asked when construction would begin and LaCroix advised that the project
219 is ready to start now.
220

221 There being no one further to address the Council, Mayor Jones closed the public hearing.
222

223 Councilmember Morris made a motion to approve the request with Staff and Planning and Zoning
224 Commission conditions and Councilmember McCallum seconded the motion. The ordinance was
225 read as follows:
226

227 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE
228 COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY
229 AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A PRIVATE CLUB AS AN
230 ACCESSORY TO A RESTAURANT TO BE LOCATED AT 1599 LAGUNA DR, ALSO KNOWN AS

LOT 3R, BLOCK C, LA JOLLA POINTE PHASE 1 ADDITION, AND FURTHER DESCRIBED HEREIN, PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously by a vote of 6 ayes and 0 nays.

- b. **Z2004-004** -- Hold a public hearing and consider approval of an **Ordinance** for a request from Rockwall Lakeside Church of Christ for a conditional use permit (CUP) to allow for an institutional use within the (A) Agricultural zoning district, on a 44.29-acre tract known as Tract 26 of the E.M. Elliott Survey, Abstract No. 77, situated on the west side of FM 549 and the north side of Airport Road and take any action necessary. **(1st Reading)**

Robert LaCroix discussed the background of the request from Rockwall Lakeside Church of Christ for a conditional use permit to allow for an institutional use within the "A" Agricultural zoning district on a 44.29-acre tract of land situated on the west side of FM549 and the north side of Airport Road. LaCroix recommend approval with the following conditions:

1. Use of 44.29-acre subject tract is limited to a church as approved via site plan Case No. SP2004-001.
2. Approval of preliminary and final plats.
3. Approval of site plan (including landscape plan, treescape plan, building elevations, etc.).
4. Approval of engineering plans.
5. Adherence to fire department requirements.

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

James Hock of Rockwall Lakeside Church of Christ came forward and asked the Council for their approval.

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

Councilmember King made a motion to approval the request with Staff recommendations. Councilmember Morris seconded the motion and stated that it was a good idea for the CUP, it is good planning, good Staff action. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT TO ALLOW AN INSTITUTIONAL USE ON A TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 0 nays.

- c. **Z2004-005** -- Hold a public hearing and consider approval of an **Ordinance** for a request from Billy and Glenda Bradshaw for a conditional use permit to allow a temporary portable beverage service facility within the (C) Commercial zoning district, on a 0.25-acre tract located at the northeast corner of SH 205 and Emma Jane (907 S. Goliad) and take any action necessary. **(1st Reading)**

Robert LaCroix discussed the background of the request and stated this is for the snow cone stand. LaCroix stated that Staff recommends approval with the following conditions:

1. The beverage service shall be limited to a snow cone stand for consumption on or near the premises.
2. The time limit of such temporary use shall be April 1, 2004 through September 1, 2004.
3. Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
4. No additional freestanding signage shall be permitted.
5. The temporary portable structure/trailer shall meet all health and City electrical codes.
6. The temporary facility shall no reduce the number of required parking spaces of any nearby building or use.
7. The temporary facility shall have permanent restrooms for employees available within 300 feet of the portable beverage service facility (no portable restroom facility is allowed).
8. Any such temporary facility shall be located on an all-weather (asphalt or concrete) parking surface with adequate space for parking and circulation, *unless a variance is approved by the City Council.*

LaCroix stated that they were also asking for a variance to the required parking surface. That there had been no problems in prior years at the site and recommended that the Council grant the variance. LaCroix stated that the Planning and Zoning Commission recommended approval of the conditional use permit with Staff conditions and the additional condition that a "drive-through" window is allowed as previously utilized by the applicant.

Councilmember Cotti stated that the permit is for 4/1-9/1-2004, but that Mr. People's letter states that they can use the property from 4/15-9/15-2004 and asked if that causes a problem. LaCroix stated that Staff does not have a problem, but that he would talk to the applicant. Cotti also asked if the drive-through was in the last ordinance. LaCroix replied that it was not.

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

Billy Bradshaw of Point, Texas, applicant. Bradshaw asked for approval of the request and stated that Mr. People's did not care when he opened.

Councilmember McCallum stated that he does not know when Labor Day is, but that his kids will want a snow cone and Caroline will want to know what movies Glenda has seen. This is a great addition to our community and if I don't vote for it tonight, I won't have a place to sleep tonight.

Councilmember Raulston made a motion to approve the request with Staff conditions and Councilmember Morris seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT TO ALLOW A TEMPORARY PORTABLE BEVERAGE SERVICE FACILITY ON A TRACT OF LAND KNOWN AS LOTS 4 AND 5, CANUP ADDITION, LOCATED AT 907 S. GOLIAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 0 nays.

SITE PLANS / PLATS

- 7a. **P2004-002** -- Discuss and consider a request from Eugene Middleton of Winkelmann and Assoc, Inc for a residential final plat of a 54.486-acre, 143-lot subdivision known as The Preserve Phase 1, zoned (PD-41) Planned Development No. 41 and located east of North Lakeshore, south of North Alamo, west of SH 205 and north of Reinhardt Elementary School and take any action necessary.

Robert LaCroix discussed the background of the request. This final plat for The Preserve Phase 1 includes a replat of Northshore Phase Three (which was approved by the City in 1979 but never developed) and a final plat of 42.036 additional acres, all of which are zoned (PD-41) Planned Development No. 41 and were included within the preliminary plat for The Preserve approved in 2002. Ultimately, The Preserve will incorporate 348 lots on over 145 acres. Phase 1 includes a connection of N. Alamo Road to SH-205, and also will connect Highland Drive between Sheppard Hill and Lakeview Summit Phase 1-A. The applicant has guaranteed that they will not “bench” the lots – they will wait for the builder to come in individually and individual tree plans must be approved at that time for those lots. This is new for us. LaCroix stated applicant has a balanced mitigation plan and that Staff recommended approval with the following conditions:

1. Approval of engineering plans.
2. Pro-rata for N. Lakeshore Drive due with this development.
3. Connection of N. Alamo Drive to SH-205 required with this development.
4. City Engineer to review and approve visibility easements at non-90-degree intersections.
5. Adherence to Park Board recommendations.
6. Deed restrictions and/or covenants for HOA to be provided to Staff for review and filed with (or before) final plat.
7. Include signature block for Planning and Zoning recommendation.
8. Label the 25-ft front building line.
9. Treescape plans to be approved on a lot-by-lot basis for Lots 15-19, Block D; Lots 1-10, Block E; and all of Block F and Block G (these lots will be “benched” by home builder at time of construction).
10. Negative credit of 899-inches on Phase 1 treescape plan to be carried over and accounted for during Phases 2 and 3.

Councilmember Morris asked for clarification regarding the 6306-sf lot located at Block H, Lot 1. LaCroix advised that it is a landscaping easement and not in the lot count.

Eugene Middleton came forward to address the Council. Middleton advised that the street easement to connect Alamo Drive to SH-205 will be concrete. Middleton stated that they have agreed not to “bench” the lots in order to save trees.

Councilmember Cotti wanted to know if they were planning to avoid using Highland Drive as an access to the construction site. Cotti encouraged Middleton to use the Alamo entrance to avoid congestion on Highland and around Reinhardt Elementary School. Middleton stated they would do their best. Cotti asked if Middleton knew how many 2000+ square foot homes there would be. Middleton did not know.

Councilmember Morris also encouraged Middleton to keep the construction traffic out of the residential areas. Morris stated that trees are very important and that he was glad to see they are trying to save as many of them as possible.

Councilmember McCallum asked where we stood on the citizen use tree plan. Preservation is not the same thing as mitigation. The tree plan is for citizens to remove trees instead of them being destroyed. Middleton stated that he thought this was a great idea and that he would be willing to work with the City in this regard. McCallum stated that we need to bring the tree plan forward as soon as possible.

Councilmember Morris made a motion to approve the request with Staff recommendations and Councilmember Raulston seconded the motion. The motion passed unanimously by a vote of 6 ayes and 0 nays.

- 7b. P2004-003** -- Discuss and consider a request from Rockwall Lakeside Church of Christ for preliminary plat approval of an agriculturally zoned, 44.29-acre tract to be known as Lots 1 and 2, Block A, Rockwall Lakeside Church of Christ Addition, located on the west side of FM 549 north of Airport Road and take any action necessary.

Robert LaCroix discussed the background of the request. This is the proposed preliminary plat for Rockwall Lakeside Church of Christ on 44.29-acres. The subject tract has 561-ft of frontage along the west side of FM-549 and 952-ft of frontage along the north side of Airport Road. Right-of-way dedication is provided along both of these roadways. The purpose of the plat is to accommodate construction of a church on Lot 1, Block A. Staff recommends approval with the following conditions:

1. Approval of Conditional Use Permit request (Case No. Z2004-004).
2. Approval of associated site plan (Case No. SP2004-001).
3. Approval of engineering plans and resolution of engineering issues:
 - a. Need agreement with City relating to participation on water line.
 - b. Connection to City sewer when available and payment of sewer pro-rata.
 - c. Determine necessity for left turn lanes on FM-549.
 - d. Verification with City Engineer and TXDOT to determine adequate right-of-way dedication on Airport Road and FM-549 at time of final platting.

Councilmember Raulston made a motion to approve the request with Staff recommendations and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 6 ayes and 0 nays.

- 7c. SP2004-001** – Discuss and consider a request from Rockwall Lakeside Church of Christ for site plan approval for a proposed church on an agriculturally zoned, 16.42-acre tract to be known as Lot 1, Block A, Rockwall Lakeside Church of Christ Addition, located on the west side of FM 549 north of Airport Road and take any action necessary.

Robert LaCroix discussed the background of the request for site plan approval. LaCroix stated that the applicant has agreed to follow the overlay requirements although it is not required. The only thing different is that we now have buildings closer to the right-of-way and they have a bit more parking than we will allow, but the Planning and Zoning Commission felt with all the other

requirements they are abiding by that this was ok. Staff recommends approval with the following conditions:

1. Approval of Conditional use Permit request (Case No. Z2004-004).
2. Approval of associated preliminary plat (Case No. P2004-003).
3. Separate sign permit required for all signage. Free-standing signage will be limited to one sign per frontage, per lot, with a maximum height of 5-ft and maximum area of 60 square feet.
4. All mechanical equipment (ground or roof-mounted) will be completely screened from adjacent properties and public rights-of-way.
5. Approval of engineering plans and resolution of engineering issues:
 - a. Need agreement with City relating to participate on water line.
 - b. Connection to City sewer when available and payment of sewer pro-rata.
 - c. Determine necessity for left turn lanes on FM-549.
 - d. Verification with City Engineer and TXDOT to determine adequate right-of-way dedication on Airport Road and FM-549 at time of final platting.
6. Living screen (i.e., 1 tree per 50-ft and shrubs) to be planted along north and south property lines to serve as buffer between church and residential uses.
7. Landscaping to be added to rear detention area to meet the guidelines within the new FM-549 Corridor Overlay District.

Councilmember Raulston made a motion to approve the request and Councilmember Morris seconded the motion. The motion passed unanimously by a vote of 6 ayes and 0 nays.

ACTION ITEMS

- 8a. Discuss and consider annexation of south area and take any action necessary.

Robert LaCroix discussed Map 1 and Map 2. Mayor Jones asked if there would be 3 more meetings and was advised yes, there would be.

Councilmember Cotti stated that in Option 2 lots 8-2 and 8-13 were only partially annexed and asked if they would be exempt from City taxes. Julie Couch advised that only the area not being annexed would be exempt from City taxes. Cotti asked if there were any legal issues and Pete Eckert advised there were not. Eckert did advise that with regard to the 1000-ft rule under § 43.054, it cannot be less than 1000-ft. Cotti stated that this is not the easiest thing to do – that whatever action they instruct Staff to take tonight, they have to be willing to back it up. Cotti stated that there have been a number of issues raised about this matter. First, legal questions have been raised and responded to by our City Attorney. It has also been suggested that the Council become familiar with an annexation paper written by Mr. Scott Houston, a Texas Municipal League attorney. Cotti stated that not only had he reviewed the paper, he had a copy of it and had spoken directly with Mr. Houston about the content of the paper. Both Mr. Houston and Mr. Eckert have said the same thing about annexation – it is fully within the intent of the law. Finally, it had been stated that our City Staff had not provided Council with full and adequate information. Cotti stated that, in his view, Staff input has been exceptional and all questions have been answered. Based on these factors, Cotti recommended that we proceed with the south annexation using Map 2. This is something we must do, we have to rely upon ourselves. Cotti then made a motion to move forward with the annexation according to Map 2.

Councilmember McCallum asked what the timeline for water and sewer would be. Julie Couch advised that there is no timeline. Another provider serves the area. Water and sewer are not paid by tax dollars. We would create a service plan. McCallum thanked Cotti for his comments and stated that this has been a long process and that they had looked at a lot of proposals. We heard from people in the area that they want to be left in the County and the annexation of the area denoted on Map 2 focuses on the corridor. We have a responsibility to Heath and our citizens to keep the continuity of our zoning. This is a collaboration of Staff, Council and others, we all contributed to the plan. McCallum then seconded Cotti's motion and urged passage.

Councilmember Morris stated that he will support Map 2, but that he disagrees that this is the best plan. The best plan was the original plan submitted by the Staff at the retreat. The original plan had unanimous approval by the Council at the retreat. Morris stated that once again I find myself voting for what is second best for Rockwall and not what is best. This Council has fallen into a bad habit of doing the next best thing for the citizens of Rockwall, a habit we need to break. Rockwall deserves better than what they are getting from this Council.

Councilmember Raulston stated that he is the "Lone Ranger" of the group. He personally does not feel this is a direction we need to go and will not support the motion.

Councilmember King stated that this decision is extremely difficult. He voted against it earlier for several reasons. We need to exercise control of our growth and he has seen how our lack of control in that area has been taken advantage of with the concrete slabs and metal buildings. However, with this annexation he is going to vote against it tonight. The City Attorney has assured us that it is legal, but I still have concerns.

Councilmember McCallum stated that he appreciated King's comments, although he does not agree. McCallum stated that he is disappointed with Councilmember Raulston's lack of consistency. We decided unanimously in the worksession to go forward with this plan – we agreed to the annexation. If you are going to be a part of the control of growth and in favor of consistency, you need to be consistent. McCallum stated that he believes this motion will pass, but it is not an easy road to follow. We agreed unanimously in the public worksession to this map. McCallum stated that he is taking the harder way by supporting the annexation.

Councilmember Raulston stated that he was sorry to disappoint Councilmember McCallum, but that he is thinking of the citizens of Rockwall and the County. We are allowed to change our minds.

Mayor Jones stated that he wasn't going to speak on this matter, but after the comments made by his peers he feels the citizens need to hear that this is important for their protection and the generations to come. This is in your best interest and I will support this.

The motion passed by a vote of 4 ayes and 2 nays [King and Raulston].

There being no further business to come before the Council, Mayor Jones adjourned the meeting into Executive Session at 7:45 p.m.

HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074, 551.076 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

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

