

**MINUTES  
ROCKWALL CITY COUNCIL  
May 3, 2004**

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

**1. CALL TO ORDER**

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

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER STEPHEN STRAUGHAN**

**Councilmember Stephen Straughan led the invocation and the Pledge of Allegiance.**

**3. PROCLAMATIONS**

**a. Motorcycle Safety and Awareness Month**

**Mayor Jones presented the proclamation to Rebecca Hollingshead and group.**

**b. Arson Awareness Week**

**Mayor Jones presented the proclamation to Ariana Adair, City of Rockwall Fire Marshall.**

**c. Sesquicentennial Thank You**

**Mayor Jones presented the proclamation to the Sesquicentennial Committee and City Staff.**

**Mayor Jones presented a Cinco de Mayo proclamation to Tony Rios.**

**Mayor Jones presented the plaque the City received from the Texas Municipal League for five plus years of continuing education to Terry Raulston.**

**4. OPEN FORUM**

**The following persons came forward to address the Council in open forum:**

**Doris Yanger**

**President of the Rockwall Artists League**

**Ms. Yanger thanked the Council and the City for its support and invited everyone to the Art Show and reception at The Center on Saturday, May 8, 2004, from 4:00 p.m. to 6:00 p.m.**

**The following persons appeared and stated they were against the annexation of the northeast area:**

**Joe Bell**

**768 Clem Road**

Howard Shlensky  
820 Clem Road

Frank Tiemann  
892 Clem Road

Darla Shlensky  
820 Clem Road

Michelle Kocurek  
936 Clem Road

Carol DeJarnett  
721 N. Country Lane

Ray Harton  
3056 N. FM-549

There being no one further to address the Council, Mayor Jones closed the open forum.

5. CONSENT AGENDA

- a. Consider approval of the Minutes from the April 19, 2004, City Council meeting and take any action necessary.
- b. Consider tabling approval of the **Ordinance** forming the Tax Increment Financing (TIF) zone (The Harbor Project) until May 17, 2004, and take any action necessary.
- c. Consider approval of an **Ordinance** for a request by Gene Burkes to rezone 7.05 acres known as Tract 4, Abstract 124, J.H.B. Jones Survey, situated at the northwest corner of SH 205 (N. Goliad) and the future extension of N. Alamo Rd, from (SF-10) Single Family Residential district and (ZL-5) Zero Lot Line Residential district to (GR) General Retail district and take any action necessary. **(2<sup>nd</sup> Reading)**
- d. Consider approval of an **Ordinance** for a request by John McKenzie of McKenzie Ventures, LLP, for a conditional use permit (CUP) allowing for a drive-through window as an accessory to a restaurant (Chicken Express) on Lot 2A, Block A, Braum's Addition, being a 1.141-acre tract zoned (GR) General Retail and located along the west side of SH 205 (S. Goliad) north of Yellowjacket Lane and take any action necessary. **(2<sup>nd</sup> Reading)**
- e. Consider approval of an **Ordinance** for a request by Russell Phillips of Capstar Realty for approval of an amendment to (PD-54) Planned Development District No. 54 (Ord. No. 02-52) to amend the concept plan to allow for 87 single-family residential lots on 51.51-acres and approximately 12.65-acres of office / retail uses and take any action necessary. (The subject property is located along the southeast side of Ralph Hall Pkwy and the northeast side of Mims Road) **(2<sup>nd</sup> Reading)**

- 98 f. Consider approval of a **Resolution** authorizing and directing the City  
99 Manager to execute the Tower Lease Agreement with MTA, L.P. d/b/a  
100 Verizon Wireless and take any action necessary.
- 101 g. Discuss and consider approval of an **Ordinance** regulating the use of  
102 skateboards, skates, scooters, etc. within the city limits and take any  
103 action necessary. (2<sup>nd</sup> Reading)

104 **Councilmember Terry Raulston requested that item 5b be pulled from the Consent**  
105 **Agenda and then made a motion to approve the remaining items. Councilmember Billy**  
106 **Morris seconded the motion and the ordinances were read as follows:**

107  
108 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE  
109 COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY  
110 AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-10) SINGLE FAMILY  
111 RESIDENTIAL DISTRICT AND (ZL-5) ZERO LOT LINE RESIDENTIAL DISTRICT TO (PD-56)  
112 PLANNED DEVELOPMENT DISTRICT NO. 56, FOR A 7.05-ACRE TRACT KNOWN AS TRACT 4,  
113 ABSTRACT 124, J.H.B. JONES SURVEY AND MORE FULLY DESCRIBED HEREIN AS EXHIBIT  
114 "A"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
115 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
116 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
117 PROVIDING FOR AN EFFECTIVE DATE.

118  
119 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE  
120 COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS  
121 PREVIOUSLY AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT TO ALLOW A DRIVE-  
122 THROUGH WINDOW AS AN ACCESSORY TO A RESTAURANT ON A TRACT OF LAND KNOWN  
123 AS LOT 2A, BLOCK A, BRAUM'S ADDITION; PROVIDING FOR SPECIAL CONDITIONS;  
124 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
125 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;  
126 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

127  
128 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE  
129 COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY  
130 AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM "PD-54", PLANNED  
131 DEVELOPMENT DISTRICT TO AMENDED "PD-54", PLANNED DEVELOPMENT DISTRICT FOR  
132 LAND AS DESCRIBED IN EXHIBIT "B" ATTACHED HERETOFORE AND MADE A PART HEREOF;  
133 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
134 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
135 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
136 PROVIDING FOR AN EFFECTIVE DATE.

137  
138 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE  
139 CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 16 MOTOR VEHICLES AND  
140 TRAFFIC IN ARTICLE IV BICYCLES AND PLAY VEHICLES BY THE ADDITION OF SEC. 16-75  
141 SKATEBOARDS, IN-LINE SKATES, ETC.; PROVIDING FOR A PENALTY OF A FINE NOT TO  
142 EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500); PROVIDING A SEVERABILITY  
143 CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

144  
145 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**

146  
147 **Councilmember Raulston made a motion to table item 5b until the May 17, 2004 meeting**  
148 **and Councilmember Cotti seconded the motion. The motion passed unanimously by a**  
149 **vote of 7 ayes and 0 nays.**

150  
151 **6. APPOINTMENTS**

- 152  
153 a. Appointment with Nell Welborn regarding Charter revisions.

154  
155 **Nell Welborn came forward and addressed the Council regarding the procedures that had**  
156 **been followed during the drafting of the original Charter and subsequent amendments.**  
157 **Ms. Welborn called Norm Seligman forward because he was on the original Charter**

Commission and the three subsequent Charter Commissions. Mr. Seligman stated that the Charter was set up for the citizens to decide on revisions, not the Council, because of benefits to the Council and not to the citizens. Ms. Welborn stated that although it may be legal for the Council to review and decide on revisions to the Charter, it is not the right thing to do.

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

- a. **SP2004-005** – Discuss and consider approval of a request by Mark Diaz of Casco Corp. for site plan approval of a proposed O'Reilly Auto Parts retail store on Lot 1R, Block A, O'Reilly Addition, being a 1.034-acre tract zoned (PD-1) Planned Development No. 1 and designated for General Retail uses, and located on the east side of Ridge Road south of SH 205 (S. Goliad) within the (OV) Scenic Overlay district and take any action necessary.

Robert LaCroix discussed the background of the request. The Architectural Review Board reviewed and approved the plan and the Planning & Zoning Commission approved the plan with recommendations. LaCroix stated that Philip Herbst from the Planning & Zoning Commission was available to answer any questions the Council might have.

Councilmember Morris asked about the one dissenting vote. Herbst advised that Commission Lucas did not like the location for the use. Councilmember Terry Raulston stated that this plan complies with the zoning and use and will enhance the shopping center. Councilmember Bob Cotti asked if the parking could be on the shopping center side with landscaping along 740. LaCroix stated that this type of business relies on in-and-out parking and that it would be difficult to have the parking in the rear with the door in the front. Councilmember McCallum stated that this plan exceeds the landscaping requirements by 8% and this plan will be good for the area. Councilmember Stephen Straughan asked the applicant if they would consider putting their logo on the monument sign. Applicant said they would consider it.

Councilmember Morris made a motion to approve the plan with Planning & Zoning and Staff recommendations and Councilmember Raulston seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

## **8 ACTION ITEMS**

- a. Discuss and consider authorizing the City Manager to execute a facilities agreement with Whittle Development for tree mitigation only and take any action necessary.

Robert LaCroix discussed the background of the request. Councilmember Cotti asked if there were any trees still available for transplantation and was advised that there are and that contact should be made with Mr. Rob Whittle to ascertain the particulars. Cotti then made a motion to approve the request.

Councilmember Tim McCallum stated that he was uncomfortable with a section the agreement because it was not specific and allowed other plant material in other parts of the City. Chuck Todd, City Engineer, stated that this agreement addresses what might happen in the future. Julie Couch, City Manager, stated that any landscaping/plant materials would only be allowed through existing ordinances.

**Councilmember King stated that he saw this section as a flexible issue and that the City would be better because of it.**

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

- b.** Discuss and consider authorizing the City Manager to execute an agreement with Hunt County Committee on Aging for services by The Connection and take any action necessary.

**Rick Crowley discussed the background of the request and introduced the new head of the Hunt County Committee on Aging, David Caldwell.**

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

- c.** Discuss and consider authorizing the City Manager to execute a Facilities Agreement with Lakeside Church of Christ for the construction of a water line and take any action necessary.

**Julie Couch, City Manager, discussed the background of the request. Couch stated that this agreement is for a total of \$175,500 with payments over five years. Mayor Ken Jones made a motion to approve the request and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 nay [Raulston].**

- d.** Discuss and consider authorizing the waiver of sewer and water impact fees for 507 Dickey Street and take any action necessary.

**Chuck Todd, City Engineer, discussed the background of this request. Habitat for Humanity split a large lot into two lots and is requesting the waiver of sewer and water impact fees on the second lot. Mayor Jones made a motion to approve the request and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- e.** Discuss and consider adopting an ordinance revising the City's personnel policies and take any action necessary.

**Julie Couch discussed the background of the request. Councilmember Cotti made a motion to approve the request and Councilmember Morris seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays. Councilmembers Raulston and McCallum expressed their thanks to the Staff for a job well done.**

- f.** Discuss and consider the report from the Charter Review Subcommittee and take any action necessary.

**Julie Couch discussed the background. Councilmember Raulston stated that he commended Nell Welborn for coming forward. Raulston stated that changing from the precedence of having a Charter Review Commission had bothered him and he recommends that a Charter Review Commission be formed.**

**Councilmember Morris thanked Ms. Welborn and Mr. Seligmann for coming forward. Morris stated that he had also received an e-mail regarding the Charter Review from Bill**

256 Fox. Morris stated that he does not like serving on subcommittees. The Charter is the  
257 people's document and not a toy to be played with lightly. Morris stated that a Charter  
258 Review Commission should be formed.

259  
260 Councilmember Cotti thanked the Mayor and Councilmembers Raulston and Morris for  
261 serving on the subcommittee and stated that it is clear that it is time for a review and that  
262 it should be done by the citizens. Cotti then made a motion to form a Charter Review  
263 Commission and Mayor Ken Jones seconded the motion. Councilmember McCallum  
264 thanked the subcommittee for their work and stated that he agreed that there needs to be  
265 a Charter Review Commission. The motion passed unanimously by a vote of 7 ayes and  
266 0 nays.

267  
268 City Attorney Pete Eckert advised the Council that it will be necessary to bring a  
269 Resolution back to Council appointing the Commission. There should be 10 members on  
270 the Commission. He also stated that the City Manager should be involved in the review.

271  
272 In response to a question from Councilmember Cotti, Julie Couch advised the Council  
273 that the Commission would not be restricted to reviewing only the suggested changes.

274  
275 9. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,  
276 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

277 a. Departmental Reports

278 b. City Manager's Report

279 Julie Couch advised the Council that the quarterly worksession is scheduled for May 10,  
280 2004, which will include the first readings of the annexation ordinances.

281  
282 Councilmember Cotti asked Mary Smith, Finance Director, how well the backlog at the  
283 court was decreasing. Smith advised that it is nearly cleared up.

284  
285 Councilmember Morris asked Police Chief Mark Moeller about the auto theft rings  
286 operating in the City. Moeller advised that it is not just a local problem, that is a big  
287 problem all over the Metroplex.

288  
289 In light of the Highland Park arrest of a 97 year old woman, Councilmember King asked  
290 Chief Moeller if our police officers have the ability for a judgment call should a similar  
291 situation arise here. Moeller advised that they do.

292  
293 Councilmember McCallum asked Mary Smith about updating the municipal court  
294 facilities (such as a sound system). Smith stated that she would be working on it.

295  
296 Mayor Jones introduced Kevin Kelly of Habit for Humanity.

297  
298 There being no further business to come before the Council in regular session, Mayor  
299 Jones adjourned the meeting into Executive Session at 7:43 p.m.

300  
301 10. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074, AND 551.086 OF TEXAS  
302 GOVERNMENT CODE TO DISCUSS:

303 a. Land Acquisition for City Facilities and Park Land.

- 304           **b.**     Personnel Issues, including Board, Commission, and Committee  
305                   Appointments, and Related Matters.
- 306           **c.**     Commercial or financial information regarding business prospects that the  
307                   City seeks to have locate, stay, or expand in or near the territory of the  
308                   City of Rockwall and with which the Board is conducting economic  
309                   development negotiations.
- 310           **d.**     Personnel Issues:     City Manager evaluation and personnel  
311                   reorganization.
- 312           **e.**     Potential Litigation: Annexation

313   **11.     TAKE ACTION AS RESULT OF EXECUTIVE SESSION**

314  
315   **The Council unanimously approved mid-year salary adjustments, reorganization of**  
316   **personnel and a limited offer for retirement.**

317  
318   **The Council appointed the following persons to fill current Board and Commission**  
319   **vacancies:**

320  
321                   **Pam Kitkowski – Parks and Recreation Board**  
322                   *[Replaces Cynthia Allen – effective immediately]*

323  
324                   **Joe Applewhite – Planning and Zoning Commission**  
325                   *[Replaces Homer Flores – effective May 11, 2004]*

326  
327   **The Council approved the payment for the new Fire Station site at SH-205 and Ridge**  
328   **Road West.**

329  
330   **12.     ADJOURNMENT**

331  
332   **There being no further business to come before the Council, Mayor Jones adjourned the**  
333   **meeting at 9:00 p.m.**

334  
335  
336  
337   **ATTEST:**

\_\_\_\_\_  
Ken Jones, Mayor

338  
339   \_\_\_\_\_  
340   Dorothy Brooks, City Secretary  
341

**MINUTES**  
**May 10, 2004**  
**6:00 p.m. Special Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas**

1. Call to order.

Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and Councilmembers Tim McCallum, Stephen Straughan, Bob Cotti, Billy Morris and Terry Raulston. Councilmember John King was absent. Councilmember Cotti led the invocation and Pledge of Allegiance.

2. **Z2004-014** – Discuss and reconsider approval of an **Ordinance** for a request by Tim Seymore of Tim Seymore Custom Homes for approval of a conditional use permit (CUP) to allow for an accessory structure (batting cage) that exceeds the maximum height requirement of 15-feet and the maximum size requirement of 1,250 square feet within the (SF-E/1.5) Single Family Estate zoning district, located at 2045 Broken Lance Lane and known as Lot 3, Block B, The Oaks of Buffalo Way Addition and take any action necessary. **(1<sup>st</sup> Reading)**

Robert LaCroix, Director of Planning and Zoning, advised that since Councilmember Morris was the dissenting vote on this matter that he would have to make a motion to reconsider the matter. Councilmember Billy Morris made a motion to reconsider the request and Councilmember Raulston seconded the request. The motion passed by a vote of 6 ayes and 1 absent [King].

Robert LaCroix then discussed the background of the matter and advised that the applicant had obtained a letter from the homeowner association approving the plans.

Councilmember Morris advised that he had previously voted against the matter because there was no letter from the homeowners association. Morris then made a motion to approve the request and Councilmember Raulston seconded the motion.

Councilmember Tim McCallum stated that he abstained from voting on this request at the previous meeting, but he wants to support the homeowners association and custom builders. McCallum asked if the applicant was in attendance. LaCroix advised that Seymore was unable to attend tonight's meeting, but that the homeowner was here. Jesse Land, the homeowner, addressed the Council and stated that they plan on fulfilling the roofing agreement and the landscaping buffers. McCallum stated that he would support the motion and thanked Morris for requesting the matter be reconsidered.

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 FOR AN ACCESSORY BUILDING EXCEEDING THE MAXIMUM PERMITTED HEIGHT AND THE MAXIMUM SIZE REQUIREMENT WITHIN THE (SF-E/1.5) SINGLE-FAMILY ESTATE DISTRICT, ON A TRACT LOCATED AT 2045 BROKEN LANCE LANE (LOT 3, BLOCK B, THE OAKS OF BUFFALO WAY); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.



54  
55 **The motion passed by a vote of 6 ayes and 1 absent [King].**  
56

- 57 **3.** Consider approval of a **Resolution** regarding a petition filed pursuant to Section  
58 43.052(i) of the Texas Local Government Code and take any action necessary.  
59

60 **City Attorney Pete Eckert discussed the background of this request and stated that the**  
61 **annexation being considered tonight is not a circumvention of h(1) and recommended**  
62 **approval of the resolution rejecting the petition.**  
63

64 **Councilmember Morris made a motion to approve the resolution and Councilmember**  
65 **Cotti seconded the motion. The motion passed by a vote of 5 ayes, 1 nay [Raulston], and**  
66 **1 absent [King].**  
67

- 68  
69 **4.** A2004-001 – Consider approval of an **Ordinance** for a City initiated request to  
70 annex land of approximately 320.44 acres generally located along a portion of  
71 FM-3097 and a portion of south FM-549, south of County Line Road, and north  
72 and west of E. Cullins Road and take any action necessary. **(1<sup>st</sup> Reading)**  
73

74 **Robert LaCroix discussed the background of the request and advised the Council that**  
75 **Staff had followed all state law procedures for annexation. Public hearings were held on**  
76 **April 5, 2004 and April 19, 2004.**  
77

78 **Councilmember Morris stated it was time to move forward and made a motion to approve**  
79 **the annexation.**  
80

81 **Councilmember Cotti stated that this has not been an easy decision but that the Council**  
82 **has to look out for all of Rockwall and he is convinced that this is the right thing to do.**  
83 **Cotti then seconded Morris' motion.**  
84

85 **Councilmember McCallum stated that he echoed Cotti's statements. It is a tough**  
86 **decision to make. McCallum stated that he and Cotti did not support the annexation the**  
87 **first time, but that they have had a lot of time to consider the matter. McCallum stated**  
88 **that a recent section in the Dallas Morning News showed how Dallas is plagued by the**  
89 **mistakes made by earlier councils. McCallum stated that decisions they make today are**  
90 **decisions of the future – not the past. The Council represents the whole city and he will**  
91 **support the motion.**  
92

93 **Mayor Ken Jones stated that they have to protect all neighbors and future generations.**  
94

95 **The ordinance was read as follows:**  
96

97 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR**  
98 **THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND**  
99 **THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 320.44 ACRES OF LAND, WHICH**  
100 **SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF**  
101 **THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.**  
102

103 **The motion passed by a vote of 5 ayes, 1 nay [Raulston], and 1 absent [King].**  
104

- 105 5. **A2004-002** – Consider approval of an **Ordinance** for a City initiated request to  
106 annex land of approximately 117.37 acres generally located north of Clem Road  
107 and west of FM-549 and contiguous to the existing City limits line and take any  
108 action necessary. (1<sup>st</sup> Reading)  
109

110 Robert LaCroix discussed the background of the request and advised the Council that  
111 Staff had followed all state law procedures for annexation. Both public hearings were  
112 held on April 19, 2004.  
113

114 Councilmember Morris made a motion to approve the request and Councilmember Cotti  
115 seconded the motion. Councilmember McCallum stated that the same comments applied  
116 to this annexation, only this time they can head off the bad development – this is being  
117 done for the future. Mayor Jones stated that he was going to support the motion.  
118 Councilmember Stephen Straughan stated that although he came on the Council in the  
119 middle of the annexation, he has studied the area and received and replied to e-mails  
120 from the citizens. He is going to support this action because it is the best thing for  
121 Rockwall. We don't need inferior buildings.  
122

123 The ordinance was read as follows:  
124

125 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR  
126 THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS, AND  
127 THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 117.37 ACRES OF LAND, WHICH  
128 SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF  
129 THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.  
130

131 The motion passed by a vote of 5 ayes, 1 nay [Raulston], and 1 absent [King].  
132

- 133 6. Hold quarterly work session to discuss:  
134

- 135 a. Discuss the Capital Improvement Plan (CIP) identifying and planning for  
136 future facility needs and take any action necessary.  
137

138 Julie Couch discussed the background of the former CIP process.  
139

140 Councilmember Cotti stated that he would like to use the citizen committee, but have a  
141 Staff liaison and a Council liaison.  
142

143 Councilmember Morris stated that he would admit to voting against the entire bond  
144 package in the last bond election because he felt it was a poor job by the Council. The  
145 Council needs to look at the health, safety and welfare issues first. The challenge will be  
146 -- what can we afford.  
147

148 Councilmember McCallum stated that he was sad to see Billy go. McCallum stated that  
149 he had been told by several people that they were not willing to serve on a citizen  
150 committee again and he blames the Council. If the Council can't support a package, then  
151 don't ask the voters to support it. McCallum stated we should have a more diverse  
152 committee and homeowner associations should be included, along with leaders in the  
153 community. They are the ones that need to prioritize the needs. We need fire stations.  
154 We have a lot of things that we are going to be required to provide. McCallum stated that  
155 he thinks the citizen survey should be used to decide on the projects, not the Council  
156 survey. This should be a plan by the citizens to serve the citizens.

157  
158 Mayor Jones stated that he was disappointed that the animal shelter had been pulled by  
159 the CIP Committee. Councilmember Cotti stated that the Council pulled the shelter.  
160 Julie Couch stated that it was both the Committee and the Council. She advised that as  
161 of 2005 we are required to have a shelter that complies with State regulations and the  
162 question is -- Do we build it or put it on a bond package?  
163

164 Councilmember Cotti stated that the school and county will both be having bond  
165 elections next year. Couch advised that the County's election is in November. The RISD  
166 is not planning an election until Spring 2006. Cotti stated that if we want a February  
167 bond election, we must call the election by November and asked if we have the time do it  
168 by November. Couch stated that a lot is already done and that we could do it.  
169

170 Mayor Jones stated that if the Charter Review Committee brings forward changes to the  
171 Charter, he wants to have the charter propositions at the same time as the bond election.  
172

173 Couch advised the Council that they need to appoint a committee and that the Council  
174 needs to meet with them. The more involvement of the Council, the better the chance for  
175 approval.  
176

177 Councilmember McCallum stated that they need to be sure they have Old Town Rockwall  
178 and the business community included in the committee. Based on the fact that half of  
179 the measures failed at the last election, the Council needs to meet with and have regular  
180 updates from the committee.  
181

182 Couch asked the Council if they wanted to do a preliminary package at the Council level  
183 and then let the CIP Committee prioritize it. Couch stated that she thinks it would be a  
184 good idea so the Council won't have sticker shock like they did the last time.  
185

186 Councilmember McCallum stated that he agreed that the Council needs a prelim and that  
187 they need to have input.  
188

189 Councilmember Raulston stated that sometimes they need subcommittees, sometimes  
190 they don't. We need involvement of the citizens. Raulston suggested that they start with  
191 what the Council is on board with. We need to do this before we create the committee.  
192

193 Mayor Jones stated that he was upset that the community safety items failed the last  
194 time.  
195

196 Councilmember Cotti stated that the Council does want a committee and wants the  
197 Council to make recommendations to the committee. Cotti stated that they need to make  
198 a decision at the first meeting in June and find citizens who want to serve. There is no  
199 decision tonight.  
200

201 Couch stated that was why this item was on the agenda tonight. She advised the Council  
202 to think about how to structure the CIP process and then we can incorporate it in a  
203 resolution at the first meeting in June.  
204

205 Mayor Jones stated that the last package was not marketed well and that we need to do a  
206 better job.  
207

208 It was agreed that the Council would appoint members of the community to a CIP  
209 Committee and ensure both Staff and Council active participation in the process of  
210 determining the capital improvements to be presented to the public. The Council will  
211 begin the appointment process at its first meeting in June.

- 212  
213 b. Discuss annexation options for the area known as Lake Rockwall Estates  
214 and take any action necessary.

215  
216 Julie Couch discussed the background of Lake Rockwall Estates. Because there are  
217 more than 99 homes, an annexation plan will be required. She is proposing two phases,  
218 Phase 1 will follow the shore on the house side and Phase 2 will include the trailer side.

219  
220 Councilmember Cotti stated that he is convinced that it is the right thing to do at this  
221 time. It is never going to get less expensive.

222  
223 Couch advised the Council that if we annex Lake Rockwall Estates, that the current  
224 animal shelter could not accommodate the extra work that would be required.

225  
226 Councilmember Morris stated that this will be a very challenging annexation plan. It is  
227 time to "bite the bullet." The figures are today's figures. The animal shelter cost is not  
228 included and we are in the red now! This area has implications now. Morris stated that  
229 he agrees with Councilmember Cotti, that he would put it on an annexation plan now. If  
230 necessary, we could bail from the plan in 3 years.

231  
232 Councilmember McCallum stated that before we create an annexation plan, we need to  
233 look at other areas. Couch stated that she would not recommend putting any other areas  
234 on the same plan as Lake Rockwall Estates. McCallum asked if there were any other  
235 areas as large as Lake Rockwall Estates. Couch stated no – there are no areas with more  
236 than 100 homes. McCallum stated that the sewer plant at Lake Rockwall Estates had  
237 health and safety concerns and asked what our plan would be to gain these services  
238 from the present server. Couch advised that by the time we are ready to annex Lake  
239 Rockwall Estates the Buffalo Creek line should be ready. There are multiple problems  
240 and concerns with water and sewer in this area. The water system could impact our ISO  
241 rating. McCallum stated that 95% of the area owners/tenants had code violations and  
242 this is an impact to the City and asked what the estimation was for families to be able to  
243 get up to code. Jeffrey Widmer, Building Official, stated that the majority of the families  
244 would have financial problems being able to get up to code. McCallum asked if there  
245 was anything that could be done if the property is a rental. Widmer stated that we are not  
246 as easy on the property owner if the property is rented. McCallum asked how many of  
247 the trailers were owned vs. rented. Couch stated that there is no way to determine if it is  
248 a rental.

249  
250 Councilmember Raulston stated you find raw sewage on the ground on dry days as well  
251 as the rainy days. Taking care of the problem and annexing in Lake Rockwall Estates is  
252 long overdue. Raulston stated that he whole-heartedly supports the phasing. Raulston  
253 stated he knew that Code Enforcement would have a difficult time.

254  
255 Councilmember Cotti made a motion requesting Staff, at its earliest opportunity, to  
256 prepare an annexation plans for Phase 1 and Phase 2 for the annexation of Lake  
257 Rockwall Estates. Councilmember Morris seconded the motion and stated that Jeffrey

Widmer had spent a lot of time there and that there have been 600+ code violation notifications. Widmer has been on top of this for at least 3-4 years.

Councilmember McCallum asked if anyone had tested the water at the lake and what it would cost to clean it up. Couch advised that it is a federal lake and would have to be cleaned up like White Rock Lake in Dallas. Rick Crowley, Assistant City Manager, advised that the funding for cleaning the lake would have to come from the county in which the lake is located.

Councilmember Straughan stated that he agrees that this needs to be done. He has been in at least half of the houses there and the sooner we get this done, the better.

Mayor Jones thanked everyone for their decisions. The motion passed by a vote of 6 ayes and 1 absent [King].

- c. Discuss Balanced Scorecard Strategic Plan and take any action necessary.

Rick Crowley discussed the background of the Balanced Scorecard (BSC) and gave a presentation on the BSC Strategic Plan.

Councilmember Raulston stated that the BSC is moving in a positive direction and he is proud of the Staff, Department Heads and the Council. This is a fine job.

Councilmember Cotti asked if the plan will be on our website. Crowley stated that he believes it is something we need to do – it should be on either the website or on our cable TV channel.

Councilmember McCallum stated that this is a wonderful tool. It is a great approach and he liked the changes that had been made. He agrees that it should be on our website or our cable TV channel. McCallum asked if there would be uniformity in the finished documents. Crowley stated there would be – there will be an “owner” for every strategy on the map.

Julie Couch advised that this is an ongoing process. This is a living document and it will change.

Crowley discussed the index and advised that it is a way to measure change.

Mayor Jones thanked the Staff for a good job.

Couch advised that the BSC Strategic Plan would be on the May 17, 2004 Agenda for final approval.

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.

7. Hold Executive Session under Section 551.074 of the Texas Government Code to discuss:

- a. Personnel Issues: City Manager evaluation

309 **8. Take Any Action as Result of Executive Session**

310  
311 **Councilmember McCallum made a motion to increase the City Manager's base salary by**  
312 **5% and to match her contribution into the Section 475 Plan up to 3% of her base salary.**  
313 **Such contribution will vest to the City Manager on each anniversary date. The motion**  
314 **was seconded by Councilmember Raulston and passed unanimously.**  
315

316 **There being no further business to come before the Council, Mayor Jones adjourned the**  
317 **meeting at 9:30 p.m.**  
318

319  
320  
321 \_\_\_\_\_  
322 **Ken Jones, Mayor**

322 **ATTEST:**

323  
324  
325 \_\_\_\_\_  
326 **Dorothy Brooks, City Secretary**

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# MINUTES ROCKWALL CITY COUNCIL

May 17, 2004

6:00 p.m. Regular Meeting

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

1. Call to Order

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

2. Invocation and Pledge of Allegiance – Councilmember McCallum

3. Proclamations

- a. Emergency Medical Services Week – Presented to Mitch Ownby of Medic Rescue.
- b. Cruise “N” Blues Collector Car Fest – Presented to Peg Pannell-Smith.
- c. Presentation to Parks Director, Brad Griggs – Framed golf tournament poster received by Brad Griggs.
- d. Proclamation Honoring World War II Veterans – Presented to American Legion Group.
- e. Presentation to Homer Flores – Certificate received by Homer Flores.
- f. Presentation to Neha Vasani – Ms.Vasani was unable to attend and her Certificate of Recognition for serving on the Youth Advisory Council was presented to Marlene Tilsner.
- g. Presentation to Marlene Tilsner – Ray Harton, Councilmember Cotti and Councilmember McCallum co-presented a Certificate of Recognition and a gift to Ms. Tilsner for her work on the Youth Advisory Council.
- h. Presentation to Billy Morris – Proclamation received by Councilmember Morris.

4. Consent Items

- a. Consider approval of the Minutes from the May 3, 2004 City Council meeting and take any action necessary.
- b. Consider approval of a **Resolution** regarding petitions filed pursuant to Section 43.052(i) of the Texas Local Government Code and take any action necessary.
- c. Consider approval of an **Ordinance** for a City initiated request to annex land of approximately 320.44 acres generally located along a portion of FM 3097 and a portion of S FM 549, south of County Line Road, and north and west of E. Cullins Road and take any action necessary.  
(2<sup>nd</sup> Reading)

- d. Consider approval of an **Ordinance** for a City initiated request to annex land of approximately 117.37 acres generally located south of FM 552, west of FM 549, north of Clem Road, and contiguous to the existing City Limits line and take any action necessary. **(2<sup>nd</sup> Reading)**
- e. Consider approval of a request by Michael Clark of Winkelmann & Associates, Inc., for an amendment to the approved site plan for Home Depot, located at 765 Interstate 30 on Lot 1, Block A, Home Depot - Rockwall Addition, specifically for the addition of approximately 1,900-sf on the south side of the building to serve as a tool rental facility and take any action necessary.
- f. Consider approval of a request from Roy Garner of Rockwall Lakeside Church of Christ for final 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.
- g. Consider approval of an **Ordinance** for a request by Tim Seymore of Tim Seymore Custom Homes for approval of a conditional use permit (CUP) to allow for an accessory structure (batting cage) that exceeds the maximum height requirement of 15-feet and the maximum size requirement of 1,250 square feet within the (SF-E/1.5) Single Family Estate zoning district, located at 2045 Broken Lance Lane and known as Lot 3, Block B, The Oaks of Buffalo Way Addition and take any action necessary. **(2<sup>nd</sup> Reading)**
- h. Consider authorizing the City Manager to execute a Facilities Agreement with Lakeside Church of Christ for the construction of a water line and take any action necessary.
- i. Consider **tabling** approval of the **Ordinance** forming the Tax Increment Financing (TIF) zone (The Harbor Project) until June 7, 2004, and take any action necessary.
- j. Consider approval of an award of the purchase of a tractor from Landmark Equipment through HGAC Purchasing Cooperative and take any action necessary.

**Councilmember Cotti requested that Consent Item 4g be pulled and then made a motion to approve the remaining Consent Agenda items. Councilmember Morris seconded the motion and the ordinances were read as follows:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 320.44 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 117.37 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.**



95 The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].

96  
97 Councilmember Cotti advised that he had pulled Consent Item 4g because it required a  
98 majority vote and there were two councilmembers absent. Cotti then made a motion to  
99 table the item until June 7, 2004, and Councilmember Morris seconded the motion. The  
100 motion passed by a vote of 5 ayes and 2 absent [King and Raulston].

101  
102 **5. Appointments**

- 103  
104 a. Appointment with Planning and Zoning Chairman to discuss and answer  
105 any questions regarding cases on the agenda and related issues and  
106 take any necessary action.

107 **Philip Herbst, Planning and Zoning Chairman, discussed the background and the**  
108 **Planning and Zoning Commission actions regarding the items on tonight's agenda.**

- 109  
110 b. Appointment with Delena Pool regarding collecting items to be sent to the  
111 troops in Iraq and take any action necessary.

112 **Ms. Delena Pool gave a power point presentation regarding the collection of items to be**  
113 **sent to the troops in Iraq and requested that the Fire Department be the central place for**  
114 **donations to be sent.**

115  
116 Councilmember Cotti thanked Ms. Pool for bringing this to the Council and made a  
117 motion to approve the Fire Department being the central location for the receipt of  
118 donations. Councilmember McCallum seconded the motion and the motion passed by a  
119 vote of 5 ayes and 2 absent [King and Raulston].

120  
121 **6. Site Plans/Plats**

- 122 a. **P2004-019** – Discuss and consider a request by Dub Douphrate of  
123 Douphrate & Associates, Inc. for approval of a preliminary plat and  
124 concept plan for Rockwall Crossing Addition, being a 26.09-acre tract  
125 zoned (C) Commercial and located along the south side of Interstate 30  
126 and the north side of Ralph Hall Parkway east of Mims Road and take  
127 any action necessary.

128 **Robert LaCroix, Director of Community Development, discussed the background of the**  
129 **request. This is a preliminary plat and concept plan for a 26.09 acre shopping center at**  
130 **I-30/Ralph Hall Parkway and Mims Road. A couple the tenants are Pets Mart and**  
131 **TJ Maxx. LaCroix advised that there is no right-of-way for this development and de-**  
132 **acceleration lanes will be required. They have been working with the City Engineer,**  
133 **Chuck Todd, regarding drainage issues. The building elevations facing Ralph Hall will be**  
134 **such that they look like entrances. They will be focusing attention on the amenities**  
135 **facing Ralph Hall and the site plan will be brought back to the Planning and Zoning**  
136 **Commission. A developers agreement will be needed for the City owned property on the**  
137 **site.**

138  
139 Councilmember Billy Morris made a motion to approve the request.

140  
141 Councilmember Straughan asked LaCroix if this project was being rushed through.  
142 LaCroix stated it was not, that this is a preliminary plat. Straughan then seconded the  
143 motion.

Councilmember McCallum asked if the tenants were locked in. The applicant advised that all of the tenants are on LOI and all leases are signed except for one, and negotiations are ongoing for another tenant. McCallum stated that this is a wonderful development, with good businesses coming in. He is, however, concerned about the rear of the building, which faces Ralph Hall. McCallum then asked if there would be stop lights on Ralph Hall. Chuck Todd advised that SH-205 and FM-2097 are state highways and TXDOT would have to perform a traffic warrant study. The request can be made at any time. LaCroix advised that they have worked quite a while with Mr. Dalton regarding the angle of the buildings, put in detention ponds, and put in trees and landscaping. The backs of the buildings will be made to look like entryways. The biggest concerns are the dock/truck bays – we want more landscaping and lighting to offset them.

The applicant, Mr. Dalton, stated that they are not opposed to the recommendations. They will use screening walls and the docks will not be noticed. There will also be a triple layer of landscaping to help block them from view. They have met with the developer of the project across the street and have incorporated their suggestions in the plans.

The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].

## 7. Public Hearing

- a. **Z2004-006** -- Hold a public hearing to consider approval of an **Ordinance** for a city-initiated revision to the City of Rockwall Comprehensive Zoning Ordinance (Ord. No. 83-23), including revisions and the inclusion into the zoning ordinance the City's existing Landscape Ordinance (Ord. No. 88-28), Tree Preservation Ordinance (Ord. No. 02-24) and Outdoor Lighting Ordinance (Ord. No. 97-33) and take any action necessary. **(1<sup>st</sup> Reading)**

Robert LaCroix discussed the background of this request. LaCroix stated that they have been working on the new zoning ordinance for a long time and feels they are giving the Council the best product possible. LaCroix stated that he had attended a planning and zoning conference earlier this year and that Rockwall is on the right track and on the cutting edge of zoning. Every city is different. LaCroix advised that Dennis Wilson with Townscape has helped us come into the 21<sup>st</sup> Century.

Dennis Wilson then gave a power point presentation highlighting the changes being made.

Councilmember Cotti asked if the CUP's that are not due to expire for 8 or 9 months would expire or change. LaCroix stated that they would become SUP's. Wilson advised that the Council should expect some tweaking and changes in a few months.

Mayor Jones opened the public hearing, but no one appeared, so the public hearing was closed.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
ADOPTING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF

195 ROCKWALL, SO AS TO PROVIDE FOR GENERAL PROVISIONS, AUTHORITY AND  
196 ADMINISTRATIVE PROCEDURES, ZONING DISTRICTS AND MAP, PERMISSIBLE  
197 USES, DISTRICT DEVELOPMENT STANDARDS, PARKING AND LOADING,  
198 ENVIROMENTAL PERFORMANCE, LANDSCAPE STANDARDS, TREE  
199 PRESERVATION, PLANNED DEVELOPMENT, ZONING RELATED APPLICATIONS,  
200 ENFORCEMENT, AND DEFINITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
201 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE;  
202 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE;  
203 PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE  
204 DATE.

205  
206 The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].  
207

208 Mayor Jones recused himself before beginning the next agenda item and yielded the  
209 floor to Mayor Pro Tem Cotti.  
210

- 211 b. **Z2004-013** -- Hold a public hearing to consider approval of an **Ordinance**  
212 for a city-initiated request to amend the Comprehensive Zoning  
213 Ordinance (Ord. 83-23) of the City of Rockwall, specifically to add a new  
214 Section 2.31, (TL OV) Lake Ray Hubbard Takeline Overlay District and  
215 take any action necessary. (1<sup>st</sup> Reading)

216 Robert LaCroix discussed the background of the request. Out of the 469 notices that  
217 were sent out, 11 were returned in favor, 8 against, and 4 undecided. The Planning and  
218 Zoning Commission recommended approval and requested that the Council allow private  
219 sidewalks across the easements and allow boat houses/lifts. Brad Griggs presented a  
220 brief power point overview of the Takeline Project.  
221

222 Councilmember Straughan asked if someone has less than a 35' front building line if they  
223 could request a CUP. LaCroix advised that they could not. With regard to gazebos, they  
224 have to be within the view triangle. LaCroix advised that Dallas currently has a  
225 moratorium on boat houses/lifts. Straughan asked about agreements homeowners might  
226 have with Dallas to pump water from the lake. LaCroix stated that those agreements are  
227 not affected by this ordinance. LaCroix also stated that there is no provision within the  
228 ordinance for homeowner associations, that the sublease is strictly for single-family  
229 homes.  
230

231  
232 Mayor Pro Tem Cotti opened the public hearing and the following persons came forward  
233 to address the Council:  
234

235 Paul Freese  
236 943 Lexington Drive  
237

238 Mr. Freese stated that he lives in Turtle Cove and that the HOA is trying to  
239 take the privilege away from the homeowners. He does not have a problem  
240 with the ordinance except for no boat dock.  
241

242 David Stubblefield  
243 301 Stonebridge  
244

245 Mr. Stubblefield stated he is in favor of boat docks and structures. Our  
246 shoreline needs a lot of help. It will cost over \$10,000 for erosion control  
247 and the City needs to provide a reward for homeowners.  
248

249 Councilmember McCallum stated that coops are in the Rowlett ordinance and stated he  
250 would like more information on them. Julie Couch, City Manager, stated that Dallas has  
251 not yet addressed them.  
252

253 Charles Johnson  
254 804 Agape  
255

256 Mr. Johnson stated that he is in opposition to boat houses/boat docks. The  
257 lake level fluctuates too much to be able to have them. The ordinance is  
258 good and if anything else is approved, he thinks it would be an eyesore.  
259

260 Mike Johnston  
261 608 Severige Ct.  
262

263 Mr. Johnston is from Chandler's HOA and stated that 80% of the  
264 homeowners are opposed to boat docks, 100% are in favor of boat houses  
265 and that 85% would lease if docks and boat houses were not allowed.  
266

267 Joel Weiner  
268 743 Turtle Cove  
269

270 Mr. Weiner stated that he is a homeowner in Turtle Cove and that the Turtle  
271 Cove HOA wants to take the property over and he is strongly opposed to  
272 that.  
273

274 Calvin Hurst  
275 Lakeside Village Board of Directors  
276 300 Bayside Drive  
277

278 Mr. Hurst stated that any critical erosion area should be an ongoing  
279 evaluation. Hurst wanted to know if there would be any consideration for  
280 money spent on erosion control – is there any chance for the money to be  
281 applied to the lease. Is in favor of boat docks/houses. Hurst asked about  
282 the Bernard Johnson report and Brad Griggs, Parks and Recreation  
283 Director, advised that Dallas is currently doing a follow up report.  
284

285 Jack Ogilvie  
286 3002 Bayside  
287

288 Mr. Ogilvie stated he as lived on the lake for 30 years and seen over 11,000  
289 beautiful sunsets. He hopes the Council will not do anything to mar the  
290 Takeline. The Takeline is within 10 feet of his bedroom window and  
291 security is important to him. The Council should approve the ordinance  
292 tonight, this is a good job.  
293

294 Randy Greenlee  
295 1290 Coastal Drive

296  
297 **Mr. Greenlee stated he wants a boat dock. He is concerned about the cost**  
298 **of the lease. In Rowlett it is only \$250 per year. \$3700 a year here is too**  
299 **much. He wanted to know where the figures were coming from. Believes**  
300 **there are more incentives not to lease. Greenlee asked Julie Couch what**  
301 **happened to the consistency between the cities? Garland and Rowlett**  
302 **both have boat docks. Couch advised that as the various cities got into the**  
303 **ordinances they realized that each city was going to be different.**  
304 **Councilmember Cotti advised that the City of Dallas has the requirements**  
305 **and that we are upholding them.**

306  
307 **Vernon Glover**  
308 **3616 Lakeside Drive**  
309

310 **Mr. Glover stated that he did not reply to the letter because he thought it**  
311 **did not apply to him. He has a 44.5 foot front building line. Glover stated**  
312 **that they installed a seawall. He believes we should encourage sailboats**  
313 **and paddle boats. He stores his sailboat in the Takeline against the**  
314 **retaining wall. He is in favor of boat docks and a coop.**  
315

316 **David Falls**  
317 **3608 Lakeside Drive**  
318

319 **Mr. Falls stated he is against the ordinance because it does not provide the**  
320 **right things. He is for boat houses/docks.**  
321

322 **Teri King**  
323 **3610 Lakeside Drive**  
324

325 **Ms. King wants access to the lake. She has put in a seawall, cleats,**  
326 **stairway and sidewalk, but wants a boat house/dock.**  
327

328 **Leah Freese**  
329 **943 Lexington Drive**  
330

331 **Ms. Freese supports low impact docking. They enjoy using the lake.**  
332

333 **Mark Linane**  
334 **919 Lexington Drive**  
335

336 **Mr. Linane stated there is no incentive to lease. Is in favor of boat docks.**  
337 **Mr. Linane stated that the Turtle Cove HOA has never addressed it's**  
338 **subleasing of the Takeline with the homeowners. He wants to keep people**  
339 **off his property. He wants a fence or a hedge.**  
340

341 **Miranda Linane**  
342 **919 Lexington**  
343

344 **Ms. Linane is in favor of boat houses/docks. If people don't lease, it will**  
345 **cost the City. Does not want the HOA to lease the property – wants to**  
346 **control their own property.**

**Koli Lee**  
**927 Lexington**

**Ms. Lee is in favor of boat docks.**

**Richard Snyder**  
**1506 S. Lakeshore Drive**

**Mr. Snyder has put in a seawall and keeps his boat at Chandlers. He is against boat docks and piers because the lake fluctuates too much. Believes piers are an eyesore and a potential legal liability. The negatives of boat docks/houses/piers out weigh the positives.**

**Todd Manning**  
**1250 Coastal**

**Mr. Manning stated that he does not need a seawall, so he can't have a boat. Is concerned about the cost. Manning stated they don't want to mess up the lake, but they do want access.**

**Ryan Lee**  
**927 Lexington**

**Mr. Lee stated that he is not for or against boat docks. He wants to maintain the property and the landscaping. He would like to see the ordinance approved. He enjoys coming home to what he has and he does not want fences. He came here to look at the lake.**

**Chris Weiner**  
**743 Turtle Cove**

**Ms. Weiner stated her support for the Takeline Project and was anxious to get the project underway.**

**There being no further input from the public, Mayor Pro Tem Cotti kept the public hearing open, but transferred to a Council/Staff only discussion.**

**Councilmember Morris stated that he has never been in favor of this ordinance. As far as boat docks are concerned he comment is "Not no, but heck no!" Morris stated that he has been on the Council and/or Planning and Zoning Commission for 9 years and this is the first time they are not under pressure to zone or rezone. The lake belongs to the whole community and now we are talking about littering it up.**

**Councilmember Straughan stated that he has lived on the lake and knows how much the water fluctuates. In his experience, a boat dock will not work and boat houses won't work for sure. He cannot support them.**

**Councilmember McCallum stated that he applauded Councilmember Morris' consistency. McCallum stated that he originally voted against the ordinance for exactly the opposite reason. At the time he thought we didn't give the people enough. The homeowners**

398 along the lake pay for the seawall and the lease. Subleasing will increase the value of the  
399 property. Safety is an important reason for a boat slip – no boat houses. We need to  
400 give them a return on their investment. McCallum stated that we also owe it to the  
401 people across the street to save the view corridor. The City of Dallas is not going to  
402 allow us to build boat slips. We need to come to some sort of decision. We need to  
403 move forward and fight for boat structures. We haven't done enough to see what we can  
404 do to provide access to our citizens.

405  
406 Councilmember Cotti stated that this has been a tough job and that the input from the  
407 citizens is important to the Council. The "wrestle" for us has been what can we do?  
408 Owner safety and privacy have been the largest concerns.

409  
410 Councilmember McCallum stated that the homeowners can still work with Dallas for  
411 sprinkler systems. McCallum asked about the sports courts. Brad Griggs, Parks  
412 Director, stated that Dallas would not approve sand volley ball courts. We can use  
413 temporary poles, but not within the view corridor. McCallum stated that there will be  
414 boat parking facilities at The Harbor and stated that we are holding the homeowners to a  
415 higher level. Julie Couch advised that there will be no overnight parking allowed at The  
416 Harbor.

417  
418 After confirming there was no one further to address the Council, Mayor Pro Tem Cotti  
419 closed the public hearing.

420  
421 Councilmember Cotti made a motion to approve the ordinance as written with the change  
422 to include the Planning and Zoning Commission recommendation for sidewalks but  
423 without their recommendation for docks, etc. Councilmember Straughan seconded the  
424 motion.

425  
426 Councilmember McCallum stated that the ordinance provided for tie up cleats only and  
427 asked if the Council could support going to Dallas regarding boat docks.

428  
429 Councilmember Straughan stated that if we could get approval from Dallas for some type  
430 of platform or dock to extend the seawall, he could support that.

431  
432 Councilmember Cotti stated that we have an ordinance that Dallas will likely approve. He  
433 would not be adverse to monitoring what Dallas is doing in other areas of Lake Ray  
434 Hubbard and revisiting the issue at a later date.

435  
436 Councilmember Straughan stated that approval does not stop us from amending it.

437  
438 Councilmember McCallum stated that we are not Rowlett and never will be. We've got to  
439 give privacy and access. We need to do something. He is going to vote for this, but is  
440 going to fight for the citizens to get more benefits.

441  
442 The ordinance was read as follows:

443  
444 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
445 AMENDING THE ROCKWALL COMPREHENSIVE ZONING ORDINANCE BY ADDING A  
446 NEW SECTION 2.31 (TL OV) LAKE RAY HUBBARD TAKELINE OVERLAY DISTRICT,  
447 MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING  
448 FOR A PURPOSE STATEMENT; PROVIDING FOR APPLICATION AND BOUNDARIES;  
449 PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITTED USES; PROVIDING

FOR CONDITIONAL USES; PROVIDING FOR ADDITIONAL SPECIFICATIONS IN  
"TABLE A" ATTACHED HERETO; 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 3 ayes [McCallum, Cotti and Straughan], 1 nay [Morris],  
and 2 absent [King and Raulston] and 1 recusal [Jones].

Mayor Jones resumed control of the meeting.

- c. **Z2004-020** -- Hold a public hearing to consider approval of an **Ordinance**  
for a request by Joey Howell for an amendment to (PD-11) Planned  
Development No. 11 district, specifically to amend the front yard setback  
requirement to 20-feet for Hillcrest Shores Phase 3, which is under  
development along the west side of North Lakeshore Drive north of  
Hillcrest Shores Phase 2 and south of The Shores development and take  
any action necessary. **(1<sup>st</sup> Reading)**

Robert LaCroix discussed the background of the request. Councilmember McCallum  
asked if this request was really necessary since we are amending the zoning code.  
LaCroix advised that this would allow the applicant to turn in his plans.

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

Joey Howell, applicant. Councilmember Cotti asked him how many lots are  
affected. Howell stated it would not affect them all -- it could be 1/3 or  
better.

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

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF  
ROCKWALL AND ORDINANCE NO. 01-08, AS HERETOFORE AMENDED, SO AS TO  
AMEND "PD-11" PLANNED DEVELOPMENT DISTRICT NO. 11 TO REQUIRE A  
MINIMUM FRONT YARD SETBACK OF TWENTY (20) FEET ON AN APPROXIMATE  
37.423-ACRE TRACT OF LAND KNOWN AS HILLCREST SHORES PHASE 3 AND  
MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING  
FOR SPECIAL CONDITIONS; PROVIDING FOR AREA REQUIREMENTS; PROVIDING  
FOR A DEVELOPMENT PLAN; PROVIDING FOR A PENALTY OF FINE NOT TO  
EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE  
AND EVERY DAY THE OFFENSE CONTINUES SHALL BE DEEMED A SEPARATE  
OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].



502 **8. Action Items**

- 503
- 504 a. Discuss and consider the Economic Plan as prepared by Elizabeth Morris
- 505 and take any action necessary.

506 **Julie Couch discussed the background of the Economic Plan and Elizabeth Morris gave a**

507 **power point presentation on development of the undeveloped areas within the City.**

508

509 **Councilmember Cotti asked if we could identify the difference of revenue and cost with**

510 **this model. E. Morris stated with a little bit of manipulation it could be done.**

511

512 **Councilmember Straughan stated that this is the first time he has seen the model. The**

513 **last five years have been dynamic. The gap should close because of the commercial**

514 **development.**

515

516 **Julie Couch advised that there are 2 areas we are looking at. Our first purpose was land**

517 **use decisions based on an economic standpoint. We don't want to get hung up on the**

518 **gap based on assumptions that may or may not happen.**

519

520 **Councilmember McCallum stated that this is fascinating information. It would be**

521 **interesting to see the proposed development before it comes before us in a few weeks.**

522 **Julie Couch advised that there will be a lot of opportunity to use this tool going forward.**

523 **McCallum noted that the EJT was not factored in. McCallum stated that this is a great**

524 **model and good information to use in some real life scenarios. We need to be sure to**

525 **heed Councilmember Morris's advice – don't rush to zone.**

526

527 **Councilmember Morris stated that he wished they had this tool when he served on the**

528 **Planning and Zoning Commission. He is sure Nell (Welborn) would agree that this is**

529 **good. We are running out of land to zone. He is anxious to hear what Nell has to say.**

530

531 **Nell Welborn stated that many times she wished for a crystal ball – we just have one**

532 **chance to make it right. Welborn stated she was on the Council when they approved the**

533 **contract with Elizabeth Morris. Welborn stated this is a very powerful tool and she is**

534 **very impressed by the abilities we are going to have. Welborn stated that the REDC had**

535 **discussed this earlier and that a joint worksession is needed, especially because of new**

536 **law that gives the REDC more ability. She is very encouraged by this tool.**

537

538 **Councilmember Cotti stated that he echoed Welborn's comments – it is a great tool. He**

539 **is willing to meet with the REDC group. Cotti thanked Elizabeth Morris for her hard work.**

540

541 **Welborn stated that a lot of judgment is still required.**

542

- 543 b. Discuss and consider approval of certain measures and targets for the
- 544 Balance Score Card and take any action necessary.
- 545

546 **Rick Crowley, Assistant City Manager, discussed the background of the Balanced Score**

547 **Card and asked the Council if they had been able to look at the documentation that had**

548 **been provided and if they had any follow up.**

549

Councilmember Cotti stated that he had read through it twice and was going through it a third time. This is a very detailed document. We need to keep our ear to the ground – this is a living document. You are on target.

Councilmember McCallum stated that this document is pretty fantastic. McCallum stated that there were a few inconsistencies but understood that Crowley is working on them.

Julie Couch advised that if the Council was comfortable with the targets, they could approve them tonight.

Councilmember Cotti made a motion to approve the targets and Mayor Jones seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [King and Raulston].

- c. Discuss and consider citizen survey response plan and take any action necessary.

Rick Crowley discussed the background of the plan. Councilmember Cotti asked if we could gain anything by having the newly annexed areas complete the survey. Crowley advised that the survey selection had been random. Cotti stated that perhaps we could consider it in the future.

Julie Couch advised that this was not a one-shot deal. We are going to be doing a survey on a regular basis.

Crowley stated that our success will be measured by the positive changes the citizens see.

There being no further business to come before the Council in regular session, Mayor Jones adjourned the meeting into Executive Session at 10:20 p.m.

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

- a. Land Acquisition for City Facilities and Park Land.
- b. Personnel Issues: City Manager evaluation and related matters.
- c. 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.

**10. Take Any Action as Result of Executive Session**

Councilmember McCallum made a motion to approve the revisions to the City Manager's contract with the six-month severance package and city attorney approval. Councilmember Cotti seconded the motion and the motion passed by a vote of 5 ayes and 2 absent [King and Raulston].

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There being no further business to come before the Council, Mayor Jones adjourned the meeting at 10:45 p.m.

**ATTEST:**

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**Ken Jones, Mayor**

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**Dorothy Brooks, City Secretary**