MINUTES
ROCKWALL CITY COUNCIL
October 4, 2004
5:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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

a. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.

b. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION.

No action was taken as a result of Executive Session.

3. PRE-COUNCIL DINNER.

4. ADJOURNMENT.

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this _____ day of _____, 2004.

_____
Ken Jones, Mayor

ATTEST:

_____
Dorothy Brooks, City Secretary

MINUTES
ROCKWALL CITY COUNCIL
October 4, 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 Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil, John King and Terry Raulston. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TERRY RAULSTON

3. OPEN FORUM

Mayor Jones opened the floor to persons wishing to address the Council about any matter not on tonight's agenda. The following persons came forward to address the Council:

Don Haley
210 Alta Vista
Rockwall, Texas
Mr. Haley stated he likes the new RV ordinance. He has a neighbor who owns an RV and it is parked inches from his fence and it blocks his view of the lake.

Jim Stehm
1101 Bishop
Rockwall, Texas
Stated he is speaking on behalf of motor home owners – not every case is an eyesore.

Bob Carroll
206 Alta Vista
Rockwall, Texas
Mr. Carroll strong supports the new RV ordinance. The alley pavement is broken down because of the RV, the RV drives in the open field and leaves ruts, and there is the diesel smell that is offensive to him.

Chief Mark Poindexter
Gave a status of the Open House held on October 2, 2004 at Fire Station #2. Chief Poindexter stated that 1500-2000 people attended. The Council stated that it was a job well done.

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

4. CONSENT AGENDA

a. **AM2004-001 --** Consider approval of an ***Ordinance*** for a city initiated amendment to the City of Rockwall Code of Ordinances – Subdivision Regulations – Chapter 24 – Amending Sections 24-6 Sketch Plan – Pre application Conference, Section 24-7 Concept Plan, Section 24-8 Preliminary Plat, Section 24-9 Final Plat, Section 24-10 Miscellaneous Requirements, and Section 24-12 Adequate water for personal use and fire protection required and take any action necessary. **(1st Reading)**

b. Consider authorizing the City Manager to execute an agreement with Fox, Byrd & Company for auditing services and take any action necessary.

Councilmember Bob Cotti requested that Consent Item "4a" be pulled and then made a motion to approve Consent Item "b." Councilmember Bill Cecil seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti made a motion to approve Consent Item "4a" with minor typographical changes and Councilmember Tim McCallum seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 04-58

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE SUBDIVISION REGULATIONS, CHAPTER 24 OF THE CITY CODE OF ORDINANCES, SECTIONS 24-6 THROUGH 24-14; INCORPORATING UNIVERSAL PROCEDURES FOR ACCEPTANCE AND PROCESSING OF PLAT APPLICATIONS; ELIMINATING SKETCH PLANS AND CONCEPT PLANS; ESTABLISHING PROCEDURES AND STANDARDS FOR MASTER PLATS FOR THE PURPOSE OF PLATTING IN PHASES; AMENDING PROCEDURES FOR PRELIMINARY AND FINAL PLATS FOR CONSISTENCY; ADDING STANDARDS GOVERNING UTILITY CONNECTIONS FOR WATER AND WASTEWATER FACILITIES; ADDING STANDARDS FOR DETERMINING THE ADEQUACY OF WATER AND WASTEWATER FACILITIES FOR PLAT APPROVAL; 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 unanimously by a vote of 7 ayes and 0 nays.

5. APPOINTMENTS

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

Planning and Zoning Chairman Phillip Herbst discussed action taken by the Planning and Commission regarding the items on tonight's agenda.

b. Appointment with Mary Koblitz regarding Takeline issues and take any action necessary.

Mary Koblitz , 915 Lexington Drive, Rockwall, Texas, requested that the Council grant a written easement to the Turtle Cove HOA for maintenance purposes and requested that they reconsider making her lot (Lot 4) eligible to lease the Takeline. The Council took no action on these requests.

c. Appointment with Lakeside Church of Christ regarding a temporary gravel parking lot and take any action necessary.

Milton Halbert, Lake Church of Christ representative, explained the Church's request for a temporary gravel parking area. Councilmember Bob Cotti stated that he thought it was a reasonable request and made a motion to approve the request. Councilmember King seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

d. Appointment with Cliff Savage regarding easement abandonment request and take any action necessary.

Cliff Savage, 761 Hunter's Glen (Foxchase), Rockwall, Texas, requested that the City abandon its easement or grant a waiver so that he could construct a swimming pool and build a fence. After discussion, Councilmember Cotti made a motion to allow Staff to work with the homeowners whose homes back up to Tubbs regarding the easement. Councilmember McCallum asked how many owners were in violation and was advised there were two (2) – their permits were issued in error. Assistant City Manager Rick Crowley stated that they will work to resolve the easement issue along all of Tubbs. McCallum then seconded the motion. Councilmember Cecil requested that a time limit be put on the motion. Councilmembers Cotti and McCallum amended their motion and second to require Staff to report back to the Council during the November 1, 2004 meeting. The motion passed unanimously by a vote of 7 ayes and 0 nays.

6. Site Plans/Plats

a. P2004-042 -- Discuss and consider a request by Robert Jebary of Brockette Davis Drake for approval of a replat of Lot 1, Block A, Villa De Portofino Addition, being a 6.5995-acre tract zoned (PD-22) Planned Development District and located along the east shore of Lake Ray Hubbard at Portofino Drive and take any action necessary.

Robert LaCroix, Director of Planning, discussed the background of the replat request and stated that Staff recommended approval. Councilmember Straughan made a motion to approve the request and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

b. SP2004-017 -- Discuss and consider a request by Ron Prather of Holbrook & Partners for approval of a site plan on Lot 1, Block A, Villa De Portofino Addition, being a 6.5995-acre tract zoned (PD-22) Planned Development and located along the east shore of Lake Ray Hubbard at **Portofino Drive and take any action necessary.**

Robert LaCroix discussed the background of the request and stated that the plan was consistent with The Harbor Mediterranean look and would have a red tile roof. LaCroix stated that the Planning and Zoning Commission and the Architectural Review Board both recommended approval. Councilmember Cotti made a motion to approve the request and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

7. PUBLIC HEARING ITEMS

a. Z2004-034 -- Hold a public hearing and consider approval of an ***Ordinance*** for a request by Michael Johnston of Ramsay Ivy CO., L.C., for a zoning change from (SF-7) Single Family Residential district, (LI) Light Industrial district, (C) Commercial district, (HC) Heavy Commercial, and (PD-52) Planned Development district to (PD) Planned Development district, including a concept plan for the proposed Park Place West development consisting of single family residential, neighborhood service and residential-office uses on a 55.8-acre tract located south of Washington/Aluminum Plant Road, east of Renfro Street, and north of the M. K. & T. Railroad and take any action necessary. **(1st Reading)**

Robert LaCroix stated that this was a continuation of the public hearing from the September 20, 2004, meeting and discussed the background of the request. The following persons came forward to address the Council regarding this matter:

Bill Bricker, Applicant
505 Westway
Rockwall, Texas

Ross Ramsay, Architect
637 Stafford Circle
Rockwall, Texas

Tom Jones, Engineer
Dallas, Texas

Billy Morris
1102 Vail Court
Rockwall, Texas
Mr. Morris stated Bricker and Ramsay were men of honor. This is still high density. Urged them to do a proper buffer.

Peg Pannell Smith
602 Williams
Rockwall, Texas
Likes the project and stated Old Towne is in favor of the project.

Ron, Owens Illinois Owner
Stated that they ship 24/7 and this would restrict his plans for expansion.

Ray Schwertner – Whitmore Manufacturing
1915 Murifield
Rockwall, Texas
Stated the development is too close to Whitmore's. Feels there would start being a lot of complaints about noise and smell.

Mary Hanrahan
201 S. Clark
Rockwall, Texas
Is in support of this development.

Pam Clark
401 Renfro
Rockwall, Texas
Is in favor of this development. It will bring new life to the Old Towne area and will be good for downtown.

Kevin Caldwell
605 Renfro
Rockwall, Texas
Is in favor of the project.

Jansy Wentzel
306 N. Clark
Rockwall, Texas
Is in favor of the project.

Greg Nixon, CEO of the REDC
844 Ridge Road West
Rockwall, Texas
Is against the project and stated that it is a violation of Hometown 2000.

Sam Buffington
509 Bourne Avenue
Rockwall, Texas
Is in favor of the project.

Ross Wilcox
605 Westway
Rockwall, Texas
Stated that on behalf of the builders, they are excited about being involved in the project and it will require "thinking outside the box."

J. D. Sims
3013 Mulberry
Rockwall, Texas
Is working with Whitmore. He likes the project, but he is concerned about the proximity. Would like to see a larger set back.

Gary Martin, CEO of Whitmore
2301 Versailles Ct.
Heath, Texas
Stated they are a good neighbor. Feels there should be a buffer on the south side of the project to buffer the tank farm and the detainment pond.

Carol Crow
504 Williams
Rockwall, Texas
Is in favor of the project.

Christy Gates
504 Williams
Rockwall, Texas
Is in favor of the project.

John Wardell
510 Chapps
Heath, Texas
Owns two lots on Renfro – he is in favor of the project. Stated "plant safety is a business issue, not a zoning issue."

Bill Bricker – Applicant
Wanted to make it clear that this is not low-income housing.

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

Councilmember Straughan made a motion to approve the request with the condition that there is plenty of security at the railroad tracks on the south side. Councilmember Cotti seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 04-59

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-7) SINGLE FAMILY RESIDENTIAL DISTRICT, (LI) LIGHT INDUSTRIAL DISTRICT, (C) COMMERCIAL DISTRICT, (HC) HEAVY COMMERCIAL, AND (PD-52) PLANNED DEVELOPMENT DISTRICT NO. 52 TO (PD-59) PLANNED DEVELOPMENT NO. 59 DISTRICT FOR A 55.8-ACRE TRACT OF LAND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; 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 unanimously by a vote of 7 ayes and 0 nays.

8. ACTION ITEMS

a. Discuss and consider a petition for annexation from Joe D. and JoAnn Loftis to annex land of approximately 234.70 acres located along the south side of Hwy 276 east of Rochelle Road and contiguous to the existing City Limits line and take any action necessary.

Robert LaCroix discussed the background of the request. Chuck Todd advised that Blackland is the water provider and that this site is designed for service by the

Timbercreek Lift Station. Councilmember Cotti made a motion to instruct Staff to proceed with the annexation process and Councilmember Raulston seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

b. Discuss and consider approval of ***Resolution*** creating the Takeline Sublease Appeals Board and establishing the procedures for that board and take any action necessary.

Mayor Jones recused himself from this discussion and action. Mayor Pro Tem McCallum took control of the meeting. Councilmember Raulston made a motion to approve the resolution and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Jones].

c. Discuss and consider rejecting the bids for the Clark Street improvements and take any action necessary.

Chuck Todd, City Engineer, discussed the background of this item. Councilmember Cecil made a motion to reject the bid with the understanding that we move forward with option 1 as expeditiously as possible. Councilmember Raulston seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

d. Discuss and consider the garbage survey and take any action necessary.

Mary Smith, Finance Director, came forward to discuss the matter and requested that the Council table this matter until the next regular meeting. Councilmember McCallum made a motion to table this matter until the next regular meeting and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

e. Discuss and consider an amendment to the Rockwall Code of Ordinances, Chapter 5 Animals, to establish rules for structure, management, and utilization of dog parks and similar facilities and take any action necessary.

Councilmember Cotti stated that he had requested this item be placed on the agenda so that the Council could direct Staff to prepare an ordinance regarding the regulation of dog parks. Brad Griggs stated that he had information on dog parks that he could provide the Council. Councilmember Cotti made a motion to instruct Staff to move forward with the preparation of an ordinance and Councilmember Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

f. Discuss and consider the Airport Council Subcommittee recommendations and take any action necessary.

Rick Crowley, Assistant City Manager, discussed the recommendations of the Airport Council Subcommittee to maintain and enhance the airport. The Subcommittee consisted of Bob Cotti, John King and Bill Cecil. Councilmember Straughan made a motion to approve the Subcommittee's recommendations and Councilmember Raulston seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

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

a. Departmental Reports

b. City Manager's Report

City Manager Julie Couch advised the Council that there would be a special meeting on October 11, 2004 and reminded them of the quarterly work session scheduled for November 8, 2004.

There being no further business to come before the Council in regular session, Mayor Jones adjourned the meeting into Executive Session at 10:36 p.m.

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

a. Deliberation regarding the purchase, exchange, lease, or value of real property.

b. Personnel Issues, including Board, Commission, and Committee Appointments, 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.

d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.

e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

11. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Cotti made a motion to appoint James Crow, Greg Burgamy and Dale Morgan to the Takeline Sublease Appeals Board and Councilmember Raulston seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Jones and Cecil].

There being no further business to come before the Council, Mayor Jones adjourned the meeting at 11:30 p.m.

Approved by the City Council of the City of Rockwall, Texas, this _____ day of _____, 2004.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

MINUTES
ROCKWALL CITY COUNCIL
October 18, 2004
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 4:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil, John King and Terry Raulston. Also present were attorneys Pete Eckert and Terry Morgan. Mayor Jones immediately adjourned the meeting into Executive Session.

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

a. Deliberation regarding the purchase, exchange, lease, or value of real property.

b. Personnel Issues, including Board, Commission, and Committee Appointments, 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.

d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.

e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Bill Cecil made a motion authorizing the City Manager to execute the Memorandum of Understanding with Area B property owners with the proviso that the Council holds reservations regarding the following issues that must be resolved with the final agreement:

a. the 15-year term;
b. the 5-acre subdivision stipulation; and
c. trigger points for annexation of all of the properties.

Councilmember Bob Cotti seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Tim McCallum made a motion authorizing Staff to procure additional resources on advice of counsel to adequately defend against the lawsuit filed by Hughes and Luce against the City of Rockwall. Councilmember Bill Cecil seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

3. PRE-COUNCIL DINNER.

4. ADJOURNMENT.

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 15th day of November, 2004.

/s/ Ken Jones

Ken Jones, Mayor

ATTEST:

/s/ Dorothy Brooks

Dorothy Brooks, City Secretary

MINUTES
ROCKWALL CITY COUNCIL
October 18, 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, Bill Cecil, Tim McCallum, Stephen Straughan and Bob Cotti. Also present were Assistant City Manager Rick Crowley and Attorney Terry Morgan.

2. Invocation and Pledge of Allegiance – Councilmember John King

3. Youth Advisory Council – New Members Take Oath

Mayor Jones administered the oath to Thomas Griswold.

Mayor Jones advised the audience that the Council would be moving around the agenda tonight. The first items to be considered are two actions items.

Action Items:

8a. **A2004-003—**Discuss and consider an ***Ordinance*** for a City initiated request to annex land of approximately 725 acres generally located north of FM 552 and east of SH 205, and contiguous to the existing City Limits line and take any action necessary. **(1st Reading)**

Councilmember Cotti made a motion to table this matter until October 25, 2004, and Councilmember Stephen Straughan seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

8b. **A2004-004 –** Discuss and consider an ***Ordinance*** for a City initiated request to annex land of approximately 554 acres generally located north of F.M. 552, west of F.M. 549, east of Anna Cade Road, and contiguous to the existing City Limits line and take any action necessary. **(1st Reading)**

Rick Crowley, Assistant City Manager, advised the Council that the City Attorney is having ongoing discussions with owners in Tract B. Councilmember Bob Cotti made a motion to table this mater until Monday, October 25, 2004, and Councilmember Bill Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Site Plans / Plats

7b. **P2004-046 --** Discuss and consider approval of a request by Paul McCracken of Carter & Burgess, Inc., for a residential preliminary plat of the Caruth Tract, being a proposal for 1,519 lots on a 405.29-acre tract located north of FM 552 and east of SH 205, within the extra-territorial jurisdiction (ETJ) of the City of Rockwall.

Misty Ventura of Hughes Luce, attorneys for the Caruth Estate, came forward to address the Council and requested that the Council table this matter until October 25, 2004. Councilmember Cecil made a motion to table this matter until October 25, 2004 and Councilmember Tim McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

4. Consent Items

a. Consider approval of the minutes of the September 20, 2004 City Council meeting and take any action necessary.

b. Consider approval of the minutes of the September 23, 2004 City Council meeting and take any action necessary.

c. Consider approval of an ***Ordinance*** for a request by Michael Johnston of Ramsay Ivy CO., L.C., for a zoning change from (SF-7) Single Family Residential district, (LI) Light Industrial district, (C) Commercial district, (HC) Heavy Commercial, and (PD-52) Planned Development district to (PD) Planned Development district, including a concept plan for the proposed Park Place West development consisting of single family residential, neighborhood service and residential-office uses on a 55.8-acre tract located south of Washington/Aluminum Plant Road, east of Renfro Street, and north of the M. K. & T. Railroad and take any action necessary. **(2nd Reading)**

d. Consider authorizing the City Manager to execute an Interlocal Agreement with the North Central Council of Governments for E9-1-1 Service and Equipment and take any action necessary.

e. Consider approval of a **Resolution** authorizing the City Manager to execute the "First Amendment to Buffalo Creek Interceptor System Contract" and take any action necessary.

f. **P2004-048 --** Consider a request by G.V. Hughes of Alliance Bank for approval of a final plat of Lot 1, Block A, Alliance Addition, being a 2.899-acre tract located at the southwest corner of S. FM 549 and Jeff Boyd Drive, and zoned (PD-57) Planned Development district and take any action necessary.

g. **SP2004-021 --** Consider a request by G.V. Hughes of Alliance Bank for approval of a site plan for a proposed 6,766-sf bank facility on Lot 1, Block A, Alliance Addition, being a 2.899-acre tract located at the southwest corner of S. FM 549 and Jeff Boyd Drive, and zoned (PD-57) Planned Development district and take any action necessary.

h. **P2004-052 --** Consider a request from Matthew King for a replat of Lots 2 and 3, Block 1, Horizon Village Addition, being a 4.12-acre tract zoned (C) Commercial district and situated at the north corner of Ralph Hall Pkwy and FM 3097 (Horizon Rd) and take any action necessary.

i. Consider approval of the award of the bid for the Amity Lane sewer line and take any action necessary.

j. Consider approval of the award of the bid for the I-30N/FM-549 water line and take any action necessary.

Councilmember Terry Raulston requested that Consent Agenda Items 4a and 4b be pulled. Councilmember Cotti made a motion to approve the remaining items and Councilmember John King seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 04-59

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-7) SINGLE FAMILY RESIDENTIAL DISTRICT, (LI) LIGHT INDUSTRIAL DISTRICT, (C) COMMERCIAL DISTRICT, (HC) HEAVY COMMERCIAL, AND (PD-52) PLANNED DEVELOPMENT DISTRICT NO. 52 TO (PD-59) PLANNED DEVELOPMENT NO. 59 DISTRICT FOR A 55.8-ACRE TRACT OF LAND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; 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 unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti made a motion to approve Consent Agenda Item 4b and Councilmember Cecil seconded the motion. The motion passed by a vote of 5 ayes and 2 abstains [Raulston and McCallum].

Councilmember Cotti made a motion to table Consent Agenda Item 4a until October 25, 2004, and Councilmember McCallum seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Raulston].

5. Appointments

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

Phillip Herbst, Planning and Zoning Chairman, discussed the various planning and zoning items on tonight's agenda.

b. Appointment with Scott Self regarding upcoming County bond election and take any action necessary.

County Commissioner Scott Self came forward to address the Council. Commissioner Self was going to give a power point presentation, but since the power was off due to a transformer fire, he just discussed the items on the upcoming County bond election. After discussion and input from the audience, Commissioner Self requested that the Council pass a resolution backing the bond package for road construction. Councilmember McCallum made a motion approving the *Resolution* that states *"the City recognizes the needs outlined in the County's bond package and further, the City*

of Rockwall herein restates it's position to use the previously allocated funds in the amount of $1,000,000 to participate with the County and with TxDOT in the improvement of the two intersections identified in the bond package which are located within the City limits of the City of Rockwall." **Councilmember Cecil seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.**

c. Appointment with David Caldwell of the Hunt County Committee on Aging regarding annual update and consider approval of the annual contract and take any action necessary.

David Caldwell, Executive Director of the Hunt County Committee on Aging, came forward to address the Council and gave a brief update. Councilmember Cotti made a motion to authorize the City Manager to execute a contract with the Hunt County Committee on Aging and Councilmember McCallum seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

d. Appointment with Dr. Bruce Paton, Chair of the Board of Directors of Helping Hands and take any action necessary.

Margo Nielsen, Director of Helping Hands, came forward to address the Council (and the lights came back on). Ms. Nielsen requested a waiver of the permit fees for their new facility and a variance on the concrete fire lane – Home Depot has offered to donate asphalt for that. Rick Crowley stated that it was Staff's recommendation that the Council approve the requests. Councilmember Cecil made a motion to approve the waiver of the permit fees and the variance on the concrete. Councilmember Straughan seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

e. Appointment with Mary Smith regarding garbage survey results and take any action necessary.

Councilmember Cotti made a motion to table the item until the next regular meeting (November 1, 2004) and Councilmember Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

f. Appointment with Henry "Keith" Barrett regarding Takeline lease and take any action necessary.

Mayor Jones recused himself from discussion and action on this item. Mayor Pro Tem McCallum took control of the meeting. Keith Barrett of 5580 Canada Court came forward to address the Council regarding the designation of his property being a non-leaseable property for the Takeline. After discussion it was determined that Mr. Barrett's property is not a detached, single family dwelling and does not fall within the requirements for a sublease of the Takeline. No action was taken by the Council on this matter.

Because Mayor Jones recused himself from taking part in any discussion or action regarding the Takeline, the following item was brought forward for consideration by the Council:

Action Items

8c. Discuss and consider amending the Lake Ray Hubbard Takeline Overlay District related to boat dock facilities and take any action necessary.

After lengthy discussion, Councilmember Cotti made a motion to keep the ordinance as written and approved by the Council. Councilmember Straughan seconded the motion and the motion passed by a vote of 5 ayes, 1 nay [McCallum] and 1 recusal [Jones].

Mayor Jones returned to the meeting.

6. Public Hearing

a. P2004-049 -- Hold a public hearing and consider approval of a request by Jake Moser for a residential replat of Lot 32, Block A, High Ridge Addition, being a 0.27-acre tract zoned (SF-10) Single Family Residential district and located at 507 Forest Trace and take any action necessary.

Robert LaCroix, Director of Community Development, discussed the background of this request for a residential replat. Mayor Jones opened the public hearing, but no one came forward to address the Council, so the public hearing was closed. Councilmember Cecil 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.

b. Z2004-035 -- Hold a public hearing and consider approval of an ***Ordinance*** for a request from Oona Gaston for an amendment to the existing conditional use permit on a 5-acre tract located at 1530 I-30 East to allow for the outdoor storage of RVs and the waving of paving requirements and take any action necessary. **(1st Reading)**

Robert LaCroix discussed the background of this request. LaCroix advised the Council that the business operating at this site needed a new Certificate of Occupancy, but since they were not in compliance with the ordinance granting the previous conditional use permit (CUP), the applicant had to make a formal request for an amendment to the existing CUP. After lengthy discussion, Mayor Jones opened the public hearing and the following persons came forward to address the Council:

David Ferguson (Site Manager) (Applicant Oona Gaston did not appear due to illness)
3055 N. Goliad
Rockwall, Texas
Stated they could not afford to pave or comply with all of the conditions.

Phillip Herbst, Planning and Zoning Commission Chairman
Mr. Herbst stated that the P&Z Commission struggled with this issue. They want to make them comply, but not run them out of business.

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

Councilmember Raulston made a motion to deny the request and Councilmember Straughan seconded the motion stating that he wants to see it brought up to Code. Rick Crowley asked the Council if they wanted to make this a denial without prejudice so that the applicant could bring this back to the Council. Otherwise it would be a year before they could come back. Crowley stated we needed to start issuing the code violations. Councilmembers Raulston amended his motion to deny without prejudice stating that they could come back in 90 days, but they are not in compliance at that time, then enforcement will start taking place. Councilmember Straughan amended his second and

the motion passed unanimously by a vote of 7 ayes and 0 nays. It will be up to the owner to bring back the proposals.

c. **Z2004-036 --** Hold a public hearing and consider approval of an ***Ordinance*** for a request by Chris and Sherri Duggan for a Specific Use Permit (SUP) allowing for an accessory building not matching the exterior materials of the primary structure, on a 4.0-acre tract known as Lot 3, Block 1, Lofland Lake Estates Addition and located at 2548 S. FM 549. The subject tract is zoned (SF-E/4.0) Single Family Estate district. Take any action necessary. **(1st Reading)**

Robert LaCroix discussed the background of the request. Mayor Jones opened the public hearing and the following persons came forward to address the Council:

Chris Duggan (Applicant)
2548 S. FM-549
Rockwall, Texas
Mr. Duggan stated that the request is for a small barn for horses.

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 Cecil 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 SPECIFIC USE PERMIT WITHIN THE (SF-E/4.0) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR AN ACCESSORY BUILDING NOT MEETING THE EXTERIOR MATERIALS REQUIREMENTS, ON A TRACT LOCATED AT 2548 S. FM 549, BEING LOT 3, BLOCK 1, LOFLAND LAKE ESTATES ADDITION; 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 unanimously by a vote of 7 ayes and 0 nays.

d. **Z2004-038 --** Hold a public hearing and consider approval of an ***Ordinance*** for a request by Dwaine Powers for a Specific Use Permit (SUP) allowing for an accessory building exceeding the maximum size requirements of 1,500-sf, exceeding the maximum height requirements of 15-ft, and not matching the exterior materials of the primary structure, on a 3.461-acre tract known as Lot 1, Lofland Lake Estates #2 Addition and located at 2716 S. FM 549. The subject tract is zoned (SF-E/2.0) Single Family Estate district. Take any action necessary. **(1st Reading)**

Robert LaCroix discussed the background of the request. Mayor Jones opened the public hearing and the following persons came forward to address the Council:

Dwaine Powers (Applicant)
Mr. Powers requested approval and showed pictures of the surrounding properties.

Ed Hale
2676 S. FM-549
Rockwall, Texas
Mr. Hale requested that the Council deny this request.

Rob Whittle
Mr. Whittle advised Mr. Powers on the cost of bricking the building.

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

After discussion, Councilmember McCallum made a motion to approve the request with Staff recommendations and with the condition that the façade match the exterior of the house. Councilmember Cecil seconded the motion and 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 SPECIFIC USE PERMIT WITHIN THE (SF-E/2.0) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR A DETACHED GARAGE EXCEEDING THE MAXIMUM SIZE AND HEIGHT REQUIREMENTS ON A TRACT LOCATED AT 2716 S. FM 549, BEING LOT 1, LOFLAND LAKE ESTATES #2 ADDITION; 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 1 nay [Jones].

7. Site Plans / Plats

a. **P2004-018 --** Consider a request by Whittle Development, Inc., for approval of a final plat of Foxchase No. 7, being a 5.18-acre tract with nine (9) single-family residential lots located along Tubbs Rd north of White Rd. The subject tract is zoned (PD-9) Planned Development No. 9 district and designated for Single Family Residential uses and take any action necessary.

Robert LaCroix discussed the background of the request and stated that the applicant was seeking a waiver. Rob Whittle came forward and addressed the Council and stated that he was willing to complete Tubbs Road, but not White Road. After discussion, Councilmember Raulston made a motion to approve the final plat and the waiver with Staff recommendations and Councilmember Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

c. **P2004-047 --** Discuss and consider a request by Capstar Realty for approval of a final plat of Flagstone Estates, being 87 single-family lots on 52.375-acres situated along the northeast side of Mims Road southeast of Ralph Hall Parkway. The subject tract is zoned (PD-54) Planned Development district. Take any action necessary.

Robert LaCroix discussed the background of the request and stated that a facilities agreement would be necessary. Dub Douphrate appeared before the Council and requested that the Council table this matter until November 1, 2004, in order to work on the facilities agreement. Councilmember Cecil made a motion to table this matter until November 1, 2004, and Councilmember King seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

d. **P2004-050 --** Discuss and consider a request by Eugene Middleton of Winkelman & Assoc. for approval of a preliminary plat of Dalton Ranch, being 149 single-family lots on 74.708-acres situated at the southwest corner of FM 1141 and FM 552. The subject tract is zoned (PD-58) Planned Development No. 58 district. Take any action necessary.

Robert LaCroix discussed the background of the request. Discussion ensued regarding the preservation of the trees vs. mitigation. LaCroix stated that a tree preservation date would be decided at final plat. Councilmember Cotti made a motion to approve the preliminary plat with the caution that the applicant preserve as many trees as possible and work in a Tree Preservation Day. Mayor Jones seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

There being no further business to come before the Council in regular session, Mayor Jones adjourned the meeting into Executive Session at 11:17 p.m.

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

a. Deliberation regarding the purchase, exchange, lease, or value of real property.

b. Personnel Issues, including Board, Commission, and Committee Appointments, 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.

d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.

e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

10. 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 12:10 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 15th day of November, 2004.

/s/ Ken Jones

Ken Jones, Mayor

ATTEST:

/s/ Dorothy Brooks

Dorothy Brooks, City Secretary

MINUTES
ROCKWALL CITY COUNCIL
October 25, 2004
5:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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

a. Deliberation regarding the purchase, exchange, lease, or value of real property.

b. Personnel Issues, including Board, Commission, and Committee Appointments, 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.

d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.

e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

3. PRE-COUNCIL DINNER

4. ADJOURNMENT

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 15th day of November, 2004.

/s/ Ken Jones
Ken Jones, Mayor

ATTEST:

/s/ Dorothy Brooks
Dorothy Brooks, City Secretary

MINUTES
ROCKWALL CITY COUNCIL
October 25, 2004
6:00 p.m. Special Called 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 Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil, John King and Terry Raulston. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

2. Consent Items

a. Consider approval of the Minutes of the September 20, 2004 City Council meeting and take any action necessary.

b. Consider approval of a ***Resolution*** authorizing the City Attorney to institute eminent domain proceedings for the acquisition of right-of-way across certain tracts of land for construction of Summer Lee Drive and take any action necessary.

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

Councilmember Terry Raulston requested that Consent Item 2a be pulled.

Councilmember Bob Cotti made motion to approve Consent Items 2b and 2c and Councilmember John King seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Bill Cecil made a motion to approve Consent Item 2a and Mayor Jones seconded the motion. The motion passed by a vote of 6 ayes and 1 abstain [Raulston].

3. Site Plans / Plats

a. **P2004-046 --** Discuss and consider approval of a request by Paul McCracken of Carter & Burgess, Inc., for a residential preliminary plat of the Caruth Tract, being a proposal for 1,519 lots on a 405.29-acre tract located north of FM 552 and east of SH 205, within the extra-territorial jurisdiction (ETJ) of the City of Rockwall.

Robert LaCroix, Director of Planning, discussed the background of this request. Among other issues, there is no additional capacity in the 20" sewer line, a traffic impact study needs to be conducted, and the water supply company, Mt. Zion, will need to prove adequate fire flows. Councilmember Cecil made a motion to deny the request and Councilmember Cotti seconded the motion. Misty Ventura of Hughes & Luce (attorneys for the owner of the property) came forward to request approval of the preliminary plat. The motion to deny the request passed unanimously by a vote of 7 ayes and 0 nays.

4. Action Items

a. **A2004-003—**Discuss and consider approval of an ***Ordinance*** for a City initiated request to annex land of approximately 725 acres generally located north of FM 552 and east of SH 205, and contiguous to the existing City Limits line and take any action necessary. **(1st Reading)**

Robert LaCroix discussed the background of this item. Councilmember Tim McCallum made a motion to approve the ordinance, but wants public input prior to any action being taken. Councilmember Cotti seconded the motion. The following persons addressed the Council:

Misty Ventura (Attorney for Caruth Estate)
Stated that the Service Plan is not sufficient

Bruce Clark
313 Shennandoah Lane
Requested that the Council pull his 11 ½ acres out of the annexation.

There being no one further to address the Council, Mayor Jones called for the vote. The motion to approve the annexation ordinance passed unanimously by a vote of 7 ayes and 0 nays.

b. **A2004-004 –** Discuss and consider approval of an ***Ordinance*** for a City initiated request to annex land of approximately 554 acres generally located north of F.M. 552, west of F.M. 549, east of Anna Cade Road, and contiguous to the existing City Limits line and take any action necessary. **(1st Reading)**

Robert LaCroix discussed the background of the request. Councilmember McCallum made a motion to approve the ordinance and authorize Staff to continue working with the property owners on the development agreements, which should be brought back in a couple of weeks. Councilmember Cotti seconded the motion. Mayor Jones asked anyone wishing to address the Council on this matter to come forward. No one appeared before the Council. The motion passed unanimously by a vote of 7 ayes and 0 nays.

There being no further business to come before the Council, Mayor Jones adjourned the meeting into Executive Session at 6:50 p.m.

Councilmember McCallum requested that the meeting be reopened so he could clarify what his motion was with regard to item 4b. The motion is to approve the item and authorize Staff to continue negotiations and give the owners two-week's notice prior to bringing the item back to the Council for second reading. Councilmember Cotti agreed to the amendment which was confirmed by a unanimous vote of the Council.

Mayor Jones adjourned the meeting into Executive Session at 6:52 p.m.

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

a. Deliberation regarding the purchase, exchange, lease, or value of real property.

b. Personnel Issues, including Board, Commission, and Committee Appointments, 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.

d. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.

e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

6. Take Any Action as Result of Executive Session

Councilmember Cotti made a motion to approve the REDC agreement and Councilmember Raulston seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Cotti made a motion to approve the institution of eminent domain proceedings for the right-of-way on Summer Lee and Councilmember King seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

7. Adjournment

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

Approved by the City Council of the City of Rockwall, Texas, this 15th day of November, 2004.

/s/ Ken Jones

Ken Jones, Mayor

ATTEST:

/s/ Dorothy Brooks

Dorothy Brooks, City Secretary