23			MINUTES ROCKWALL CITY COUNCIL October 4, 2004 5:00 p.m. Pre-Council Meeting City Hall, 385 S. Goliad, Rockwall, Texas 75087
3	1.	Hold Disci	EXECUTIVE SESSION UNDER SECTIONS 551.071 OF TEXAS GOVERNMENT CODE TO USS:
)		а.	Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
 2 3		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.
1	2.	ΤΑΚΕ	ANY ACTION AS RESULT OF EXECUTIVE SESSION.
5 5 7	No action was taken as a result of Executive Session.		as taken as a result of Executive Session.
	3.	PRE-	COUNCIL DINNER.
	4.	Adjo	URNMENT.
	The	pre-cou	incil meeting adjourned at 5:55 p.m.
			oved by the City Council of the City of Rockwall, Texas, this day of, 2004.
			Kan Janaa Mayar
	ATTI	EST:	Ken Jones, Mayor
	Dorc	othy Bro	ooks, City Secretary

34		MINUTES			
35		ROCKWALL CITY COUNCIL			
36	October 4, 2004				
37		6:00 p.m. Regular Meeting			
38		City Hall, 385 S. Goliad, Rockwall, Texas 75087			
39		ony mail, 505 C. Conad, Nockwail, Texas 75007			
40	1.	CALL TO ORDER			
41					
42	Mavo	Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and			
43		cilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil, John King and			
44		Raulston. Also present were City Manager Julie Couch and City Attorney Pete			
45	Ecker				
46					
47	2.	INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TERRY RAULSTON			
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49	3.	OPEN FORUM			
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51	Mayo	r Jones opened the floor to persons wishing to address the Council about any			
52	matte	r not on tonight's agenda. The following persons came forward to address the			
53	Cound	cil:			
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55		Don Haley			
56		210 Alta Vista			
57		Rockwall, Texas			
58		Mr. Haley stated he likes the new RV ordinance. He has a neighbor who			
59		owns an RV and it is parked inches from his fence and it blocks his view of			
60		the lake.			
61					
62		Jim Stehm			
63		1101 Bishop			
64		Rockwall, Texas			
65		Stated he is speaking on behalf of motor home owners – not every case is			
66		an eyesore.			
67					
68		Bob Carroll			
69 70		206 Alta Vista			
70 71		Rockwall, Texas			
72		Mr. Carroll strong supports the new RV ordinance. The alley pavement is			
72 73		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.			
73 74					
74 75		Chief Mark Poindexter			
76		Gave a status of the Open House held on October 2, 2004 at Fire Station #2.			
77		Chief Poindexter stated that 1500-2000 people attended. The Council			
78		stated that it was a job well done.			
79					
80	There	being no one further to address the Council, Mayor Jones closed the open forum.			
81					
2.					

### 82 4. CONSENT AGENDA

- **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. (1<sup>st</sup> Reading)
  - b. Consider authorizing the City Manager to execute an agreement with Fox, Byrd & Company for auditing services and take any action necessary.
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94 Councilmember Bob Cotti requested that Consent Item "4a" be pulled and then made a
 95 motion to approve Consent Item "b." Councilmember Bill Cecil seconded the motion and
 96 the motion passed unanimously by a vote of 7 ayes and 0 nays.
 97

98 Councilmember Cotti made a motion to approve Consent Item "4a" with minor 99 typographical changes and Councilmember Tim McCallum seconded the motion. The 100 ordinance was read as follows: 101

#### 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.

- 119 The motion passed unanimously by a vote of 7 ayes and 0 nays.
- 121 **5. APPOINTMENTS**
- 123**a.**Appointment with Planning and Zoning Chairman to discuss and answer124any questions regarding cases on the agenda and related issues and125take any necessary action.

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

129 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.

135 **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.

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- 143 144

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**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 145 146 abandon its easement or grant a waiver so that he could construct a swimming pool and 147 build a fence. After discussion, Councilmember Cotti made a motion to allow Staff to 148 work with the homeowners whose homes back up to Tubbs regarding the easement. 149 Councilmember McCallum asked how many owners were in violation and was advised 150 there were two (2) – their permits were issued in error. Assistant City Manager Rick 151 Crowley stated that they will work to resolve the easement issue along all of Tubbs. 152 McCallum then seconded the motion. Councilmember Cecil requested that a time limit 153 be put on the motion. Councilmembers Cotti and McCallum amended their motion and 154 second to require Staff to report back to the Council during the November 1, 2004 155 meeting. The motion passed unanimously by a vote of 7 ayes and 0 nays. 156

- 157 6. Site Plans/Plats
- 159a.P2004-042 -- Discuss and consider a request by Robert Jebary of160Brockette Davis Drake for approval of a replat of Lot 1, Block A, Villa De161Portofino Addition, being a 6.5995-acre tract zoned (PD-22) Planned162Development District and located along the east shore of Lake Ray163Hubbard 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.

174 Robert LaCroix discussed the background of the request and stated that the plan was 175 consistent with The Harbor Mediterranean look and would have a red tile roof. LaCroix 176 stated that the Planning and Zoning Commission and the Architectural Review Board 177 both recommended approval. Councilmember Cotti made a motion to approve the 178 request and Councilmember Straughan seconded the motion. The motion passed 179 unanimously by a vote of 7 ayes and 0 nays.

180		
181	7.	PUBLIC HEARING ITEMS
182 183 184 185 186 187 188 189 190 191		<ul> <li>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</li> </ul>
192		M. K. & T. Railroad and take any action necessary. (1 <sup>st</sup> Reading)
192 193 194 195 196	Septe	rt LaCroix stated that this was a continuation of the public hearing from the ember 20, 2004, meeting and discussed the background of the request. The ving persons came forward to address the Council regarding this matter:
190		Bill Bricker, Applicant
198		505 Westway
199		Rockwall, Texas
200		
201		Ross Ramsay, Architect
202		637 Stafford Circle
203		Rockwall, Texas
204		·
205		Tom Jones, Engineer
206		Dallas, Texas
207		
208		Billy Morris
209		1102 Vail Court
210		Rockwall, Texas
211		Mr. Morris stated Bricker and Ramsay were men of honor. This is still high
212		density. Urged them to do a proper buffer.
213		
214		Peg Pannell Smith
215		602 Williams
216		Rockwall, Texas
217		Likes the project and stated Old Towne is in favor of the project.
218		
219		Ron, Owens Illinois Owner
220		Stated that they ship 24/7 and this would restrict his plans for expansion.
221		Boy Sobwartner Whitmere Manufacturing
222 223		Ray Schwertner – Whitmore Manufacturing 1915 Murifield
223 224		Rockwall, Texas
224 225		Stated the development is too close to Whitmore's. Feels there would start
225		being a lot of complaints about noise and smell.
220		שפוווש מ וטי טו טטוווףומווונס מטטעי ווטוסב מווע סוווכוו.

227	
228	Mary Hanrahan
229	201 S. Clark
230	Rockwall, Texas
231	Is in support of this development.
232	
233	Pam Clark
234	401 Renfro
235	Rockwall, Texas
236	Is in favor of this development. It will bring new life to the Old Towne area
237	and will be good for downtown.
238	
239	Kevin Caldwell
240	605 Renfro
241	Rockwall, Texas
242	Is in favor of the project.
243	
244	Jansy Wentzel
245	306 N. Clark
246	Rockwall, Texas
247	Is in favor of the project.
248	
249	Greg Nixon, CEO of the REDC
250	844 Ridge Road West
251	Rockwall, Texas
252	Is against the project and stated that it is a violation of Hometown 2000.
253	
254	Sam Buffington
255	509 Bourne Avenue
256	Rockwall, Texas
257	Is in favor of the project.
258	
259	Ross Wilcox
260	605 Westway
261	Rockwall, Texas
262	Stated that on behalf of the builders, they are excited about being involved
263	in the project and it will require "thinking outside the box."
264	
265	J. D. Sims
266	3013 Mulberry
267	Rockwall, Texas
268	Is working with Whitmore. He likes the project, but he is concerned about
269	the proximity. Would like to see a larger set back.
270	-
271	Gary Martin, CEO of Whitmore
272	2301 Versailles Ct.
273	Heath, Texas
274	Stated they are a good neighbor. Feels there should be a buffer on the
275	south side of the project to buffer the tank farm and the detainment pond.

276			
277		Carol	Crow
278		504 W	/illiams
279		Rock	wall, Texas
280		ls in f	avor of the project.
281			
282		Chris	ty Gates
283		504 W	/illiams
284		Rock	wall, Texas
285		ls in f	avor of the project.
286			
287		John	Wardell
288		510 C	happs
289			n, Texas
290			two lots on Renfro – he is in favor of the project. Stated "plant safety
291		is a b	usiness issue, not a zoning issue."
292			
293			ricker – Applicant
294		Wante	ed to make it clear that this is not low-income housing.
295			
296		•	no one further to address the Council, Mayor Jones closed the public
297	heari	ng.	
298	•		
299			ber Straughan made a motion to approve the request with the condition that
300			ty of security at the railroad tracks on the south side. Councilmember Cotti
301	secor	nded th	e motion. The ordinance was read as follows:
302 303			CITY OF ROCKWALL
304			ORDINANCE NO. 04-59
305			
306			ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
307 308			NDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL,
309	AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-7) SINGLE FAMILY RESIDENTIAL DISTRICT, (LI) LIGHT INDUSTRIAL DISTRICT, (C)		
310	COMMERCIAL DISTRICT, (HC) HEAVY COMMERCIAL, AND (PD-52) PLANNED		
311	DEVELOPMENT DISTRICT NO. 52 TO (PD-59) PLANNED DEVELOPMENT NO. 59		
312 313			RICT FOR A 55.8-ACRE TRACT OF LAND MORE SPECIFICALLY DESCRIBED IN BIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
313			A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
315			00.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
316		PRO	VIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
317			
318	The n	notion p	passed unanimously by a vote of 7 ayes and 0 nays.
319	-	_	· · · · · · · · · · · · · · · · · · ·
320	8.	Αςτιο	N ITEMS
321		_	
322		а.	Discuss and consider a petition for annexation from Joe D. and JoAnn
323			Loftis to annex land of approximately 234.70 acres located along the
324			south side of Hwy 276 east of Rochelle Road and contiguous to the
325			existing City Limits line and take any action necessary.
326	Deb-		reiv discussed the background of the result of the former of the t
327			roix discussed the background of the request. Chuck Todd advised that
328	DIACK		s the water provider and that this site is designed for service by the

329 330 331 332	proceed w	k Lift Station. Councilmember Cotti made a motion to instruct Staff to ith the annexation process and Councilmember Raulston seconded the e motion passed unanimously by a vote of 7 ayes and 0 nays.		
333 334 335	b.	Discuss and consider approval of <b>Resolution</b> creating the Takeline Sublease Appeals Board and establishing the procedures for that board and take any action necessary.		
336 337 338 339 340	took contro resolution of 6 ayes a	es recused himself from this discussion and action. Mayor Pro Tem McCallum of of the meeting. Councilmember Raulston made a motion to approve the and Councilmember Cotti seconded the motion. The motion passed by a vote nd 1 abstain [Jones].		
341 342	С.	Discuss and consider rejecting the bids for the Clark Street improvements and take any action necessary.		
343 344 345 346 347	Cecil made option 1 as	Id, City Engineer, discussed the background of this item. Councilmember a motion to reject the bid with the understanding that we move forward with s expeditiously as possible. Councilmember Raulston seconded the motion tion passed unanimously by a vote of 7 ayes and 0 nays.		
348	d.	Discuss and consider the garbage survey and take any action necessary.		
<ul> <li>Mary Smith, Finance Director, came forward to discuss the matter and requested th</li> <li>Council table this matter until the next regular meeting. Councilmember McCallum</li> <li>a motion to table this matter until the next regular meeting and Councilmember</li> <li>seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 na</li> </ul>				
354 355 356 357	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.		
358 359 360 361 362 363 364	that the Co dog parks. provide the forward wit	mber Cotti stated that he had requested this item be placed on the agenda so ouncil could direct Staff to prepare an ordinance regarding the regulation of Brad Griggs stated that he had information on dog parks that he could e Council. Councilmember Cotti made a motion to instruct Staff to move th the preparation of an ordinance and Councilmember Straughan seconded The motion passed unanimously by a vote of 7 ayes and 0 nays.		
365 366 367	f.	Discuss and consider the Airport Council Subcommittee recommendations and take any action necessary.		
367 368 369 370 371 372 373	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.			
374 375		MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, JRE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.		
376 377	a.	Departmental Reports		

#### 378 **b.** City Manager's Report

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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.

- 38710.Hold Executive Session under Sections 551.072, 551.074 and 551.086 of Texas388Government Code to Discuss:
- 389 a. Deliberation regarding the purchase, exchange, lease, or value of real
   390 property.
- 391 b. Personnel Issues, including Board, Commission, and Committee
   392 Appointments, and Related Matters.
- 393c.Commercial or financial information regarding business prospects that the<br/>City seeks to have locate, stay, or expand in or near the territory of the<br/>City of Rockwall and with which the Board is conducting economic<br/>development negotiations.
- 397d.Consultation with attorney pursuant to §551.071(1) to discuss pending or<br/>contemplated litigation relating to annexation.
- 399e.Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation400with attorney with regard to a matter that it is the duty of the attorney to<br/>consult with the Council and falls under the attorney-client privilege.
- 403 11. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

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

- 408
  409 There being no further business to come before the Council, Mayor Jones adjourned the
  410 meeting at 11:30 p.m.
  411
- Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Ken Jones, Mayor

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ATTEST:

- 419 420
- 420 **Dorothy Brooks, City Secretary** 421

1 2 3 4 5 6 7 8 9 10 11 12	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.				
13 14	1.		EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS RNMENT CODE TO DISCUSS:		
15 16		а.	Deliberation regarding the purchase, exchange, lease, or value of real property.		
17 18		b.	Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.		
19 20 21 22		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.		
23 24		d.	Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.		
25 26 27		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.		
28 29	2.	ΤΑΚΕ	ANY ACTION AS RESULT OF EXECUTIVE SESSION		
30 31 32 33 34	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:				
35 36 37 38		a. b. c.	the 15-year term; the 5-acre subdivision stipulation; and trigger points for annexation of all of the properties.		
39 40 41			nber Bob Cotti seconded the motion and the motion passed unanimously by yes and 0 nays.		
42 43 44 45	resou and L	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.

53 Approved by the City Council of the City of Rockwall, Texas, this 15<sup>th</sup> day of 54 November, 2004.

/s/ Ken Jones

**ATTEST**: Ken Jones, Mayor

61 /s/ Dorothy Brooks

62 Dorothy Brooks, City Secretary

64		MINUTES		
65	ROCKWALL CITY COUNCIL			
66 67		October 18, 2004		
67 68		6:00 p.m. Regular Meeting City Hall, 385 S. Goliad, Rockwall, Texas 75087		
69		City Hail, 303 S. Gollad, Rockwall, Texas 73007		
70 71	1. Ca	all to Order		
72 73 74 75 76	Councilm Straugha	nes called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and nembers Terry Raulston, John King, Bill Cecil, Tim McCallum, Stephen n and Bob Cotti. Also present were Assistant City Manager Rick Crowley and Terry Morgan.		
77 78	2. Inv	vocation and Pledge of Allegiance – Councilmember John King		
79 80	3. Yo	outh Advisory Council – New Members Take Oath		
81 82	Mayor Jo	nes administered the oath to Thomas Griswold.		
83 84 85	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.			
86 87	Action Ite	ems:		
88 89 90 91	8a	<ul> <li>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. (1<sup>st</sup> Reading)</li> </ul>		
92 93 94 95	Councilm	nember Cotti made a motion to table this matter until October 25, 2004, and nember Stephen Straughan seconded the motion. The motion passed usly by a vote of 7 ayes and 0 nays.		
96 97 98 99 100	8b	<ul> <li>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. (1<sup>st</sup> Reading)</li> </ul>		
101 102 103 104 105	having or motion to	wley, Assistant City Manager, advised the Council that the City Attorney is ngoing discussions with owners in Tract B. Councilmember Bob Cotti made a table this mater until Monday, October 25, 2004, and Councilmember Bill Cecil the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.		
105 106 107	Site Plans	s / Plats		
108 109 110 111 112	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.

# 119 4. Consent Items

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- **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.
- 127 Consider approval of an **Ordinance** for a request by Michael Johnston of C. 128 Ramsay Ivy CO., L.C., for a zoning change from (SF-7) Single Family Residential district, (LI) Light Industrial district, (C) Commercial district, 129 130 (HC) Heavy Commercial, and (PD-52) Planned Development district to 131 (PD) Planned Development district, including a concept plan for the 132 proposed Park Place West development consisting of single family 133 residential, neighborhood service and residential-office uses on a 55.8-134 acre tract located south of Washington/Aluminum Plant Road, east of 135 Renfro Street, and north of the M. K. & T. Railroad and take any action necessary. (2<sup>nd</sup> Reading) 136
  - **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 2.899acre 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.
- 152g.SP2004-021 -- Consider a request by G.V. Hughes of Alliance Bank for153approval of a site plan for a proposed 6,766-sf bank facility on Lot 1,154Block A, Alliance Addition, being a 2.899-acre tract located at the155southwest corner of S. FM 549 and Jeff Boyd Drive, and zoned (PD-57)156Planned 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.

163 164 165	<ul> <li>Consider approval of the award of the bid for the Amity Lane sewer line and take any action necessary.</li> </ul>			
166 167	<b>j.</b> Consider approval of the award of the bid for the I-30N/FM-549 water line and take any action necessary.			
168 169 170 171	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:			
172 173	CITY OF ROCKWALL			
174 175 176	ORDINANCE NO. <u>04-59</u>			
177 178 179 180 181 182 183 184 185 186 187	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.			
188 189	The motion passed unanimously by a vote of 7 ayes and 0 nays.			
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191 192 193 194	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].			
195 196 197	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].			
198 199 200	5. Appointments			
201 202 203	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.			
204 205 206	Phillip Herbst, Planning and Zoning Chairman, discussed the various planning and zoning items on tonight's agenda.			
207 208	<ul> <li>Appointment with Scott Self regarding upcoming County bond election and take any action necessary.</li> </ul>			
209 210 211 212 213 214 215	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 <i>Resolution</i> that states <i>"the City recognizes the needs outlined in the County's bond package and further, the City</i>			

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.

231**d.**Appointment with Dr. Bruce Paton, Chair of the Board of Directors of<br/>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.

247f.Appointment with Henry "Keith" Barrett regarding Takeline lease and take248any 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.

256 Because Mayor Jones recused himself from taking part in any discussion or action 257 regarding the Takeline, the following item was brought forward for consideration by the 258 Council:

259260 Action Items

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2628c.Discuss and consider amending the Lake Ray Hubbard Takeline Overlay263District 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].

268 Mayor Jones returned to the meeting.

- 270 6. Public Hearing
- 272a.**P2004-049 --** Hold a public hearing and consider approval of a request by273Jake Moser for a residential replat of Lot 32, Block A, High Ridge274Addition, being a 0.27-acre tract zoned (SF-10) Single Family Residential275district 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.

282b.**Z2004-035** -- Hold a public hearing and consider approval of an283Ordinance for a request from Oona Gaston for an amendment to the284existing conditional use permit on a 5-acre tract located at 1530 I-30 East285to allow for the outdoor storage of RVs and the waving of paving286requirements and take any action necessary. (1<sup>st</sup> 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:

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- 294 **David Ferguson (Site Manager)** (Applicant Oona Gaston did not appear due to illness)
- 295 **3055 N. Goliad**
- 296 Rockwall, Texas
- 297 Stated they could not afford to pave or comply with all of the conditions.
- 298299Phillip Herbst, Planning and Zoning Commission Chairman300Mr. Herbst stated that the P&Z Commission struggled with this issue. They
- 301 want to make them comply, but not run them out of business.
- 303 There being no one further to address the Council, the public hearing was closed.
- 304 305 Councilmember Raulston made a motion to deny the request and Councilmember 306 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 307 308 the applicant could bring this back to the Council. Otherwise it would be a year before 309 they could come back. Crowley stated we needed to start issuing the code violations. 310 Councilmembers Raulston amended his motion to deny without prejudice stating that 311 they could come back in 90 days, but they are not in compliance at that time, then 312 enforcement will start taking place. Councilmember Straughan amended his second and

313 314 315	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.
316 317 318 319 320 321 322	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. (1 <sup>st</sup> Reading)
323 324 325	Robert LaCroix discussed the background of the request. Mayor Jones opened the public hearing and the following persons came forward to address the Council:
326 327 328	Chris Duggan (Applicant) 2548 S. FM-549 Rockwall, Texas
329 330	Mr. Duggan stated that the request is for a small barn for horses.
331 332 333	There being no one further to address the Council, Mayor Jones closed the public hearing.
334 335 336	Councilmember McCallum made a motion to approve the request and Councilmember Cecil seconded the motion. The ordinance was read as follows:
337 338 339 340 341 342 343 344 345 346 347 348	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.
349 350	The motion passed unanimously by a vote of 7 ayes and 0 nays.
351 352 353 354 355 356 356 357 358	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. (1 <sup>st</sup> Reading)
359 360 361	Robert LaCroix discussed the background of the request. Mayor Jones opened the public hearing and the following persons came forward to address the Council:
362 363 364	Dwaine Powers (Applicant) Mr. Powers requested approval and showed pictures of the surrounding properties.

365 Ed Hale 366 2676 S. FM-549 367 Rockwall, Texas 368 Mr. Hale requested that the Council deny this request. 369 370 **Rob Whittle** 371 Mr. Whittle advised Mr. Powers on the cost of bricking the building. 372 373 There being no one further to address the Council, Mayor Jones closed the public 374 hearing. 375 376 After discussion, Councilmember McCallum made a motion to approve the request with 377 Staff recommendations and with the condition that the facade match the exterior of the

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.

393 The motion passed by a vote of 6 ayes and 1 nay [Jones].

# 7. Site Plans / Plats

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397a.P2004-018 -- Consider a request by Whittle Development, Inc., for398approval of a final plat of Foxchase No. 7, being a 5.18-acre tract with399nine (9) single-family residential lots located along Tubbs Rd north of400White Rd. The subject tract is zoned (PD-9) Planned Development No. 9401district and designated for Single Family Residential uses and take any402action 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.

416 Robert LaCroix discussed the background of the request and stated that a facilities 417 agreement would be necessary. Dub Douphrate appeared before the Council and 418 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 419 420 November 1, 2004, and Councilmember King seconded the motion. The motion passed 421 unanimously by a vote of 7 ayes and 0 nays.

423 d. P2004-050 -- Discuss and consider a request by Eugene Middleton of 424 Winkelman & Assoc. for approval of a preliminary plat of Dalton Ranch, 425 being 149 single-family lots on 74.708-acres situated at the southwest 426 corner of FM 1141 and FM 552. The subject tract is zoned (PD-58) 427 Planned Development No. 58 district. Take any action necessary.

428 Robert LaCroix discussed the background of the request. Discussion ensued regarding 429 the preservation of the trees vs. mitigation. LaCroix stated that a tree preservation date 430 would be decided at final plat. Councilmember Cotti made a motion to approve the 431 preliminary plat with the caution that the applicant preserve as many trees as possible 432 and work in a Tree Preservation Day. Mayor Jones seconded the motion and the motion 433 passed unanimously by a vote of 7 ayes and 0 nays.

435 There being no further business to come before the Council in regular session, Mayor 436 Jones adjourned the meeting into Executive Session at 11:17 p.m.

- 438 9. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS 439 **GOVERNMENT CODE TO DISCUSS:**
- 440 a. Deliberation regarding the purchase, exchange, lease, or value of real 441 property.
- 442 b. Personnel Issues, including Board, Commission, and Committee 443 Appointments, and Related Matters.
- 444 C. Commercial or financial information regarding business prospects that the 445 City seeks to have locate, stay, or expand in or near the territory of the 446 City of Rockwall and with which the Board is conducting economic 447 development negotiations.
- 448 d. Consultation with attorney pursuant to §551.071(1) to discuss pending or 449 contemplated litigation relating to annexation.
- 450 Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation e. 451 with attorney with regard to a matter that it is the duty of the attorney to 452 consult with the Council and falls under the attorney-client privilege.
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- 10. Take Any Action as Result of Executive Session 454
- 455 No action was taken as a result of Executive Session. 456

457 There being no further business to come before the Council, the meeting was adjourned 458 at 12:10 p.m.

459 460 461 462	Approved by the City Council November, 2004.	of the City of Rockwall, Texas, this 15 <sup>th</sup> day of
463		/s/ Ken Jones
464		Ken Jones, Mayor
465 466	ATTEST:	
467	/s/ Dorothy Brook <u>s</u>	
468 469	Dorothy Brooks, City Secretary	

1 2 3 4 5 6	ROCKWALL CITY COUNCIL October 25, 2004 5:00 p.m. Pre-Council Meeting City Hall, 385 S. Goliad, Rockwall, Texas 75087				
7 8	1.		EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS RNMENT CODE TO DISCUSS:		
9 10		a.	Deliberation regarding the purchase, exchange, lease, or value of real property.		
11 12		b.	Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.		
13 14 15 16		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.		
17 18		d.	Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.		
19 20 21		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.		
22 23	2.	2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION			
24 25	No action was taken as a result of Executive Session.				
26 27	3.	. PRE-COUNCIL DINNER			
28 29	4.	Adjournment			
23 30 31	The pre-council meeting adjourned at 5:55 p.m.				
32 33 34	Approved by the City Council of the City of Rockwall, Texas, this 15 <sup>th</sup> day of November, 2004.				
35 36 37 38 39 40 41 42		Doro	<u>/s/ Ken Jones</u> Ken Jones, Mayor t <u>hy Brooks</u> oks, City Secretary		

43			MINUTES					
44		ROCKWALL CITY COUNCIL						
45		October 25, 2004						
46	6:00 p.m. Special Called Meeting							
47 49	City Hall, 385 S. Goliad, Rockwall, Texas 75087							
48 49 50 51 52 53	1.	Call to	o 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							
54 55	Eckert.							
55 56 57 58 59	2.	Consent Items						
		а.	Consider approval of the Minutes of the September 20, 2004 City Council meeting and take any action necessary.					
60 61 62 63		b.	Consider approval of a <b>Resolution</b> 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.					
64 65 66 67		C.	Consider approval of a <b>Resolution</b> regarding a petition filed pursuant to Section 43.052(i) of the Texas Local Government Code and take any action necessary.					
68	Coun	Councilmember Terry Raulston requested that Consent Item 2a be pulled.						
69 70 71 72 73	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.							
74 75	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].							
76 77 78	3.	Site Plans / Plats						
79 80 81 82 83		a.	<b>P2004-046</b> 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.					
84 85 86 87 88 89 90	other needs adequ Count for the	Robert LaCroix, Director of Planning, discussed the background of this request. Amony other issues, there is no additional capacity in the 20" sewer line, a traffic impact stud 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 (attorney 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.						

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92	4.	4. Action Items						
93	••	/ 101101						
94		a.	A2004-003—Discuss and consider approval of an Ordinance for a City					
95			initiated request to annex land of approximately 725 acres generally					
96			located north of FM 552 and east of SH 205, and contiguous to the					
97			existing City Limits line and take any action necessary. (1 <sup>st</sup> Reading)					
	Dahar							
98 99		Robert LaCroix discussed the background of this item. Councilmember Tim McCallum						
100	made a motion to approve the ordinance, but wants public input prior to any action being							
100	taken. Councilmember Cotti seconded the motion. The following persons addressed the Council:							
101	Count	<i>.</i>						
102		Mistv	Ventura (Attorney for Caruth Estate)					
100		Stated that the Service Plan is not sufficient						
105		olulot						
106		Bruce	Clark					
107	313 Shennandoah Lane							
108		Reque	ested that the Council pull his 11 ½ acres out of the annexation.					
109		•	·					
110	There	being	no one further to address the Council, Mayor Jones called for the vote. The					
111	motio	n to ap	prove the annexation ordinance passed unanimously by a vote of 7 ayes and					
112	0 nays	5.						
113								
114		b.	A2004-004 – Discuss and consider approval of an Ordinance for a City					
115			initiated request to annex land of approximately 554 acres generally					
116			located north of F.M. 552, west of F.M. 549, east of Anna Cade Road,					
117			and contiguous to the existing City Limits line and take any action					
118			necessary. (1 <sup>st</sup> Reading)					
119	Rober	t LaCr	oix discussed the background of the request. Councilmember McCallum					
120			on to approve the ordinance and authorize Staff to continue working with the					
121		-	ners on the development agreements, which should be brought back in a					
122			eeks. Councilmember Cotti seconded the motion. Mayor Jones asked					
123			ing to address the Council on this matter to come forward. No one appeared					
124	before	e the Co	ouncil. The motion passed unanimously by a vote of 7 ayes and 0 nays.					
125	These	h a lua a	no further husiness to some before the Osumail Mover lance edisumed the					
126 127		There being no further business to come before the Council, Mayor Jones adjourned the meeting into Executive Session at 6:50 p.m.						
127	meetii	ng into	Executive Session at 6:50 p.m.					
120	Cound	ilmom	her McCallum requested that the meeting he reonened so he could clarify					
130	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							
131	authorize Staff to continue negotiations and give the owners two-week's notice prior to							
132	bringing the item back to the Council for second reading. Councilmember Cotti agreed							
133	to the amendment which was confirmed by a unanimous vote of the Council.							
134	-		•					
135	Mayor	Jones	adjourned the meeting into Executive Session at 6:52 p.m.					
136	-							
137	5.		EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS					
138		GOVER	RNMENT CODE TO DISCUSS:					

139 140	a.	Deliberation regarding the purchase, exchange, lease, or value of real property.					
141 142	b.	Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.					
143 144 145 146	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.					
147 148	d.	Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.					
149 150 151	е.	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.					
152	6. Take	Any Action as Result of Executive Session					
<ul> <li>153</li> <li>154 Councilmember Cotti made a motion to approve the REDC agr</li> <li>155 Councilmember Raulston seconded the motion. The motion passed unan</li> <li>156 vote of 7 ayes and 0 nays.</li> <li>157</li> </ul>							
158 159 160 161	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.						
162 163	7. Adjou	urnment					
164 165 166	There being no further business to come before the Council, Mayor Jones adjourned the meeting at 8:00 p.m.						
167 168	Approved by the City Council of the City of Rockwall, Texas, this 15 <sup>th</sup> day of November, 2004.						
169							
170		<u>/s/ Ken Jones</u>					
171		Ken Jones, Mayor					
172 173	ATTEST:						
174	/s/Doro	thy Brooks					
175		oks, City Secretary					
176							