

Minutes
Rockwall City Council
Monday, January 07, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Stephen Straughan, Cliff Sevier, Margo Nielsen, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act, regarding: legal issues pertaining to annexation of territory, annexation agreements, and development agreements and other matters pursuant to Tex. Loc. Gov't Code ch. 43.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Nielsen made a motion appointment Councilmember Stephen Straughan to the Fire Pension Board and Councilmember Scott seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

Councilmember Straughan made a motion directing the City Manager to enter into an agreement for the purchase of the Lofland property at the price of \$363,390.00, plus \$5,000 for any necessary easements. Councilmember Sevier seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

Mayor Cecil adjourned the meeting at 5:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 22nd day of January, 2008.

ATTEST:


Dorothy Brooks, City Secretary


William R. Cecil, Mayor



**Minutes
Rockwall City Council**

Monday, January 07, 2008
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Stephen Straughan, Cliff Sevier, Margo Nielsen, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR BILL CECIL

III. OPEN FORUM

Mayor Cecil opened the floor to anyone in the audience who wished to address the Council on any subject not scheduled for a public hearing on tonight's agenda. The following persons came forward to address the Council:

Pastor Joe Robbins
805 Peters Colony
Spoke regarding the cemetery.

Mark Russo
402B S. Fannin
Spoke about the barb wire fence surrounding Evergreen and how unsightly it is.

Vance Sparks
150 Summerhill
Spoke against the proposed trailer ordinance. He has an irrigation landscaping business located in Anna, but brings his work trailer home so he can cut his travel time to the various jobs he has. He just uses the trailer for work.

No one else came forward to address the Council, so Mayor Cecil closed the Open Forum session.

IV. CONSENT AGENDA

1. Consider approval of the Minutes from the December 3, 2007 City Council meeting and take any action necessary.
2. Consider approval of the Minutes from the December 12, 2007 special meeting and work session of the City Council and take any action necessary.
3. Consider approval of an Ordinance amending the Code of Ordinances in Chapter 16 to provide for a speed limit of 25 mph in the Southside area and take any action necessary. (2nd Reading)

4. Z2007-034 -- Consider approval of an Ordinance for a request by David Kochalka of Kimley-Horn & Associates, Inc., for an amendment to (PD-65) Planned Development No. 65 district, being 49.35-acres overall and generally situated along the west side of SH 205 (N. Goliad), south of Quail Run Rd and north of the Lakeview Summit subdivision, and take any action necessary. (2nd Reading)
5. Consider approving the award for the purchase of new trucks for Water and Wastewater departments and take any action necessary.
6. P2007-033 -- Discuss and consider a request by Richard Hovas of Tipton Engineering Inc. for approval of a final plat of Castle Ridge Estates Phase 2, being a 29.5228-acre tract zoned (SF-10) Single Family Residential District and located west of SH 205 and north of Dalton Road and take any action necessary.
7. SP2007-028 -- Discuss and consider a request by Kevan Meehan of Tri-Star Construction, Inc. for approval of the proposed screening from residential uses, in conjunction with approval of a site plan for the Avery Veterinary Clinic, being a 6,100-sf animal clinic (with accessory animal boarding) located on a 1.086-acre tract zoned (GR) General Retail district and situated along the south side of SH 66 east of Lakeshore Drive, and take any action necessary.
8. Consider approval of a Materials Testing Contract for the 205 Bypass, FM-552 to SH-205 (north) and take any action necessary.
9. Consider approval of the abandonment of a 24-foot Fire Lane and Utility Easement at the Shoreline Plaza Addition and take any action necessary.
10. Consider approval of American National Bank as the City's depository and take any action necessary.
11. Consider approval of two Resolutions establishing the fees in accordance with the Mandatory Park Land Dedication Ordinance and take any action necessary.
12. Consider approval of an Ordinance amending Chapter 6 Buildings and Building Regulations and take any action necessary. (1st Reading)
13. Consider approval of an Ordinance amending Chapter 10 Fire Prevention and Protection of the Code of Ordinances and take any action necessary. (1st Reading)
14. Consider approval of the award of the construction contract for the rate of flow controller valves and meters for the RCH delivery points and take any action necessary.

Councilmember Scott requested that Item #3 be pulled from the Consent Agenda Items and Councilmember Nielsen requested that Item #6 be pulled. Councilmember Straughan made a motion approving the remaining items on the Consent Agenda (1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14) and Councilmember Sweet seconded the motion. The ordinances were read as follows:

ORDINANCE NO. 08-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS
PREVIOUSLY AMENDED, SO AS TO AMEND (PD-65) PLANNED DEVELOPMENT NO.**

65 DISTRICT (ORD. NO. 06-02) FOR A 49.35-ACRE TRACT OF LAND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; 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. [2nd Reading]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. [1st Reading]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 10 FIRE PREVENTION AND PROTECTION TO PROVIDE FOR THE ADOPTION OF THE 2006 INTERNATIONAL FIRE CODE AND THE ROCKWALL FIRE PROTECTION SYSTEMS INSTALLATION STANDARDS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE. [1st Reading]

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

Councilmember Straughan made a motion to approve Consent Agenda Item # 3, which is the ordinance providing for a lower speed limit in the south side area, and Councilmember Nielsen seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 08-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, SECTION 545.356, UPON THE ROADS DELINEATED ON THE ATTACHED EXHIBIT, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE. [2nd Reading]

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

With regard to Consent Item #6, Councilmember Nielsen asked for clarification on the entry features for P2007-003. Robert LaCroix, Planning Director, discussed the placement of the entry features. Councilmember Nielsen then made a motion to approve the item and Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

V. APPOINTMENTS

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

Bob Cotti of the Planning and Zoning Commission came forward to address the Council regarding planning and zoning items on tonight's agenda.

- 208 2. Patriot Paws Service Dogs report on the Dog Walk in the Park 2007
209 event. **[Did not show]**
- 210 3. Appointment with Jamie Dennis, Store Manager of Walmart, regarding a
211 request for a variance in order to secure a beer and wine sales permit
212 and take any action necessary.

213 **Jamie Dennis requested that the Council approve a variance to the distance**
214 **requirements so that Walmart could obtain a permit to sell beer and wine and the store**
215 **located on I-30. Dennis described the training that will be required by Walmart**
216 **employees regarding the sale of alcohol. Councilmember Farris made a motion to**
217 **approve the variance and Councilmember Scott seconded the motion. The motion**
218 **passed unanimously by a vote of 7 ayes and 0 nays.**

- 219
- 220 4. Appointment with Tony Sisk, representing Evergreen at Rockwall, to
221 discuss approval of a special exception to the stone requirements, as
222 contained in (PD-68) Planned Development No. 68 District, and takes any
223 action necessary.

224 **Tony Sisk and Eileen Flanagan, Director of Evergreen at Rockwall, stated that Evergreen**
225 **was about 60% pre-leased and that people had given notice and sold homes, etc. in**
226 **anticipation of moving in on February 1st. Mark Toleson, Architect, came forward and**
227 **addressed the issue of using cultured stone instead of real stone on the buildings. After**
228 **lengthy discussion regarding what will need to be done to rectify the situation,**
229 **Councilmember Straughan made a motion to table the matter until the next meeting**
230 **(1/22/08) at which time Evergreen will bring in the sample board, an amount to escrow,**
231 **and a solution to be able to comply with the PD requirement for 20% stone.**
232 **Councilmember Farris seconded the motion. City Attorney Eckert stated that Evergreen**
233 **is in violation of the ordinance and suggested that the amount to escrow should be**
234 **\$300,000.00. Councilmember Farris withdrew his second. Councilmember Sevier then**
235 **made the second. The motion passed by a vote of 5 ayes and 2 nays [Nielsen and**
236 **Farris].**

237

238 **Mayor Cecil made an adjustment in the order of items and asked City Manager Julie**
239 **Couch to discuss issues the current TXDOT funding shortages. Couch stated that most**
240 **the area projects are in engineering or design phases, but with the funding shortage, the**
241 **Austin office has advised the Dallas office to cut their projects by 60% and put the money**
242 **towards maintenance. A meeting is scheduled with Bill Hale of the Dallas office to**
243 **discuss the leveraging of the toll road funds. Potentially, the 740 project which is 75%**
244 **designed will be stopped; there will be no funding for the I-30 205 Bypass overpass; 276**
245 **will be affected; and the schematic and design for the overpass at 549. Couch stated that**
246 **she would update the Council when a final decision is made.**

- 247
- 248 5. Appointment with Melanie Hancock of Permitting Services of Texas,
249 representing Heritage Buick, to submit a sign plan for consideration of a
250 variance and take any action necessary.

251 **Jeffrey Widmer, Building Official, discussed the background of this request. Melanie**
252 **Hancock came forward and requested approval of the variance. Councilmember**
253 **Straughan made a motion to approve the request and Councilmember Sweet seconded**
254 **the motion. After discussion, Councilmember Straughan amended his motion to include**
255 **that the sign could not be taller than the Ford sign and Councilmember Sweet amended**
256 **his second. The motion passed by a vote of 6 ayes and 1 nay [Farris].**

- 257 6. Appointment with Jeff Rearick of Chandler Signs, representing Sports
258 Authority, requesting a variance to exceed the allowable height for a wall
259 sign and take any action necessary.

260 Jeffrey Widmer discussed the background of this request. Jeff Rearick and Ron Charlton
261 of Chandler Signs requested approval. After discussion, Councilmember Scott made a
262 motion to approve the variance and Councilmember Sweet seconded the motion. The
263 motion passed by a vote of 6 ayes and 1 nay [Farris].
264

265 VI. PUBLIC HEARING ITEMS
266

- 267 1. A2008-001 -- Hold a public hearing and consider a City-initiated request
268 to annex land of approximately 234.04-acres generally located northeast
269 of FM 3097 and northwest of S FM 549, and contiguous to the existing
270 City Limits line.

271 Robert LaCroix, Planning Director, discussed the background of this item. This is the
272 first public hearing and no action will be taken by the Council tonight. LaCroix went on
273 to discuss the proposed service plan. Chuck Todd, City Engineer, explained that water is
274 in the immediate area now, but that sewer services would not be available for about 4 ½
275 years. Mayor Cecil opened the public hearing and the following persons came forward to
276 address the Council:
277

278 Tim McCallum
279 5140 Standing Oaks
280 Rockwall, Texas 75032

281 Mr. McCallum, a former Councilmember, told the Council that they are
282 dealing with an emotional decision. He stated that he regrets not support
283 the first annexation.
284

285 Bob Cotti
286 405 Driftwood
287 Rockwall, Texas

288 Mr. Cotti, a former Councilmember, stated that it was a mistake not to
289 annex previously.
290

291 Patricia Wallace Luecke
292 1110 Oakmont Drive
293 Richardson, Texas

294 Ms. Luecke stated that the land belongs to the five children now. The land
295 has been in the family since 1851. She takes it as a personal affront that
296 the City would initiate annexation only 1 month after her father's death.
297 She is against the annexation.
298

299 Bill Morton
300 224 H. Wallace Lane
301 Rockwall, Texas

302 Mr. Morton was annexed in the previous annexation and the only thing he
303 got out of it was a trash bill and a tax bill. He is against the annexation.
304

305 Mary Jean Wallace Ackert
306 2241 Highwood
307 Dallas, Texas

Ms. Ackert stated that the government should be afraid of the people, not the people afraid of the government. She does not want to be dictated to by a tyrannical government. She is against the annexation.

Ernie Hughes

5830 S. FM549

Rockwall, Texas

Mr. Hughes things the annexation process is arrogant. The City is in violation of the statutes. This is a land grab. This is for developers. He is against the annexation.

David Ackert (Son of Mary Ackert)

2241 Highwood

Dallas, Texas

Mr. Ackert is against the annexation. The farm means a great deal to the family. It is their land.

Gordon McCosh

529 H. Wallace Lane

Rockwall, Texas

Mr. McCosh stated that the City has nothing to offer them. Is against the annexation. Believes they will likely be forced out of their home.

Allen Street

300 Cullins Road

Rockwall, Texas

Mr. Street stated that sometimes what is legal is not necessarily fair or just. This annexation will place an undue burden on a lot of people. He is against the annexation.

Mike Wallace

207 Southview

Royse City, Texas

Mr. Wallace is against the annexation. The City is going to line its pockets with money from people who don't care about the City. It's not the will of the people – it's forced annexation.

Gary Sinclair

5904 S. FM549

Rockwall, Texas

Mr. Sinclair stated that the roads in Rockwall are the worst. Lake Rockwall Estates makes south Dallas look like Highland Park. He is against the annexation.

Clyde Schremp

1933 S. Lakeshore Drive

Rockwall, Texas

Mr. Schremp stated that he could not think of any objective reasons why the area should be annexed. This is for money. He is against the annexation.

Debbie Sinclair
5904 S. FM549
Rockwall, Texas

Ms. Sinclair stated that RCH Water Supply Corp. told her the City is forcing the sale so the City can service the area. She is against the annexation.

Gerald Luecke
1110 Oakmont Drive
Richardson, Texas

Mr. Luecke is against the annexation. The kids can't afford the taxes or bringing buildings up to code. The plan is to keep the land as it is today.

Tony Pope
626 Cullins Road
Rockwall, Texas

Mr. Pope stated that he was here in support of the Wallaces. His family has been here for 100 years. He is against the annexation.

Bobby Kelly
5974 S. FM549
Rockwall, Texas

Mr. Kelly wants to know the estimated amount of tax revenue the City will derive from the annexation. Believes his taxes will increase by \$1200.00. Wants to know the amount by the next public hearing.

There being no one further to address the Council, Mayor Cecil closed the public hearing at 9:24 p.m.

At this time the Mayor made another adjustment in the order of items on the agenda and stated that the Council would now consider Action Item #3.

"A2008-001 -- Discuss and consider approval of a development agreement that shall be offered, in accordance with Chapters 43 and 212 of the Texas Local Government Code, to eligible property owners within the proposed 234.04-acre annexation area generally located northeast of FM 3097 and northwest of S FM 549, and take any action necessary."

Robert LaCroix discussed the background of this item. A map was shown of the eligible area, which is mostly the Wallace property, which agricultural land. The agreement must be entered into by all of the property owners in the area. City Attorney Eckert stated that a fully executed agreement must be accomplished by the time of the first reading of the annexation ordinance. Councilmember Scott made a motion approving the draft of the 212 Agreement and directing Staff to work with the Wallace family to come to a mutual agreement. This must be completed by the first reading of the ordinance (February 11, 2008). Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

2. MIS2007-003 / MIS2007-005 -- Hold a public hearing and consider approval of amendments to the Land Use Assumptions, Water and Wastewater Capital Improvements and Impact Fees for water and wastewater facilities for the City of Rockwall and take any action necessary. (Will not be held and will be re-advertised for a later date.)

- 411 3. MIS2007-003 / MIS2007-004 -- Hold a public hearing and consider
412 approval of Land Use Assumptions and a Roadway Capital
413 Improvements Plan for the City of Rockwall for the purpose of possible
414 adoption of a Roadway Impact Fee, and take any action necessary.

415 Robert LaCroix discussed the background of this item. Consultant Dan Sefko gave a
416 brief presentation and stated that the Council must adopt the documents within 30 days.
417 Edmond Haas of Kelly & Associates presented the proposed ICFIC. Mayor Cecil opened
418 the public hearing but no one came forward to address the Council, so the public hearing
419 was closed. Mayor Cecil made a motion to approve the plans as presented and
420 Councilmember Straughan seconded the motion. The motion passed unanimously by a
421 vote of 7 ayes and 0 nays.

- 422
423 4. Z2007-036 -- Hold a public hearing and consider approval of an
424 ordinance for a city-initiated revision to the City of Rockwall Unified
425 Development Code (Ord. No. 04-38), specifically Article IV, Permissible
426 Uses, including amendments to the Land Use Table, and take any action
427 necessary. (1st Reading)

428 Robert LaCroix discussed the background of this item. Mayor Cecil opened the public
429 hearing but no one came forward to address the Council, so the public hearing was
430 closed. Mayor Cecil made a motion to approve the ordinance and Councilmember Sweet
431 seconded the motion. The ordinance was read as follows:

432
433 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
434 AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF
435 ROCKWALL, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE IV. PERMISSIBLE
436 USES; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO
437 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
438 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR
439 AN EFFECTIVE DATE. [1st Reading]

440
441 The motion passed unanimously by a vote of 7 ayes and 0 nays.

442 VII. ACTION ITEMS

- 443
444 1. Discuss and consider approval of a CCN Transfer Agreement with RCH
445 Water Supply Corporation and take any action necessary.

447 Mary Smith discussed the background of this item. The switch-over can happen as early
448 as Wednesday, January 9, 2008. Councilmember Sevier made a motion to approve the
449 agreement and Councilmember Scott seconded the motion. The motion passed
450 unanimously by a vote of 7 ayes and 0 nays.

- 451
452 2. Discuss and consider an Agreement with Rockwall County for space on
453 the City's communication tower and water tower for Mobile Data
454 Terminals and take any action necessary.

455 Joey Boyd, Internal Operations Director, discussed the background of this item. There
456 will be no revenue from this agreement. Councilmember Straughan made a motion to
457 approve the agreement and Councilmember Sweet seconded the motion. The motion
458 passed unanimously by a vote of 7 ayes and 0 nays.

- 459
460 3. A2008-001 -- Discuss and consider approval of a development
461 agreement that shall be offered, in accordance with Chapters 43 and 212

of the Texas Local Government Code, to eligible property owners within the proposed 234.04-acre annexation area generally located northeast of FM 3097 and northwest of S FM 549, and take any action necessary.
[See above]

4. MIS2007-004 -- Discuss and consider adoption of a Resolution setting a public hearing date for adoption of roadway impact fees, and take any action necessary.

Robert LaCroix discussed the background of this item. Councilmember Nielsen made a motion approving the Resolution and Mayor Cecil seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

5. Presentation by Chuck Todd on the TCEQ Phase II Storm Water Permit and take any action necessary.

This item was tabled until the next meeting.

6. Discuss and consider approval of the Official Bylaws of the Rockwall Economic Development Corporation and take any action necessary.

Julie Couch discussed the background and advised the Council that they could choose whatever changes they wanted. Sheri Franza of the REDC came forward to discuss the changes. The Council then went page by page and discussed the various changes and approved or disapproved them. Councilmember Scott made a motion to approve the Bylaws as revised by the Council and Councilmember Sweet seconded the motion. After short discussion, Councilmember Sweet pulled his second. Councilmember Nielsen then seconded the motion. After short discussion, Councilmember Scott amended his motion to include a sentence that the REDC Board could recommend committee member appointees for appointment by the City Council. Councilmember Nielsen amended her second. The motion passed unanimously by a vote of 7 ayes and 0 nays. Mayor Cecil instructed Staff and Franza to present the REDC Board with a "final" version of the Bylaws, not a redlined copy.

7. Discuss and consider approval of a Facility Agreement with Whittle Development for lighting of the parking area at The Harbor and take any action necessary.

Rick Crowley, Assistant City Manager, discussed the background. This lighting is necessary for security reasons. Councilmember Nielsen made a motion to approve the agreement and Councilmember Sevier seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

8. Discuss and consider approval of an Ordinance amending the Code of Ordinances in Chapter 16 Motor Vehicles and Traffic in Article III Stopping, Standing or Parking to provide for regulations for oversized and other vehicles and take any action necessary. (1st Reading)

Jeffrey Widmer discussed the background of this item. Councilmember Scott made a motion to table this item to the next meeting and Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 509 9. Discuss and consider establishing a requirement for the Council/REDC to
510 conduct a joint workshop within the first quarter of CY2008 and take any
511 action necessary.

512 Mayor Cecil discussed the reason he brought this item to the Council for discussion.
513 Councilmember Straughan made a motion to approve the requirement and
514 Councilmember Sweet seconded the motion. The motion passed unanimously by a vote
515 of 7 ayes and 0 nays.

- 516
517 10. Discuss and consider re-establishing the requirement for two regularly
518 scheduled Council meetings for July and December of each year and
519 take any action necessary.

520 Mayor Cecil discussed the reason he brought this item to the Council for discussion.
521 Councilmember Straughan made a motion to re-establish the requirement for two
522 regularly scheduled meetings and Councilmember Sweet seconded the motion. The
523 motion passed unanimously by a vote of 7 ayes and 0 nays.

- 524
525 11. Discuss and consider establishing a Council subcommittee to review and
526 make recommendations to the Council on changes/revisions to employee
527 compensation and the budget process and take any action necessary.

528 Mayor Cecil stated that he brought this forward for Council discussion. Councilmember
529 Scott made a motion to create the subcommittee and Councilmember Sweet seconded
530 the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays. No one was
531 appointed to the subcommittee at this time.

532
533 VIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
534 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

- 535
536 1. Departmental Reports
537 November 2007 Fire Department Monthly reports
538 Building Department Monthly Report
539 Monthly Finance Report
540 Police Department Monthly Report
541
542 2. City Manager's Report
543 a. Review and discuss road funding for Airport Road and other
544 related roadway funding issues. [See above]
545

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

548
549 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
550 TEXAS, this 22nd day of January, 2008.

551
552
553 ATTEST:


William R. Cecil, Mayor

554
555 
556 Dorothy Brooks, City Secretary
557



Minutes
Rockwall City Council

January 14, 2008

5:00 p.m. Special Meeting

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

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 5:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Stephen Straughan, Cliff Sevier, Margo Nielsen, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071 AND 551.074 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
2. 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.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council reconvened in public session at 5:42 p.m. No action was taken as a result of Executive Session.

IV. Discuss and consider revisions to the City's Ethics Ordinance, including Sec. 2-78, and take any action necessary.

After lengthy discussion, Councilmember Scott made a motion to revise Sec. 2-78(b) of the Ethics Ordinance to read as follows: "After a partisan election, the employee assumes a public office, the constituency of which includes all or part of Rockwall County" and instructed Staff to adopt policies and procedures for all employees that no political campaigning can take place while on duty. Mayor Cecil seconded the motion. After a short discussion, the motion passed by a vote of 6 ayes and 1 nay [Farris].

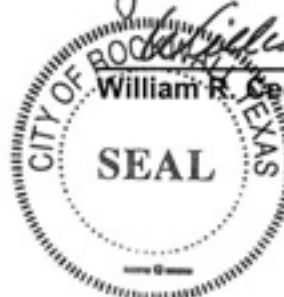
City Attorney Eckert advised that there could be no status change in the employment of Randy Puckett until after the second reading of the ordinance.

There being no further business to come before the Council, Mayor Cecil adjourned the meeting at 6:18 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 4th day of February, 2008.

ATTEST:


Kristy Ashberry, Interim City Secretary




William R. Cecil, Mayor

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MINUTES
ROCKWALL CITY COUNCIL

Tuesday, January 22, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

The meeting was called to order by Mayor Cecil at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Stephen Straughan, Cliff Sevier, Margo Nielsen, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken in Executive Session.

Mayor Cecil adjourned the meeting at 5:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
Texas, this 4th day of February, 2008.

ATTEST:


Kristy Ashberry, Interim City Secretary


William R. Cecil, Mayor



along the north side of "N Alamo Rd" east of N. Lakeshore Drive and take any action necessary.

9. P2008-001 -- Discuss and consider a request from Clent Raynes of CEI Engineering Associates, Inc., for approval of a replat of Lot 2, Block A, Wal-Mart Supercenter Addition, being a 26.940-acre tract zoned (C) Commercial District and situated along the north side of Interstate 30 within the (IH-30 OV) IH-30 Overlay District and take any action necessary.
10. P2008-002 -- Discuss and consider a request by Rodney Hitt of Pacheco Koch for approval of a replat of Lots 10 and 11, Block A, Presbyterian Hospital of Rockwall Addition, being a 18.872-acre tract zoned (PD-9) Planned Development No. 9 district and situated west of Horizon Rd and south of Rockwall Pkwy and take any action necessary.
11. Consider approval of a contract with Jamail & Smith Construction for painting of Hangar #3 and the maintenance shop at Ralph M. Hall / Rockwall Municipal Airport and take any action necessary.
12. Consider approval of the award of the contract for the Animal Adoption Center Security System and take any action necessary.
13. Consider approval of Change Order No. 1 for the 205 Bypass, FM-552 to SH-205 (north) and take any action necessary.
14. Consider approval of an Ordinance approving the Atmos Rate Case Settlement Package and take any action necessary.

Councilmember Scott requested that item #14 be pulled from the Consent Agenda, and Mayor Cecil requested that item #4 be pulled. Councilmember Straughan made a motion to approve the remainder of the Consent Agenda items (1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 13) and Councilmember Sweet seconded the motion. The ordinances were read as follows:

ORDINANCE NO. 08-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 08-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE IV. PERMISSIBLE USES; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

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

With regard to Consent Agenda item #14, Councilmember Scott pulled the item in order

to abstain from the vote. Councilmember Farris made a motion to approve Consent Agenda item #14 and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes, 0 nays and 1 abstain (Scott).

With regard to Consent Agenda item #4, Mayor Cecil pulled the item in order to clarify the chimney sweep language. Mayor Cecil made a motion to approve Consent Agenda item #4 and Councilmember Sweet seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 08-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, AMENDING THE CODE OF ORDINANCES IN CHAPTER 10 FIRE PREVENTION AND PROTECTION TO PROVIDE FOR THE ADOPTION OF THE 2006 INTERNATIONAL FIRE CODE AND THE ROCKWALL FIRE PROTECTION SYSTEMS INSTALLATION STANDARDS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

IV. APPOINTMENTS

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

Planning & Zoning Chairman Bill Bricker was not in attendance.

2. Patriot Paws, Hotel Motel Tax revenue recipient, end of event report

Lori Stevens, 811 Yellow Jacket Lane, Rockwall, Texas, was present and gave a report on the Patriot Paws dog walk, an event for which hotel/motel funds were utilized. Her best estimate of the number of attendees was around 500 people.

3. MIS2007-013 -- Appointment with Matthew J. Hiles of Western Rim Investment Advisors, Inc., to discuss and consider approval of special exception(s) to Planned Development No. 10 District (Ord. 04-25), specifically related to Tracts "B" and "C" which are designated for Multi-Family development and take any action necessary.

Planning Director Robert LaCroix discussed the background of this item.

Glen Garron, Vice President of Acquisitions for Western Rim (Cambridge Properties), 601 Canyon Drive, Suite 101 Coppell, Texas, was present to address the Council and answer questions. He explained that the company builds some of the highest end apartments in the state. The 12,000 square foot club house would be a spa and would be open to the general public. After a lengthy discussion and Mr. Garron's inability to answer many of the questions posed by various councilmembers, Councilmember Straughan made a motion to table this item until the February 4, 2008 City Council meeting. Councilmember Nielsen seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

4. Appointment with Katherine Seale, historic preservation consultant, to discuss the Downtown Historical and Architectural Survey, and take any action necessary.

191 Planning Director Robert LaCroix introduced Katherine Seale, an architectural historian.
192 Ms. Seale's address is 1749 Hacienda Del Lago in Heath, Texas. Mr. LaCroix then
193 discussed the background of this item. Ms. Seale then gave a powerpoint presentation
194 of her process and reported on the findings of the study.

195
196 **V. PUBLIC HEARING ITEMS**
197

- 198 1. A2008-001 -- Hold a public hearing and consider a City-initiated request
199 to annex land of approximately 234.04-acres generally located northeast
200 of FM 3097 and northwest of S FM 549, and contiguous to the existing
201 City Limits line.

202 Planning Director Robert LaCroix discussed the background of this item. No action was
203 required of Council at this time. The public hearing was opened at 7:45 p.m.

204 Lynn Street
205 300 Cullins Road
206 Spoke against the annexation, indicating that the process had been
207 conducted behind the scenes.
208

209 Gordon McCosh
210 529 North Wallace Lane
211 Spoke against the annexation and indicated that the process had not been
212 open.
213

214 Mary Jean Ackert
215 2241 Highwood
216 Dallas, Texas
217 Spoke against the annexation. She expressed the belief that the city is
218 only concerned about the Wallace property and what the family will do with
219 the land. Ms. Ackert said to go ahead and annex the Wallace property and
220 leave everyone else out of the annexation. Let everyone else either opt in
221 or opt out.
222

223 Gerald Luecke
224 1110 Oakmont Drive
225 Richardson, Texas
226 Expressed a desire for additional time to review the 212 agreement. He
227 also thinks neighbors should be part of the 212 agreement and is against
228 the annexation.
229

230 Tina Hopper
231 218 Cullins Road
232 Sees need for improvement to the roads. She is disgusted with former city
233 councilmembers Tim McCallum and Bob Cotti due to their lack of courage
234 to vote their conscience. She stated that dogs do run loose in the area, but
235 they are dogs dumped by city residents. She feels the council is
236 condescending and is against the annexation.
237

238 Patricia Luecke
239 1110 Oak Mont Drive
240 Richardson, Texas
241 Complained about utility lines being cut several times and indicated her
242 dissatisfaction with the lift station in the area. She is against the
243 annexation.

244
245 Philip Hix
246 5942 South FM 549
247 Moved to the county to be in the county and has a problem with Lake
248 Rockwall Estates. He stated that the city has turned its back on them, and
249 he is against the annexation.

250
251 Ernie Hughes
252 5930 South FM 549
253 Sees dogs running free in the Oaks of Buffalo Way subdivision. He is
254 against the annexation and thinks there are some legal questions
255 surrounding the annexation. The city is in violation for not annexing Lake
256 Rockwall Estates. His yard floods as a result of some development that
257 went in, but he has never complained. If the city annexes him, he will begin
258 complaining about the flooding issues. He closed with a quote from Martin
259 Luther King, Jr.

260
261 Michael H. Wallace
262 6271 Horizon Road
263 Stated that he was recently released from jail and that no one in the
264 Wallace family has come to a consensus regarding the 212 agreement. He
265 wants the Council to lease empathize with the family and squash the
266 annexation. He is against the annexation.

267
268 Bill Morton
269 224 H. Wallace Lane
270 Is married to a Wallace, and his wife is against the annexation.

271
272 There being no one further to address the Council, Mayor Cecil closed the public
273 hearing.

274 Mayor Cecil stated that Lake Rockwall Estates is on the city's 3 year annexation plan.

- 275 2. Z2007-037 -- Hold a public hearing and consider approval of an
276 ordinance for a city initiated amendment to (PD-32) Planned
277 Development No. 32 District (Ord. No. 02-55), including an expansion of
278 the district which would rezone approximately 18.6-acres from (C)
279 Commercial district to (PD-32) Planned Development No. 32 district,
280 being approximately 62.62-acres overall and located along the south side
281 of IH-30, west side of Horizon Rd, and east side of Lakefront Trail and
282 take any action necessary. (1st Reading)

283 Planning Director Robert LaCroix discussed the background of this item and stated that
284 the Planning & Zoning Commission has recommended approval of this item. Mayor Cecil
285 opened the public hearing and the following persons came forward to address the
286 Council:

287 Terry Irby
288 2880 Marcie Lane
289 Addressed the council to ask a question about the greenbelt buffer in this
290 area. She asked if there will be any clean-up in the greenbelt area.
291

292 Sam Buffington
293 509 Bourn Avenue
294 Thanked the council for setting aside a holiday to observe Martin Luther
295 King Day. He asked if there is anything in mind for the area that contains
296 his property. Mayor Cecil said that the city is only looking to establish land
297 use at this time. Mr. Buffington wants the developer(s) to call him.
298

299 Tony Moton
300 3419 Lily Lane
301 Rowlett, Texas
302 Is the finance person at a church located in this area. The church has been
303 there for 100 years, and he wants to know if they are being forced out. The
304 church could be affected by whatever changes take place in the area, and
305 the church needs to be protected.
306

307 Chad Kane
308 Rowlett, Texas
309 Owns property in the area and wants to know the reason for the change.
310 Mayor Cecil requested that Robert LaCroix clarify the zoning change.
311

312 There being no one further to address the Council, Mayor Cecil closed the public
313 hearing. Councilmember Farris made a motion to approve the ordinance and
314 Councilmember Sweet seconded the motion. The ordinance was read as follows:

315
316 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
317 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS
318 PREVIOUSLY AMENDED SO AS TO APPROVE AN AMENDMENT TO (pd-32) PLANNED
319 DEVELOPMENT NO. 32 DISTRICT TO REZONE APPROXIMATELY 18.6-ACRES FROM
320 (C) COMMERCIAL DISTRICT TO (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT,
321 BEING APPROXIMATELY 62.62-ACRES OVERALL AND MORE SPECIFICALLY
322 DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS;
323 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
324 THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A
325 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR
326 AN EFFECTIVE DATE. [1st Reading]

327 The motion passed unanimously by a vote of 7 ayes and 0 nays.

- 328 3. Z2007-038 -- Hold a public hearing and consider approval of an
329 ordinance for a request by Tony Linduff for approval of a Specific Use
330 Permit (SUP) allowing for an accessory building/detached garage
331 exceeding the maximum size requirement of 1250-sf and the maximum
332 height requirement of 15-ft on their property at 2040 Broken Lance Lane,
333 located on Lot 17, Block B, Oaks of Buffalo Way, and zoned (SF-E/1.5)
334 Single Family Estate district and take any action necessary. (1st Reading)

335 Planning Director Robert LaCroix gave the background on this item and stated that the
336 Planning & Zoning Commission recommended approval of this item.
337

Tony Linduff was not present, but his neighbor, Dean Whitlock, was present to speak on his behalf. Mr. Whitlock is also the builder. He described the location and materials used on the detached garage. The homeowners association has approved it.

Mayor Cecil opened the public hearing but no one appeared to address the Council, so the public hearing was closed. Councilmember Scott made a motion to approve this item. Councilmember Straughan seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, Texas, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-E/1.5) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR AN ACCESSORY BUILDING EXCEEDING THE MAXIMUM SIZE AND HEIGHT REQUIREMENTS, ON A TRACT LOCATED AT 2040 BROKEN LANCE LANE, BEING LOT 17, BLOCK B, OAKS OF BUFFALO WAY ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. [1st Reading]

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

VI. SITE PLANS / PLATS

1. SP2007-029 -- Discuss and consider a request by David Winfrey of Perkins & Will for approval of variances to the minimum stone requirements, vertical articulation requirements and rooftop screening requirements as specified in Article V, District Development Standards, of the Unified Development Code, in association with a PD Site Plan for the Presbyterian Hospital of Rockwall Medical Office Building, being a 46,620-sf office development located on Lot 11, Block A, Presbyterian Hospital of Rockwall Addition, being a 5.406-acre tract zoned (PD-9) Planned Development No. 9 district and situated west of Horizon Rd and south of Rockwall Pkwy and take any action necessary.

Planning Director Robert LaCroix discussed the background of this item. The Architectural Review Board and Planning & Zoning Commission recommend approval of this item. The Planning & Zoning Commission recommends that the City Council set a timeframe for landscaping the second building. Applicant David Winfrey, 10100 North Central Expressway, Dallas, Texas 75231 was present to address the council on this item.

Councilmember Matt Scott left the meeting at 9:41 p.m. due to illness.

Mayor Cecil made a motion to approve exceptions 1, 2, and 3 of the SP2007-029 request. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes, 0 nays, and 1 absent (Scott).

VII. ACTION ITEMS

1. Discuss and consider approval of an Ordinance amending the Code of Ordinances in Chapter 16 Motor Vehicles and Traffic in Article III

390 Stopping, Standing or Parking to provide for regulations for oversized and
391 other vehicles and take any action necessary. (1st Reading)

392 **Code Enforcement Supervisor Cliff Griffin discussed the background on this item. After**
393 **much discussion, Councilmember Nielsen made a motion to postpone this item until a**
394 **future work session can be held to discuss it. Councilmember Sevier seconded the**
395 **motion. The motion passed by a vote of 6 ayes, 0 nays and 1 absent (Scott).**
396

- 397 2. Discuss and consider approval of an Ordinance amending the Code of
398 Ordinances in Chapter 2, Sec. 2-78 and take any action necessary.

399 **City Attorney Pete Eckert discussed the background of this item and indicated that staff**
400 **is working on preparing internal procedures. Councilmember Nielsen made a motion to**
401 **approve this item and Councilmember Straughan seconded the motion. The ordinance**
402 **was read as follows:**
403

404 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
405 AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER
406 2 ADMINISTRATION, ART. II OFFICERS AND EMPLOYEES, DIV. 5 CODE OF ETHICS,
407 SEC. 2-78; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.
408 [1st Reading]
409

410 **The motion passed by a vote of 4 ayes, 2 nays (Sevier, Farris), and 1 absent (Scott).**
411

- 412 3. Discuss and consider approval of an Ordinance amending the Code of
413 Ordinances in Chapter 2, Sec. 2-79 Penalty for violation of division and
414 take any action necessary.

415 **City Attorney Pete Eckert discussed the background of this item. Councilmember Farris**
416 **made a motion to approve the item. Councilmember Straughan seconded the motion.**
417 **The ordinance was read as follows:**
418

419 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL Texas,
420 AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, Texas,
421 AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS
422 PREVIOUSLY AMENDED, BY AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE II
423 OFFICERS AND EMPLOYEES, DIVISION 5 CODE OF ETHICS; PROVIDING FOR A
424 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN
425 EFFECTIVE DATE. [1st Reading]

426 **The motion passed by a vote of 6 ayes, 0 nays, and 1 absent (Scott).**

- 427 4. Discuss and consider authorizing the City Manager to prepare contracts
428 related to the City of McLendon-Chisholm and access to the Buffalo
429 Creek regional sewer line and take any action necessary.

430 **City Manager Julie Couch discussed the background of this item. Councilmember Sevier**
431 **made a motion to authorize the city manager to prepare contracts for McLendon-**
432 **Chisholm's access to the Buffalo Creek regional sewer line. Councilmember Sweet**
433 **seconded the motion. The motion passed by a vote of 6 ayes, 0 nays and 1 absent**
434 **(Scott).**
435

- 436 5. Discuss and consider parking in Handicap Spaces and Fire Lanes and
437 take any action necessary.

438 **Assistant City Manager Rick Crowley discussed this item. Assistant Police Chief Kirk**
439 **Riggs was available to answer any questions. Councilmember Straughan made a motion**

440 to proceed with development of an ordinance regarding fire lane and handicap parking
441 violations and incorporating the "Show It or Tow It" theme. Councilmember Sweet
442 seconded the motion. The motion passed by a vote of 6 ayes, 0 nays and 1 absent
443 (Scott).

- 444 6. Presentation by Chuck Todd on the TCEQ Phase II Storm Water Permit
445 and take any action necessary.

446 City Engineer Chuck Todd gave a presentation to the council and indicated that he will
447 be brining forth ordinance changes in the future for the council to consider. No action is
448 needed by the Council at this time.

449
450 There being no further business to come before the Council, Mayor Cecil adjourned the
451 meeting at 11:29 p.m.

452
453 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
454 Texas, this 4th day of February, 2008.

455
456
457 ATTEST:

William R. Cecil
William R. Cecil, Mayor

458
459 Kristy Ashberry
460 Kristy Ashberry, Interim City Secretary
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MINUTES
ROCKWALL CITY COUNCIL

Monday, February 04, 2008

4:00 p.m. Pre-Council Meeting

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

I. CALL TO ORDER

The meeting was called to order by Mayor Pro Tem Stephen Straughan at 4:00 p.m. Present were Mayor Pro Tem Stephen Straughan and Councilmembers Glen Farris, Cliff Sevier, Margo Nielsen, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil Bill Cecil was absent. Mayor Pro Tem Stephen Straughan immediately adjourned the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act, regarding: legal issues pertaining to annexation of territory, annexation agreements, and development agreements pursuant to Tex. Loc. Gov't Code ch. 43.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

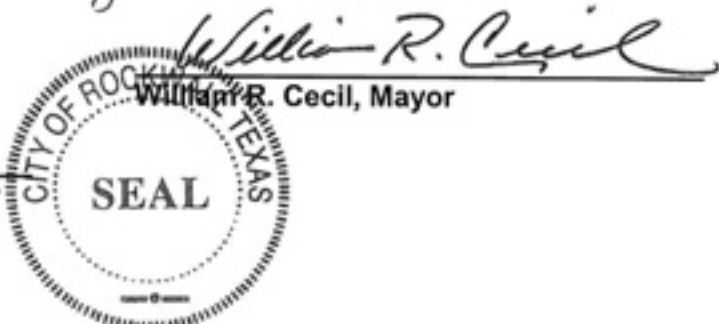
No action was taken in Executive Session

Mayor Pro Tem Stephen Straughan adjourned the meeting at 5:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 18th day of February, 2008.

ATTEST:


Kristy Ashberry, Interim City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, February 04, 2008

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Pro Tem Stephen Straughan called the meeting to order at 6:00 p.m. Present were Mayor Pro Tem Stephen Straughan and Councilmembers Glen Farris, Cliff Sevier, Margo Nielsen, Matt Scott and David Sweet. Mayor Bill Cecil was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER STEPHEN STRAUGHAN

III. PROCLAMATIONS / AWARDS

1. IHOP'S National Pancake Day

Councilmember Matt Scott presented a proclamation to members of the Rockwall Shriners in recognition of National Pancake Day, an annual fund raiser benefiting Shriners Hospitals for Children and held at the local International House of Pancakes restaurant.

2. Michele McDonald Day

Councilmember Matt Scott presented a proclamation to Michele McDonald in recognition of her work related to music and the arts in Rockwall, including her establishment of the Hubbard Chamber Music Series.

IV. OPEN FORUM

No one came forth to speak to or address the City Council during Open Forum.

V. CONSENT AGENDA

1. Consider approval of the Minutes from the January 14, 2008, Special Meeting of the City Council and take any action necessary.
2. Consider approval of the Minutes of the January 22, 2008, City Council meeting and take any action necessary.
3. Consider approval of an Ordinance amending the Code of Ordinances in Chapter 2, Sec. 2-78 and take any action necessary. (2nd Reading)
4. Consider approval of an Ordinance amending the Code of Ordinances in Chapter 2, Sec. 2-79 Penalty for violation of division and take any action necessary. (2nd Reading)
5. Z2007-037 -- Consider approval of an Ordinance for a city initiated amendment to (PD-32) Planned Development No. 32 District (Ord. No. 02-55), including an expansion of the district which would rezone

approximately 18.6-acres from (C) Commercial district to (PD-32) Planned Development No. 32 district, being approximately 62.62-acres overall and located along the south side of IH-30, west side of Horizon Rd, and east side of Lakefront Trail, and take any action necessary. (2nd Reading)

6. Z2007-038 -- Consider approval of an Ordinance for a request by Tony Linduff for approval of a Specific Use Permit (SUP) allowing for an accessory building/detached garage exceeding the maximum size requirement of 1250-sf and the maximum height requirement of 15-ft on their property at 2040 Broken Lance Lane, located on Lot 17, Block B, Oaks of Buffalo Way, and zoned (SF-E/1.5) Single Family Estate district, and take any action necessary. (2nd Reading)
7. This item intentionally left blank.
8. P2007-019a -- Discuss and consider a request by William Stueber of CPH Engineers for approval of a developer's agreement related to the Rockwall Centre Corners Addition, being 33.14-acres zoned (C) Commercial district and situated along the south side of IH-30, east side of SH 205 and north side of SH 276, and take any action necessary.
9. P2007-019b -- Discuss and consider a request by William Stueber of CPH Engineers for approval of a final plat of Rockwall Centre Corners Addition, being 33.14-acres zoned (C) Commercial district and situated along the south side of IH-30, east side of SH 205 and north side of SH 276, and take any action necessary.
10. Consider approval of a facility agreement with Whittle Development for the reimbursement of a section of a waterline on FM-549 and take any action necessary.
11. Consider approval of the purchase of 2 mobile message boards and take any action necessary.
12. Consider approval of the purchase of 2 new vehicles for the Special Crimes Unit and take any action necessary.
13. Consider approval of a Resolution Ordering the General Election to be held jointly with the Rockwall Independent School District and to be administered by the Rockwall County Elections Administrator on May 10, 2008 and take any action necessary.
14. P2008-003 -- Discuss and consider a city-initiated request for approval of a right-of-way dedication plat of the SH 205 Bypass, specifically a 9.408-acre section located between SH 276 and Interstate 30, and take any action necessary.

Councilmember Farris requested that item #3 be pulled, and he made a motion to approve the remaining Consent Agenda items. Councilmember Nielsen seconded the motion.

144 The ordinances were read as follows:

145
146 ORDINANCE NO. 08-08
147

148 AN ORINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
149 AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS
150 PREVIOUSLY AMENDED, BY AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE II
151 OFFICERS AND EMPLOYEES, DIVISION 5 CODE OF ETHICS; PROVIDING FOR A
152 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN
153 EFFECTIVE DATE.
154

155
156 ORDINANCE NO. 08-11
157

158 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
159 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS
160 PREVIOUSLY AMENDED, SO AS TO APPROVE AN AMENDMENT TO (PD-32) PLANNED
161 DEVELOPMENT NO. 32 DISTRICT (ORD. NO. 02-55), INCLUDING AN EXPANSION OF
162 THE DISTRICT TO REZONE APPROXIMATELY 18.6-ACRES FROM (C) COMMERCIAL
163 DISTRICT TO (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT, BEING
164 APPROXIMATELY 62.62-ACRES OVERALL AND MORE SPECIFICALLY DESCRIBED
165 HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
166 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
167 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
168 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
169

170
171 ORDINANCE NO. 08-10
172

173 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
174 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS,
175 AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE
176 (SF-E/1.5) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR AN ACCESSORY
177 BUILDING EXCEEDING THE MAXIMUM SIZE AND HEIGHT REQUIREMENTS, ON A
178 TRACT LOCATED AT 2040 BROKEN LANCE LANE, BEING LOT 17, BLOCK B, OAKS OF
179 BUFFALO WAY ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
180 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
181 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
182 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

183 The motion passed by a vote of 6 ayes, 0 nays, and 1 absent (Cecil).

184 With regard to Consent Agenda item #3, Councilmember Farris pulled the item to
185 express that he will disapprove the item. Councilmember Scott made a motion to
186 approve Consent Agenda item #3. Councilmember Sweet seconded the motion. The
187 ordinance was read as follows:

188
189 ORDINANCE NO. 08-07
190

191 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
192 AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 2
193 ADMINISTRATION, ART. II OFFICERS AND EMPLOYEES, DIV. 5 CODE OF ETHICS, SEC.
194 2-78; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.
195

196 The motion passed by a vote of 4 ayes, 2 nays (Sevier, Farris) and 1 absent (Cecil).
197

198 **VI. APPOINTMENTS**

- 199
200 1. Appointment with Hotel/Motel subcommittee to hear recommendation
201 regarding the Old Town Shoppes request to reallocate prior year funding
202 and take any action necessary.

203 Councilmember Farris made a motion to approve the recommendation to reallocate the
204 prior year funding. Councilmember Sevier seconded the motion. The motion passed by
205 a vote of 6 ayes, 0 nays, and 1 absent (Cecil).

- 206 2. MIS2007-013 -- Appointment with Matthew J. Hiles of Western Rim
207 Investment Advisors, Inc., to discuss and consider approval of special
208 exception(s) to Planned Development No. 10 District (Ord. 04-25),
209 specifically related to Tracts "B" and "C" which are designated for Multi-
210 Family development, and take any action necessary.

211 Planning Director Robert LaCroix introduced Mr. Hiles. Mr. Matthew Hiles with Western
212 Rim Investment Advisors was present to give a presentation and address the Council on
213 this item. He explained that he is asking for a couple of changes to the PD-10.
214 Specifically, he is asking for further reduction in the number of overall units in exchange
215 for smaller unit sizes. The most significant changes being requested are related to tract
216 C. He is asking to decrease the average square footage of townhomes in tract C from
217 1200 square feet down to 1155 square feet.

218
219 Councilmember Straughan asked for clarification related to the changes that were made
220 to PD-10 back in 2004. City Manager Julie Couch gave a brief history of the PD and
221 explained that the city had worked with Western Rim in 2004 when the PD-10 was redone.
222

223 Councilmember Nielsen asked for clarification from Mr. Hiles on what is meant by the
224 term "high quality." Mr. Hiles explained in more detail the specifics of the types of
225 materials used in the units and the general amenities within the community. He
226 explained that one section of the community would be set aside for residents 55 years or
227 older, and it would be 'independent living.' He stated that fair housing laws require that
228 at least one resident must be 55 years or older, and there would not be income
229 restrictions. Councilmember Nielsen asked if there would be any tax credits or any low
230 income renters. Mr. Hiles stated that, no, it is luxury living, and they are appealing to
231 residents with an average annual income of \$100,000 or greater, such as young
232 professionals, empty nesters and retirees. Councilmember Farris asked if the 12,000
233 square foot spa would be open to the public. Mr. Hiles stated that it would be, but it
234 would require a special use permit from the city in order to operate in a residentially
235 zoned area. Councilmember Farris asked if the city's Planning & Zoning Commission
236 has recommended approval of Mr. Hiles' request. Mr. LaCroix stated that the
237 commission had recommended approval. He further clarified that the request does
238 decrease the overall density and adds some amenities, such as the 12,000 square foot
239 spa and a residential club house.
240

241 Councilmember Farris made a motion to approve MIS 2007-013, and Councilmember
242 Sevier seconded the motion. The motion passed by a vote of 6 ayes, 0 nays, and 1
243 absent (Cecil).
244
245
246
247

VII. ACTION ITEMS

1. Discuss and consider approval of an Ordinance approving and adopting the January 2008 printing of the Code of Ordinances of the City of Rockwall and take any action necessary. (1st Reading)

Assistant City Manager Rick Crowley gave a brief explanation of this item. Councilmember Scott expressed a desire to establish a process for a complete charter and code of ordinances review. He noted that there will be some expense to do so and will require an attorney other than City Attorney Pete Eckert to assist with the effort. He wants to ensure that the ordinances are in sync with current state and federal statutes. He would like Staff to explore the possibility of doing this as well as the associated cost.

Mr. Eckert indicated that there are companies that specialize in what Councilmember Scott is requesting, and he will work with Staff on this issue.

Councilmember Scott made a motion to approve Ordinance 08-09, and Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes, 0 nays, and 1 absent (Cecil).

Councilmember Scott made a motion to direct staff to look into a comprehensive ordinance review that ensures ordinances are consistent with current law and are easier to read. Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes, 0 nays, and 1 absent (Cecil).

2. A2008-001 -- Discuss and consider approval of a development agreement that shall be offered, in accordance with Chapters 43 and 212 of the Texas Local Government Code, to eligible property owners within the proposed 234.04-acre annexation area generally located northeast of FM 3097 and northwest of S FM 549, and take any action necessary.

Planning Director Robert LaCroix gave a brief background on this item and indicated that the Wallace family has requested additional time to consider the 212 Agreement.

Councilmember Scott asked for clarification on the 212 agreement, specifically inquiring if the 212 agreement is a non-development agreement. Mr. LaCroix clarified that, yes, it is a non-development agreement, and the family has indicated a desire to possibly extend the length of term of the agreement. Councilmember Scott asked for clarification related to the zoning. Mr. LaCroix indicated that the family has expressed a possible desire to not be locked into a particular zoning.

Michael H. Wallace, 6217 Horizon Road, Rockwall TX, was present to speak on behalf of the Wallace family. Councilmember Scott clarified for Mr. Wallace that the 212 agreement is essentially a non-development agreement whereby the family agrees not to develop the land for a period of time and the City agrees not to annex. Mr. Wallace stated that on January 30, the family delivered a letter to the city agreeing to enter into a development agreement as long as the city would negotiate the terms of the agreement in good faith. Councilmember Scott again clarified that the 212 agreement is a non-development agreement where the city agrees not to annex for one year and the owner(s) agree not to develop the land. After the one year term of the agreement, the city and the owner would then re-visit the issue.

Councilmember Sweet asked for clarification from Mr. Wallace regarding if the Wallace's plan to develop the property or not.

Patricia Luecke, 1110 Oakmont Drive, Richardson, TX 75081, then addressed the Council. She stated that the family does not want to develop the land. She then stated that the family might want to develop the land, but they do not understand the 212 Agreement. If the family had a need to develop the land for financial reasons, the 212 Agreement would tie their hands.

Councilmember Farris asked if the family foresees the need to sell land within the next year. Ms. Luecke indicated that, no, she does not anticipate that need within the next year. Councilmember Farris explained that the 212 Agreement would give the family a reasonable timeframe to determine what the family wants to do with the land.

Mr. Wallace asked for clarification on Section 13, the termination section, of the contract. Councilmembers Farris and Nielsen indicated that they each would be willing to grant an extension of the 212 Agreement at the end of the one year term. Councilmember Nielsen further explained that her desire is to protect the land, not collect taxes.

Mr. LaCroix read language on the first page of the agreement, including language related to not developing the property and keeping it as agricultural zoning.

Mr. Gerald Luecke, 1110 Oakmont Drive, Richardson, TX 75081, addressed the Council and indicated that he met with Mr. LaCroix on Friday to discuss the agreement. He has issues and concerns with the details of the agreement, including concerns related to the end of the agreement. He also has concerns related to the expressed zoning specified in the agreement. Councilmember Straughan clarified that the property is not presently zoned at this time because it is not currently within the city limits. Councilmember Farris stated that zoning changes can be considered at any time, so it is not really an issue.

Councilmember Nielsen asked City Attorney Pete Eckert if the Council could postpone taking action on the 212 Agreement. Mr. Eckert stated that the Council can postpone, but he did not recommend postponing more than two weeks. It was clarified that February 11 is the 1st reading of the annexation ordinance, and February 18th would be the 2nd reading of the ordinance.

Councilmember Nielsen made a motion to postpone action on the 212 Agreement to February 18 if the Wallace family signs a memorandum of understanding agreeing that no plats or plans will be submitted between now and February 18.

Councilmember Scott seconded the motion. He also recommended that the family retain an attorney to assist them through this process.

The motion passed by a vote of 6 ayes, 0 nays, and 1 absent (Cecil).

3. Discuss and consider a policy on drafting of Council minutes specifically considering expanding from action minutes to transcript minutes and take any action necessary.

Councilmember Sevier expressed a desire to possibly have council meetings transcribed so that there are more detailed minutes. City Manager Julie Couch explained that the city currently takes 'action minutes' in order to avoid the problems associated with editing individual comments. Councilmember Scott agreed that the possibility should at least be explored as well as exploration of technology to make finding things within minutes easier. Councilmember Farris expressed that he was not in favor of this idea, that the current CD recordings of Council meetings are sufficient. Councilmember Straughan expressed concerned about the cost and staff time associated with this idea. He asked about the possibility of video recording council meetings, but cautioned that

he has a concern about the budget related cost of doing so when compared to other budget related needs within the City.

Councilmember Sweet made a motion to direct staff to evaluate a more efficient way to document minutes as well as the associated cost. Councilmember Scott also wanted the motion to include looking into a video recording option. Councilmember Sweet amended his motion to include evaluating a video option and instructed Staff to bring back options to a June work session prior to the budget discussion. The motion passed by a vote of 6 ayes, 0 nays, and 1 absent (Cecil).

4. A2004-003 – 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. (2nd reading)

Mr. LaCroix gave background information related to this item. The courts ruled in favor of the city. The first reading of the ordinance has already occurred, and this is the second reading of the ordinance. He then described the area to be annexed.

Councilmember Scott made a motion to approve A2004-003. Councilmember Sevier seconded the motion. The motion passed by a vote of 6 ayes, 0 nays, and 1 absent (Cecil).

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

1. Departmental Reports
 - Rockwall County Committee on Aging Quarterly Report
 - December 2007 Fire Monthly Report
 - KART Quarterly Report
 - Police Department Quarterly Report
 - Police Department Holiday Initiative Report
 - Finance Monthly Report and budget status update
 - Parks Department Monthly Reports for November and December 2007
2. City Manager's Report

City Manager Julie Couch gave a general update on development within the city. Building Official Jeffrey Widmer stated that the city issued about 192 new single family building permits last fiscal year. This year, there has been a significant decrease in single family permits issued compared to the previous year; however, commercial permits are up by almost twice as much as last year.

Assistant Police Chief Kirk Riggs gave a briefing on the Police Department's Holiday Initiative Report and offered a general discussion and update on crime. Councilmember Sweet asked for clarification on security and enforcement at The Harbor. Parks Director Brad Griggs stated that one city retained security officer is present in the upper area of The Harbor and one security officer is present in the lower area on Thursday, Friday and Saturday evenings. Councilmember Scott expressed a desire to possibly have a uniformed police officer present at The Harbor on Thursday, Friday and Saturday evenings. Councilmember Straughan has concerns about loitering and the teen curfew as related to The Harbor. Mrs. Couch explained that the 12:00 a.m. midnight curfew is citywide and includes The Harbor. Mrs. Couch stated that Staff will visit with Whittle to

387 discuss the issues explore options and bring them back to Council for consideration
388 before the summer months.

389
390 There being no further business to discuss, Mayor Pro Tem Stephen Straughan
391 adjourned the meeting Session at 8:49 p.m.
392
393

394 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
395 TEXAS, this 18th day of February, 2008.
396
397

398 William R. Cecil
399 William R. Cecil, Mayor
400

401 ATTEST:

402 Kristy Ashberry
403 Kristy Ashberry, Interim City Secretary
404



**MINUTES
ROCKWALL CITY COUNCIL**

February 11, 2008
6:00 p.m. Special Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Pro Tem Stephen Straughan called the meeting to order at 6:00 p.m. Present were Mayor Pro Tem Stephen Straughan and Councilmembers Glen Farris, Margo Nielsen, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Bill Cecil and Councilmember Cliff Sevier were absent.

II. ACTION ITEMS

1. A2008-001 -- Discuss and consider approval of an ordinance annexing 234.04 acres of land contiguous to the city limits, generally located northeast of FM 3097 and northwest of S FM 549, and take any action necessary. [1st reading]

Planning Director Robert LaCroix gave background information on this item and explained that it is the first reading of the ordinance.

There was a general discussion regarding the annexation. Scott then made a motion to proceed with the city initiated annexation in accordance with the timetables and service plan provided by staff. Councilmember Farris seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 08-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 234.04 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes, 0 nays, and 2 absent (Cecil and Sevier).

Mayor Pro Tem Stephen Straughan then convened the Council into Executive Session at 6:18 p.m.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.

- 54 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
55 with attorney with regard to a matter that it is the duty of the attorney to
56 consult with the Council and falls under the attorney-client privilege.
- 57 5. Consider certain revisions to the Caruth Settlement Agreement.

58
59 **IV. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
60

61 Mayor Pro Tem Stephen Straughan convened the Council back into the public meeting at
62 7:45 p.m. No action was taken as a result of Executive Session.

63
64 **V. ACTION ITEMS**
65

- 66 2. Discuss and consider approval of an Ordinance amending the Code of
67 Ordinances in Chapter 16 Motor Vehicles and Traffic in Article III
68 Stopping, Standing or Parking to provide for regulations for oversized and
69 other vehicles and take any action necessary. [1st Reading]

70 Building Official Jeffrey Widmer gave background information on this item and
71 presented the draft ordinance to Council. He offered options for moving forward and
72 explained that staff is seeking direction from the Council on how to proceed. Widmer
73 also gave a Power Point presentation containing photographs of various trailers and
74 other oversized vehicles.

75 City Manager Julie Couch explained that the current ordinance allows residents to park
76 such vehicles overnight without screening them for up to 48 hours. Widmer expressed
77 that the current ordinance is difficult to enforce.

78 Councilmember Sweet asked for clarification and history of the boat/RV ordinance.
79 Widmer briefly discussed the current ordinance as compared to the draft ordinance.

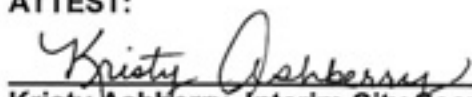
80 After much discussion, the Council expressed a desire that all trailers, regardless of size,
81 be screened from public view. Furthermore, they expressed that they are okay with
82 modified vehicles unless they are oversized. Staff will redraft the ordinance and bring it
83 back to Council for consideration at the next City Council meeting.

84 There being no further business to discuss, Mayor Pro Tem Stephen Straughan
85 adjourned the public meeting at 8:40 p.m.

86
87
88
89 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
90 **TEXAS, this 7th day of April, 2008.**

91
92
93
94 
95 William R. Cecil, Mayor

96
97
98 **ATTEST:**


Kristy Ashberry, Interim City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, February 18, 2008
3:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 3:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Stephen Straughan, Cliff Sevier, Margo Nielsen, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken in Executive Session

Mayor Cecil adjourned the meeting at 5:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 7th day of April, 2008.

ATTEST:

Kristy Ashberry
Kristy Ashberry, Interim City Secretary

William R. Cecil
William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, February 18, 2008
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:02 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Stephen Straughan, Cliff Sevier, Margo Nielsen, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER GLEN FARRIS

III. PROCLAMATIONS / AWARDS

1. Black History Month

Mayor Cecil read and presented a proclamation to Pastor Robbins in honor of Black History Month.

IV. CONSENT AGENDA

1. Discuss and consider approval of the Minutes from the February 4, 2008 City Council Meeting and take any action necessary.
2. Discuss and consider approval of an Ordinance approving and adopting the January 2008 printing of the Code of Ordinances of the City of Rockwall and take any action necessary. [2nd Reading]
3. Consider approval of an agreement with Clean Harbors Inc. to manage Household Hazardous Waste Day collection and disposal on April 19, 2008 and take any action necessary.
4. P2008-004 - Discuss and consider a request by Pann S. Sribhen of PSA Engineering for approval of a final plat of Lot 7, Block C, Horizon Ridge Medical Park Addition, being a 10.549-acre tract zoned (PD-9) Planned Development No. 9 district and situated along Medical Drive west of Horizon Road, and take any action necessary.
5. P2008-005 -- Discuss and consider a request by Tim McMahon of Preston Engineering for approval of a final plat of Rockwall Kia Addition, being a 5.9915-acre tract zoned (LI) Light Industrial district and located at 1790 IH-30, and take any action necessary.
6. P2008-006 -- Discuss and consider a request by David Kolchalka of Kimley-Horn & Associates, Inc. for approval of a final plat of Lots 1 and 2, Block B, North Lakeshore Valley Addition, being a 4.87-acre tract zoned (PD-65) Planned Development No. 65 district and located at the northwest corner of North Lakeshore Drive and SH 205, and take any action necessary.
7. Discuss and consider the award of the construction bid for the Shores North (Peterson) Drainage Improvement Project and take any action necessary.
8. Discuss and consider award of the construction bid for the 205 By-pass, IH-30 to SH-276, Phase 2, (eastside) and take any action necessary.

- 93 9. Discuss and consider award of the bid for the 700 and 780 Water Service Area
94 Improvements and take any action necessary.

95
96 Councilmember David Sweet pulled Consent Agenda item #3, Mayor Cecil pulled Consent
97 Agenda items #1 and #9. Councilmember Stephen Straughan made a motion to approve
98 Consent Agenda items #2, 4, 5, 6, 7, and 8. Councilmember Cliff Sevier seconded the motion,
99 and the ordinance was read as follows:

100
101 ORDINANCE NO. 08-09

102 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
103 APPROVING AND ADOPTING THE JANUARY 2008 SUPPLEMENT PRINTING OF THE
104 CODE OF ORDINANCES OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A
105 SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. [2nd reading]
106

107 The motion passed by a vote of 7 ayes and 0 nays.

108
109 Regarding Consent Agenda item #1, Mayor Cecil stated that he cannot vote on the minutes
110 from the February 4 City Council meeting since he was not present at the meeting.
111 Councilmember Straughan made a motion to approve Consent Agenda item #1.
112 Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes, 0 nays
113 and 1 abstention (Cecil).
114

115 Regarding Consent Agenda item #3, Councilmember Sweet asked for clarification of the
116 budget for this event. City Manager Julie Couch explained that the actual cost of the event is
117 not known until the end of the event. Finance Director Mary Smith briefed the Council on how
118 money is collected to fund the event. Smith stated that a monthly sixty cents per household
119 fee is charged to residents, and this amount fully funds the event each year. It has always
120 stayed within budget.
121

122 Councilmember Sweet made a motion to approve Consent Agenda item #3. Councilmember
123 Farris seconded the motion. The motion passed by a vote of 7 ayes, and 0 nays.
124

125 Regarding Consent Agenda item #9, Mayor Cecil made a motion to table this item until the
126 next City Council meeting at the advice of the city attorney. City Attorney Pete Eckert
127 explained that some legal questions have been raised with regard to this item.
128 Councilmember Straughan seconded the motion. The motion passed by a vote of 7 ayes and
129 0 nays.
130

131
132 V. APPOINTMENTS
133

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

137 Mr. Bill Bricker, Planning and Zoning Chairman, addressed the Council. He stated that there is
138 one vacancy on the Planning & Zoning Commission, and a second vacancy is expected in the
139 near future. He then briefed the Council on actions taken by the Commission with regard to
140 items on this city council meeting agenda.

- 141 2. Appointment with Ken Baker, President of Cutter Hill III, to discuss and consider
142 fire and building code waivers and take any action necessary.

143 Ken Baker, a resident from Chandler's Landing Cutter Hill III development, was present to give
144 a presentation to the City Council regarding his request to construct balconies on the water
145 side of the condominiums located in Cutter Hill III. He explained that plans were submitted,
146 but the Fire Department denied his request, stating that an automatic fire protection sprinkler
147 system would need to be added to the building. Mr. Baker believes that adding the sprinkler
148 system would be cost prohibitive. He would like to add the balconies so that the residents
149 would have an alternate exit in case there was a fire.

150 Fire Chief Mark Poindexter explained that the condos were originally built with balconies, but
151 later on the units were modified and the balconies were enclosed. He explained that the Fire
152 Department's recommendation to deny Mr. Baker's request is related to fire lane access and
153 fire flow needs that would result from expanding the square footage of the units. Mr. Baker
154 stated that the overall cost would be about \$55,000 and all the homeowners have agreed to
155 build the balconies.

156 Councilmember Straughan made a motion to deny the request. Councilmember Sevier
157 seconded the motion. The motion passed by a vote of 6 ayes and 1 nay (Nielsen).

158 3. Appointment with representative of the Old Town Shoppes Association to
159 receive their annual report on hotel/motel funding and take any action
160 necessary.

161 Janice Hill with Old Town Shoppes on the Square presented the association's annual
162 hotel/motel funding and expenditure report. The Council took no action as a result of Ms.
163 Hill's presentation.

164 VI. PUBLIC HEARING ITEMS

165 1. Z2008-001 -- Hold a public hearing and consider approval of an ordinance for a
166 request by Chad Hudson of Hudson Properties for approval of an amendment
167 to (PD-8) Planned Development No. 8 District (Ord. No. 05-30), specifically for
168 the 1.41-acre property known as Lots 1-3, Block A, Independence Pass
169 Addition, situated along the west side of FM 740 (Ridge Rd) and at the south
170 terminus of Independence Place, and take any action necessary. [1st reading]

173 Mayor Cecil opened the public hearing on this item and made a motion to continue the public
174 hearing until the March 3, 2008 City Council meeting. Councilmember Straughan seconded
175 the motion. The motion passed by a vote of 7 ayes and 0 nays.

176 2. Z2008-002 -- Hold a public hearing and consider approval of an ordinance for a
177 request by Misty Phillips for approval of a Specific Use Permit (SUP) to allow
178 for a "General Retail Store" within (PD-50) Planned Development No. 50
179 district, specifically for an embroidery and graphics business located on Lot 1,
180 Block A, Misty Addition, being 0.141-acre and located at 909 N. Goliad, and
181 take any action necessary. [1st reading]

182 Planning Director Robert LaCroix gave background information on this item and explained
183 that the City previously amended PD-50 to allow specific use permits (SUPs) for retail in this
184 area. He explained the nature of the business and indicated that the business would mostly
185 take phone and internet orders, though a limited amount of walk-in business may occur. The
186 business will have a joint parking agreement with the adjacent property owner so they can
187 share parking. Notices were mailed to adjacent property owners in the area, and one
188 response was received. The Planning & Zoning Commission did recommend approval of this
189 item with some provisions, including the prohibition of external ventilation from the building.
190 Councilmember Sevier expressed concern about parking on the street and indicated that he

would like no parking signs installed. Couch stated that the City can put such signs up, but she would prefer that they not be installed until after construction of the road is finished.

The applicant, Misty Phillips, who resides at 2008 Lakeshore in Rockwall, was present to address questions from the Council. She explained the size and make up of the sign for the business. Mayor Cecil then opened the public hearing. There being no one to come before the Council on this item, Mayor Cecil then closed the public hearing. Councilmember Sweet made a motion to approve the SUP. Councilmember Sevier seconded the motion. The ordinance was read as follows:

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A GENERAL RETAIL STORE, SPECIFICALLY AN EMBROIDERY AND GRAPHICS BUSINESS, WITHIN (PD-50) PLANNED DEVELOPMENT NO. 50 DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 1, BLOCK A, MISTY ADDITION AND LOCATED AT 909 N. GOLIAD STREET; 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. [1st reading]

The motion passed by a vote of 7 ayes and 0 nays.

3. H2007-010 -- Hold a public hearing and consider approval of an ordinance for a City initiated request for a Historic Landmark designation for the Spafford House located at 902 N. Goliad on a land tract zoned (PD-50) Planned Development No. 50 and located outside of the Old Town Rockwall Historic District, and take any action necessary. [1st reading]

Mr. LaCroix briefed the Council on this item and explained that the property owners are in support of the historic landmark designation on their home, which was built in 1894. He stated that the architecture and cultural history of the home all justify the historic designation, and city staff, the Historic Preservation Advisory Board and the Planning & Zoning Commission all recommend approval. Mayor Cecil opened the public hearing. There being no one to come before the Council to speak on this item, Mayor Cecil then closed the public hearing. Councilmember Sevier made a motion to approve the ordinance. Councilmember Nielsen seconded the motion. The ordinance was read as follows:

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE V, SECTION 6.2 HISTORIC OVERLAY DISTRICT TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR THE DESIGNATION OF A LANDMARK DISTRICT KNOWN AS THE HISTORIC "SPAFFORD HOME", BEING 902 N. GOLIAD, PART OF LOT 1, AUSTIN ADDITION; AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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. [1st reading]

The motion passed by a vote of 7 ayes and 0 nays.

- 244 4. H2007-011 -- Hold a public hearing and consider an ordinance for a City
245 initiated request for a Historic Landmark designation for the Reese-Jones
246 House located at 908 N. Goliad on a tract of land zoned (PD-50) Planned
247 Development No. 50 and located outside of the Old Town Rockwall Historic
248 District, and take any action necessary. [1st reading]

249 Mr. LaCroix gave the background information on this item and explained that this home is a
250 neo-classical form of architecture. This house is the only example of this type of architecture
251 in Rockwall. The home was relocated by former Rockwall Mayor Ken Jones, and the home has
252 been somewhat altered since it was moved. The cultural and architectural history of the home
253 warrants the requested historic designation. City staff as well as the Historic Preservation
254 Advisory Board and the Planning & Zoning Commission recommend approval of the historic
255 designation. The owner is in favor of the designation. Councilmember Straughan asked if
256 anything needs to be done to the interior or exterior of the home before the designation can be
257 granted. Mr. LaCroix explained that nothing needs to be done at this time; however, if a future
258 owner wanted to renovate the home, the exterior façade would have to be taken back to as
259 close to its original, historical façade as possible.
260

261 Mayor Cecil then opened up the public hearing.
262

263 Mark Russo, 402 B South Fannin Street, then addressed the Council and
264 urged them to grant the historic landmark designation.
265

266 There being no one else to come forth to address the Council on this item, Mayor Cecil then
267 closed the public hearing. Councilmember Farris made a motion to approve the ordinance and
268 grant the designation. Councilmember Sweet seconded the motion. The ordinance was read
269 as follows:
270

271 ORDINANCE NO. _____

272 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
273 AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF
274 ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE V, SECTION 6.2
275 HISTORIC OVERLAY DISTRICT TO PROVIDE FOR GENERAL PROVISIONS AND
276 REQUIREMENTS FOR THE DESIGNATION OF A LANDMARK DISTRICT KNOWN AS THE
277 HISTORIC "REESE-JONES HOME", BEING 908 N. GOLIAD, BEING LOT PT-2R, AUSTIN
278 ADDITION; AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A";
279 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
280 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
281 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
282 PROVIDING FOR AN EFFECTIVE DATE. [1st reading]
283

284 The motion passed by a vote of 7 ayes and 0 nays.
285

286 VII. ACTION ITEMS

- 287
288 1. A2008-001 -- Discuss and consider approval of a development agreement that
289 shall be offered, in accordance with Chapters 43 and 212 of the Texas Local
290 Government Code, to eligible property owners within the proposed 234.04-acre
291 annexation area generally located northeast of FM 3097 and northwest of S FM
292 549, and take any action necessary.

293 Planning Director Robert LaCroix stated that the City has not received a signed 212 agreement
294 from the property owners at this time.

295 Anne Wallace Morton, 224 H. Wallace Lane, Rockwall, TX, then came
296 forward to address the Council. She explained that the family has had

several lawyers look at the 212 agreement, and all of them advised the family not to sign the agreement.

Gerald Leuke, 1110 Oakmont Drive, Richardson, TX, then spoke to the Council and expressed that the agreement puts restrictions on the land by creating a certain zoning designation that the family would have to adhere to. He stated that the agreement would cause the family to give up some rights.

Mike Wallace, 6271 Horizon Road, Rockwall, TX, also addressed the Council, explaining that the family had spoken to Mr. LaCroix and Pete Eckert and tried to discuss some of their concerns related to the document. The family would like the agreement to be for 15 years instead of 1 year.

Mr. LaCroix clarified that if the land were annexed, it would come into the City with an agricultural zoning designation.

Since the Wallace family did not present a signed 212 agreement, no action was taken by City Council on this item.

2. A2008-001 -- Discuss and consider approval of an Ordinance annexing 234.04 acres of land contiguous to the City Limits, generally located northeast of FM 3097 and northwest of S FM 549, and take any action necessary. [2nd reading]

Mr. LaCroix stated that this was the second reading of the ordinance. Councilmember Farris made a motion to approve A2008-001. Councilmember Straughan seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 08-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 234.04 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE. [2nd reading]

The motion passed by a vote of 7 ayes and 0 nays.

3. Discuss and consider recommendation from the Airport Subcommittee to create an Airport Zoning District and take any action necessary.

Assistant City Manager Rick Crowley gave the background on this item, including the proposed construction of a hanger by Mr. Mike Peoples. He explained that the Airport Subcommittee has recommended the creation of an airport zoning district to guide development in and around the airport property. Councilmember Sweet made a motion to direct city staff to initiate an airport zoning district and establish zoning recommendations for areas in and around the airport. Councilmember Nielsen seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

- 343 4. Discuss and consider approval of an Ordinance amending the Code of
344 Ordinances in Chapter 16 Motor Vehicles and Traffic in Article III Stopping,
45 Standing or Parking to provide for regulations for oversized and other vehicles
46 and take any action necessary. [1st reading]

347 Jeffrey Widmer, director of code enforcement, gave background information on this item and
348 explained that if the ordinance is adopted, staff will go ahead and move forward with
349 enforcement of provisions related to oversized vehicles such as tow trucks; however, staff
350 does recommend 30, 60 or even 90 days for property owners to come into compliance with
351 screening of trailers before enforcement of those provisions begins. Mr. Widmer further
352 recommended that Council direct the Planning and Zoning Commission to amend their zoning
353 ordinance to eliminate any conflict between the two ordinances.

354 Councilmember Straughan made a motion to move forward with approval of the ordinance,
355 allowing for 90 days to come into compliance with screening requirements, and making
356 appropriate changes through the Planning & Zoning Commission regarding the 48 hour
357 restriction in the zoning ordinance. Councilmember Farris seconded the motion and asked
358 how the City will notify citizens of these new requirements. Couch explained that staff will
359 issue a press release and will also include notices of the new ordinance in the city newsletter.

360 The ordinance was read as follows:

361 ORDINANCE NO. ____
362
363

364 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
365 REPEALING SECTIONS 16-230 AND 16-230.1 OF THE CODE OF ORDINANCES IN THEIR
366 ENTIRETY. AMENDING THE CODE OF ORDINANCES IN CHAPTER 16 MOTOR VEHICLES
367 AND TRAFFIC IN ARTICLE III STOPPING, STANDING OR PARKING, TO PROVIDE FOR
368 REGULATIONS FOR OVERSIZED AND OTHER VEHICLES; PROVIDING FOR A PENALTY
369 OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING
370 A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN
371 EFFECTIVE DATE. [1st reading]

372 The motion passed by a vote of 7 ayes and 0 nays.
373

- 374 5. Discuss and consider requiring a special permit in order to trim trees and do
375 clean-up in the takeline and other city controlled property to alleviate improper
376 and unauthorized removal of trees without the consent and supervision of city
377 staff and take any action necessary.

378 Councilmember Farris gave background information on this item and expressed concerns
379 related to tree trimming in the takeline. He explained that property owners living along the
380 takeline are scalping trees and, in some cases, completely cutting down trees.
381 Councilmember Farris made a motion to direct staff to bring back recommendations related to
382 the following: (1) should the City allow tree trimming at all?, (2) identification of areas where
383 tree trimming will be allowed throughout the city, (3) exploration of a permitting requirement
384 for tree trimming (pre and post trimming), and (4) an associated penalty fine for violations.
385 Councilmember Straughan seconded the motion. Councilmember Nielsen stated that a
386 subcommittee has been appointed to do preservation and conservation. She would like to
387 activate this subcommittee to evaluate the issue and would like Parks Director Brad Griggs to
388 work with this subcommittee. The motion passed by a vote of 7 ayes and 0 nays.

- 39
30 6. Discuss and consider parking and valet parking at The Harbor and take any
31 action necessary.

Councilmember Farris expressed concern about valets parking in twenty minute parking slots at the Harbor as well as concerns related to their parking in fire lanes and driving very fast in the parking lot. Assistant Police Chief Kirk Riggs explained that the parking lot at the Harbor is private property, and city police can only enforce fire lane and handicap parking violations. Couch indicated that the city cannot regulate how a private parking lot is managed; however, she can communicate the council's concerns to the Whittles, the property owners. No formal action was taken on this item.

7. Discuss and consider security at City Hall, including City Council Meetings, and take any action necessary.

Councilmember Scott expressed that he was prompted to bring this item forth for discussion as a result of the shootings that recently occurred at a city council meeting in Missouri. Couch stated that current laws do not allow the city to prohibit someone with a concealed handgun license from bringing a gun into a council meeting. Scott indicated that he would like to explore this issue more during the next budget process by considering metal detectors and additional security at council meetings.

8. Discuss and consider certain protections in future HOA communities and take any action necessary.

Councilmember Scott requested that this item be withdrawn until the next council meeting.

9. Discuss and consider an amendment to Chapter 17-6 of the Code of Ordinances regarding the Associate Judge position and take any action necessary. [1st Reading]

Councilmember Scott also requested that this item be withdrawn until the next council meeting.

10. Discuss Police Department 2007 Racial Profiling Report and 2007 Crime Comparison Report and take any action necessary.

Assistant Chief Kirk Riggs gave a brief report to the Council regarding the 2007 Racial Profiling Report for traffic stops that resulted in a ticket or an arrest. He indicated that the results of the report were favorable.

There being no further business to come before the Council, Mayor Cecil convened the Council into Executive Session at 8:55 p.m.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.

- 437 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
438 attorney with regard to a matter that it is the duty of the attorney to consult with
39 the Council and falls under the attorney-client privilege.
40

41 IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
442

443 Mayor Cecil adjourned Executive Session and reconvened Council into the public meeting.
444 Councilmember Sweet made a motion to appoint Phillip Herbst to the City's Planning & Zoning
445 Commission, subject to his acceptance. Councilmember Nielsen seconded the motion. The
446 motion passed by a vote of 7 ayes and 0 nays.
447

448 There being no further business to discuss, Mayor Cecil adjourned the meeting at 9:45 p.m.
449
450

451
452 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
453 this 7th day of April, 2008.
454

455
456 ATTEST:
457

William R. Cecil
William R. Cecil, Mayor

458
459 Kristy Ashberry
460 Kristy Ashberry, Interim City Secretary



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MINUTES
ROCKWALL CITY COUNCIL

Monday, March 03, 2008

3:00 p.m. Pre-Council Meeting

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

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 3:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Stephen Straughan, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Margo Nielsen was absent. Mayor Cecil immediately adjourned the meeting into Executive Session.

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

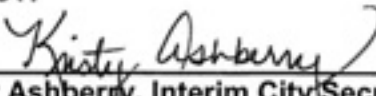
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act, regarding: legal issues pertaining to annexation of territory, annexation agreements, and development agreements pursuant to Tex. Loc. Gov't Code ch. 43.

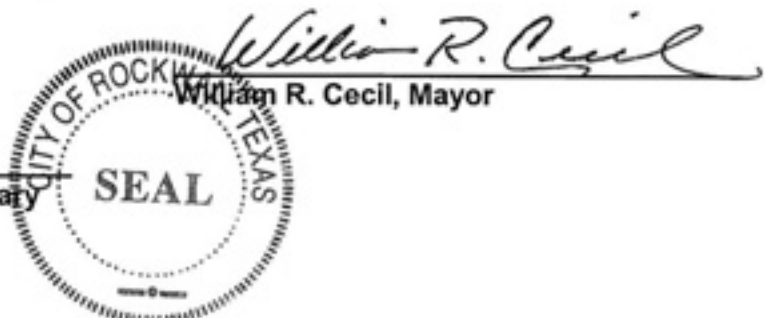
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council came out of Executive Session and Mayor Pro Tem Straughan made a motion to appoint Barry Buchanan to the City's Planning & Zoning Commission. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Nielsen).

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 7th day of April, 2008.

ATTEST:


Kristy Ashberry, Interim City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, March 03, 2008

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Cecil called the public meeting to order at 6:02 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Stephen Straughan, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Margo Nielsen was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DAVID SWEET

III. PROCLAMATIONS / AWARDS

1. Caden Shaulis Day

Mayor Cecil read and presented a proclamation to Caden Shaulis and expressed thanks to the boy for his courageous act. Each council member then shook Caden's hand.

IV. OPEN FORUM

Mayor Cecil opened the floor to anyone in the audience who wished to address the Council on any subject not scheduled for tonight's agenda. The following came forward to address Council:

Pastor Joe Robins

805 Peters Colony

Rockwall, TX

Mr. Robins expressed concern regarding the cemetery on SH-205 being blocked during construction.

No one else came forward to address the Council, so Mayor Cecil closed the Open Forum session.

Mayor Cecil then acknowledged a Boy Scout in the audience who is working on his communications badge.

V. CONSENT AGENDA

1. Discuss and consider approval of Change Order Number 1 for the 205 By-pass, from Quail Run to FM-552, and take any action necessary.
2. Discuss and consider approval of the engineering design contract for the Clark and Fannin Street Light Project and take any action necessary.
3. Z2008-002 - Discuss and consider approval of an ordinance for a request by Misty Phillips for approval of a Specific Use Permit (SUP) to allow for a "General Retail Store" within (PD-50) Planned Development No. 50

97 district, specifically for an embroidery and graphics business located on
98 Lot 1, Block A, Misty Addition, being 0.141-acre and located at 909 N.
99 Goliad, and take any action necessary. (2nd reading)

- 100 4. H2007-010 - Discuss and consider approval of an ordinance for a City
101 initiated request for a Historic Landmark designation for the Spafford
102 House located at 902 N. Goliad, and take any action necessary. (2nd
103 reading)

- 104 5. H2007-011 - Discuss and consider approval of an ordinance for a City
105 initiated request for a Historic Landmark designation for the Reese-Jones
106 House located at 908 N. Goliad, and take any action necessary. (2nd
107 reading)

- 108 6. P2008-007 - Discuss and consider approval of a request by Dr. David
109 Miller for approval of a replat of Lot 13, Block A, Presbyterian Hospital of
110 Rockwall Addition, being a 1.29-acre tract zoned (PD-9) Planned
111 Development No. 9 district and situated along Rockwall Parkway
112 southwest of Horizon Road, and take any action necessary.

- 113 7. P2008-008 - Discuss and consider a request by Steve Meier of Rockwall-
114 BF, LP for approval of a replat of Lot 1, Block A, Derrick Addition, being a
115 0.812-acre tract zoned (C) Commercial district and located at the
116 northwest corner of IH-30 and White Hills Drive, and take any action
117 necessary.

- 118 8. Discuss and consider approval of an ordinance amending the Code of
119 Ordinances in Chapter 16 Motor Vehicles and Traffic in Article III
120 Stopping, Standing or Parking to provide for regulations for oversized and
121 other vehicles and take any action necessary. (2nd reading)

122
123 **Councilmember Cliff Sevier pulled Consent Agenda item #1 for discussion.**
124 **Councilmember Stephen Straughan then made a motion to approve Consent Agenda**
125 **items #2, 3, 4, 5, 6, 7, and 8. Councilmember Farris seconded the motion. The**
126 **ordinances were read as follows:**

127
128 ORDINANCE NO. 08-14
129

130 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
131 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,
132 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT
133 ALLOWING FOR A GENERAL RETAIL STORE, SPECIFICALLY AN EMBROIDERY
134 AND GRAPHICS BUSINESS, WITHIN (PD-50) PLANNED DEVELOPMENT NO. 50
135 DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 1, BLOCK A, MISTY ADDITION
136 AND LOCATED AT 909 N. GOLIAD STREET; PROVIDING FOR SPECIAL
137 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM
138 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING
139 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
140 PROVIDING FOR AN EFFECTIVE DATE. [2nd reading]
141

142
143 ORDINANCE NO. 08-15
144

145 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
146 AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY
147 OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE V,
148 SECTION 6.2 HISTORIC OVERLAY DISTRICT TO PROVIDE FOR GENERAL

PROVISIONS AND REQUIREMENTS FOR THE DESIGNATION OF A LANDMARK DISTRICT KNOWN AS THE HISTORIC "SPAFFORD HOME", BEING 902 N. GOLIAD, PART OF LOT 1, AUSTIN ADDITION; AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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. [2nd reading]

ORDINANCE NO. 08-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE V, SECTION 6.2 HISTORIC OVERLAY DISTRICT TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR THE DESIGNATION OF A LANDMARK DISTRICT KNOWN AS THE HISTORIC "REESE-JONES HOME", BEING 908 N. GOLIAD, BEING LOT PT-2R, AUSTIN ADDITION; AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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. [2nd reading]

ORDINANCE NO. 08-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING SECTIONS 16-230 AND 16-230.1 OF THE CODE OF ORDINANCES IN THEIR ENTIRETY. AMENDING THE CODE OF ORDINANCES IN CHAPTER 16 MOTOR VEHICLES AND TRAFFIC IN ARTICLE III STOPPING, STANDING OR PARKING, TO PROVIDE FOR REGULATIONS FOR OVERSIZED AND OTHER VEHICLES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE. [2nd reading]

The motion passed by a vote of 6 ayes, 0 nays and 1 absent (Nielsen).

With regard to item #1, Councilmember Cliff Sevier pulled the item to ask City Engineer Chuck Todd some clarifying questions about the project change order being presented. Councilmember Sevier then made a motion to approve Consent Agenda item #1. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes, 0 nays, and 1 absent (Nielsen).

VI. APPOINTMENTS

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

Planning & Zoning Chairman Bill Bricker briefed the Council on planning and zoning related items on this Council agenda.

2. Appointment with Susan Egan and Marvis Kisselburgh representing The Pumpkin Patch to receive their annual report on hotel/motel funding and take any action necessary.

Susan Egan and Marvis Kisselburgh were present and provided the Council with a report on the use of hotel/motel funding awarded to them for the Pumpkin Patch. They explained that the Pumpkin Patch is a joint fundraiser between the Rockwall County Friends of the Library and Our Lady of the Lake Catholic Church. An estimated 3,800 volunteer hours went into the Pumpkin Patch this year. The group expressed a desire to expand advertising to include areas outside of the community for next year's 20th Annual Pumpkin Patch.

3. MIS2008-001 - Appointment with Roger Nielsen of Rockwall Housing Development Corporation to discuss and consider a waiver to the masonry requirements set forth in Article V, Section 3.1, General Residential District Standards, of the City of Rockwall Unified Development Code for a proposed single family dwelling located at 506 Dickey on a tract known as Lot 25, Canup Addition, which is zoned (SF-7) Single Family Residential district and located within the (SO) Southside Residential Neighborhood Overlay District, and take any action necessary.

Mr. Roger Nielsen was present to request a waiver to the masonry requirements on a home that is being built through a grant provided by the Texas Department of Housing and Community Affairs. The waiver is being requested in order to save money and make the best use of grant funds received. Councilmember Glen Farris made a motion to approve the requested waiver. Mayor Cecil seconded the motion. The motion passed by a vote of 5 ayes, 0 nays, 1 abstention (Straughan) and 1 absent (Nielsen). Mayor Pro Tem Straughan expressed that he abstained from the vote because his company performed the appraisal on the property.

VII. PUBLIC HEARING ITEMS

1. Z2008-001 - Continue a public hearing and consider approval of an ordinance for a request by Chad Hudson of Hudson Properties for approval of an amendment to (PD-8) Planned Development No. 8 District (Ord. No. 05-30), specifically for the 1.41-acre property known as Lots 1-3, Block A, Independence Pass Addition, situated along the west side of FM 740 (Ridge Rd.) and at the south terminus of Independence Place, and take any action necessary. (1st reading)

Mayor Cecil pointed out that this item will require a super majority vote of the Council in order for it to be approved. Since Councilmember Nielsen is absent, this means that all six council members who are present would have to approve the item in order for it to pass. Councilmember Scott then made a motion to table this item until all council members are present to vote and continue the public hearing until the April 7, 2008 City Council Meeting. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes, 0 nays and 1 absent (Nielsen).

VIII. SITE PLANS / PLATS

1. SP2008-004 - Discuss and consider a request from Sy Pham of SP Design & Build for approval of a variance to the building articulation requirements set forth in Article V, Section 4.1, of the Unified Development Code, in association with a site plan for a 12,700-sf

commercial development located on the proposed Lot 3, Block 1, Meadowcreek Business Center Addition, being approximately 1.42-acres and situated along the east side of SH 205 south of SH 276, zoned (C) Commercial district and situated within the SH 205 Overlay district, and take any action necessary.

Robert LaCroix provided background information on this item. He explained that the applicant has made several modifications to the plans and elevation in order to suit the city's preferences. Councilmember Farris discussed the possibility of adding faux windows to the back of the building to improve the appearance. Mr. Pham indicated that he could expand the canopy and add a few more stone columns to improve the appearance. Mr. LaCroix clarified that Mr. Pham is not seeking a variance on the back of the building. Instead, he is seeking a variance on the left elevation of the building. Mr. LaCroix stated that raising the canopy would probably be better than adding faux windows.

Councilmember Farris made a motion to approve the variance request with the understanding that the applicant will ensure the canopies are raised and that staff works with the applicant to further improve the articulation on the rear of the building. Councilmember Sevier seconded the motion. The motion passed by a vote of 6 ayes, 0 nays, and 1 absent (Nielsen).

IX. ACTION ITEMS

1. Discuss and consider award of the 700 and 780 Service Areas Water Line Improvements construction bid and take any action necessary as recommended by the City Attorney.

City Attorney Pete Eckert indicated that this item had been on a previous council agenda but had been tabled. Mr. Eckert's opinion is that the Council could go ahead and award the bid to the lowest bidder who was responsive, or the Council could reject all bids and then rebid the project.

Mayor Cecil then made a motion to reject all bids and re-advertise for bids. Mayor Pro Tem Stephen Straughan seconded the motion.

After some discussion, the motion passed by a vote of 5 ayes, 1 nay (Sevier), and 1 absent (Nielsen).

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

1. Departmental Reports
 - Police Department Monthly Report
 - Fire Department January Monthly Reports
 - Parks and Recreation Monthly Report
2. City Manager's Report

City Manager Julie Couch indicated that some bids on the bypass have been awarded, other phases are currently out to bid or will soon be out to bid. A general update was given on the upcoming Sam Houston project as well as the progress of construction on

the new animal adoption center. She also stated that the back of the old Kroger building is being redone by Saber Realty to improve the appearance. Two of the four lanes from 276 to IH-30 are finished and nearly ready to be opened up. Mayor Pro Tem Straughan indicated that he would like John King's wife present for the dedication of the lanes that will be opened on the bypass. Mayor Cecil asked for a status report on false alarms, and Couch indicated that this information will likely be ready to present next month.

There being no further business to come before the Council, Mayor Cecil convened the Council into Executive Session at 7:11 p.m.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act, regarding: legal issues pertaining to annexation of territory, annexation agreements, and development agreements pursuant to Tex. Loc. Gov't Code ch. 43.

XII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

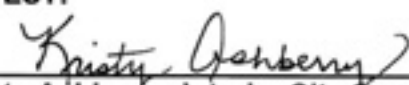
Mayor Cecil adjourned Executive Session and reconvened the public meeting.

Councilmember Scott made a motion to approve a settlement agreement for the acquisition of right-of-way on East Summer Lee Drive in the amount of \$400,000. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 for and 1 absent (Nielsen).

Mayor Cecil adjourned the meeting at 8:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 7th day of April, 2008.

ATTEST:


Kristy Ashberry, Interim City Secretary


William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Monday, March 10, 2008

5:00 p.m. Pre-Council Meeting

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

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 5:00 p.m. Present were Mayor Bill Cecil and Councilmembers Margo Nielsen, Glen Farris, Stephen Straughan, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Cliff Sevier was absent. Mayor Cecil immediately adjourned the meeting into Executive Session.

II. PRE-COUNCIL DINNER

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.
5. Pursuant to Section 551.071, consultation with City's attorneys and City Council regarding pending litigation - No Higher Taxes v. the City, et. al.

IV. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session. Mayor Cecil adjourned the meeting at 6:28 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 7th day of April, 2008.

ATTEST:

Kristy Ashberry
Kristy Ashberry, Interim City Secretary

William R. Cecil
William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, March 10, 2008
6:00 p.m. Special Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:34 p.m.

II. HEAR STAFF PRESENTATIONS RELATED TO CUSTOMER CENTERED GOVERNMENT (C3) PROJECTS AND TAKE ANY ACTION NECESSARY.

City Manager Julie Couch updated council on the history of C3, including a general overview of the process as well as the next steps to be taken.

Each of the four C3 teams gave a short presentation of their project including a status update on the implementation of team recommendations. After the presentations, Couch indicated that a C3 consultant will meet with the teams and the Council subcommittee later in the week. New C3 projects will be identified soon, and all departments affected by the original projects will continue implementing those projects and begin periodically reporting on the progress.

Mayor Cecil expressed his appreciation to the teams for their hard work.

No action was taken by Council on this item.

III. DISCUSS FIRE DEPARTMENT PLANNING AND TAKE ANY ACTION NECESSARY.

City Manager Julie Couch opened the discussion and explained that Fire Chief Mark Poindexter would present information related to various fire department issues. Chief Poindexter then discussed several items including an overview department officers. He also provided information on historical trends related to man hours, man power, number of fires, fires by type as well as budget related information.

No action was taken by Council.

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

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

- 92 2. Personnel Issues, including Board, Commission, and Committee
93 Appointments, and Related Matters.
- 94 3. Commercial or financial information regarding business prospects that the
95 City seeks to have locate, stay, or expand in or near the territory of the
96 City of Rockwall and with which the Board is conducting economic
97 development negotiations.
- 98 4. Pursuant to Section 551.071, consultation between the City's attorneys
99 and City Council where the duty of the City's attorneys to the City Council
100 under the Code of Professional Responsibility of the State Bar of Texas
101 clearly conflicts with the Open Meetings Act.
- 102 5. Pursuant to Section 551.071, consultation with City's attorneys and City
103 Council regarding pending litigation - No Higher Taxes v. the City, et. al.

104 **V. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

105
106 No action was taken as a result of Executive Session. Mayor Cecil adjourned the
107 meeting at 10:30 p.m.

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109 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
110 Texas, this 17th day of April, 2008.

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114 ATTEST:

115 Kristy Ashberry
116 Kristy Ashberry, Interim City Secretary
117

William R. Cecil
William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL

Monday, March 17, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Margo Nielsen, Cliff Sevier, Stephen Straughan, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Glen Farris was absent. Mayor Cecil immediately adjourned the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council adjourned Executive Session and convened into the public meeting. Mayor Pro Tem Straughan made a motion to move forward with acquisition of parcels of land on the 205 Bypass Project, including authorizing payment of \$135,938 for all property rights for Parcel 21, \$36,000 to fence the temporary easement, \$5,019 for the drainage easement for Parcel 23, and an offer of \$145,036 for the property rights for Parcel 14 (this includes 1.409 acres of right-of-way, and 2.192 acres of temporary and drainage easements). Councilmember Sevier seconded the motion. The motion passed by a vote of 5 ayes, 0 nays, and 2 absent (Farris was absent from the meeting, and Sweet was not present for the vote).

Mayor Pro Tem Straughan made a motion to reappoint Michelle Swindelle and Anita Russelmann to the City's Art Review Team (ART) Commission. Councilmember Nielsen seconded the motion. The motion passed by a vote of 5 ayes, 0 nays, and 2 absent (Farris was absent from the meeting, and Sweet was not present for the vote).

48 Councilmember Nielsen made a motion to appoint Councilmember Farris as a
49 member of the Shores Subcommittee. Mayor Pro Tem Straughan seconded the
50 motion. The motion passed by a vote of 5 ayes, 0 nays, and 2 absent (Farris was
51 absent from the meeting, and Sweet was not present for the vote).
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54 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
55 ROCKWALL, Texas, this 7th day of April, 2008.

56 William R. Cecil

57 William R. Cecil, Mayor

58 ATTEST:

59 Kristy Ashberry

60 Kristy Ashberry, Interim City Secretary
61



MINUTES
ROCKWALL CITY COUNCIL

Monday, March 17, 2008
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Margo Nielsen, Cliff Sevier, Stephen Straughan, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Glen Farris was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MARGO NIELSEN

III. CONSENT AGENDA

1. Discuss and consider approval of a speed limit Ordinance reducing the speed limit in the Waterstone Estates Subdivision and take any action necessary.
2. Discuss and consider abandonment of a portion of a 60-foot Mutual Access Fire Lane and Utility Easement at the Evergreen Development and take any action necessary.
3. Discuss and consider abandonment of a section of a 20-foot Sanitary Sewer Easement at Flagstone Estates and take any action necessary.
4. Discuss and consider sub-committee's recommendation for supplemental hotel/motel tax funding and take any action necessary.
5. Discuss and consider an amendment to Chapter 17-6 of the Code of Ordinances regarding the Associate Judge position and take any action necessary. (1st reading)
6. Discuss and consider approval of an Ordinance amending the Code of Ordinances in Chapter 16 Article VIII Section 236 to reflect adoption of the 2006 International Fire Code and take any action necessary. (1st Reading)
7. Consider award of Sam Houston Street Improvements and take any action necessary.

Councilmember Scott pulled Consent Agenda Item #5. Mayor Pro Tem Straughan made a motion to approve the remaining consent agenda items (#1, 2, 3, 4, 6, and 7). Councilmember Nielsen seconded the motion.

The ordinances were read as follows:

CITY OF ROCKWALL

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, SECTION 545.356, UPON THE ROADS DELINEATED ON THE ATTACHED EXHIBIT, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

CITY OF ROCKWALL

ORDINANCE NO. _____

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

The motion passed by a vote of 5 ayes and 2 absent (Farris was absent from the meeting, and Sweet was not present for the vote). Councilmember Sweet joined the meeting after this vote was taken.

With regard to Consent Agenda Item #5, Councilmember Scott expressed concern that the ordinance related to the Associate Judge position delineates the duties that the Associate Judge is allowed to perform. Councilmember Scott then indicated a desire to change the ordinance to delineate everything that the Associate Judge cannot do instead of everything he or she can do.

Councilmember Scott then made a motion to approve the ordinance with the following amendment to sub-section 'b' of Sec. 17-6:

The Associate Judge may perform any duty reasonable and necessary for the proper and efficient administration of the court as determined and directed by the Municipal Judge, provided, however, the Associate Judge may not rule on contested questions of law or fact and may not preside over bench or jury trials unless the Associate Judge is licensed to practice law in the State of Texas and is a member in good standing of the State Bar of Texas.

Councilmember Sevier seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING SECTION 17-6 OF THE CODE OF ORDINANCES IN ITS ENTIRETY; PROVIDING A NEW SECTION 17-6 TO PROVIDE FOR DUTIES OF THE ASSOCIATE JUDGE OF THE MUNICIPAL COURT; PROVIDING A

SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN
EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent (Farris).

IV. APPOINTMENTS

1. Appointment with Jeff Weyandt of Fox, Byrd & Company to present the City's Comprehensive Annual Financial Report and take any action necessary.

Jeff Weyandt was present and gave a brief overview of the City's Comprehensive Annual Financial Report. He indicated that his company has given the highest opinion of the City's overall financials and that the City has a healthy fund balance and reserves with no unusual transactions.

Councilmember Nielsen made a motion to accept the audit report for Fiscal Year 2007 as presented. Councilmember Sevier seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Farris).

V. ACTION ITEMS

1. MIS2007-005 - Discuss and consider adoption of a Resolution setting a public hearing date for adoption of amended Land Use Assumptions, an amended Water and Wastewater Capital Improvements Plan and amended Impact Fees for water and wastewater facilities in the City of Rockwall and take any action necessary.

Planning Director Robert LaCroix gave background information on this item and recommended setting the public hearing date for May 19, 2008.

Mayor Cecil made a motion to approve the Resolution setting the public hearing date for May 19, 2008. Councilmember Straughan seconded the motion. THE motion passed by a vote of 6 ayes and 1 absent (Farris).

2. MIS2007-004 - Discuss and brief the City Council on progress of the roadway impact fee process and take any action necessary.

LaCroix provided background information on this item. The public hearing date to set the impact fees is scheduled for April 7, 2008. A consultant with Edward Haas, Kelly & Associates was present and gave a detailed briefing to the Council regarding the roadway impact fee process. No action was taken on this item.

3. Discuss and consider a request by the Fire Department for certain budget adjustments and take any action necessary.

213

214 Fire Chief Mark Poindexter briefly reviewed the requests including the
215 estimated budget impact of each item and the total budget impact.
216 Assistant City Manager Rick Crowley indicated that additional budget
217 requests related to the Fire Department will be forthcoming as a result of
218 the March 10, 2008 work session.

219 Councilmember Straughan made a motion to approve the requested budget
220 amendments. Councilmember Nielsen seconded the motion. The motion
221 passed by a vote of 6 ayes and 1 absent (Farris).

222

223 4. Discuss and consider holding a public hearing or hearings to
224 receive community input regarding HOA communities and the
225 benefits, problems, and issues associated with living in HOA
226 communities and take any action necessary.

227

228 Councilmember Scott brought forth this item and offered background
229 information. Scott indicated that there is a need for uniformity related to
230 the DCCRs that govern HOA communities in Rockwall in order to help
231 protect residents who live in those communities.

232 Councilmember Scott made a motion to call two public hearings to receive
233 public input related to HOAs. Councilmember Straughan seconded the
234 motion. The motion passed by a vote of 6 ayes and 1 absent (Farris).

235 Staff will bring back recommendations for public hearing dates.

236

237 5. Discuss and consider amending the Sex Offender Ordinance
238 regarding distance requirements from private and public parks and
239 related matters and take any action necessary.

240

241 City Attorney Pete Eckert indicated that a Rockwall community has requested that
242 the Council consider expanding the distance requirements to encompass private
243 playgrounds, private community swimming pools, apartment swimming pools,
244 private community parks and private green belts. After some discussion,
245 Councilmember Scott made a motion to direct staff to immediately work on
246 revisions to the ordinance to extend distance-related prohibitions to private
247 property that is similar to those public areas currently covered under the existing
248 ordinance (parks, greenbelts, playgrounds, etc.) and to then look into what other
249 cities are doing to control where sex offenders can be employed as well as what
250 other cities are doing related to permanent, citywide bans. Councilmember
251 Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1
252 absent (Farris).

253

254 6. Discuss and consider revisions to the City's outdoor burning
255 Ordinance to allow for burning on estate lots larger than 2 acres
256 and take any action necessary.

257

258 Councilmember Scott brought forth and offered background information on
259 this item. Fire Chief Mark Poindexter briefed the Council on when,
260 according to the International Fire Code, burning within city limits is
261 permissible. Poindexter also indicated that the Texas Commission on
262 Environmental Quality (TCEQ) has deemed Rockwall County to be a non-
263 attainment area, which also presents a challenge when considering
264 allowing burning. City Attorney Pete Eckert indicated that if a local
265 government does not provide alternative means for disposal, or if the city
266 does not permit a private company to provide such services, then property
267 owners can burn domestic waste. Councilmember Straughan clarified that
268 the city does provide bulk unlimited pick-up services twice monthly. Some
269 discussion ensued related to the TCEQ deeming Rockwall County a 'non-
270 attainment' area.

271 Councilmember Scott then made a motion to table this item to allow staff
272 time to find out whether or not the areas that were recently annexed into
273 the city could legally burn prior to be annexed into the city.
274 Councilmember Straughan seconded the motion. The motion passed by a
275 vote of 6 ayes and 1 absent (Farris).

276

277 7. Discuss and consider directing the Hotel/Motel Tax Subcommittee
278 to review policies and make recommendations for awarding
279 funding and take any action necessary.

280

281 Councilmember Straughan made a motion to direct the subcommittee to
282 review policies and bring back recommendations related to awarding
283 funding. Councilmember Sevier seconded the motion. The motion passed
284 by a vote of 6 ayes and 1 absent (Farris).

285

286 8. Discuss and consider reactivating the Takeline Subcommittee to
287 review the ordinance as it pertains to homeowners who are unable
288 to lease as a result of their lots being too small and take any
289 action necessary.

290

291 This item was brought forth by Councilmembers Nielsen and Straughan.
292 Code Enforcement Supervisor Cliff Griffin provided a slideshow to show
293 photograph examples of prohibited items located on lots where residents
294 have not leased the takeline either because their lots are too small or they
295 just have not chosen to lease. Councilmember Nielsen made a motion to
296 immediately place a moratorium on the enforcement of citation letters that
297 were recently mailed out to residents with lots that are too small to sub-
298 lease and to instruct staff to reevaluate the ordinance to allow items, but
299 not boat docks, on small lots. Councilmember Straughan seconded the
300 motion. The motion passed by a vote of 6 ayes and 1 absent (Farris).

301

- 302 9. Discuss and consider enforcement of building and other city codes
303 in the Lake Rockwall Estates community and take any action
304 necessary.

305
306 Planning Director Robert LaCroix provided background information on this item
307 and indicated that codes would have to be extended into the entire ETJ, not just
308 the portion of the ETJ that makes up Lake Rockwall Estates. City Attorney Pete
309 Eckert offered that the law does not specifically state that building codes cannot
310 be extended into a city's ETJ, and he referenced some recent court cases.

311
312 Mayor Cecil made a motion to table this item and allow staff time to make
313 assessments of the impact of extending such codes and obtain additional input
314 related to extending codes into the ETJ. Staff is to bring back recommendations
315 within thirty (30) days. Councilmember Straughan seconded the motion. The
316 motion passed by a vote of 6 ayes and 1 absent (Farris).

317
318 There being no further business to bring forth for Council consideration, Mayor
319 Cecil adjourned the meeting at 8:24 p.m.

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323 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
324 ROCKWALL, Texas, this 7th day of April, 2008.

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328 ATTEST:

329 Kristy Ashberry
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331 Kristy Ashberry, Interim City Secretary

William R. Cecil
William R. Cecil, Mayor



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**MINUTES
ROCKWALL CITY COUNCIL**

Monday, March 31, 2008

4:00 p.m. Executive Session and Pre-Council Dinner

Police Courts Building, 205 W. Rusk Street, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Margo Nielsen, Cliff Sevier, Stephen Straughan, Matt Scott and David Sweet and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session at this time.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
ROCKWALL, Texas, this 7th day of April, 2008.**

ATTEST:


William R. Cecil, Mayor


Kristy Ashberry, Interim City Secretary



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**MINUTES
ROCKWALL CITY COUNCIL
Monday, March 31, 2008**

6:00 p.m. Special Council Budget Work Session

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I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:20 p.m.

**II. HOLD WORKSESSION TO DISCUSS BUDGET PROCESS AND RELATED MATTERS
AND TAKE ANY ACTION NECESSARY.**

Present were Mayor Bill Cecil and Councilmembers Margo Nielsen, Cliff Sevier, Stephen Straughan, Matt Scott and David Sweet and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

City Manager Julie Couch opened the meeting by explaining that the purpose of this work session is to discuss policies which drive the creation of the budget each year. Staff then briefed the Council on numerous policies throughout the organization which help staff and council make decisions when formulating and adopting the budget each year.

No action was taken on the part of Council. Mayor Cecil suggested that the meeting be brought to a close, though not all policies had been discussed, and that a subsequent work session meeting be scheduled to address the remaining budget related policies. Staff and Council agreed to hold a second budget work session on Monday, April 14, 2008 in order to address outstanding items not yet discussed.

Mayor Cecil then recessed the meeting into Executive Session at 9:14 p.m.

**III. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087
OF TEXAS**

GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

IV. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The council reconvened from executive session and took the following actions: Straughan made a motion to approve the acquisition of right of way for the 205 Bypass for the Grant parcel with the stipulations and provisions as recommended by staff. The motion was seconded by Scott and passed unanimously of all Councilmember's present. Councilmember Sevier was not present when the vote was taken. Scott then made a motion to approve the license, consulting amendment, and m and o agreements with BLD as amended with the stipulations that the site planning must be completed and that the ff and e schedules must be submitted and approved, and authorizing the city

92 manager to develop the execution documents with any necessary non-substantive legal
93 clarifications.

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95 The council adjourned at 9:45 p.m.

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97 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
98 Texas, this 17th day of April, 2008.

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101 ATTEST:

William R. Cecil
William R. Cecil, Mayor

102 Kristy Ashberry
103 Kristy Ashberry, Interim City Secretary
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**MINUTES
ROCKWALL CITY COUNCIL**

Monday, April 07, 2008

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Stephen Straughan, Cliff Sevier, Margo Nielsen, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR BILL CECIL

III. PROCLAMATIONS / AWARDS

1. Rockwall University Graduation & Recognition
2. Child Abuse Prevention & Awareness Month
3. Rockwall Environment Action Day
4. Youth Advisory Council Week

Mayor Cecil read and presented proclamations for Child Abuse Prevention & Awareness Month and for Rockwall Environment Action Day. Members of the Rockwall Youth Advisory Council were in attendance, and the president of YAC, Justin Corneau, read and presented the proclamation for Youth Advisory Council Week.

City Manager Julie Couch spoke briefly about the program and congratulated the first graduates of the program, which include employees Keri Johnson, Rick Sherer, and Billy Chaffin. Mayor Cecil congratulated the graduates and honored each of them.

IV. OPEN FORUM

Mike More, who stated he owns a business off of IH-30 on SH-205, came forth to ask when the newly finished lanes will open up on SH-205. City Manager Julie Couch indicated that the new lanes will likely officially open soon.

Pastor Joe Robbins came forth to express concern related to a recent meeting that City engineers held with residents in the Southside on the reconstruction of Sam Houston Street. He was not informed of this meeting, nor were many other Southside residents. He also expressed concern that stucco homes, instead of brick homes, had recently been considered and approved in the Southside overlay district. He is concerned about property values.

V. CONSENT AGENDA

1. Discuss and consider approval of the minutes from the February 4, 2008 City Council meeting and take any action necessary.
2. Discuss and consider approval of the minutes from the February 11, 2008 Special City Council meeting and take any action necessary.

3. Discuss and consider approval of the minutes from the February 18, 2008 City Council meeting and take any action necessary.
4. Discuss and consider approval of the minutes from the March 3, 2008 City Council meeting and take any action necessary.
5. Discuss and consider approval of the minutes from the March 10, 2008 Special City Council meeting and take any action necessary.
6. Discuss and consider approval of the minutes from the March 17, 2008 City Council meeting and take any action necessary.
7. Discuss and consider approval of the minutes from the March 31, 2008 Council Budget Work Session and take any action necessary.
8. Discuss and consider approval of a speed limit Ordinance reducing the speed limit in the Waterstone Estates Subdivision and take any action necessary. [2nd reading]
9. Discuss and consider approval of an Ordinance amending the Code of Ordinances in Chapter 16 Article VIII Section 236 to reflect adoption of the 2006 International Fire Code and take any action necessary. [2nd reading]
10. Discuss and consider authorizing staff to begin acquiring right-of-way and easements for the SH 205 By-pass/IH-30 interchange and take any action necessary.
11. P2008-010 - Discuss and consider approval of a request by Tyler Adams of Centerpoint Builders for approval of a replat of Lot 2, Block A, Presbyterian Hospital of Rockwall Addition, being a 1.47-acre tract zoned (PD-9) Planned Development No. 9 district and situated along the south side of Horizon Road and east of Rockwall Parkway and take any action necessary.
12. P2008-012 -- Discuss and consider approval of a request by Matthew Cragun of O'Donald Engineering for approval of a replat for Lot 1, Block A, Mark Carson Addition, being a 0.992-acre tract zoned (PD-9) Planned Development No. 9 district and located at the southwest corner of FM 3097 and Ralph Hall Parkway and take any action necessary.
13. Discuss and consider authorizing the City Manager to enter into an agreement for the City's Pavement Management Study and take any action necessary.
14. Discuss and consider recommendation of the City's Park Board to dedicate the trail around Caruth Lake in honor of Travis Rhodes and take any action necessary.
15. Discuss and consider awarding a contract for extension of Grounds Maintenance Services and take any action necessary.
16. Discuss and consider awarding a contract for extension of contracted Mowing Services and take any action necessary.
17. Discuss and consider award of the Rebid for the 700 and 780 Water Line and North Water Line Projects and take any action necessary.

Mayor Cecil informed the Council that the February 4, 2008 meeting minutes did not need to be approved, as they were already approved at a previous city council meeting and were placed on this agenda in error.

Mayor Pro Tem Straughan pulled item #14. Councilmember Farris pulled item #6. Councilmember Sevier pulled item # 2 and #5, and Councilmember Nielsen pulled item #4. Straughan then made a motion to approve the remaining Consent Agenda Items (#3, 7, 8, 9, 10, 11, 12, 13, 15, 16, and 17). Sweet seconded the motion. The ordinances were read as follows:

ORDINANCE NO. 08-18

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

ORDINANCE NO. 08-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, SECTION 545.356, UPON THE ROADS DELINEATED ON THE ATTACHED EXHIBIT, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes and 0 nays.

Regarding Consent Agenda items #2 and #5, Councilmember Sevier pulled these items because he and Mayor Cecil were not present at those meetings, and therefore need to abstain from the vote. Mayor Pro Tem Straughan made a motion to approve items #2 and #5. Councilmember Sweet seconded the motion. The motion passed by a vote of 5 ayes and 2 abstain (Cecil, Sevier).

With regards to Consent Agenda item #4, Councilmember Nielsen was not present and needs to abstain from the vote. Councilmember Sweet made a motion to approve the minutes. Councilmember Farris seconded the motion. The motion passed by a vote of 6 for / 1 abstain (Nielsen).

With regards to Consent Agenda item #6, Councilmember Farris needs to abstain from the vote because he was not present at the council meeting. Councilmember Nielsen made a motion to approve the minutes. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 for / 1 abstain (Farris).

Regarding Consent Agenda item # 14, Mayor Pro Tem Straughan pulled this item in order to recognize former Park Board Member Travis Rhodes. Straughan then made a motion

to approve this item. Farris seconded the motion. The motion passed by a vote of 7 for / 0 nays.

VI. APPOINTMENTS

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

The Planning and Zoning Chairman was not in attendance. No action was taken on this item.

2. Appointment with Sam Buffington and Rev. Joe Robbins on behalf of the Southside Coalition to hear presentation regarding possible community center and take any action necessary.

Sam Buffington (509 E. Bowens Avenue Rockwall, TX) and Reverend Joe Robbins were present and gave a short presentation related to a proposed community center building that the Southside coalition would like to have built at the corner of Davy Crockett and Ross. Their presentation included a schematic drawing of the brick building and an estimated cost of \$150,000 - \$175,000. They indicated that volunteers would help construct the building, and they are in the process now of trying to raise funds for this cause. The land was donated to the neighborhood by the City several years ago. They also stated that on June 22, they will be asking the citizens of Rockwall for financial contributions to help build the building.

Mayor Cecil stated that no action would be taken on the part of the Council at this time. The Council will take it under advisement and will discuss the matter with the City Manager and City Attorney.

3. Appointment with Chris Wolfe to hear concerns related to recent trailer and oversized vehicles ordinance and take any action necessary.

The City Secretary spoke with Mr. Wolfe earlier today, and he will not be present for this agenda item.

No action was taken.

VII. PUBLIC HEARING ITEMS

1. Z2008-001 - Continue a public hearing and consider approval of an Ordinance for a request by Chad Hudson of Hudson Properties for an amendment to (PD-8) Planned Development No. 8 District (Ord. No. 05-30), specifically for the 1.41-acre property known as Lots 1-3, Block A, Independence Pass Addition, situated along the west side of FM 740 (Ridge Rd.) and at the south terminus of Independence Place and take any action necessary. [1st reading]

Mayor Pro Tem Straughan abstained from this agenda item discussion and vote because his company performed the appraisal for the property.

Mayor Cecil pointed out that this item would require a super majority vote, which means that 5 out of the 6 council members would have to vote in favor of the item in order for it to pass.

241 Planning Director Robert LaCroix provided background information on this item. Notices
242 were sent out to residents within 200 feet of the properties. The Planning & Zoning
243 Commission turned down the request by a vote of 2 ayes and 3 nays because 20% of the
244 residents notified expressed concerns and are not in favor of the development. Due to
245 the Commission's decision, it now requires a ¾ vote of the Council for approval.
246

247 General discussion ensued related to development of the lots, including a discussion on
248 shared driveways, drainage concerns, fire safety concerns, street parking, and general
249 safety concerns. Mayor Cecil called on the applicant to present information on this item.
250

251 Lindsay Hudson (Chad Hudson's wife)
252 422 Columbia Drive (Chandler's Landing)
253 Rockwall, TX

254 came forth initially to address the council. She explained that Hudson is a custom home
255 builder, and the items being requested of Council include a replat and variance request
256 for curb frontage. She indicated that the six homes being proposed will each be a
257 minimum of 2,000 square feet in size. She stated that other homes in Chandler's Landing
258 have shared driveways, and the Chandler's Landing Environmental Committee has
259 approved the driveways to be poured with 20 feet wide entrances.
260

261 Mayor Cecil opened up the Public Hearing, and several members of the public came forth
262 to address the Council.
263

264 Roderick Ruggier
265 5601 Yacht Club Drive
266 Rockwall, TX
267

268 Mr. Roderick is strongly opposed to the development. Building six homes on the
269 property and allowing shared driveways would take away from the character of the
270 neighborhood. He is also opposed to elimination of parking on the street. He
271 furthermore referenced various HOA regulations that would be violated by the
272 development.
273

274 Ginger Hughes
275 Independence Pass (house directly next to lots)
276 Rockwall, TX
277

278 Ms. Hughes is opposed to the development. She showed photographs of her property
279 and expressed concern about where her kids would park their vehicles when visiting.
280 The photographs showed flooding that affected her property during recent heavy rains.
281 She expressed concern that the addition of six homes and concrete pavement will cause
282 even more flooding on her property.
283

284 Paul Longinotti
285 105 Genesta Place
286 Rockwall, TX
287

288 Mr. Longinotti expressed opposition to the number of houses being proposed.
289
290
291

292 Johnny Jones
293 104 Independence
294 Rockwall, TX
295

296 Mr. Jones stated that neighbors are opposed to the HOA's support of the development
297 project. He is concerned about the shared driveways and expressed that approval of
298 them would set an unwanted precedence. Jones encouraged three homes instead of six
299 homes with shared driveways.
300

301 William S. Phillips
302 105 Independence
303 Rockwall, TX
304

305 Mr. Phillips showed photographs and expressed concerns about safety issues and water
306 drainage issues. He was told early on that only three homes would be built, not six. He
307 is against the development.
308

309 Marion Miller
310 306 Shamrock Circle
311 Rockwall, TX
312

313 Mr. Miller came forth to express support for Mr. Hudson's development. He is a custom
314 home builder himself and has been building homes for twelve years. He stated that Mr.
315 Hudson does build high quality homes. He encouraged the Council to work with Mr.
316 Hudson.
317

318 Mary Weeks
319 103 Genesta
320 Rockwall, TX
321

322 Ms. Weeks is opposed to the six properties.
323

324 John Flaeter
325 5442 Ranger Drive
326 Rockwall, TX
327

328 Mr. Flaeter is the chairman of the Chandlers Landing Environmental Committee. He
329 believes the development would be consistent with this portion of the neighborhood.
330 Drainage has always been a problem, and that is why the developer constructed swales
331 to help alleviate some of the drainage problems. The HOA notified homeowners within
332 200 feet as well. It held two public hearings and turned down the proposal for town
333 homes. The HOA then approved six single family custom homes and a variance for the
334 ten foot driveways.
335

336 Councilmember Scott asked if the neighborhood's DCCRs conflict with the development.
337 Mr. Flaeter stated that the Environmental Committee has the ability to waive DCCR
338 requirements by granting variances.
339

340 Mayor Cecil closed the public hearing.
341

The applicant offered some closing comments, including an indication that if only three homes were allowed to be built, he would not be able to develop due to financial constraints.

Mr. LaCroix stated that Council is voting tonight on lot frontage to reduce the width to a minimum of ten feet. Some additional discussion took place related to fire and general safety concerns.

Councilmember Farris made a motion to approve the variance requests. Councilmember Nielsen seconded the motion. The motion failed by a vote of 3 ayes (Cecil, Farris, and Nielsen), 3 nays (Sweet, Scott, and Sevier) and 1 abstention (Straughan).

2. MIS2007-004 - Hold a public hearing on adoption of roadway impact fees.

Planning Director Robert LaCroix offered background information on this item. The city's consultant then gave a short presentation to summarize the roadway impact fee study. He explained that roadway impact fees are a financing tool to help offset the costs associated with roadways. Mr. LaCroix stated that the Capital Improvement Advisory Committee (CIAC) recommendation for impact fees was conservative because they did not want to dissuade development.

Mayor Cecil opened the public hearing.

There being no one to come forth and speak at the public hearing, Mayor Cecil then closed the public hearing.

No action was taken on this item.

VIII. SITE PLANS / PLATS

1. SP2008-008 - Discuss and consider approval of a request by David Kochalka of Kimley-Horn and Associates, Inc., for variances to the SH 276 Corridor Overlay District and the building articulation requirements from Article V, Section 4.1, of the Unified Development Code, in association with a site plan for Costco Wholesale, being a 153,147 square foot commercial development located on the proposed Lot 1, Block 1, Rockwall Centre Corners Addition, being 20.29-acres zoned (C) Commercial district and located along the north side of SH 276 east of SH 205 and south of IH-30 and take any action necessary.

Planning Director Robert LaCroix provided background information on this item. The Architectural Review Board and Planning and Zoning Commission both approved the site plan for Costco. A condition of the approval, however, was that the variances be approved by Council. Some of the variance requests will require a $\frac{3}{4}$ vote by the Council, and one variance will require a simple majority vote. LaCroix briefed the Council on each variance request, including those associated with the parking lot; lighting; elevation related to the stone requirements on two sides of the building; screening of mechanical equipment; pitched roof requirements on gas station kiosk; horizontal articulation on back of the building.

The Director of Development for Costco was present to address the Council on this agenda item.

Councilmember Farris expressed concerns about granting so many variances because he does not want to set precedence for granting so many. Mayor Pro Tem Straughan does not want to set precedence either; however, he expressed that in this case, it makes sense.

LaCroix wanted on record an assurance that the mechanical equipment, which is roof mounted, will be screened by line of sight. Costco asked for the ability to have an area available for promotional events in the parking area. Mayor Pro Tem Straughan asked if, instead of outside storage, the city could make a special events permit available to Costco on occasion. LaCroix indicated that this is a possibility, and he would be more comfortable with this option. LaCroix expressed that he does not necessarily feel the Council would be setting precedence by approving most of the variances.

Mayor Pro Tem Straughan made a motion to approve the variance requests related to the SH-276 corridor, requiring signage on all four sides, not allowing outside storage, and requiring that all equipment to be screened from line of sight. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Mayor Pro Tem Straughan made a motion to approve the horizontal articulation variance. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

IX. ACTION ITEMS

1. Hold a Show Cause Hearing for possible condemnation and demolition of the structure located at 5702 Ranger Drive and take any action necessary.

Building Official Jeffrey Widmer provided the Council with background information on this item. The house was permitted in March of 2004. It went before the Building and Standards Commission in March of 2007, at which time civil penalties were assessed. It went back before the Commission again in March of 2008, but the owner did not appear at the March 2008 Commission meeting. Staff would like Council to order the property owner to produce a scope and schedule for finishing construction on the property.

City Attorney Pete Eckert stated that civil penalties are presently accruing on the property. The City needs a plan from the property owner on finishing the building so that liens against the property can be released.

Francis Dean, the owner of the property located at 5702 Ranger Drive, was present to address the Council. She now resides in Allen, TX. She did not receive a notice in the mail regarding the March 2008 Building and Standards Commission meeting, so she did not know about it.

She indicated that she was paying for the house with cash that she inherited. There is no mortgage on the home. Financial problems as a result of a divorce have caused delays in finishing the home. She has now obtained financing for the home and has found a builder, Mr. Marion Miller, who lives three doors down, to finish it. Councilmember asked if she has signed a contract with Mr. Miller for completion of the home, and Ms. Dean indicated that she has not signed one. There has only been a verbal agreement at this

time. Mr. Miller indicated it would cost about \$100,000 and about 100 work days to finish construction on the home.

After some discussion, Cecil made a motion to instruct the owner (Francis Dean) to, within 10 days from today, submit for approval to the Rockwall Building Official a contract and schedule which states the home will be finished within 100 work days at 6 days per week (excluding Sundays & holidays). 30 day updates are to be provided to Council by the Rockwall Building Official. Straughan seconded motion. The motion passed by a vote of 7 ayes and 0 nays.

2. Discuss and consider setting a public hearing date or dates to receive public input regarding homeowners associations and associated issues and take any action necessary.

City Manager Julie Couch suggested several possible dates for a public hearing in June. Setting a June date will allow ample time to advertise the public hearing in the city's monthly water bill newsletter insert. The public hearing date was set for June 9, 2008 at 6:00 p.m.

3. MIS2007-004 - Discuss and consider adoption of an Ordinance imposing roadway impact fees and establishing administrative provisions and take any action necessary. [1st reading]

Councilmember Nielsen made a motion to approve the ordinance. Councilmember Farris seconded the motion. The ordinance was read as follows:

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, AMENDING CHAPTER 24, SUBDIVISION REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, TEXAS, BY ADOPTING A NEW ARTICLE IV CONCERNING IMPACT FEES FOR ROADWAY FACILITIES; INCORPORATING LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENT PLANS FOR SUCH FACILITIES; ESTABLISHING SERVICE AREAS FOR SUCH FACILITIES; PROVIDING DEFINITIONS; PROVIDING FOR COLLECTION AND ASSESSMENT OF IMPACT FEES; PROVIDING FOR CREDITS AGAINST IMPACT FEES; PROVIDING FOR RECOUPMENT; PROVIDING FOR ESTABLISHMENT OF ACCOUNTS FOR IMPACT FEES AND USE OF PROCEEDS OF SUCH ACCOUNTS; PROVIDING FOR APPEALS, RELIEF PROCEDURES AND EXEMPTIONS; PROVIDING FOR REFUNDS; PROVIDING FOR UPDATES TO PLANS AND REVISION OF FEES; PROVIDING FOR AGREEMENTS FOR CAPITAL IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REMEDIES; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes and 0 nays.

4. Discuss and consider Harbor District related issues including boat docks and district entry signage and take any action necessary.

Mayor Pro Tem Straughan indicated his desire to move forward with entry signage into the Harbor District as well as his many concerns with the existing boat docks. Parks and Recreation Manager Andy Hesser explained the progress associated with repairing the boat docks at the Harbor and mitigating future damage. The repairs will be an improvement over the original boat dock construction, though

he does not know for sure if it will in fact be a permanent solution. There is a need, however, to go ahead and move forward with the repairs due to the insurance claim that has been made. Hesser indicated that they hope to have repairs completed by the end of April.

Councilmember Scott expressed a desire to look into constructing fixed pier, wooden boat docks instead of floating boat docks. Councilmember Sweet would also like to look at a more reliable, long-term solution. Couch encouraged Council to move forward with a master plan for boat docks and evaluate all future options as part of that plan. She asked that Council allow sixty days to do research on a possible company that could help the city create a master plan that would identify the best long-term solution and would also help the city evaluate where additional docks might be constructed.

Mayor Cecil expressed that he would like to change the name of the portion of Horizon Road between SH-740 and IH-30, similar to Garland's Bass Pro Drive, so that it would be more representative of the Harbor District.

Couch indicated that staff will bring back a drawing of what the monument signs might look like. Staff will also evaluate what type of signage TXDOT will allow. Staff will also bring back a proposal for possible way-finding signs in the downtown area.

Council instructed staff to move forward with renaming the portion of Horizon Road between SH-276 and IH-30 and to move forward with \$20,000 for monument signs at the Harbor District. Staff was instructed to find an expert to bring back options to Council related to a more permanent fix to the boat docks.

5. Discuss and consider approval of an Ordinance amending Chapter 18, Article V of the Code of Ordinances to provide for regulation of sex offender residency, to provide additional areas where children gather and take any action necessary.

City Manager Julie Couch began discussion of this item. She indicated that the City of Commerce is currently being sued for their ordinance. She proposed that a map be attached as an exhibit to the ordinance. Staff is still looking into the issues associated with where sex offenders work as well as a possible permanent, citywide ban. City Attorney Pete Eckert offered known information about Commerce's ordinance and indicated that he will be closely watching the case. Couch indicated that if a neighborhood identifies additional areas as private parks, private swimming pools or private playgrounds, those locations would have to be added to the map and the ordinance would have to be amended to reflect those changes.

Mayor Pro Tem Straughan made a motion to approve the ordinance. Councilmember Sweet seconded the motion. The ordinance was read as follows:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING ORDINANCE NO. 06-31, DULY PASSED BY THE CITY COUNCIL ON AUGUST 6, 2006, WHICH AMENDED CHAPTER 18 OF THE CODE OF ORDINANCES TO PROVIDE FOR REGULATION OF SEX OFFENDER RESIDENCY; TO PROVIDE ADDITIONAL AREAS WHERE CHILDREN GATHER; PROVIDING FOR A PENALTY OF A FINE NOT TO

EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AND EFFECTIVE DATE.

The motion passed by a vote of 7 ayes and 0 nays.

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

1. Departmental Reports
Fire Station #3 and #4 project update
KART Quarterly Report on Transportation Services
Police Department monthly report
Fire Department monthly reports
Building Inspections Department monthly report
Parks & Rec Department monthly reports
Finance Department monthly report
2. City Manager's Report

There being no further public business to discuss, Mayor Cecil recessed the meeting into Executive Session at 11:52 p.m.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

XII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Cecil called the public meeting back to order. Mayor Pro Tem Straughan made a motion to authorize the City Manager to move forward with acquiring a parcel of land South of City Hall in the amount of \$150,000 as recommended by staff. Councilmember Sevier seconded the motion. The motion passed by a vote of 7 ayes and 0 nays. Mayor Cecil adjourned the meeting at 12:20 p.m.

587 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
588 Texas, this 21st day of April, 2008.
589
590

591
592 ATTEST:

William R. Cecil
William R. Cecil, Mayor

593 Kristy Ashberry
594 Kristy Ashberry, City Secretary
595



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, April 14, 2008

**5:30 p.m. Special City Council Meeting & Work Session
Police Courts Building, 205 W. Rusk Street, Rockwall, Texas 75087**

I. CALL TO ORDER

The Council was present for dinner at 5:30 p.m. until the start of the Council proceedings. Mayor Cecil called the meeting to order at 6:04 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Neilsen, Stephen Straughan, and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Absent from the meeting were Councilmembers Cliff Sevier and Matt Scott.

II. PRE-COUNCIL DINNER

III. HEAR AND CONSIDER FUNDING REQUESTS FOR USE OF HOTEL/MOTEL FUNDS AND TAKE ANY ACTION NECESSARY.

City Manager Julie Couch provided the Council with an update on the revenues and expenditures associated with hotel/motel funds so far this fiscal year. She indicated that Music Fest is requesting an additional \$2,500 for its spring concert which will be held in May. The Hilton is requesting funds for its Grand Opening event. The Hilton request includes \$9,000 for a fireworks show and \$6,000 to help offset some of the promotional costs of the event. In addition, the Rockwall Chamber of Commerce is requesting \$10,000 to help with its Chamber Rocking on the Docks day long event on September 20 at the Harbor. The total for these three funding requests is \$27,500. The anticipated remaining unallocated fund balance for this year is \$45,188. The subcommittee has recommended funding all three requests.

Mayor Pro Tem Straughan made a motion to fund the Music Fest and the Hilton Grand Opening request. Mayor Cecil seconded the motion. The motion passed by a vote of 5 ayes, 0 nays and 2 absent (Sevier and Scott).

Mayor Pro Tem Straughan made a motion to fund the Chamber's funding request. Mayor Cecil seconded the motion. The motion passed by a vote of 4 ayes, 2 absent (Sevier and Scott) and 1 abstention (Farris).

IV. HOLD WORKSESSION TO DISCUSS BUDGET PROCESS AND RELATED MATTERS AND TAKE ANY ACTION NECESSARY.

City Manager Julie Couch began discussion of this item, and Administrative Services Director Cheryl Dunlop was also present to participate in the discussion and answer questions. Couch gave a general overview of the city's employee pay system, which is a step and grade system that is based on merit. Other aspects of the pay system, such as an employee 'topping out' in a particular pay grade as well as the Rising Star/Shining Star and longevity pay programs were also discussed. Dunlop explained that the Council decided several years ago to create an employee compensation policy that would aim for employee salaries to be the average of the maximum with no more than a five percent variance when

53 compared to the Council approved 15 comparable market cities. Market surveys are
54 conducted by the city twice each year to help ensure that salaries are within the five percent
55 range and to ensure that the city is remaining competitive within the market. Dunlop
56 indicated that many cities, including Rockwall, are currently having difficulty recruiting
57 public safety personnel. Chief Moeller offered a general discussion related to the hiring
58 process of the police department and the challenges associated with finding qualified
59 candidates to fill open positions.

60
61 General discussion also took place related to turnover rates, market adjustments,
62 healthcare and retirement benefits for city employees.

63
64 A discussion specific to the various policies that drive the Police Department budget each
65 year then took place.

66
67 The Mayor recessed the public meeting and convened the Council into Executive Session at
68 8:49 p.m.

69
70 V. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
71 GOVERNMENT CODE TO DISCUSS:

- 72
73 1. Deliberation regarding the purchase, exchange, lease, or value of real
74 property.
75
76 2. Personnel Issues, including Board, Commission, and Committee
77 Appointments, and Related Matters.
78
79 3. Commercial or financial information regarding business prospects that the
80 City seeks to have locate, stay, or expand in or near the territory of the City
81 of Rockwall and with which the Board is conducting economic development
82 negotiations.
83
84 4. Pursuant to Section 551.071, consultation between the City's attorneys and
85 City Council where the duty of the City's attorneys to the City Council under
86 the Code of Professional Responsibility of the State Bar of Texas clearly
87 conflicts with the Open Meetings Act.

88 VI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

89 No action was taken by Council as a result of Executive Session.

90 Mayor Cecil adjourned the meeting at 9:30 p.m.

91
92
93 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
94 Texas, this 21st day of April, 2008.

95
96
97
98 ATTEST:

99 Kristy Ashberry
00 Kristy Ashberry, City Secretary

01 William R. Cecil
William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, April 21, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

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

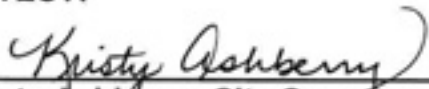
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. 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.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


No action was taken as a result of Executive Session at this time.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 5th day of May, 2008.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, April 21, 2008
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Margo Nielsen, Cliff Sevier, Stephen Straughan, Matt Scott and David Sweet and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER CLIFF SEVIER

III. PROCLAMATIONS / AWARDS

1. National Day of Prayer – Mayor Cecil read the proclamation. Julie Couch accepted the proclamation.
2. Happy Birthday Rockwall – Mayor Cecil read the proclamation. Julie Couch accepted the proclamation.

IV. CONSENT AGENDA

1. Discuss and consider approval of the minutes from the April 7, 2008 City Council meeting and take any action necessary.
2. Discuss and consider approval of the minutes from the April 14, 2008 Special City Council Meeting & Work Session and take any action necessary.
3. Discuss and consider approval of an Ordinance amending Chapter 18, Article V of the Code of Ordinances to provide for regulation of sex offender residency, to provide additional areas where children gather and take any action necessary. (2nd Reading)
4. MIS2007-004 - Consider adoption of an Ordinance imposing roadway impact fees and establishing administrative provisions and take any action necessary. (2nd reading)
5. P2008-011 - Discuss and consider a request from Jay House of Minerva Partners for approval of a final plat for Lots 4 & 5, Block 1, Meadowcreek Business Center Addition, being a 8.23-acre tract zoned (C) Commercial district and located along the east side of SH 205, south of SH 276 and across from Ralph Hall Parkway and take any action necessary.
6. P2008-013 - Discuss and consider a request by Marc Bentley of Bentley Engineering, Inc. for approval of a replat of Lot 14, Block A, Horizon Ridge Addition, being a 0.868-acre tract zoned (PD-9) Planned

Development No. 9 and situated at the northwest corner of Summer Lee Drive and Ralph Hall Parkway and take any action necessary.

7. Consider award of the construction contract for the 205 By-pass project from SH-276 to SH-205 (South) and take any action necessary.

8. Consider award of construction contract for a sanitary sewer line to three lots adjacent to the Castle Ridge Subdivision and fronting SH-205 and take any necessary action.

Mayor Cecil pulled item #4 for discussion. Mayor Pro Tem Straughan made a motion to approve the remaining Consent Agenda Items (#1, 2, 3, 5, 6, 7, and 8). Councilmember Sevier seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Mayor Cecil asked what the road impact fee funds will be used for. Planning Director Robert LaCroix indicated that the funds will be used to pay for a percentage of the cost associated with the SH-205 bypass project, including construction of the road and any costs associated with construction.

Councilmember Scott asked for clarification on what funds could be used for. City Attorney Pete Eckert stated that the funds can only be spent on costs specifically associated with construction of 205. If other roadways had been included in the plan, then those roadways could be

Cecil made a motion to approve item #4 on the Consent Agenda. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

V. APPOINTMENTS

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

Planning and Zoning Chairman Bill Bricker was present and briefed the Council on the planning-related agenda items and actions taken by the Planning and Zoning Commission on each item. Bricker explained that there was one vote against the Sonic item. Planning and Zoning Commission member Barry Buchanan voted against it because he felt another site other than the lot chosen would have been a better location.

2. Appointment with the Shores Golf Course Committee to provide a status report and recommendations related to the Shores Golf Course Agreement as outlined in the Committee charter and take any action necessary.

Councilmember Farris stated that the members of this committee include Councilmembers Nielsen, Scott and himself as well as a few citizens. Farris explained that he and Parks Director Brad Griggs recently toured the course to compare the existing conditions to the specifications found in the ground maintenance contract. Farris expressed that the weed control was poor, dead trees were found, and the condition of the greens was, at best, fair. There were also some washouts on some of the golf cart paths. Overall, Farris expressed that the maintenance at the course is very substandard. He plans to return to the course again in sixty days for a re-inspection of the grounds.

Councilmember Nielsen expressed that she is discouraged about the condition of the golf course grounds, which has been a long term issue.

Mayor Cecil recommended to the City Manager that safety concerns related to golf cart paths be addressed as soon as possible.

City Manager Julie Couch stated that the committee also recommended an audit of the financials of the golf course.

Councilmember Sweet made a motion to move forward with the financial audit of the golf course. Councilmember Sevier seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

3. Appointment with members of the Youth Advisory Council to hear report on youth issues at the Harbor and take any action necessary.

Mayor Cecil made a motion to table this item until the next City Council meeting. Mayor Pro Tem Straughan seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

VI. PUBLIC HEARING ITEMS

1. Z2008-003 - Hold a public hearing and consider approval of an Ordinance for a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article VI, Parking and Loading, Section 4, Residential Parking and take any action necessary. (1st reading)

Planning Director LaCroix explained that the City Council passed an ordinance restricting oversized vehicles and trailers. There is now a need to amend the residential parking regulations in the city's unified development code so that it is not in conflict with the ordinance that was recently passed by Council.

Mayor Cecil opened the public hearing. There being no one to come forth and speak on this item, Cecil closed the public hearing.

Mayor Pro Tem Straughan made a motion to approve the Ordinance. Councilmember Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

2. Z2008-005 - Hold a public hearing and consider approval of an Ordinance for a request by David Reynolds of SRI Real Estate Properties, LLC, for approval of a Specific Use Permit (SUP) to allow for a "restaurant w/ drive-thru or drive-in" within the (GR) General Retail district, specifically for a Sonic Restaurant proposed to be located on Lot 3, Block A, Hillcrest Center Addition, being a 0.91-acre tract of land situated within the North SH 205 Corridor Overlay district and located at the northeast corner of FM 552 and SH 205 and take any action necessary. (1st reading)

Planning Director LaCroix explained that this public hearing is related to a proposed Sonic Drive-in Restaurant located at FM-552 and SH-205. LaCroix expressed that detention is a concern and the engineering plans are affecting landscaping buffer plans. The City is working with the applicant and detention has been changed to go underground. This case is being brought before Council because it is a drive-up / drive-

thru, which requires approval of a Specific Use Permit (SUP) by Council. LaCroix further indicated that the Planning and Zoning Commission has made screening requirements a condition of approval, and notices were sent to property owners within 200 feet. No responses were received as a result of these notices. The Commission approved the SUP by a vote of 7 ayes and 1 nay. General discussion took place regarding traffic and circulation in and out of the Sonic restaurant. LaCroix explained that the parking lot of Sonic will be connected to the adjacent 7-11 Store parking lot, which will allow drivers to exit on either r552 of 205. LaCroix indicated that the lighting plan does meet the city's requirements.

The applicant then came forward to address the Council.

Jeff Parnell
4038 Rieve Lane
Addison, TX

Mayor Pro Tem Straughan thanked the applicant for meeting all of the city's stone requirements.

Mayor Cecil opened the public hearing. There being no one to come forth and address the Council on this item, Mayor Cecil then closed the public hearing.

Councilmember Nielsen made a motion to approve the Specific Use Permit. Councilmember Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 08-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A RESTAURANT WITH A DRIVE-THRU AND DRIVE-IN WITHIN THE (GR) GENERAL RETAIL DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 3, BLOCK A, HILLCREST CENTER ADDITION AND MORE SPECIFICALLY DESCRIBED HEREIN IN AS EXHIBIT "A"; 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 7 ayes to 0 nays.

VII. SITE PLANS / PLATS

1. SP2008-009 - Discuss and consider a request by David Reynolds of SRI Real Estate Properties, LLC, for approval of a variance to the Roof Design Standards of the N SH 205 Corridor Overlay district, in association with a site plan for Sonic Restaurant, proposed to be located on Lot 3, Block A, Hillcrest Center Addition, being a 0.91-acre tract zoned (GR) General Retail district, and located at the northeast corner of FM 552 and SH 205 and take any action necessary.

Planning Director LaCroix offered background on this item and explained that the variance request is related to the pitch of the roof. The roof pitch is needed in order to conceal all of the rooftop equipment. LaCroix stated that the Planning and Zoning Commission and the Architectural Review Board both recommended approval of this variance.

Councilmember Farris made a motion to approve the variance. Mayor Pro Tem Straughan seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

VIII. ACTION ITEMS

1. Consider a resolution requesting the Texas Department of Transportation to transfer ownership of FM-549, from the IH-30 south service road to SH-276, to the City of Rockwall and take any action necessary.

City Manager Julie Couch offered background information on this item, explaining that staff is seeking Council approval to transfer ownership of a portion of roadway to widen FM-549 from IH-30 to FM-276 to allow for a four lane roadway. This request is being made so that this portion of the roadway can be released from TXDOT and become a city-owned and maintained roadway. The advantage is that the city will not have to meet the state's standards for the roadway, and there would no longer be a need to wait on TXDOT in order to get this road widened. It could be several years before the state would take on this project. Couch explained that if the Council passes the resolution, it would be sent to TXDOT in Austin for approval. The process will take about a year once the City makes the request.

Councilmember Sweet inquired about the maintenance funding requirements associated with taking ownership of the portion of this roadway. Couch explained that it will be many years before maintenance would be needed, and the financial maintenance costs would likely be minimal. Couch indicated that the benefits associated with the City taking it over and widening it instead of waiting years on the State will outweigh any financial maintenance burden over the long term.

Mayor Cecil asked for clarification of a possible 'pass thru toll' option. General discussion then took place related to the 'pass thru toll' option as well as a general discussion of the need for a future bond election to fund the reconstruction and widening of other portions of the FM-549 roadway. Couch expressed that she is not optimistic that the state would be willing to approve pass thru tolling on this particular portion of the roadway. Such request to the state would also possibly delay reconstruction and widening of the roadway; however, staff can pursue this option if that is the Council's desire.

Councilmember Scott made a motion to move forward with approval of the resolution requesting TXDOT to release the portion of the FM-549 roadway from IH-30 to FM-276. Councilmember Sweet seconded the motion.

Mayor Cecil explained that he will not support the motion because Council has not considered all options. Sweet expressed support for the motion, indicating that it will send a message to citizens that the City is taking steps to improve traffic issues instead of waiting on TXDOT for years.

The motion passed by a vote of 6 ayes and 1 nay (Cecil).

- 278 2. Hear report from the Building Inspections and Fire departments regarding
279 reinspections and take any action necessary.

280 Building Official Jeffrey Widmer began the discussion, indicating that there has been a
281 decrease in re-inspections due to changes that have been made to the permitting and
282 inspections process. Widmer and Fire Chief Mark Poindexter indicated that many re-
283 inspections are due to contractors calling for inspections before they are ready or
284 because the contractor has not thoroughly checked the job before calling for the
285 inspection.

286
287 Mayor Cecil expressed concern about re-work associated with re-inspections. Couch
288 indicated that the departments all strive to be highly effective and responsive with regard
289 to inspections.

290
291 No action was taken by Council related to this item.

- 292
293 3. Discuss and consider changes to the City's Youth Advisory Council
294 Program and take any action necessary.

295 Councilmember Farris began discussion of this item and briefed the Council on changes
296 that he would like Council to consider in order to improve the YAC program.
297 Councilmembers Scott, Sevier and Straughan expressed support of the program
298 changes. Councilmember Sevier asked if the school district provides any financial
299 support to the program. Couch indicated that it does not currently provide funding;
300 however, this can be explored in more depth during the budget process.

301
302 Mayor Pro Tem Straughan made a motion to consider program changes as part of the
303 budget process and permit staff to move forward with heavily advertising the program
304 and attempting to solicit eighteen participants for the upcoming school year.
305 Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and
306 0 nays.

307
308 There being no further public business to discuss, Mayor Cecil recessed the public
309 meeting into Executive Session at 8:26 p.m.

310
311 IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
312 GOVERNMENT CODE TO DISCUSS:

- 313
314 1. Deliberation regarding the purchase, exchange, lease, or value of real
315 property.
316 2. Personnel Issues, including Board, Commission, and Committee
317 Appointments, and Related Matters.
318 3. Commercial or financial information regarding business prospects that the
319 City seeks to have locate, stay, or expand in or near the territory of the
320 City of Rockwall and with which the Board is conducting economic
321 development negotiations.
322 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
323 with attorney with regard to a matter that it is the duty of the attorney to
324 consult with the Council and falls under the attorney-client privilege.

X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Straughan made a motion to re-appoint Larry Parks to the North Texas Municipal Water District Board. Councilmember Sevier seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Mayor Pro Tem Straughan made a motion to appoint Bob Jolley to the city's ART Commission. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Mayor Cecil adjourned the meeting at 9:15 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
ROCKWALL, Texas, this 5th day of May, 2008.

ATTEST:

William R. Cecil
William R. Cecil, Mayor

Kristy Ashberry
Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, May 05, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Stephen Straughan, Cliff Sevier, Margo Nielsen, and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmembers Farris and Scott were absent. Mayor Cecil immediately recessed the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

IV. PRE-COUNCIL DINNER

V. ADJOURNMENT

No action was taken as a result of Executive Session at this time.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
ROCKWALL, Texas, this _____ day of _____, 2008.**

ATTEST:

William R. Cecil, Mayor

Kristy Ashberry, City Secretary

MINUTES ROCKWALL CITY COUNCIL

**Monday, May 05, 2008
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Stephen Straughan, Cliff Sevier, Margo Nielsen, and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmembers Farris and Scott were absent. Mayor Cecil immediately recessed the meeting into Executive Session.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER CLIFF SEVIER

III. PROCLAMATIONS / AWARDS

1. Older Americans Month

The new Executive Director of the Rockwall County Committee on Aging, Margie Verhagen, was present to accept the proclamation.

2. Motorcycle Safety and Awareness Month

Mayor Cecil read and presented the proclamation to Police Chief Mark Moeller.

3. Rachel's Rally Day

Rockwall Independent School District representative Sheri Fowler was present to accept the proclamation from Mayor Cecil.

IV. OPEN FORUM

**Ruth Peck
108 Lakedale
Rockwall, TX**

Ms. Peck was present and thanked the Council for their involvement and support in this year's Music Fest event. She introduced several board representatives to the City Council and thanked the Council for helping to provide the community with a professional orchestra.

Sam Buffington was present and indicated that since February, the drainage easement behind his church has been in need of repair. He felt the contractor's work is not acceptable to residents in the Southside Community, and they are concerned about non-moving water and mosquitoes.

V. CONSENT AGENDA

1. Discuss and consider approval of the minutes from the April 21, 2008 City Council Meeting and take any action necessary.
2. Z2008-005 - Consider approval of an ordinance for a request by David Reynolds of SRI Real Estate Properties, LLC, for approval of a Specific Use Permit (SUP) to allow for a "restaurant w/ drive-thru or drive-in" within the (GR) General Retail district, specifically for a Sonic Restaurant proposed to be located on Lot 3, Block A, Hillcrest Center Addition, being a 0.91-acre tract situated within the North SH 205 Corridor Overlay district and located at the northeast corner of FM 552 and SH 205 and take any action necessary. (2nd reading)
3. Z2008-003 - Consider approval of an ordinance for a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article VI, Parking and Loading, Section 4, Residential Parking, and take any action necessary. (2nd reading)
4. Consider approval of an Ordinance amending Ordinance #08-20 to provide for a revised Exhibit A depicting additional areas where children play and take any action necessary. (1st Reading)
5. Consider approval of a resolution authorizing continued participation with the Steering Committee of Cities served by Oncor and approval of a membership assessment and take any action necessary.
6. Consider a through-the-fence agreement with David Block for taxiway and runway access from private property adjacent to the Rockwall Municipal Airport and take any action necessary.

Councilmember Nielsen pulled items #1 and #6 and made a motion to approve items #2, 3, 4, and 5. Mayor Pro Tem Straughan seconded the motion. The motion passed by a vote of 5 ayes and 2 absent (Farris and Scott).

Councilmember Nielsen commented that she is pleased with the way the minutes are being taken. She then made a motion to approve item #1. Councilmember Sweet seconded the motion. The motion passed by a vote of 5 ayes and 2 absent (Farris and Scott).

The Council agreed to defer item #6 and consider it in conjunction with Appointment Item #3.

When considering Consent Agenda Item #6, Councilmember Nielsen made a motion to approve the through-the-fence agreement. Mayor Cecil seconded the motion. The motion passed by a vote of 5 for and 2 absent (Farris and Scott).

VI. APPOINTMENTS

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

Chairman Bill Bricker was present and briefed the council on planning and zoning related items on the agenda.

- 2. Appointment with the new Executive Director of the Rockwall County Committee on Aging.**

Margie Verhagen, the new Executive Director, was present and introduced herself. She briefly mentioned the various programs offered through the Rockwall County Committee on Aging, including the Meals on Wheels Program, which currently provides meals to over 110 seniors and disabled residents on Rockwall's eleven delivery routes.

- 3. Appointment with David Block to discuss and consider a waiver of the fire hydrant requirement as part of a hangar project at the Rockwall Municipal Airport and take any action necessary.**

Assistant to the City Manager Joey Boyd provided background information on this item. He explained that the Texas Department of Transportation requires an applicant to have an agreement with the city. This agreement would be a thirty year agreement at a cost of \$50 per month. The Council then took action on Consent Agenda item #6 (see above for action taken and associated vote).

**David Block
2421 Katherine Drive
Heath, Texas 75032**

Mr. Block summarized the history of events associated with the building permitting process and through-the-fence agreement. Mr. Block stated that he is asking for a waiver on the city's requirement that he install a fire hydrant because he has already spent a lot of funds on building the taxiway and on attorney fees.

City Engineer Chuck Todd indicated that the water line that would supply water for this hydrant should be installed by the end of this summer. Councilmember Sevier asked if the City will be liable if there is a fire and the hydrant is not installed. Fire Marshal Ariana Adair indicated that the city would not be liable because Mr. Block has signed a 'hold harmless' agreement with the City.

Councilmember Sweet made a motion to approve the waiver request. Mayor Pro Tem Straughan seconded the motion. The motion passed by a vote of 5 for and 2 absent (Farris and Scott).

- 4. Appointment with resident Johnny Lara to discuss concerns related to a city sewage system near his home and take any action necessary.**

**Johnny Lara
1921 Harvester Drive
Rockwall, TX 75032**

Mr. Lara stated that there is a sewer system that has been installed within thirty feet of his home, and the odor is unbearable, especially between the hours of 6 p.m. and 9 p.m. He was told that the city was going to relocate the system, and he is concerned about air pollutants.

City Engineer Chuck Todd indicated that the city has been working to remedy an associated problem on Daybreak since the fall of 2004. Todd indicated that the problem is the size of the sewer line. He then summarized all of the attempts that the City has

made to reduce or eliminate the smell coming from the system. Todd stated that pollutants have been tested for and the levels do not pose a health concern. He also stated that twenty-four follow-up questionnaires had been sent to residents in the area. Three were received back from residents on Daybreak, and one was received from a resident on Harvester. Three respondents indicated that the smell had improved, and one respondent indicated that the smell went away after three days. Todd then summarized possible solutions to the problem and the estimated cost associated with each.

Assistant City Manager Rick Crowley indicated that this has been a very difficult problem to solve. He stated that many consultants have looked into and recommended possible solutions, but none of them has worked well so far.

Mr. Lara indicated that he has experienced the smell for about four months now, when a temporary test solution was installed by the City. Todd indicated that this temporary solution would be removed from the location within three weeks.

Councilmember Sevier asked what responsibility the design engineer might have related to the problems with the system. Mr. Crowley indicated that he will visit with the city attorney to explore legal rights associated with the design of this project. Mayor Pro Tem Straughan indicated that he would like this item placed back on the agenda for discussion in four weeks.

5. Appointment with Dan Traxler to discuss the building material requirements for boat-related structures in the takeline and take any action necessary.

Dan Traxler
1400 Coastal Drive
Rockwall, TX

Mr. Traxler expressed that he would like to use a building material other than iron wood to construct his boat docks. He stated that he believes it is not a durable material and presented photographs of iron wood boat docks as well as those built with alternative materials, including choice decking and powdered aluminum.

Mayor Pro Tem Straughan indicated that he would like the city to look into allowing other materials and amending the ordinance accordingly.

Councilmember Sevier made a motion to send the issue back to Planning & Zoning to evaluate alternative building materials. Councilmember Nielsen seconded the motion.

Mrs. Couch indicated that it would take at least forty-five days to remand the issue back to Planning & Zoning for evaluation of alternative building materials.

Councilmember Sevier amended his motion by requesting the item be sent to the subcommittee for evaluation and recommendation of 2-3 alternative building materials with an expeditious turnaround of forty-five days. Councilmember Nielsen seconded the motion. The motion passed by a vote of 5 ayes and 2 absent (Farris, Scott).

Couch clarified that the process would be to send the issue to the subcommittee who would then send recommendations to Planning & Zoning for consideration. Planning and Zoning would then send the issue to the City Council for approval. The soonest an ordinance could be brought forth for amendment would be the second council meeting in June.

6. Appointment with members of the Youth Advisory Council to hear report on youth issues at the Harbor and take any action necessary.

Justin Corneau, Kasey Valley and Marisa Olind were present to present this Youth Advisory Council report to Council. Justin Corneau spoke on behalf of the YAC and indicated that there is a problem at the Harbor with younger residents (teens and kids) congregating and defacing property at the Harbor. He stated that he had spoken with the property owner, Rob Whittle, to try and better understand what the problems are and formulate recommendations for possible solutions. Justin indicated that kids tend to loiter outside of businesses, which has a tendency to deter adult patrons from visiting those businesses. He then offered several recommendations including posting 'no loitering' signs and other signs to display the rules in the private area of the Harbor. Justin suggested that posting the rules might help move the kids away from businesses and into the public open areas instead.

Mayor Pro Tem Straughan made a motion to direct staff to bring this issue back for a more formal discussion with Council now that youth input has been given. Councilmember Nielsen seconded the motion. The motion passed by a vote of 5 ayes and 2 absent (Farris and Scott).

City Manager Julie Couch indicated that staff could bring this back as a discussion item at the May 19 City Council meeting. Mayor Cecil complemented YAC members on their ideas and suggestions and asked if they would be willing to work with the City's public relations consultant to help inform the public of these issues. Justin indicated that they are willing to work with the consultant to write a letter to the editor for publication in local newspapers.

VII. SITE PLANS / PLATS

1. P2008-009 - Discuss and consider a request by Jonathan Youness of RKM Consulting Engineers for approval of a master development plan, as required by Ord. 04-25, for the 134.8-acre "Cambridge Companies" tract within (PD-10) Planned Development No. 10 District, and for approval of a preliminary plat of the Mansions at Rockwall Addition, being 50.82-acres zoned (PD-10) Planned Development No. 10 district and located along the west side of the 205 Bypass (John King Blvd) north of SH 276 and south of IH-30 and take any action necessary.

Planning Director Robert LaCroix provided background information, including a briefing on the site plan and associated request for shared trails and open space.

The applicant, Gary Dufrane with Cambridge Companies, was present and stated that he is asking for approval of the master general development plan and the preliminary plat.

Mayor Pro Tem Straughan made a motion to approve the master plan and preliminary plat. Councilmember Sevier seconded the motion. The motion passed by a vote of 5 for and 2 absent (Farris and Scott).

VIII. ACTION ITEMS

1. Discuss takeline ordinance related to enforcement on existing improvements in unleased areas and take any necessary action.

Mayor Pro Tem Straughan began the discussion and indicated that many built improvements were made before Dallas even allowed sub-leasing of takeline areas. He stated that he would like to allow built items that are at or below ground level, such as sprinkler systems, walkways and patios.

Councilmember Nielsen stated that she would like staff to schedule a work session on the takeline to discuss all of the issues. Councilmember Sweet and Mayor Cecil would like staff to consult with Rowlett on their experiences.

Councilmember Glenn Farris joined the meeting at this time (8:50 p.m.)

Mayor Pro Tem Straughan made a motion to set up a work session. Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Scott).

No date was set at this time.

2. Discuss and consider authorizing a study for expansion of the radio system and take any action necessary.

Director of Internal Operations Joey Boyd offered background information on this item.

Councilmember Nielsen made a motion to authorize up to \$10,000 in consulting fees to conduct the study. Mayor Pro Tem Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Scott).

3. Discuss and consider logistics and pre-planning for the possibility of Jason Castro's American Idol visit to Rockwall on May 8 & 9 and take any action necessary.

Mayor Cecil began the discussion and indicated that if Rockwall resident Jason Castro makes it into the top three in the American Idol competition, the television show will conduct a 'hometown visit' which will include coming to the City of Rockwall for a welcome home celebration. If he makes it into the top three, there will be a two block parade and a 4:30 event this Friday at the Harbor. If there is bad weather, the event will take place at Lakepointe Church. The Mayor asked the Council to consider approving a small budget for five buses to shuttle people back and forth between Lakepointe Church (designated parking area) and the Harbor. Parks Director Brad Griggs also indicated that there would be cost associated with the city providing streets and police personnel to help direct traffic. Mayor Cecil indicated that a staff planning meeting had been scheduled for tomorrow morning to discuss the logistics associated with this possible event.

Mayor Cecil made a motion to authorize a budget of \$10,000 or less. Mayor Pro Tem Stephen Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Scott).

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

1. Departmental Reports
Police Department Monthly Report
Police Department Quarterly Crime Report
Parks & Recreation Monthly Report
Update on 5702 Ranger Drive

Building Official Jeffrey Widmer stated that the owner and builder have begun taking actions to finish construction on the home.

Downtown Parking update

Widmer indicated that staff would like to survey merchants on how well the parking changes are working. Then, he would like to transition from warning notices to citations in the near future. Councilmember Nielsen stated that the downtown merchants have indicated a desire to move forward with issuing citations to offenders.

Finance monthly report
Fire Department Monthly Reports - March 2008

2. City Manager's Report

Couch informed Council that John Shallert, a branding and marketing consultant who has worked with the downtown merchants, will be present on Tuesday, May 13 from 8:00-9:30 a.m. to give a presentation to local business owners. All business owners have been invited to attend.

Also, the dedication ceremony for John King Boulevard has been scheduled for Monday, May 12 at 6:00 p.m.

The public meeting to receive input on homeowners associations has been scheduled for June 9 at 6:00 p.m. at The Center.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.

4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

XII. ADJOURNMENT

No action was taken as a result of Executive Session. Mayor Cecil adjourned the meeting at 10:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this _____ day of _____, 2008.

ATTEST:

William R. Cecil, Mayor

Kristy Ashberry, City Secretary

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**MINUTES
ROCKWALL CITY COUNCIL
WORKSESSION**

Monday, May 19, 2008
3:00 p.m. Worksession
City Hall, 385 S. Goliad, Rockwall, Texas 75087

9
10

I. CALL TO ORDER

11 Mayor Cecil called the meeting to order at 3:00 p.m. Present were Mayor Bill Cecil and
12 Councilmembers Glen Farris, Stephen Straughan, Cliff Sevier, Matt Scott and David
13 Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.
14 Councilmember Margo Nielsen was absent.

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18

**II. HOLD WORK SESSION TO DISCUSS PLANNING FOR CITY BOUNDARIES AND TAKE
ANY ACTION NECESSARY**

19 General discussion took place regarding the city limits of Rockwall. No action was taken
20 by Council.

21
22
23

III. ADJOURNMENT

24 Mayor Cecil adjourned the work session at 3:55 p.m.

25
26
27 **MINUTES**
28 **ROCKWALL CITY COUNCIL**

29 **Monday, May 19, 2008**

30 **4:00 p.m. Pre-Council Meeting**

31 **City Hall, 385 S. Goliad, Rockwall, Texas 75087**
32

33 **I. CALL TO ORDER**
34

35 Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and
36 Councilmembers Glen Farris, Stephen Straughan, Cliff Sevier, Matt Scott and David
37 Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.
38 Councilmember Margo Nielsen was absent. Mayor Cecil immediately adjourned the
39 meeting into Executive Session.
40

41 **II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND**
42 **551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

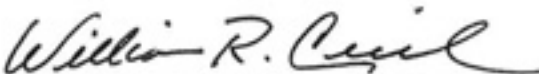
- 43 1. Deliberation regarding the purchase, exchange, lease, or value of real
44 property.
45 2. Personnel Issues, including Board, Commission, and Committee
46 Appointments, and Related Matters.
47 3. Commercial or financial information regarding business prospects that the
48 City seeks to have locate, stay, or expand in or near the territory of the
49 City of Rockwall and with which the Board is conducting economic
50 development negotiations.
51 4. Pursuant to Section 551.071, consultation between the City's attorneys
52 and City Council where the duty of the City's attorneys to the City Council
53 under the Code of Professional Responsibility of the State Bar of Texas
54 clearly conflicts with the Open Meetings Act.

55 **III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
56

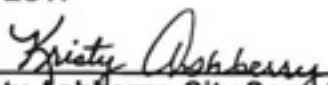
57 No action was taken by the City Council as a result of executive session.
58

59 Mayor Cecil adjourned the meeting at 5:50 p.m.
60

61 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
62 **TEXAS, this 2nd day of June, 2008.**
63

64 
65 **William R. Cecil, Mayor**

66 **ATTEST:**

67 
68 **Kristy Ashberry, City Secretary**
69



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, May 19, 2008
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Stephen Straughan, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Margo Nielsen was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM STEPHEN STRAUGHAN

III. PROCLAMATIONS / AWARDS

1. Youth Advisory Council Service Recognition

Mayor Cecil expressed thanks to members of the Youth Advisory Council for their service and hard work throughout the school year. Mayor Cecil also recognized Ray Harton, Assistant Principal at Rockwall High School and Youth Advisory Council liaison, for his work as well. Each member was presented with a framed certificate of recognition.

2. Youth Advisory Council Library Fundraiser

Chairman of the Youth Advisory Council, Justin Corneau, briefed the audience on the nature of this fundraiser which benefitted the Teen Center at the new Rockwall County Library through the purchase of a Wii game system. The new librarian, Bridget Thias, was present to receive an honorary check from members of the youth council.

IV. CONSENT AGENDA

- 1.** Discuss and consider approval of the minutes from the May 5, 2008 City Council Meeting and take any action necessary.
- 2.** Consider adoption of a Resolution canvassing the returns, including the returns of early voting ballots cast and declaring the results of the General Election held May 10, 2008, and take any action necessary.
- 3.** Consider approval of an **Ordinance** amending Ordinance #08-20 to provide for a revised Exhibit A depicting additional areas where children play and take any action necessary. (2nd Reading)
- 4.** Consider approval of the Engineering Services Design Contract Amendment with TCB for the John King Blvd. (205 By-pass) project and take any action necessary.
- 5.** P2008-014 - Discuss and consider a request by Douphrate & Associates, Inc., for approval of a final plat of Lot 1, Block 1, Rockwall Medical Center Addition (preliminary platted as part of Flagstone Estates), being 2.4325-

acres zoned (PD-54) Planned Development No. 54 district and designated for (C) Commercial uses, located along the south side of Ralph Hall Parkway east of Flagstone Creek Blvd., and take any action necessary.

6. Consider authorizing the City Manager to execute a contract for Appraisal Services for Land Acquisition for the John King Blvd. Overpass and take any action necessary.
7. Consider Authorizing the City Manager to execute a contract for Land Acquisition Services for the John King Blvd. Overpass and take any action necessary.
8. Consider award of the construction contract for the section of John King Blvd. (205 By-pass) from Quail Run, south, to FM-1141 and take any action necessary.

Councilmember Farris pulled item #1. Councilmember Farris abstained from the vote because he was absent from the majority of the May 5 Council Meeting, and Councilmember Scott abstained because he was absent for the entire meeting on May 5.

Mayor Pro Tem Straughan made a motion to approve the remainder of the items (# 2, 3, 4, 5, 6, 7, and 8). Councilmember Sweet seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 08-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING ORDINANCE NO. 08-20, DULY PASSED BY THE CITY COUNCIL ON APRIL 21, 2008, WHICH AMENDED ORDINANCE NO. 06-31, DULY PASSED BY THE CITY COUNCIL ON AUGUST 6, 2006, WHICH AMENDED CHAPTER 18 OF THE CODE OF ORDINANCES TO PROVIDE FOR REGULATION OF SEX OFFENDER RESIDENCY; BY PROVIDING FOR A REVISED EXHIBIT A DEPICTING ADDITIONAL AREAS WHERE CHILDREN GATHER; PROVIDING AND EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent (Nielsen).

Mayor Pro Tem Straughan made a motion to approve Consent Agenda item #1. Councilmember Sweet seconded the motion. The motion passed by a vote of 4 for, 2 abstentions (Farris and Scott) and 1 absent (Nielsen).

V. APPOINTMENTS

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

Michael Hunter, Vice Chairman of the Planning and Zoning Commission, was present to answer any questions of Council. No action was taken on this item.

2. Appointment with Karen Straughan, President of Soroptimist International of Rockwall, to report on the Hotel/Motel funds given towards Rockwall Idol.

Karen Straughan was present and thanked the City Council for supporting Rockwall Idol this year. She gave a brief recap of the event and stated that \$60,000 in revenues was raised before expenses. No action was taken on this item.

3. Appointment with Executive Director Jim Parks of the North TX Municipal Water District to hear update on water projects and take any action necessary.

Jim Parks was present along with Assistant General Manager Mike Rickman. A presentation was given regarding current and projected future needs for water in the North Texas region. They also offered information and project updates on current and future water projects. They stated that all lakes are currently full at this time. Mr. Parks expressed some concern regarding inconsistencies in water conservation ordinances and plans from city to city. Mayor Cecil thanked Mr. Parks and Mr. Rickman for their time and information. Resident Stan Jeffus came forth to encourage water conservation and awareness in schools. No action was taken by City Council at this time.

4. Appointment with County Commissioner Lorie Grinnan to hear update on the County Bond Package.

Mayor Cecil introduced Commissioner Grinnan and expressed support of the \$100 million bond package that the county is proposing for road improvements. Grinnan explained at all of the cities in Rockwall County had come together at a monthly transportation consortium meeting to determine ways that road conditions in the county could be improved. Although the \$100 million bond package will only cover 1/3 of the cost associated with needed improvements on FM 549, SH 66, FM 740 and SH 276, it is a step in the right direction. The hope is that the Texas Department of Transportation (TXDOT) will find funding for the other 2/3 of the project costs. If passed, the bond would at least get the improvements started. Only a verbal commitment from TXDOT has been expressed at this time, but if the bond passes, the County is hoping for a more formal, written commitment of funds. The estimated cost presented by Ms. Grinnan for the road improvements do take into account future needs in that they reflect 'build out' demands. Grinnan indicated that she is currently in the process of organizing a steering committee to help with promotion of this bond package proposal.

5. Appointment with Stan and Melba Jeffus to discuss the status of completion of the "landscape barrier" and/or fence between the Fontana Ranch development and their property located at 1903 South FM-549 and take any action necessary.

Planning Director Robert LaCroix offered brief background information on this item.

Stan Jeffus
1903 South FM 549
Rockwall, TX

Mr. Jeffus was present and indicated that he has had difficulty in getting the developer to install a landscape barrier as was previously required in a motion made by the City Council. Mr. Jeffus expressed that he would like a written work order or agreement from the developer to solidify what actions will be taken by the developer and when so that this problem can be resolved. He also expressed that he would like the berm that the developer installed graded out as part of the agreement so that he can plant grass and prevent it from washing out when it rains.

216
217 City Manager Julie Couch explained that installation of a landscape barrier was not
218 included in the zoning ordinance; however, it was included in the Council's motion and
219 was addressed in the conceptual site plan. Therefore, installation of the landscape
220 barrier is enforceable. Couch indicated a desire to sit down with the Jeffus' and the
221 developer to resolve the issue within the next week or two. LaCroix indicated a need to
222 work out where the fence will be placed and whether the trees that are to be planted
223 would be planted on the Jeffus' property or on the other side of the fence.
224

225 Councilmember Farris asked if this issue could be resolved within 30 days. Mrs. Couch
226 indicated that staff will certainly attempt to do so; however, the city cannot control the
227 actions of the developer.
228

229 No formal action was taken at this time.
230

- 231 6. Appointment with the takeline subcommittee to discuss construction
232 materials for boat related structures in the takeline and take any action
233 necessary.

234 Councilmember Scott began the discussion and indicated that the council approved iron
235 wood does not appear to age well over time. The subcommittee recommendation is to
236 allow powder coated aluminum and a high grade composite material (such as Choice
237 Deck Premium) in addition to iron wood while maintaining the color palate. This
238 recommendation will need to be sent back to the Planning & Zoning Commission for
239 approval.
240

241 Councilmember Scott made a motion to send back to Planning & Zoning for public
242 hearing the addition of two more building materials for construction of boat houses and
243 decks. The proper grade of aluminum is to be determined by the Planning & Zoning
244 Commission. The poles are to be the same color building material that is used on the
245 deck and are to be powder coated, if possible. If this is not possible, they are to be
246 painted or encased in wood and painted. Mayor Pro Tem Straughan seconded the
247 motion. The motion passed by a vote of 6 ayes and 1 absent (Nielsen).
248

249 VI. PUBLIC HEARING ITEMS

- 250
251 1. MIS2007-005 - Hold a public hearing on amendment of land use
252 assumptions, capital improvement plans and impact fees for water and
253 wastewater facilities.

254 Planning Director Robert LaCroix gave brief background information on this item. Paul
255 Carline, engineer with the consulting firm Birkhoff, Hendricks and Conway, presented a
256 report on impact fees. General discussion ensued related to the size of meters and
257 associated fees. Mayor Cecil asked how often fees are updated. Mr. Carline indicated
258 that they are updated at least every ten years, or more often, if necessary. Mayor Cecil
259 opened the public hearing. There being no one to come forth to speak on this item,
260 Mayor Cecil closed the public hearing. No action was taken on this item.
261

- 262 2. Z2008-006 - Hold a public hearing and consider a request by Michael
263 Alturk of MA Engineering for approval of a Specific Use Permit (SUP) to
264 allow for a "restaurant with drive-thru or drive-in" within (PD-46) Planned

Development No. 46 district, specifically for a Sonic Restaurant proposed to be located on part of Lot 1, Block A, Subway / Gateway / Health Food Store Addition, being a 2.0-acre tract situated within the SH 276 Corridor Overlay district, and located at the northeast corner of FM 549 and SH 276, and take any action necessary.

Planning Director Robert LaCroix gave brief background information on this item and indicated that the owner of the Sonic also owns the Subway restaurant and Shell gas station adjacent to the site. Therefore, shared parking will not be a problem. The Planning & Zoning Commission approved this item by a vote of 6 ayes and 0 nays on May 13. This building will meet the 20% stone requirement.

The applicant, Michael Alturick, 3011 Saint Mont Drive, Mansfield, TX was present and indicated that he has worked with staff to address any outstanding issues and meet all of the city's requirements.

Mayor Cecil opened the public hearing. There being no one to come forth and speak at the public hearing, Mayor Cecil then closed the public hearing.

Councilmember Farris made a motion to approve the SUP. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Nielsen).

VII. SITE PLANS / PLATS

1. SP2008-014 - Discuss and consider a request by Michael Alturk of MA Engineering for approval of a variance to the Roof Design Standards of the SH 276 Corridor Overlay district, in association with a site plan for Sonic Drive-in Restaurant, proposed to be located on part of Lot 1, Block A, Subway / Gateway / Health Food Store Addition, being a 2.0-acre tract zoned (PD-46) Planned Development No. 46 and located at the northeast corner of FM 549 and SH 276, and take any action necessary.

Planning Director Robert LaCroix briefed the Council on this variance request and explained that the pitch of the roof is designed to screen the rooftop equipment. This item does require a super majority vote of the council for approval. Councilmember Farris made a motion to approve the variance request. Mayor Pro Tem Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Nielsen).

VIII. ACTION ITEMS

1. MIS2007-005 - Discuss and consider adoption of an ordinance amending land use assumptions, capital improvements plans and impact fees for water and wastewater facilities, and amending administrative provisions, and take any action necessary. (1st reading)

Mayor Pro Tem Straughan made a motion to approve the ordinance and associated impact fees as presented. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Nielsen).

2. MIS2007-006 - Discuss and consider recommendations concerning the Downtown Historic Square and take any action necessary.

This item was deferred for discussion until the June 2, 2008 City Council meeting. No action was taken by the Council at this time.

3. CIP2007-027 - Discuss status of the Downtown Improvements Study and take any action necessary.

Planning Manager Michael Hampton gave brief background information on this item and then introduced the consultant, Ron Conway. After brief discussion, no action was taken on this item.

4. Hear update on Destination Bootcamp and subsequent marketing seminar and take any action necessary.

This item was deferred for discussion until the June 2, 2008 City Council meeting. No action was taken by the Council at this time.

5. Discuss and consider approval of an ordinance amending Chapter 19 Parks and Recreation, Article III, Lake Ray Hubbard, by providing a new section 19-44 Tree Removal or Trimming, and take any action necessary. (1st Reading)

This item was deferred for discussion until the June 2, 2008 City Council meeting. No action was taken by the Council at this time.

6. Discuss and consider an ordinance increasing Atmos Energy's franchise fee payment to the City and take any action necessary.

City Manager Julie Couch explained that this ordinance will increase Atmos' franchise fee payment to the city from 4 to 5%. This money would go into the city's general fund. The increase is ultimately passed onto the customer. Mayor Cecil made a motion to approve the ordinance. Mayor Pro Tem Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Nielsen).

7. Discuss and consider proposed revisions to the storm water detention design standards and take any action necessary.

Mr. Ron Conway, a consultant with Birkhoff, Hendricks and Conway, spoke about detention and retention options for storm water onsite, offsite and regionally. Councilmember Scott expressed support for underground designs to deal with storm water. Councilmember Scott made a motion to approve the recommendations and evaluate the expansion and use of underground options as well as storing water for irrigation uses. This information is to be brought back to council for discussion at the first meeting in July. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Nielsen).

8. Discuss and consider restricting parking on unpaved surfaces and take any action necessary.

This item was deferred for discussion until the June 2, 2008 City Council meeting. No action was taken by the Council at this time.

9. Discuss and consider recommendations regarding employee mid-year compensation adjustments and take any action necessary.

City Manager Julie Couch began the discussion and indicated that both sworn and non-sworn positions have been evaluated as being below market. According to the city's compensation policy, the goal is to be at the average of the max for the fifteen surveyed

357 cities. Couch then briefed the Council on three different options for moving forward,
358 including the cost associated with each option. Couch stated that while sales tax
359 revenues have been above what was previously projected, building permit revenues are
360 below estimated budget projections and could be below as much as \$400,000. Human
361 Resources Director Cheryl Dunlop stated that there has been a notable decline in the
362 number of applications received as well as the number of qualified applicants to fill
363 sworn positions. Mayor Cecil asked how well the job enrichment program is working in
364 the police department. Chief Moeller indicated that he feels it is working well but it can
365 only be done when the department is fully staffed. This program gives officers exposure
366 to different divisions within the police department.

367 Mayor Pro Tem Straughan made a motion to make a mid-year adjustment to employee
368 salaries based on Option #2 as outlined in Julie Couch's staff memo. Councilmember
369 Farris seconded the motion. The motion passed by a vote of 6 ayes and 1 absent
370 (Nielsen).

- 371 10. Discuss and consider installing a traffic signal device at the intersection of
372 Ralph Hall Parkway and Market Center Drive and take any action
373 necessary.

374 This item was deferred for discussion until the June 2, 2008 City Council meeting. No
375 action was taken by the Council at this time.

- 376 11. Discuss and consider funding options for reconstruction of Airport Road
377 and take any action necessary.

378 This item was placed on the agenda by Councilmember Sweet. City Manager Julie
379 Couch indicated that there is money available in the street assessment fund; however,
380 these funds are also needed for continuation of FM 3097. TXDOT funding is not available
381 to finish 3097, so the city will need to finish it. Couch suggested that this item be
382 brought back for discussion when staff can provide an update on Bypass dollars. Couch
383 indicated that there will be excess funding from the Bypass, but staff is not sure how
384 much at this time. Councilmember Sevier expressed a desire to prioritize roads and have
385 a general discussion regarding priorities and funding options as well as the level and
386 type of reconstruction that is desired.

387
388 General discussion ensued regarding different options for the type and width of the road,
389 including whether it would be a divided or undivided road.

390
391 Councilmember Sweet made a motion that staff bring back an overview of the estimated
392 cost associated with reconstructing Airport Road to four lanes and provide a current
393 summary of bypass funding. Councilmember Farris seconded the motion. The motion
394 passed by a vote of 6 ayes and 1 absent (Nielsen).

395
396 The Mayor adjourned the public meeting into Executive Session at 11:19 p.m.

397
398 IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
399 GOVERNMENT CODE TO DISCUSS:

- 400
401 1. Deliberation regarding the purchase, exchange, lease, or value of real
402 property.
403 2. Personnel Issues, including Board, Commission, and Committee
404 Appointments, and Related Matters.

- 405 3. Commercial or financial information regarding business prospects that the
406 City seeks to have locate, stay, or expand in or near the territory of the
407 City of Rockwall and with which the Board is conducting economic
408 development negotiations.
- 409 4. Pursuant to Section 551.071, consultation between the City's attorneys
410 and City Council where the duty of the City's attorneys to the City Council
411 under the Code of Professional Responsibility of the State Bar of Texas
412 clearly conflicts with the Open Meetings Act.

413 X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

414
415 The Mayor called the public meeting back to order. No action was taken as a result of
416 Executive Session. Mayor Cecil adjourned the meeting at 12:30 a.m.
417

418
419
420 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
421 TEXAS, this 2nd day of June, 2008.
422

423 
424 William R. Cecil, Mayor

425 ATTEST:

426 
427 Kristy Ashberry, City Secretary
428



MINUTES
ROCKWALL CITY COUNCIL
Monday, June 02, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen Mark Russo, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, City Manager evaluation, selection of Mayor Pro Tem and Related Matters.
3. 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.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Nielsen made a motion to appoint Larry Blacketer and Tony Hayes to the Historic Preservation Advisory Board. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Councilmember Sweet made a motion to appoint Councilmember Cliff Sevier to serve as Mayor Pro Tem. Mayor Cecil seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 7th day of July, 2008.

ATTEST:


Kristy Ashberry, City Secretary


William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, June 02, 2008

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen Mark Russo, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER GLEN FARRIS

III. SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS

City Secretary Kristy Ashberry swore in newly elected councilmember Mark Russo and re-elected council members Margo Nielsen and Cliff Sevier.

IV. OPEN FORUM

Christina Tony, Councilmember Mark Russo's mother, recognized Rockwall and congratulated council members on their beautiful city.

V. CONSENT AGENDA

1. Discuss and consider approval of the minutes from the May 19, 2008 City Council Meeting and take any action necessary.
2. MIS2007-005 - Consider approval of an ordinance amending land use assumptions, capital improvements plans and impact fees for water and wastewater facilities, and amending administrative provisions, and take any action necessary. (2nd reading)
3. Z2008-006 - Consider approval of an ordinance for a request by Michael Alturk of MA Engineering for approval of a Specific Use Permit (SUP) to allow for a "restaurant w/ drive-thru or drive-in" within (PD-46) Planned Development No. 46 district, specifically for a Sonic Restaurant proposed to be located on part of Lot 1, Block A, Subway / Gateway / Health Food Store Addition, being a 2.0-acre tract situated within the SH 276 Corridor Overlay district, and located at the northeast corner of FM 549 and SH 276, and take any action necessary. (2nd reading)
4. Consider approval of a contract with Rone Engineering for site assessment and lead abatement services for the old police firing range and take any action necessary.
5. Consider approval of an engineering services agreement for the FM-549, IH-30 to SH-276, Improvement Project and take any action necessary.
6. Consider approval of the materials testing contract for the 700/780 Water Service Area Water Line Re-bid Project and take any action necessary.

- 94 7. Consider approval of Change Order No. 2 for the section of the John King
95 Blvd. Project from FM-552 to SH-205 (north) and take any action
96 necessary.
- 97 8. Consider award of the construction contract for the section of the John
98 King Blvd. from IH-30 to SH-66 and take any action necessary.
- 99 9. Consider authorizing purchase of additional automated meter reading
100 devices and take any action necessary.

101 Councilmember Nielsen pulled items #1 and #4 for discussion. Councilmember Farris
102 pulled item #9. Mayor Cecil pulled item #5 for discussion.

103
104 Mayor Cecil made a motion to approve the remainder of the consent agenda (items #2, 3,
105 6, 7 and 8). Councilmember Sevier seconded the motion. The motion passed by a vote
106 of 7 ayes and 0 nays.

107
108 Regarding item #1, council members Nielsen and Russo abstained from voting because
109 they were not present at the May 19 City Council meeting. Mayor Cecil made a motion to
110 approve Consent Agenda item #1. Councilmember Scott seconded the motion. The
111 motion passed by a vote of 5 ayes and 2 abstentions (Nielsen and Russo).

112
113 Regarding Consent Agenda item #4, Councilmember Nielsen asked if this is the last
114 money that will need to be spent on the old firing range and if the city went out for bid on
115 this item. City Manager Julie Couch indicated that the city did not go out for bid on this
116 particular item because it is considered to be a professional engineering service.
117 Therefore, it was not necessary to go out for bid. Couch stated that the city chose the
118 best, competitive and negotiated price. Mayor Cecil indicated that the dollar amount
119 could be exceeded if more dirt needs to be moved in the future.

120
121 Councilmember Nielsen made a motion to approve Consent Agenda item #4.
122 Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and
123 0 nays.

124
125 Regarding Consent Agenda item #9, Councilmember Farris asked if the city would save
126 money over time if it opted to go fully automated. Finance Director Mary Smith indicated
127 that the city may save money over a very, very extended period of time. However, at this
128 time the cost is not reasonable enough to justify doing so, though the city may decide to
129 do so in the future.

130
131 Councilmember Farris made a motion to approve Consent Agenda item #9.
132 Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and
133 0 nays.

134
135 Regarding Consent Agenda item #5, Mayor Cecil asked what the city's obligations would
136 be if TXDOT does not wish to make this a city project in the future. Couch stated that
137 modifications would need to be made in order to meet state standards. However, she
138 indicated that the city would not have wasted time if it goes ahead and moves forward.
139 Engineering design will still need to be done, and the city can begin moving forward on
140 this aspect in the meantime. It could be up to a year before TXDOT approval is received.
141 The city will ensure that TXDOT will turn ownership of the roadway over to the city before
142 the project is bid. The funds being requested at this time are needed in order to get

started on the design and engineering work. Couch indicated that the project is much more likely to receive funding if the city makes initiatives to move forward. Councilmember Scott made a motion to approve Consent Agenda #5. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes and 1 nay (Cecil).

VI. APPOINTMENTS

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

Councilmember Farris indicated that Chairman Bill Bricker e-mailed this morning letting Council know that he would not be in attendance and that there are no comments for Council related to today's agenda.

2. Appointment with Mr. Wilbert Searcy to hear concerns regarding non-residential parking in residential areas and take any action necessary.

Director of Code Enforcement gave background information on this item, indicating that there is apparently a home-based Bible study being conducted at a residence on Pendleton Drive. Mr. Searcy indicated that there are excessive numbers of cars parked on the street as a result of this Bible study. The Code Enforcement Department surveyed the neighborhood on Sunday and Thursday evenings in order to assess the numbers of cars parked along the street. Widmer indicated that there is no zoning violation or code violation occurring at this time. City Attorney Pete Eckert indicated that he has concern about pursuing this issue further at this time. Mayor Cecil then called upon Mr. Searcy.

Mr. Wilbert Searcy

597 Pendleton Drive

Rockwall, TX

Mr. Searcy indicated that he and his wife drafted a resident only parking ordinance for the Council to consider. He also had neighbors review and sign a document expressing support for such ordinance. Searcy indicated that his adult son has been unable to park in front of his home when visiting Searcy and his wife. Councilmember Scott stated that he sympathized with Mr. Searcy; however, if a resident only parking ordinance were passed, his son, who is not a resident, could not park in front of his house either. Council members Sevier and Sweet indicated that a resident only parking ordinance would be difficult to enforce.

Councilmember Nielsen offered to work with the resident who is holding the Bible studies to help them find an alternate location to meet.

Some discussion ensued related to the possibility that the resident was running a church out of the home rather than a Bible study. Planning Director Robert LaCroix indicated that an SUP would be required in order to have a church in a residential area.

Councilmember Scott made a motion to direct staff to investigate the issue further and evaluate alternatives for improving the parking situation on Mr. Searcy's street. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

3. Appointment with Jack Abernathy to discuss and consider a request for a special exception to the eligibility standards of the Lake Ray Hubbard

Takeline Overlay District for his property at 3618 Lakeside Drive in the Lakeside Village Subdivision and take any action necessary.

Planning Director Robert LaCroix provided background information on this item. He indicated that the property owner adjacent to Mr. Abernathy's home did receive a special exception in the past to lease the takeline because it met the specified requirements. Mr. Abernathy wants the ability to sublease the takeline behind his property and is seeking a special exception from the Council to do so.

Councilmember Nielsen made a motion to approve Mr. Abernathy's request to lease the takeline. Councilmember Sevier seconded the motion. The motion passed by a vote of 7 ayes and 0 naves.

VII. SITE PLANS / PLATS

1. FF2008-001 - Discuss and consider a request by Carlos Guevara for approval of a front yard fence on his property at 802 N. Alamo Road, which is zoned (SF-7) Single Family Residential district and known as part of Block 23, Amick Addition, and take any action necessary.

Planning Director Robert LaCroix provided information on this item and indicated that a public hearing was not required. The request is for approval of a picket fence in the front yard. Staff recommended approval with some contingencies.

The applicant's wife, Mrs. Monica Guevara, was present to address the Council, though no discussion occurred.

Councilmember Sweet made a motion to approve the request. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and 0 naves.

VIII. ACTION ITEMS

1. Hear update on Destination Bootcamp and subsequent marketing seminar and take any action necessary.

Management Analyst Debbie Henderson provided a summary to the Council on this item. She stated that two city staff members and six downtown merchants attended this retail boot camp / seminar in March 2008 in Colorado. She briefed the Council on the topics covered at the seminar and indicated that the seminar instructor would be conducting monthly conference calls to help reinforce the principals taught at the boot camp. The instructor visited Rockwall in May, and a marketing seminar was conducted at that time. Over two hundred Rockwall businesses were invited to attend this marketing seminar, and about fifty businesses took advantage of this opportunity. Councilmember Nielsen indicated that she attended the boot camp and learned many valuable concepts related to products and product marketing. Nielsen stated that she would like to budget funds next year to send more downtown merchants to the boot camp.

No action was taken related to this item.

2. MIS2007-006 - Discuss and consider recommendations concerning the Downtown Historic Square and take any action necessary.

Planning Director Robert LaCroix stated that a historic preservation study had been conducted and that the report had previously been delivered to Council. The study

included a nine block area and about sixty-eight buildings. LaCroix stated that creating a historic district is likely not advisable at this time since there are not enough buildings that currently meet the historical requirements. Although the area would have an historic zoning designation, the city could still focus on creating an historic theme. The city could look into designating as 'historic' landmarks those buildings that meet the necessary requirements, both with the state and nationally. LaCroix indicated that the city's requirement that prohibits demolition without council consent does offer some protection for buildings that have some historic integrity yet do not meet requirements to be designated as 'historic' landmarks. General discussion took place related to possible incentives, such as tax abatements or grants, which could be offered to building owners to encourage them to return buildings to their original historic state.

Mayor Cecil made a motion to accept the presented staff recommendations and to look into ways to restore fifteen percent of the area buildings back to their historic state. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

3. Discuss and consider approval of an ordinance amending Chapter 19 Parks and Recreation, Article III, Lake Ray Hubbard, by providing a new section 19-44 Tree Removal or Trimming, and take any action necessary. (1st reading)

Councilmember Nielsen indicated a desire to hold off on a decision that would affect the takeline area until after a takeline workshop can be held. Farris suggested excluding 'citizen controlled' areas of the takeline from the ordinance at this time so that the issues along the takeline could be explored further.

After some discussion, Councilmember Farris made a motion to eliminate the words "within the takeline" from the ordinance and approve the remainder of the ordinance as presented. Councilmember Scott seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 08-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 19 PARKS AND RECREATION, ARTICLE III, LAKE RAY HUBBARD, BY PROVIDING A NEW SECTION 19-44 TREE REMOVAL OR TRIMMING; PROVIDING A FINE NOT TO EXCEED THE SUM OF \$500; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes and 0 nays.

4. Discuss and consider recommendations of the PD-32 Subcommittee concerning the selection process for consultants on the PD-32 project and take any action necessary.

Mayor Cecil indicated that he and council members Farris and Straughan are serving on a subcommittee to conduct interviews with potential candidates for the project this Friday. Mayor Cecil stated that the number of those who responded to the original request for proposals was already narrowed down from seven to four. The interviews will be held in order to narrow down the candidates from four to two. The top two

285 candidates will then make a site visit in order to narrow the candidates down to one.
286 Once the final candidate has been identified, the price will be negotiated and presented
287 to the full Council for approval.

288 Councilmember Sevier made a motion to accept the recommendations of the
289 subcommittee as related to the selection process. Councilmember Farris seconded the
290 motion. The motion passed by a vote of 7 ayes and 0 nays.

- 291 5. Discuss and consider installing a traffic signal device at the intersection of
292 Ralph Hall Parkway and Market Center Drive and take any action
293 necessary.

294 Councilmember Scott made a motion to instruct staff to conduct a traffic study at this
295 intersection and bring back recommendations to Council within ninety (90) days.
296 Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and
297 0 nays.

- 298 6. Discuss and consider funding options for reconstruction of Airport Road
299 and take any action necessary.

300 Discussion took place related to the type and size of the road to be constructed as well
301 as possible funding options. Councilmember Scott made a motion to instruct staff to
302 move forward with design of a four lane undivided roadway with curb, gutter and storm
303 sewer from Industrial to FM 549. Councilmember Sevier seconded the motion. The
304 motion passed by a vote of 7 ayes and 0 nays.

- 305 7. Discuss and consider a partial charter review of council terms and take
306 any action necessary.

307 Councilmember Farris indicated a desire to have a partial charter review in order to
308 evaluate extending council member term limits from two years to three years and to
309 evaluate expanding the number of terms that can be served. General discussion took
310 place concerning conducting either a full or partial charter review. Couch indicated that
311 a full charter review was last conducted in May of 2005, and that charter reviews can
312 occur once every two years. Mayor Cecil expressed that he would support a full charter
313 review with citizen input as part of the review process and an approval vote from the
314 citizens.

315 Councilmember Farris made a motion to put forth to a subcommittee a partial charter
316 review for consideration of modifications to council term limits. Councilmember Scott
317 seconded the motion.

318 The motion failed by a vote of 3 ayes and 4 nays (Cecil, Sweet, Sevier, Russo).

319 Councilmember Scott made a motion to appoint a charter review commission to conduct
320 a full charter review. Councilmember Farris seconded the motion. The motion passed
321 by a vote of 6 ayes and 1 nay (Sevier).

- 322 8. Discuss and consider the evaluation, development and implementation of
323 green/LEED standards and take any action necessary.

324 Councilmember Farris indicated a desire to have staff research possible green standards
325 for the city. Farris made a motion to move the issue to the Preservation and
326 Conservation subcommittee for research and consideration. Councilmember Scott
327 seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

- 328 9. Discuss and consider prohibiting dogs in the Kid Zone playground and
329 water park at Harry Meyers Park and take any action necessary.

Councilmember Sevier spoke about this item and presented a series of dog bite photographs that he assembled from the internet. He indicated that this issue went before the city Park Board for review and consideration and that the board felt no need to prohibit dogs in these areas. Park Board member Pam Kitkoski was present to address the Council. Kitkoski indicated that only two out of fifty-seven dog bites occurred in parks last year.

Councilmember Sevier made a motion to create an ordinance prohibiting dogs in the Kid Zone playground. The motion died for lack of a second.

Kitkoski further expressed that she does not believe putting a sign up would necessarily keep dog bites from happening in these park areas. She stated that in the four years the Kid Zone has been opened, this is the only known dog bite that has occurred.

No action was taken as a result of this item.

10. Discuss an update to the fire/police alarm program and consider certain changes to the program and take any action necessary.

City Manager Julie Couch stated that some changes in state law have occurred related to fines for false alarms. There are associated costs to administer fire alarm permitting, and there are costs associated with responding to false alarms. General discussion took place related to outstanding / unpaid fees for false alarms. Couch indicated that permitting fees would help generate funds to offset the costs associated with outsourcing the administration of permitting. Couch stated that staff will develop more detailed information on a possible outsourcing program and bring recommendations back to the Council for consideration in the near future.

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

1. Departmental Reports
Fire Stations #3 and #4 Project Update
Building Inspections Department
Update on 5702 Ranger Drive

Building Official Jeffrey Widmer stated that construction progress is being made on the home at this time.

April Monthly Report
Fire Department Monthly Reports (April 2008)
Parks & Recreation Monthly Reports
Police Department Monthly Report

2. City Manager's Report

Couch briefed the Council on the success of Jason Castro Day. She indicated a need to schedule a timeline work session with the Council in the very near future.

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

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

- 377 2. Personnel Issues, including Board, Commission, and Committee
378 Appointments, City Manager evaluation, selection of Mayor Pro Tem and
379 Related Matters.
- 380 3. Commercial or financial information regarding business prospects that the
381 City seeks to have locate, stay, or expand in or near the territory of the
382 City of Rockwall and with which the Board is conducting economic
383 development negotiations.
- 384 4. Pursuant to Section 551.071, consultation between the City's attorneys
385 and City Council where the duty of the City's attorneys to the City Council
386 under the Code of Professional Responsibility of the State Bar of Texas
387 clearly conflicts with the Open Meetings Act.

388 XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

389 Mayor Cecil reconvened the public meeting.

390 Councilmember Sevier made a motion to designate David Sweet at the Council liaison to
391 the Rockwall Economic Development Corporation (EDC). Cecil seconded the motion.
392 The motion passed by a vote of 7 ayes to 0 nays.

393 Scott made a motion to increase the City Manager's salary to \$175,000 and contribute
394 \$10,000 annually to her deferred compensation plan. The motion was seconded by
395 Councilmember Russo. The motion passed by a vote of 7 ayes to 0 nays.

396 Mayor Cecil adjourned the meeting at 10:45 p.m.

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402
403 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
404 Texas, this 7th day of July, 2008.

405
406
407 ATTEST:

408 *Kristy Ashberry*
409 _____
410 Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL

Monday, June 09, 2008

6:00 p.m. Special Council Meeting

The Center, 108 E. Washington St. Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Bill Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen Mark Russo, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. RECEIVE PUBLIC INPUT REGARDING HOME OWNERS ASSOCIATION (HOA) COMMUNITIES, INCLUDING HOA COVENANTS & RESTRICTIONS, AND DISCUSS THIS INPUT WITH CITIZENS

| <u>SPEAKER</u> | <u>SUMMARY OF COMMENTS</u> |
|---|---|
| Danita Hase 9516 Western Trail Frisco, TX 75034 | Live in a development built in 1982; DCCRs are very restrictive; may be able to get things changed if residents take HOA to court |
| David Sheppard 1470 Foxwood Lane Rockwall, TX 75032 | Would like the city to step in to ensure each resident living in an HOA community understands the role of an HOA and management company |
| David Snell 11536 Las Polamas Drive | He and a few other residents were recently sued by his HOA for defamation of character and slander; lawsuit was dropped soon after it was filed |
| David Doumani 2850 Del Larso Way Frisco, TX | Also got sued by his HOA; was not allowed access to view financial records of the HOA; meeting minutes were not made available; HOA had right-of-entry onto properties; could remove something from a property and then send bill to the homeowner |
| Valerie Dunbar Jones 9131 Cumberland Drive Irving, TX 75063 | Lives in Valley Ranch on the North end of Irving ; her HOA has a \$2.7 million assessment fund; homeowners contribute at least 90% to the fund; HOA has provided funding to political action committees to support judicial foreclosures; website is www.vrvoice.org |
| Sid Murphy 4940 Bear Claw Lane Rockwall, TX 75032 | Urged Council to proceed with caution; HOAs are not a taxing entity or a government entity; hey help keep property values up; City should not become involved with HOAs or restrict them; HOA DCCRs, bylaws, and articles of |

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| | incorporation set forth rights of both the HOA board and the homeowners |
| Harold Solomon 1635 Shores Blvd. | Lives in the "Old Shores"; his HOA has been beneficial to his community; deed restrictions were put in place by the developer; HOA does not control the deed restrictions; his HOA is voluntary and dues are \$60 per year; all residents have to abide by deed restrictions regardless |
| Sandra Solomon 1635 Shores Blvd. | Expressed general support for HOAs |
| Chip Imrie 323 Harbor Landing Drive Rockwall, TX 75032 | Is currently President of Chandlers Landing HOA; DCCRs were put in place years ago by the developer; HOA serves to enforce deed restrictions, which were approved by the city when the development was first built; expressed general support for HOAs; his HOA posts an agenda, has open public meetings and has executive session; the board is elected by ballot unanimously; HOA decisions have an associated appeal process through a committee |
| Charles Vickers 5411 Ranger Drive Rockwall, TX 75032 | Spoke in favor of HOAs and board members; lives in Chandlers Landing; standards of the HOA have declined since 2003; it's not easy to get agendas and minutes; security in subdivision has diminished; professional manager left; thefts have been occurring; beautification has greatly diminished; is difficult to remove board members; encouraged term limits for board members |
| Jim Finott 2374 Sand Stone Court | HOA information was given to him after the paperwork was signed on the sale of his home; the city requires HOAs but does not ensure DCCRs are being followed; if the city requires HOAs, it needs to ensure DCCRs are followed; some city oversight of HOAs is needed |
| Mark Poindexter 2115 Lake Forest Drive Rockwall, TX | HOAs help keep areas clean and safe; has received notices from his HOA regarding number of cars parked on the street; has a five bedroom home and three car garage; has five cars in the family; was not given time to read DCCRs at closing; have 101 lots in his HOA; 10.1 people can vote on what takes place in his subdivision, which is Hillcrest Shores |
| Aaron Samples 920 Potter Avenue Rockwall, TX | Works for a management company that manages HOAs; is not the city's responsibility to govern a non-profit HOA organization |
| Jim Hummingbird | If city requires HOAs, it should have a role in |

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| 3066 Stoney Hollow Lane Rockwall, TX 75087 | regulating them; usually a homeowners first contact with an HOA is when they receive a violation notice from the HOA; pays \$270 per year in dues; suggested a focus group of citizens and council to identify problems and possible solutions |
| Carl Sherman 327 Julian Drive | Is the business manager for Waterstone HOA; recommends that the city prepare a template for an acceptable set of DCCRs; city should review and approve DCCRs and have them filed with the county prior to the city's approval of the development; DCCRs must be presented when potential buyers express serious interest in buying a home |
| Dawn Purtee 3502 Highpoint Drive Rockwall, TX 75087 | Has traditionally been fighting between HOA and residents in her community; has received notices about a weed in her yard and about trash cans being left out too long; HOA does not have open meetings or votes; has no problem with the rules but does have a problem with the enforcers |
| Amy McCorkle 3644 Smoketree Drive Rockwall, TX 75032 | Lives in a community of about 235 homes and pays \$300 per year in dues; living in an HOA is horrible and stressful; there was a small line in the closing paperwork that mentioned HOA dues; she expressed general displeasure with the management company; are currently 23 liens (10% of neighborhood) against homes in the neighborhood; ideally would like HOAs abolished; HOAs should not be created in communities with no amenities |
| Bill Morrow 1205 Fairlakes Pointe Drive | Pays \$462 per year in HOA dues; received HOA paperwork at closing; according to DCCRs, homeowners have no rights; are 1,422 lots in the community, and the HOA has 2,000 votes; Hillwood manages the HOA and has chosen to not turn it over to the homeowners; pays \$219 per year to the IRI golf course, but the dues do not include golf – only includes access to swimming pool, tennis club and retail store; a developer should not be required by the city to form an HOA; HOAs should be optional; all HOA business should be transparent and information should be made available at all times upon request; DCCRs should be no more restrictive than city or state laws; once master land use plan has been approved and the community has been built out; the HOA should be turned over to the homeowners |
| Clyde Vaughn 1312 Calisto | Offered general comments about communities in California |

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| Rockwall, TX | |
| Wilbur Williams 106 Platt Court | Was not present to address the council; left meeting early"; His "Request to Address City Council" form stated, "Woodcreek HOA using homeowners website to back political candidates in violation of their by-laws" |
| E. James Pulatie 1554 Champions Court Rockwall, TX 75087 | Lives in the Shores HOA; the Texas Homeowners Protectors Act is a non-profit act that protects homeowners; the city should stay out of HOAs; judicial review is an option for dissatisfied homeowners who do not wish to go through a lawsuit |
| Bill Bricker 505 Westway Drive Rockwall, TX 75087 | Is the developer of Park Place community; helped write the HOA DCCRs for this community; development plans in Rockwall will probably necessitate HOAs because of the mandated open space required by the city; the meetings of his HOA are published publicly; HOA documents should be made easily available; HOA dues in this community are the highest in the city, but residents get a lot for their money |
| Paul and Leah Freese 943 Lexington Drive Rockwall, TX | Were not present to address the council |
| Jay or Tracy Benge 1970 Broken Lance Lane Rockwall, TX | Live in the Oaks of Buffalo Way; need to have requirements to allow for an appeals process on board decisions; current DCCRs allow decision appeals via a special vote by the neighborhood |
| Harold Snyder 1519 Murphy Drive Rockwall, TX 75087 | Lives in Waterstone Estates; is a member and current chairman of the HOA; spoke about the ways in which HOA boards should enforce DCCRs; spoke against limiting board member terms; the city could establish a binding dispute resolution board; need to require and establish reasonable rules and procedures for HOAs; should require special assessments to be less than the annual assessment and only pursue foreclosure as a final measure |
| Mike McMillan 2315 Shoal Creek Lane Rockwall, TX | Moved to Rockwall in November of last year; used to live in a non-HOA community in Rowlett that has become run down and less than visually appealing; HOAs in Rockwall attracted them to move here; spoke strongly in favor of them and discouraged the city from governing them |
| Russell Kelley 2170 Paint Creek Court Rockwall, TX | Took over an HOA from the developer four years ago; city should not be involved in HOAs other than to ensure they are set up properly on the |

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|---|---|
| | front end; have 388 homes in the community (Lofland Farms) and dues are \$400 per year; does have a management company; moved to Rockwall because of the HOAs; used to live in Farmers Branch; city should not get involved in HOAs. |
| Lisa Hayes 1384 Hayward Drive Rockwall, TX 75087 | Was not present to address the Council; Mayor Cecil read her comments which expressed the need to ensure well written by-laws are in place; Pulte governed the HOA for five years and did not enforce by-laws and did not ensure well written by-laws were established; Pulte and the management company would not present financials when requested for the last three years |
| Myles Opheim 3321 Suffolk Drive, Suite 101 Fort Worth, TX 76133 | Cautioned the Council about requiring mandatory HOAs; significant fraudulent activity occurred in an HOA community in which he lived in Euless, TX; no access to records was allowed; need to ensure that open meeting laws are followed if mandatory HOAs are required |
| Carla Jordan 209 Landry Court Irving, TX | Is a homeowner in Valley Ranch in Irving, TX and is a member and co-founder of www.vrvoice.com ; encouraged the city to protect residents and homeowners; by-laws tend to be written in favor of HOAs; it is almost impossible to make changes; is not in favor of HOAs. |

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19 **III. ADJOURNMENT**

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21 Mayor Cecil thanked the public for coming and communicating their issues.
22 Mayor Cecil adjourned the public meeting at 9:15 p.m.
23

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25 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF**
26 **ROCKWALL, Texas, this 7th day of July, 2008.**

27
28
29 **ATTEST:**

William R. Cecil
William R. Cecil, Mayor

30 *Kristy Ashberry*
31 *Kristy Ashberry*
32 **Kristy Ashberry, City Secretary**



MINUTES
ROCKWALL CITY COUNCIL
Monday, June 16, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen Mark Russo, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, Committee Appointments, and City Manager evaluation.
3. 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.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 21st day of July, 2008.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

**Monday, June 16, 2008
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen Mark Russo, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DAVID SWEET

III. PROCLAMATIONS / AWARDS

1. Juneteenth Proclamation

Pastor Joe Robbins was present to accept the proclamation, which was read and presented by Mayor Cecil.

IV. CONSENT AGENDA

- 1. Consider approval of an ordinance amending Chapter 19 Parks and Recreation, Article III, Lake Ray Hubbard, by providing a new section 19-44 Tree Removal or Trimming, and take any action necessary. (2nd reading)**
- 2. Consider granting of a 10-foot utility easement to ONCOR within the Foxchase Park and take any action necessary.**
- 3. P2008-016 - Discuss and consider a request from Robert Richardson of Doug Connally & Associates for approval of a replat of Lot 7, Block A, Municipal Industrial Park Addition, being 1.0117-acres zoned (LI) Light Industrial district located along the north side of Whitmore Drive east of Townsend, and take any action necessary.**
- 4. P2008-017 - Discuss and consider a request by Rusty Prentice of Pate Engineers, Inc., for approval of a replat of Lots 13 and 14, Block A, Presbyterian Hospital of Rockwall Addition, being a 3.078-acre tract zoned (PD-9) Planned Development No. 9 district and situated along Rockwall Parkway southwest of Horizon Road, and take any action necessary.**
- 5. Consider award of the engineering agreement with GSWW for a study of a portion of the Buffalo Creek sanitary sewer basin and take any action necessary.**

Councilmember Scott pulled item #1 for discussion.

Mayor Pro Tem Sevier made a motion to approve the remainder of the consent agenda (items #2, 3, 4, and 5). Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Councilmember Scott then made a motion to approve Consent Agenda item #1.
Councilmember Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 08-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
AMENDING CHAPTER 19 PARKS AND RECREATION, ARTICLE III, LAKE RAY
HUBBARD, BY PROVIDING A NEW SECTION 19-44 TREE REMOVAL OR
TRIMMING; PROVIDING A FINE NOT TO EXCEED THE SUM OF \$500; PROVIDING
A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN
EFFECTIVE DATE.

The motion passed by a vote of 7 ayes and 0 nays.

V. APPOINTMENTS

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

P&Z Chairman, Bill Bricker, briefed the Council on the actions taken by P&Z related to today's agenda.

2. Appointment with Debra Farst, State Coordinator of the Texas Main Street Program, to hear a presentation on the Texas Main Street Program and take any action necessary.

Ms. Debra Farst explained that the Main Street Program is a National Program of economic development through historic preservation and gave a ten minute power point presentation to brief the Council on the program and its benefits. She informed the Council that Rockwall has sent a letter of intent and that the actual application deadline is July 31, 2008. The cities of Laredo and Royse City are new cities within the program this year. Ms. Farst indicated that "buy in" from elected officials is important to the success of the program and explained the services offered through the program.

Councilmember Farris asked what the success rate of the program is and how it might be measured and quantified.

Ms. Farst informed him that success of the program is defined by different cities in different ways and that it is measured by monthly reported aggregate re-investment figures (rehabilitation, jobs created, etc.).

Councilmember Russo asked why Longview has resubmitted and what the criteria are for selection. Ms. Farst stated that she is not sure because they have been out of the program for over 15 years. She outlined that five new cities are accepted each year, and, out of those, two can be re-applications. She stated that there are five criteria reviewed when considering applicants, and these include:

1. Historic Preservation fabric
2. Community Buy-In
3. Demonstrated need

136 4. Public/Private Support

137 5. Fiscal capacity/ Financial Commitment

138 Ms. Farst indicated that Rockwall should make a large attempt in the application to show
139 buy in by elected officials and by the community as a whole.

- 140
- 141 3. Appointment with resident Patrice Kapur to hear concerns related to
142 prayer said at Jason Castro Day at the Harbor and take any action
143 necessary.

144 Ms. Patrice Kapur
145 1835 Bay Hill Drive
146 Rockwall, TX

147 Ms. Kapur indicated that she is a graduate of the LBJ School of Public Affairs at
148 University of Texas in Austin and that she has twelve years of experience in municipal
149 government. She outlined that a sectarian religious message from a teaching pastor at
150 Lake Pointe Church was delivered to the public when the pastor commissioned Jason
151 Castro by saying a prayer. She stated that this violated the principle of separation of
152 church and state in the United States Constitution and she is concerned about using
153 taxpayer's money to support an event with a sectarian religious purpose. She expressed
154 her desire that the City create a policy against using funds to support an event with a
155 religious purpose.

156 The City Attorney, Pete Eckert, explained that the prayer was not a government initiated
157 action and that all speakers at the event were free to say as they pleased.

158

159 VI. PUBLIC HEARING ITEMS

160

- 161 1. Z2007-022 - Hold a public hearing and consider approval of an ordinance
162 for a request by Mike and Paige Brown for approval of a Specific Use
163 Permit (SUP) allowing for a landing/stairs exceeding the maximum
164 requirements within the Lake Ray Hubbard Takeline Overlay (TL OV)
165 District, in the take area adjacent to their property at 1160 Crestcove
166 Drive, being Lot 21, Block B, Hillcrest Shores Phase 3 Addition, and take
167 any action necessary. (1st Reading)

168 Planning Director Robert LaCroix provided information on this item and explained the
169 applicant's request. Staff stated that they thought it was a judgment call for Council and
170 did not make a recommendation.

171

172 The applicant, Mr. Mike Brown, was present to address the Council and explained his
173 request in further detail. He showed pictures showing the existing property and pictures
174 of samples of what is being requested.

175

176 Mayor Cecil opened the public hearing but no members of the public came forth to
177 address the Council on this item.

178

179 Councilmember Scott stated that he agreed with the Council establishing general
180 parameters and then allowing residents more flexibility with sub-leased takeline areas.
181 He expressed that a takeline workshop is scheduled with the Council and that this may

need to wait until after the worksession. He explained that he wants to get away from residents having to request variances so frequently and that he wants to address this on a much broader scale but does believe this request is reasonable.

Mayor Pro Tem Sevier indicated that approving the variance request would set precedence. Therefore, action on this item may need to be delayed until after the worksession.

Councilmember Farris made a motion to table the request. Councilmember Sweet seconded the motion.

Mr. Mike Brown explained that he was granted a SUP for the deck and storage area over two years ago and requested that the Council go ahead and consider the current request.

Councilmember Nielsen expressed reasons for support of Mr. Browns request and expressed a desire to withdraw the motion to table the request and instead take action on Mr. Browns request today.

Councilmember Farris stated that he was not willing to withdraw the motion.

Councilmember Scott indicated that the applicant has been through a long process and that the Council should take action on the three SUP requests up for consideration today. After this request, Councilmember Scott suggested instituting a moratorium on accepting any further applications.

Councilmember Sweet withdrew his second of the motion. The motion died due to a lack of a second.

Mayor Cecil closed the public hearing.

Councilmember Scott made a motion to approve the request. Councilmember Nielsen seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 08- 29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A LANDING/STAIRS EXCEEDING THE MAXIMUM REQUIREMENTS WITHIN THE LAKE RAY HUBBARD TAKELINE OVERLAY DISTRICT, ON A TRACT OF LAND ADJACENT TO LOT 21, BLOCK B, HILLCREST SHORES PHASE 3 ADDITION AND LOCATED AT 1160 CRESTCOVE DRIVE; 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 (Farris).

2. Z2008-009 - Hold a public hearing and consider approval of an ordinance for a request by Robert Scott Jungels for approval of a Specific Use Permit (SUP) allowing for a deck/patio exceeding the maximum

requirements within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to his property at 1200 Crestcove Drive, being Lot 25, Block B, Hillcrest Shores Phase 3 Addition, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided information on this item and explained the applicant's request. He indicated that the applicant is requesting to use exposed aggregate concrete and that it could have a tendency to move or crack. He explained that the SUP request is for a material that is not currently approved. The Planning and Zoning Commission recommended approval 6 to 0.

Engineering Director Chuck Todd explained that that building material will match the backplash on the sea wall.

Mr. Scott Jungels

1200 Crestcove

Rockwall, TX

The applicant, Mr. Scott Jungels, was present to address the Council and explain his request in further detail. He expressed that the reason for using the composite material is because it would be more cost effective.

Mayor Cecil opened the public hearing. There being no one to come forth and speak at the public hearing, Mayor Cecil then closed the public hearing.

Councilmember Scott made a motion to approve the request. Councilmember Nielsen seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 08-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A DECK/PATIO EXCEEDING THE MAXIMUM REQUIREMENTS WITHIN THE LAKE RAY HUBBARD TAKELINE OVERLAY DISTRICT, ON A TRACT OF LAND ADJACENT TO LOT 25, BLOCK B, HILLCREST SHORES PHASE 3 ADDITION AND LOCATED AT 1200 CRESTCOVE DRIVE; 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 (Farris).

3. Z2008-007 - Hold a public hearing and consider approval of an ordinance for a city-initiated request to amend the Unified Development Code (Ord. 04-38) of the City of Rockwall, specifically Article V, Section 6.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided information on this item and explained the request. He informed the Council that the materials pertaining to boat related structures within the takeline were re-evaluated and composite materials were also evaluated. He

284 explained the research and minimum specifications on what premium composite
285 materials should be and briefed the Council on powder covered aluminum material and
286 its possibilities.

287
288 Mayor Cecil opened the public hearing. There being no one to come forth and speak at
289 the public hearing, Mayor Cecil then closed the public hearing.

290
291 Councilmember Scott made a motion to approve the request. Councilmember Sweet
292 seconded the motion. The ordinance was read as follows:

293
294 **ORDINANCE NO. 08-30**

295
296 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
297 AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY
298 OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE V,
299 SECTION 6.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT;
300 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
301 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
302 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND
303 PROVIDING FOR AN EFFECTIVE DATE.

304
305 The motion passed by a vote of 7 ayes and 0 nays.

- 306
307 4. Z2008-010 - Hold a public hearing and consider approval of an ordinance
308 for a request by Ross Ramsay for approval of a change in zoning from
309 (SF-7) Single Family Residential district to (GR) General Retail district, on
310 the 0.753-acre property known as part of Block 117, B F Boydston
311 Survey, located at 101 St. Mary Street and situated at the northeast
312 corner of St. Mary Street and South Goliad, and take any action
313 necessary. (1st Reading)

314 Planning Director Robert LaCroix provided information on this item and explained the
315 applicant's request. He outlined that everything surrounding the tract in question is
316 zoned general retail and that most of the area has changed from single family to general
317 retail. He indicated that the applicant would have to submit a replat and a site
318 development plan at a later date once the zoning was approved. The Planning and
319 Zoning Commission voted in favor of the request 6 to 0. Three public notices were mailed
320 back in favor of the request.

321
322 Councilmember Nielsen asked what the maximum height allowed in this zoning district
323 would be. Mr. LaCroix informed her that it would be 36 feet (2 ½ stories).

324
325 Mayor Cecil opened the public hearing. There being no one to come forth and speak at
326 the public hearing, Mayor Cecil then closed the public hearing.

327
328 Mayor Pro Tem Sevier made a motion to approve the request. Councilmember Sweet
329 seconded the motion. The ordinance was read as follows:

330
331 **ORDINANCE NO. 08-32**

332
333 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
334 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS

PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-7) SINGLE FAMILY RESIDENTIAL DISTRICT TO (GR) GENERAL RETAIL DISTRICT, ON A TRACT OF LAND CONTAINING APPROXIMATELY 0.753-ACRE LOCATED AT 101 ST. MARY STREET AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; 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 7 ayes and 0 nays.

5. Z2008-011 - Hold a public hearing and consider approval of an ordinance for a request by Stanley Jeffus for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically a wind turbine, on his property at 1903 S. FM 549, being a 5.0-acre tract zoned (Ag) Agricultural district and known as part of Lot 2, McLendon Companies Addition, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided information on this item and explained the applicant's request. He outlined that this is an experiment for the applicant to see if using the wind turbine would result in more efficient energy use. The noise level will be very minimal and will not be heard from surrounding properties. The Planning and Zoning Commission voted in favor of this request by a 6 to 0 vote.

Mr. Stan Jeffus

1903 S FM 549

Rockwall, TX

The applicant, Mr. Stan Jeffus, was present to address the Council and explain his request in further detail. He outlined the type of wind turbine he proposed to use and the specifications of it. He explained that the wind turbine could produce 1/3 of the electricity in his home.

Mayor Cecil opened the public hearing.

The Council discussed the cost, functionality and life span of the wind turbine with the applicant.

County Commissioner Ms. Lorie Grinnan stated that if this experiment was successful that maybe the City could put information about it on its website.

There being no one to come forth and address Council on this item, Mayor Cecil then closed the public hearing.

Councilmember Sweet made a motion to approve the request. Councilmember Scott seconded the motion.

Councilmember Farris asked if the wind turbine is currently allowed in all homes within the city. Mr. LaCroix informed him that currently a Specific Use Permit is required in every case, though they are allowed.

The ordinance was read as follows:

ORDINANCE NO. 08- 33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "UTILITY INSTALLATION, OTHER THAN LISTED," SPECIFICALLY A WIND TURBINE WITHIN THE (AG) AGRICULTURAL DISTRICT, ON A 5.0-ACRE TRACT OF LAND LOCATED AT 1903 S. FM 549 AND DESCRIBED AS PART OF LOT 2, MCLENDON COMPANIES 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 7 ayes and 0 nays.

6. Z2008-012 - Hold a public hearing and consider approval of an ordinance for a request by Stanley and Patricia Watson for approval of a change in zoning from (SF-E/4.0) Single Family district to (PD) Planned Development district to allow for three (3) single family lots on their 11.75-acre property located at 2826 N. FM 549 and known as Tract 5-2, Abstract 193, J. E. Sherwood Survey, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided information on this item and explained the applicant's request. He indicated that the applicant intends to divide the lot into three lots to allow their children to live on the property. The applicant has agreed to sprinkle the homes in order to meet fire code.

Mr. Tim Watson

2826 N. FM 549

Rockwall, TX

Mr. Watson, the son of the applicant, was present to address the Council and explain his request in further detail. He indicated that two of the properties would have a shared road and that they would sprinkle the homes to meet fire code.

Mayor Cecil opened the public hearing. There being no one to come forth and speak at the public hearing, Mayor Cecil then closed the public hearing.

Councilmember Farris made a motion to approve the request. Mayor Pro Tem Sevier seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 08- 34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM (SF-E/4.0) SINGLE FAMILY ESTATE DISTRICT TO (PD-72) PLANNED

DEVELOPMENT NO. 72 DISTRICT ON AN 11.75-ACRE TRACT KNOWN AS TRACT 5-2, ABSTRACT 193, J.E. SHERWOOD SURVEY, BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes and 0 nays.

7. Z2008-008 (Public Hearing to be continued until 7/7/08) - Hold a public hearing and consider approval of an ordinance for a request by Phil Powell for approval of a Specific Use Permit (SUP) to allow for a "Tennis Court, Private" within the SF-E/2.0 Single Family Estate district, specifically on his 2.921-acre property located at 530 Cullins Rd. and currently described as Tract 4-5, Abstract 80, W. W. Ford Survey, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided information on this item and explained that the public hearing needed to be opened and continued due to the applicant not being able to make it to the meeting.

Mayor Cecil opened the public hearing.

Councilmember Farris made a motion to continue the public hearing to the July 7, 2008 City Council Meeting. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

8. Z2008-013 (Public Hearing to be continued until 7/7/08) - Hold a public hearing and consider approval of an ordinance for a request by Marcus McNamara of Alexander Marcus Design Group, LLC for approval of a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring approximately 52'4" in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided information on this item and explained that the public hearing needed to be opened and continued to the next City Council Meeting.

Mayor Cecil opened the public hearing.

Councilmember Farris made a motion to continue the public hearing to the July 7, 2008 City Council Meeting. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

VII. ACTION ITEMS

1. Discuss and consider restricting parking on unpaved surfaces and take any action necessary.

City Manager Julie Couch recommended doing an analysis of what the current situation is before moving forward. She stated that the City does not currently require paved surfaces in front lawns.

Councilmember Nielsen stated that staff should be cautious with older neighborhoods without garages and sidewalks when doing deliberative analysis.

Councilmember Sweet made a motion to instruct staff to conduct an analysis of issues related to off street parking on unpaved surfaces and return the results to the City Council in 90 days. Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

2. Conduct Show Cause Hearing for a possible condemnation and demolition of the structure located on Eva Place in Lake Rockwall Estates and take any action necessary.

Building Official Jeffrey Widmer gave background on this item and explained that a certified notice was sent to the property owner and published in the newspaper because the owner did not respond to the notice left by the code enforcement officer. The certified mail response was received back.

City Attorney Pete Eckert asked if the demolition request has met all of the procedural requirements under the Texas Local Government Code. Widmer informed him that it has met the requirements. Widmer added that certain ordinances can be extended into Lake Rockwall Estates (the city's ETJ) including demolition of unsafe structures. Council included funding in the fiscal year 2008 budget specifically for demolishing structures in Lake Rockwall Estates.

Councilmember Nielsen asked if a lien would be put against the property owner. Widmer informed her that it would and that the money would be re-couped at the sale of the property.

Mayor Pro Tem Sevier expressed concern on demolishing and spending city money on properties not currently located within the city. He stated that the decision to annex that area into the city will not be made until February 2009.

Councilmember Scott stated that health issues associated with unsafe structures are valid concerns and that the residents in that area are already part of the community because they attend Rockwall schools.

Councilmember Farris made a motion to condemn and demo the structure located on Eva Place. Councilmember Nielsen seconded the motion.

Councilmember Sweet expressed concern about moving forward with the motion because he does not believe it is the city's responsibility at this point since the property has not yet been annexed.

534
535 **The motion passed by a vote of 4 ayes and 3 nays (Sevier, Sweet, Russo).**
536

- 537 3. Conduct Show Cause Hearing for a possible condemnation and
538 demolition of the structure located at 157 Wayne Drive in Lake Rockwall
539 Estates and take any action necessary.

540 **Building Official Jeffrey Widmer asked the Council to postpone this item to a future date**
541 **due to a conversation the owner had with the city attorney during a meeting break. He**
542 **requested the 90 day clock start tonight so that this year's budgeted funds can be put**
543 **towards this demolition.**

544 **City Attorney Pete Eckert verified that the actual demolition can be postponed for up to**
545 **90 days, with that timeframe starting now. Eckert indicated that the owner currently has a**
546 **sale contract on the property in question. The proposed buyer for the property is the**
547 **Housing Development Corporation.**

548 **Councilmember Scott made a motion to proceed with postponement of the show cause**
549 **hearing until a future date but with the 90 day timeframe starting tonight. Farris**
550 **seconded the motion.**
551

552 **The motion passed by a vote of 4 ayes and 3 nays (Sevier, Sweet, Russo).**
553

- 554 4. Conduct Show Cause Hearing for a possible condemnation and
555 demolition of the structure located at 533 Lakeside Drive in Lake
556 Rockwall Estates and take any action necessary.

557 **Building Official Jeffrey Widmer gave background on this item and explained that a**
558 **certified notice was sent to the property owner and published in the newspaper. The**
559 **certified notice was received back unclaimed. Since it was placard was placed on the**
560 **front of the property.**
561

562 **Councilmember Nielsen made a motion to proceed with the condemnation and**
563 **demolition of the property. Farris seconded the motion. The motion passed by a vote of**
564 **4 ayes and 3 nays (Sevier, Sweet, Russo).**
565

- 566 5. Conduct Show Cause Hearing for a possible condemnation and
567 demolition of the structure located at 574 County Line Road in Lake
568 Rockwall Estates and take any action necessary.

569 **Building Official Jeffrey Widmer stated that the property owner gave the city attorney**
570 **reason to believe that he is moving forward with action on his own.**
571

572 **Councilmember Farris made a motion to postpone the condemnation and demolition of**
573 **the property until a further date with the 90 day timeframe starting now. Nielsen**
574 **seconded the motion.**
575

576 **The motion passed by a vote of 4 ayes and 3 nays (Sevier, Sweet, Russo).**
577
578

- 579 6. Conduct Show Cause Hearing for a possible condemnation and
580 demolition of the structure located 1446 Blanche in Lake Rockwall
581 Estates and take any action necessary.

582 **Building Official Jeffrey Widmer gave background information on this item.**

583
584 **Councilmember Farris made a motion to proceed with the condemnation and demolition**
585 **of the property.**

586
587 **Councilmember Nielsen expressed concern about using a bad address to deliver notices**
588 **to the property owners. Widmer informed her that the City pays for a title search to make**
589 **all attempts to locate the property owners and uses a company to research them through**
590 **the tax rolls at the County. The City exhausts all avenues for determining the correct**
591 **owners and addresses where notices are to be mailed.**

592
593 **Councilmember Nielsen seconded the motion. The motion passed by a vote of 4 ayes**
594 **and 3 nays (Sevier, Sweet, Russo).**

- 595
596 7. Update Council on status of and changes to Rockwall University Program
597 and take any action necessary.

598 **City Manager Julie Couch recognized Keri Johnson for her hard work on restructuring**
599 **the program and stated that the program has expanded to include leadership,**
600 **succession planning, continued education and training opportunities.**

601
602 **Cheryl Dunlop briefed Council on additions to the program and new courses. No action**
603 **was taken by Council on this action item.**

- 604
605 8. Discuss and consider creating a council subcommittee to develop best
606 practices for HOA communities and take any action necessary.

607 **Councilmember Scott made a motion that Council appoint a Council subcommittee to**
608 **research, examine and possibly develop best practices for future HOA communities. He**
609 **recommended that 7 citizens serve along with the Council Subcommittee, as well as**
610 **outside legal counsel, preferably Terry Morgan. Nielsen seconded the motion.**

611
612 **Councilmember Scott amended the motion to allow more latitude in choosing the**
613 **appropriate attorney to help with this issue. Nielsen seconded the motion amendment.**

614
615 **The motion passed by a vote of 7 ayes and 0 nays.**

- 616
617 9. Discuss and consider initiating a citizen survey and take any action
618 necessary.

619 **City Manager Julie Couch stated that the C3 efforts will help drive the nature of the**
620 **survey and that the survey has been budgeted for this year. She indicated that there is a**
621 **need to have a concept discussion to identify what the purpose is of conducting the**
622 **survey and what is hoped to be accomplished.**

Mayor Cecil asked what the time frame is for this project. Couch informed him that the deadline is late August or early September and that the budgeted money has to be spent before the end of this fiscal year.

Mayor Cecil adjourned the meeting into executive session at 10:04 pm.

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

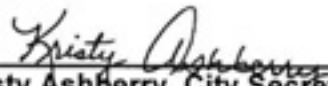
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, Committee Appointments, and City Manager evaluation.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of executive session. Mayor Cecil adjourned the meeting at 11:15 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 21st day of July, 2008.

ATTEST:


Kristy Ashberry, City Secretary


William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, June 30, 2008
5:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 5:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Mark Russo, Cliff Sevier, Matt Scott and David Sweet. Councilmember Margo Nielsen was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the meeting into Executive Session.

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


1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken by Council as a result of executive session.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 21st day of July, 2008.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



MINUTES

ROCKWALL CITY COUNCIL WORKSESSION

Monday, June 30, 2008

6:00 p.m. Work Session

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

I. CALL TO ORDER.

Mayor Cecil called the meeting to order at 6:15 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Mark Russo, Cliff Sevier, and Matt Scott. Councilmember David Sweet joined the meeting at 6:22 p.m. Councilmember Margo Nielsen was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. HOLD WORK SESSION TO DISCUSS PLANNING FOR CITY BOUNDARIES AND TAKE ANY ACTION NECESSARY.

Planning Director Robert LaCroix provided the Council with information on possible boundary expansion options for the City Council to consider. General discussion took place related to this topic. No action was taken by the Council at this time.

III. HEAR UPDATE FROM COUNCIL SUBCOMMITTEE REGARDING ANNUAL BUDGET & EMPLOYEE COMPENSATION AND TAKE ANY ACTION NECESSARY.

Mayor Cecil began the discussion and indicated that the Council Subcommittee (Bill Cecil, Cliff Sevier and David Sweet) met about every two weeks for two months to review all budget related policies that guide budget development each year.

Mayor Pro Tem Cliff Sevier stated that after discussions with Administrative Services Director Cheryl Dunlop and Finance Director Mary Smith, a flow chart was created related to the budget. The flow chart created provides information that may have been previously unknown or previously unrecognized by council members. The chart should help clarify the entire budget process. Mayor Cecil made a recommendation to add "Exhibit A" (the flow chart) to the budget discussion each year.

Council member David Sweet arrived to the meeting at 6:22 p.m.

City Manager Julie Couch indicated that budget discussions will be brought forth to the full Council at the July 7, 2008 Council meeting.

Councilmember Scott asked if the subcommittee feels that the employee pay plan results in appropriate and fair compensation.

Mayor Cecil stated that they reviewed it and do feel that it is fair. Mayor Cecil further stated that the subcommittee was most interested in the 15 comparable cities as related

88 to salary comparisons. He indicated that Council should continue to evaluate the
89 appropriateness of comparable cities in the future.
90

91 Couch stated that there is no policy related to how often the city re-evaluates comparable
92 cities and that it has typically been done about every ten years. Mayor Cecil
93 recommended that staff create a formal policy that only major abnormalities or a period
94 of time of five years should warrant Council re-evaluation of comparable cities. The
95 criteria by which the fifteen cities are selected should also be included in the written,
96 formal policy.
97

98 Councilmember Scott made a motion to approve the two council subcommittee
99 recommendations pertaining to the budget process and to move forward with formalizing
100 the policy on comparable city selection criteria. Councilmember Russo seconded the
101 motion.
102

103 The motion passed by a vote of 6 ayes, 0 nays and 1 absent. (Nielsen)
104

105 **IV. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND**
106 **551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:**
107

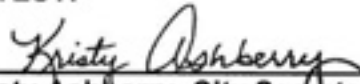
- 108 1. Deliberation regarding the purchase, exchange, lease, or value of real
109 property.
- 110 2. Personnel Issues, including Board, Commission, and Committee
111 Appointments, and Related Matters.
- 112 3. Commercial or financial information regarding business prospects that the
113 City seeks to have locate, stay, or expand in or near the territory of the
114 City of Rockwall and with which the Board is conducting economic
115 development negotiations.
- 116 4. Pursuant to Section 551.071, consultation between the City's attorneys
117 and City Council where the duty of the City's attorneys to the City Council
118 under the Code of Professional Responsibility of the State Bar of Texas
119 clearly conflicts with the Open Meetings Act.
120

121 **V. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
122

123 No action was taken by Council as a result of executive session.
124

125 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
126 **Texas, this 21st day of July, 2008.**
127

128
129 **ATTEST:**

130 
131 Kristy Ashberry, City Secretary
132


William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, July 07, 2008
2:00 p.m. Work Session & Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

II. HOLD WORK SESSION TO DISCUSS POSSIBLE CHANGES TO TAKELINE OVERLAY DISTRICT REQUIREMENTS AND TAKE ANY ACTION NECESSARY.

General discussion took place related to management of the takeline area, including items in the takeline that could possibly be grandfathered and items that could perhaps be allowed without subleasing. The council expressed a desire to have additional time to consider all aspects of the issue. Council requested that a similar discussion item be placed on the next city council meeting agenda for consideration. No action was taken at this time.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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. Consider project and funding for REDC land acquisition.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken by Council at this time.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 4th day of August, 2008.

ATTEST:

Kristy Ashberry
Kristy Ashberry, City Secretary

William R. Cecil
William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, July 07, 2008

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Bill Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen Mark Russo, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MARGO NIELSEN

Council member Margo Nielsen delivered the invocation and led the audience in the Pledge of Allegiance.

III. OPEN FORUM

No one came forth to address the Council during Open Forum.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the June 2, 2008 City Council meeting and take any action necessary.
2. Consider approval of the minutes from the June 9, 2008 Special Meeting of the City Council and take any action necessary.
3. Discuss and consider recommendation from Park Board regarding naming of off-road bicycle trail and take any action necessary.
4. Discuss and consider adoption of an ordinance amending Chapter 16-233 (a)(8) of the Code of Ordinances regarding towing of illegally parked vehicles and take any action necessary. (1st reading)
5. Consider approval of the revised storm water detention standards and take any action necessary.
6. Consider adoption of a resolution pertaining to code enforcement policies within the Takeline area and take any action necessary.
7. Discuss and consider a recommendation of the Steering Committee of Cities Served by Oncor and approval of a Resolution to suspend Oncor's effective date for a rate increase and take any action necessary.
8. Consider an amendment to Chapter 17-6 of the Code of Ordinances regarding the Associate Judge position and take any action necessary. (2nd Reading)
9. Consider approval of the material testing contract for the Sam Houston Street Reconstruction project and take any action necessary.
10. Consider approval of the sale of a 4-foot Public Right-of-Way (ROW) at 721 Sunset Hill and take any action necessary.

- 93 11. Consider approval of the partial abandonment of a utility easement at
94 5807 Yacht Club and take any action necessary.
- 95 12. Consider the partial abandonment of two easements at the Wal-mart
96 Neighborhood Market and take any action necessary.
- 97 13. Z2007-022 - Consider approval of an ordinance for a request by Mike and
98 Paige Brown for approval of a Specific Use Permit (SUP) allowing for a
99 landing/stairs exceeding the maximum requirements within the Lake Ray
100 Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to
101 their property at 1160 Crestcove Drive, being Lot 21, Block B, Hillcrest
102 Shores Phase 3 Addition, and take any action necessary. (2nd Reading)
- 103 14. Z2008-007 - Consider approval of an ordinance for a city-initiated request
104 to amend the Unified Development Code (Ord. 04-38) of the City of
105 Rockwall, specifically Article V, Section 6.15, Lake Ray Hubbard Takeline
106 Overlay (TL OV) District, and take any action necessary. (2nd Reading)
- 107 15. Z2008-009 - Consider approval of an ordinance for a request by Robert
108 Scott Jungels for approval of a Specific Use Permit (SUP) allowing for a
109 deck/patio exceeding the maximum requirements within the Lake Ray
110 Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to
111 his property at 1200 Crestcove Drive, being Lot 25, Block B, Hillcrest
112 Shores Phase 3 Addition, and take any action necessary. (2nd Reading)
- 113 16. Z2008-010 - Consider approval of an ordinance for a request by Ross
114 Ramsay for approval of a change in zoning from (SF-7) Single Family
115 Residential district to (GR) General Retail district, on the 0.753-acre
116 property known as part of Block 117, B F Boydston Survey, located at
117 101 St. Mary Street and situated at the northeast corner of St. Mary
118 Street and South Goliad, and take any action necessary. (2nd Reading)
- 119 17. Z2008-011 - Consider approval of an ordinance for a request by Stanley
120 Jeffus for approval of a Specific Use Permit (SUP) to allow for a "Utility
121 Installation, Other Than Listed," specifically a wind turbine, on his
122 property at 1903 S. FM 549, being a 5.0-acre tract zoned (Ag) Agricultural
123 district and known as part of Lot 2, McLendon Companies Addition, and
124 take any action necessary. (2nd Reading)
- 125 18. Z2008-012 - Consider approval of an ordinance for a request by Stanley
126 and Patricia Watson for approval of a change in zoning from (SF-E/4.0)
127 Single Family district to (PD) Planned Development district, to allow for
128 three (3) single family lots on their 11.75-acre property located at 2826 N.
129 FM 549 and known as Tract 5-2, Abstract 193, J. E. Sherwood Survey,
130 and take any action necessary. (2nd Reading)
- 131 19. P2008-015 - Discuss and consider a request from Dean Cathey for
132 approval of a final plat of Lot 1, Block 1, Bray Addition, being 2.41-acres
133 zoned (SF-10) Single Family District and located at the terminus of Valley
134 Drive, south of Westway Drive, and take any action necessary.
- 135 20. P2008-020 - Discuss and consider a request by Michael Alturk of MA
136 Engineering for approval of a replat of Lot 1, Block A, Subway / Gateway /
137 Health Food Store Addition, being a 2.0-acre tract zoned (PD-46)

Planned Development No. 46 district and located at the northeast corner of FM 549 and SH 276, and take any action necessary.

21. Discuss and consider adoption of a resolution authorizing participation in the Texas Main Street Program and designating the City Manager to coordinate program activities and take any action necessary.

Councilmember Farris pulled items #4, 5, 6, 12, 13, 14, 15, and 21 for further discussion.

Councilmember Farris indicated that information was missing from the June 2, 2008 Council Meeting minutes, specifically information related to the charter review discussion. He expressed that he recalled making a motion for a partial charter review, a motion which he recalled failed by a 3 to 4 vote.

Mayor Cecil made a motion to approve remaining consent agenda items (Consent Agenda Items # 1, 2, 3, 7, 8, 9, 10, 11, 16, 17, 18, 19, and 20), with Consent Agenda item #1 being subject to appropriate revisions as pointed out by Councilmember Farris. Councilmember Sweet seconded the motion.

The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 08-35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING SECTION 17-6 OF THE CODE OF ORDINANCES IN ITS ENTIRETY; PROVIDING A NEW SECTION 17-6 TO PROVIDE FOR DUTIES OF THE ASSOCIATE JUDGE OF THE MUNICIPAL COURT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 08-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-7) SINGLE FAMILY RESIDENTIAL DISTRICT TO (GR) GENERAL RETAIL DISTRICT, ON A TRACT OF LAND CONTAINING APPROXIMATELY 0.753-ACRE LOCATED AT 101 ST. MARY STREET AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; 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.

CITY OF ROCKWALL
ORDINANCE NO. 08-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "UTILITY INSTALLATION, OTHER THAN LISTED," SPECIFICALLY A WIND TURBINE WITHIN THE (AG) AGRICULTURAL DISTRICT, ON A 5.0-ACRE TRACT OF LAND LOCATED AT 1903 S. FM 549 AND DESCRIBED AS

PART OF LOT 2, MCLENDON COMPANIES 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.

CITY OF ROCKWALL
ORDINANCE NO. 08-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM (SF-E/4.0) SINGLE FAMILY ESTATE DISTRICT TO (PD-72) PLANNED DEVELOPMENT NO. 72 DISTRICT ON AN 11.75-ACRE TRACT KNOWN AS TRACT 5-2, ABSTRACT 193, J.E. SHERWOOD SURVEY, BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion passed by a vote of 7 ayes and 0 nays.

Regarding Consent Agenda Item #4, Councilmember Farris expressed concern that the documentation only addressed abandoned vehicles. Councilmember Farris asked if the wording was supposed to address 'abandoned' vehicles or only illegally parked vehicles. Code Enforcement Supervisor Cliff Griffin addressed the Council and clarified that one sentence needed to be deleted so that any type of vehicle mentioned in Chapter 16 could be addressed.

Councilmember Farris made a motion to approve Consent Agenda item #4. Councilmember Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED, IN CHAPTER 16 MOTOR VEHICLES AND TRAFFIC, PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes and 0 nays.

Regarding Consent Agenda Item #5, Councilmember Farris asked what type of detention was constructed at the Toyota dealership. General discussion took place related to the various types of storm water detention and retention.

Councilmember Farris made a motion to approve Consent Agenda Item #5. Mayor Pro Tem Sevier seconded the motion. Mayor Cecil asked if staff is recommending one acre or one-half acre. City Engineer Chuck Todd clarified that staff is recommending one-half acre. The motion passed by a vote of 7 ayes and 0 nays.

Councilmember Farris made a motion to table Consent Agenda Item #6. Councilmember Nielsen seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Regarding Consent Agenda Item #12, Councilmember Farris asked clarifying questions regarding the location of the easement to be abandoned near the Walmart Neighborhood Market. City Engineer Chuck Todd clarified the location. Councilmember Farris then made a motion to approve Consent Agenda Item #12. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Regarding Consent Agenda Item 13, 14, and 15, Councilmember Farris indicated that he will not support these item. Mayor Cecil made a motion to approve Consent Agenda items 13, 14, and 15. Councilmember Nielsen seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 08-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A LANDING/STAIRS EXCEEDING THE MAXIMUM REQUIREMENTS WITHIN THE LAKE RAY HUBBARD TAKELINE OVERLAY DISTRICT, ON A TRACT OF LAND ADJACENT TO LOT 21, BLOCK B, HILLCREST SHORES PHASE 3 ADDITION AND LOCATED AT 1160 CRESTCOVE DRIVE; 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.

CITY OF ROCKWALL
ORDINANCE NO. 08-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE V, SECTION 6.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 08-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A DECK/PATIO EXCEEDING THE MAXIMUM REQUIREMENTS WITHIN THE LAKE RAY HUBBARD TAKELINE OVERLAY DISTRICT, ON A TRACT OF LAND ADJACENT TO LOT 25, BLOCK B, HILLCREST SHORES PHASE 3 ADDITION AND LOCATED AT 1200 CRESTCOVE DRIVE; 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;

311 PROVIDING FOR AN EFFECTIVE DATE.

312
313 The motion passed by a vote of 6 ayes and 1 nay (Farris).

314
315 Regarding Consent Agenda Item #21, Councilmember Farris clarified that the Council is
316 considering approval of a resolution stating that the City will agree to participate in the
317 Main Street Program. City Manager Julie Couch stated that budget related items would
318 be addressed during the upcoming budget process. If budget items are not approved,
319 the City would then withdraw its application in the Texas Main Street Program. Farris
320 made a motion to approve Consent Agenda Item #21. Councilmember Sevier seconded
321 the motion. The motion passed by a vote of 7 ayes and 0 nays.

322
323 **V. APPOINTMENTS**

- 324
325 1. Appointment with the Planning and Zoning Chairman to discuss and
326 answer any questions regarding cases on the agenda and related issues
327 and take any action necessary.

328 Chairman Bill Bricker briefed the Council on Planning and Zoning items on the Council
329 agenda. No action was taken related to this appointment item.

- 330 2. Appointment with resident Wes Rogers regarding speeding through
331 alleyways in North Lakeshore subdivision and take any action necessary.

332 **Wes Rogers**
333 **111 Teakwood Drive**
334 **Lakeshore Subdivision**
335 **Rockwall, TX**

336
337 Mr. Rogers expressed concern about speeding in his alleyway. He asked if the Council
338 would consider installing speed bumps in order to slow drivers down. Councilmember
339 Russo asked staff what could be done as far as signage. Russo asked if "Children at
340 Play" signage could possibly be installed. City Manager Julie Couch stated that the
341 Council could have staff bring recommendations back to the Council at a future date
342 after the matter is looked into further.

343
344 Mayor Cecil asked what the current status is of the Neighborhood Speed Control
345 Program. Couch indicated that neither this program nor the city's speed bump policy
346 applies to alleyways. Couch indicated that staff could investigate the problem and bring
347 back recommendations to Council in about thirty days.

- 348
349 3. Appointment with Ron Conway of Birkhoff, Hendricks & Conway, LLP to
350 discuss Downtown Improvements Study, and take any action necessary.

351 Mr. Ron Conway was present to address the City Council and offer a report on the
352 Downtown Improvements Study.

353
354 Mr. Conway indicated that the Downtown Plan was prepared in 2004 for the City of
355 Rockwall. Other professionals evaluated items such as above ground parking,
356 landscaping, lighting and historical preservation. A survey was conducted more than a
357 year ago to assess the current conditions downtown. Mr. Conway and Chuck Todd met
358 with TXDOT as part of the study as well. Conceptual plans and preliminary cost
359 estimates were developed in 2004. Since 2004, a development ordinance has been

360 passed by the City Council related to downtown. Mr. Conway proceeded to brief the
361 Council on various aspects of the Downtown Study including items such as sidewalks,
362 electrical needs, lighting, landscaping and parking. Cost estimates were included in the
363 written documentation to Council.

364
365 Councilmember Nielsen commented on the cost estimates and expressed hopes that the
366 downtown improvement items could be placed before voters for approval in the future.

367
368 Mayor Pro Tem Sevier asked if the courthouse was included in the report. Mr. Conway
369 clarified that the county courthouse was not included as part of this particular study.
370 General discussion took place related to parking related costs.

371
372 Councilmember Russo asked clarifying questions related to treescaping
373 recommendations. Russo indicated that the number of trees, specifically located near
374 the 7-11 store, seems excessive. Mr. Conway stated that these were preliminary,
375 conceptual plans that could possibly be modified in the future.

376
377 Assistant City Manager Rick Crowley requested that Council authorize staff to pursue
378 aspects of the Downtown Plan where private investments may be moved forward and
379 capital expenses could be delayed until they go before voters for approval.

380
381 Mayor Cecil made a motion authorizing Staff to move forward with exploring methods by
382 which aspects of the Downtown Plan could move forward with use of private investment
383 funds. Councilmember Nielsen seconded the motion. The motion passed by a vote of 7
384 ayes and 0 nays.

- 385
386 4. Appointment with Vern Glover to discuss and consider a request for a
387 special exception to the eligibility standards of the Lake Ray Hubbard
388 Takeline Overlay District for his property at 3616 Lakeside Drive in the
389 Lakeside Village subdivision, and take any action necessary.

390 Mr. Vern Glover
391 3616 Lakeside Drive
392 Rockwall, TX
393

394 Mr. Glover was present to address the Council on this item and give reasoning for his
395 request for a special exception. Expressed that he does not intend to build a boat dock
396 or preclude anyone from walking in the takeline area behind his property.

397 Councilmember Nielsen thanked Mr. Glover for taking good care of the takeline behind
398 his property. Councilmember Nielsen made a motion to grant Mr. Glover the requested
399 special exception. Councilmember Sweet seconded the motion. The motion passed by a
400 vote of 6 ayes and 1 abstention (Farris).

401
402 VI. PUBLIC HEARING ITEMS
403

- 404 1. Z2008-008 - Continue a public hearing and consider approval of an
405 ordinance for a request by Phil Powell for approval of a Specific Use
406 Permit (SUP) to allow for a "Tennis Court, Private" within the SF-E/2.0
407 Single Family Estate district, specifically on his 2.921-acre property

located at 530 Cullins Rd and currently described as Tract 4-5, Abstract 80, W. W. Ford Survey, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix offered background information on this item. LaCroix stated that this request is required for a private tennis court to be installed in a residential area. The property is located in an area with other large estate properties. Mr. LaCroix offered a brief description of the property and the nature of the request. Issues related to the lighting are still being worked out with the applicant. He indicated that light poles cannot be any taller than twenty feet. Staff and Planning and Zoning Commission made recommendations related to the lighting, specifically that the light poles could be no taller than twenty feet and that the lighting would have to be directed completely downward at a ninety degree angle. Staff also recommended that Planning review the photometric details of the lighting before lighting is approved. Staff would like to add a requirement that the lights be directed completely down with a maximum of 1" reveal. A public hearing was held with the Planning & Zoning Commission. The request was approved by the Planning and Zoning Commission by a vote of 6 ayes and 0 nays.

Councilmember Sweet asked why the tennis court was already installed without a permit. LaCroix stated that a pool house had already been installed with an approved building permit and the applicant thought the tennis court construction would also be included in that building permit. However, it was not included, and an additional building permit was requested.

Lea Powell
530 Cullins Road
Rockwall, TX

Mrs. Powell was present and clarified that the lighting would be directed downward ninety degrees. The builder did not know that a separate permit was needed to construct the tennis court.

Mayor Cecil opened the public hearing. No one came forth from the audience to speak at the public hearing. Mayor Cecil then closed the public hearing.

Councilmember Farris made a motion to approve the request. Councilmember Scott seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "TENNIS COURT, PRIVATE" WITHIN THE (SF-E/2.0) SINGLE FAMILY ESTATE DISTRICT, ON A 2.921-ACRE PROPERTY LOCATED AT 530 CULLINS ROAD AND CURRENTLY DESCRIBED AS TRACT 4-5, ABSTRACT 80, W. W. FORD SURVEY; 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 abstention (Sevier).

- 456 2. Z2008-013 - Continue a public hearing and consider approval of an
457 ordinance for a request by Marcus McNamara of Alexander Marcus
458 Design Group, LLC for approval of a Specific Use Permit (SUP) to allow
459 for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district,
460 specifically for a proposed four-story hotel measuring approximately 52'4"
461 in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4
462 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on
463 Vigor Way (private street) between IH-30 and Ridge Rd, and take any
464 action necessary. (1st Reading)

465 **Mayor Cecil opened the public hearing. Councilmember Sweet made a motion to continue**
466 **the public hearing until the next City Council meeting on July 21. Mayor Cecil seconded**
467 **the motion. The motion passed by a vote of 7 ayes and 0 nays.**

468
469 **VII. ACTION ITEMS**
470

- 471 1. Discuss and consider initiating annexation procedures for two areas
472 within the City's current Extraterritorial Jurisdiction (ETJ) - Area 1 being
473 south of Clem Road between FM 1141 and FM 549 and containing
474 approximately 162 acres of land, and Area 2 being east of the current city
475 limits and south of SH 276 and containing approximately 1,466 acres of
476 land, and take any action necessary.

477 **Planning Director Robert LaCroix began the discussion by offering background**
478 **information on this item. Mr. LaCroix clarified the location of area one and area two.**
479

480 **Mayor Cecil made a motion to proceed with the two annexations described by Staff.**
481 **Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and**
482 **0 nays.**
483

- 484 2. Discuss and consider accepting a Guaranteed Maximum Price for the
485 construction of Fire Stations #3 and #4 and take any action necessary.

486 **As a member of the subcommittee, Councilmember Nielsen briefed the Council on the**
487 **history of actions taken by the subcommittee. Nielsen explained the history of the**
488 **capital item that was disapproved by voters, the history of the proposed square footage**
489 **of stations as well as the history of site location identification for the two stations. She**
490 **explained that the fire stations are still over budget by more than \$1 million.**
491 **Construction costs are still increasing, and they continue to rise the longer action is**
492 **delayed. Councilmember Nielsen urged the Council to move ahead on approving**
493 **construction of the two stations.**

494 **Councilmember Scott pointed out that from the time the public voted on the item to the**
495 **time the bond was approved, two things happened – Hurricane Katrina and Hurricane**
496 **Rita. As a result of these events, costs rose, and the approved amounts have never been**
497 **enough to cover construction costs. In the almost three years the sub-committee has**
498 **worked on it, everything has been done to cut cost as much as possible and still build**
499 **two functioning fire stations that will still be functioning in twenty years. Councilmember**
500 **Scott indicated that costs rise every day that the construction approval is delayed.**
501 **Councilmember Scott recommended that the Council move forward with approving**
502 **construction of these two stations.**

Councilmember Sweet indicated that delaying approval of these items would be concerning. Councilmember Sweet expressed concern regarding how the costs got so far off base. City Manager Couch explained that previous cost estimates were used and accompanied by an escalator. Couch stated that more detailed research will be done in the future related to estimated costs, but such costs will likely be very high. She further clarified that developing a quick cost estimate and then incorporating an escalator will not longer be a method used when estimating such costs. Couch offered some clarification regarding delays associated with choosing the location sites.

Mayor Pro Tem Sevier expressed that the construction of these two stations can no longer be delayed. The safety of citizens is the primary concern.

Councilmember Scott reiterated that the construction industry costs have continued to escalate exponentially. Cost estimates were brought forward in June, and the bond election was not held until November. During that timeframe, Katrina and Rita occurred, and building costs rose tremendously. Scott spoke in favor of raising funds to pay for needed capital projects such as this without having to issue bond debt and seek voter approval beforehand.

Councilmember Russo commented that there is no other way to trim costs at this time, and he urged the Council to move forward with approval of the items at this time.

Mayor Cecil asked if staff had any comments or questions. Chief Mark Poindexter offered brief comments related to the project. Chief Poindexter thanked the subcommittee and bond committee for their work on these two stations. He further stated that coming up with realistic, accurate cost estimates without building plans being drawn up beforehand had been very difficult. Chief Poindexter explained that fifty percent plan drawings have been developed at this point, so cost estimates could be somewhat inaccurate. He indicated that staff will do its very best to not dip into contingency funds.

A Speed Fab Crete representative was present to address the Council on the project design. He reassured the Council that the stations will be very well built. He asked the Council to consider approval of the guaranteed maximum price being presented this evening. Once this maximum pricing is approved, the architect will then complete the project design plans to 100%. The project will then be bid and will not exceed the maximum price approved by Council this evening. Some built in escalation has been included due to the almost daily price changes associated with construction commodities. Final cost approval will be brought forth for Council consideration in September.

Chuck Freeman with Calhoun Freeman Architects presented some construction materials samples to the Council.

Couch briefed the Council on funding options to cover the estimated \$1 million by which construction of the two stations is over budget.

Station #4 includes an EMS addition to help with ambulance response on the south side of town. This portion of the station will be leased back to the EMS company.

Mayor Cecil asked City Attorney Pete Eckert if it would be ok for the Council to approve the \$1 million by which the project is over budget. Mr. Eckert assured the Mayor and Council that the council would be safe in doing so since the matter is a public safety related concern.

Councilmember Nielsen made a motion to move forward with approval of the guaranteed maximum price being proposed today. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Councilmember Nielsen asked City Manager Couch about her preference regarding funding the 'over budget' amount associated with the construction projects. Couch indicated that her preference would be to look into financing (contractual obligations and certificates of obligation) instead of taking the funds out of reserves. Couch believes that the over budget cost will likely end up being between \$540,000 and \$1 million.

Councilmember Sweet expressed support for funding Option 2, which includes covering excess expenses with money currently in reserves.

Mayor Cecil expressed that he cannot support funding Option 1, which is to finance the 'over budget' expenses associated with the construction projects.

Councilmember Scott asked if the funding option decision has to be made tonight or if this could be considered sometime in the future, perhaps in the context of budget discussions. Finance Director Mary Smith indicated that taking action on funding the excess costs could be delayed until a further date.

Mayor Cecil made a motion to move forward with Option 2 for funding the excess costs associated with Fire Station construction (option 2 being to pay for excess costs out of reserves). Councilmember Sweet seconded the motion.

Councilmember Scott urged the Council to consider holding off at this time on making a decision on the method by which excess costs will be funded. Councilmember Farris expressed a desire to hold off on a funding decision at this time as well. Councilmember Russo expressed support for moving forward with funding Option 2. Councilmember Scott expressed concern and expressed a desire to hold off on the funding decision at this time because the Council will not know what reserves look like for next year until the budget discussion for next year takes place.

The motion passed by a vote of 4 ayes and 3 nays (Scott, Nielsen, Farris).

3. Discuss and consider authorizing the purchase of a Hall-Mark HP100 Aerial Fire Apparatus (Ladder Truck) and take any action necessary.

Fire Chief Mark Poindexter briefed the council on problems associated with the current ladder truck. Poindexter indicated that a lot of research went into choosing this particular ladder truck for purchase. Couch indicated that staff recommends moving ahead with issuing contractual obligations next year to purchase this ladder truck.

Mayor Cecil made a motion to authorize the purchase of the proposed ladder truck with a cost not to exceed \$880,500.00. Councilmember Nielsen seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

4. Discuss progress of Fannin Street construction project and take any action necessary.

Councilmember Russo showed photographs to the Council and expressed concern regarding trash left by construction crews, temporary stop signs being knocked down, cracks in parking lots and the deterioration of a temporary ramp that was installed for a wheelchair bound resident.

592 Mayor Cecil expressed dissatisfaction with the project running over schedule. Mayor
593 Cecil indicated that the project was to have been completed within one year. City
594 Engineer Chuck Todd indicated that the contractor has submitted numerous
595 construction schedules that have been unrealistic throughout the course of the project.
596 A 365 calendar day contract was originally signed with the contractor. The project
597 should have been completed in April. Twenty-eight rain day credits were permitted, eight
598 change order days were taken into account, and a revised date of May 23 was
599 determined. August 29 is currently the estimated completion date for the project
600 according to the contractor's recently submitted schedule. The penalties are \$500 per
601 day for every calendar day beyond the original estimated completion day. With the new
602 estimated completion date, the project will be completed approximately ninety-eight days
603 late. At \$500 a day, this equates to about \$49,000. Mayor Cecil asked if the City can
604 charge the contractor more than \$500 per day for being late. City Attorney Pete Eckert
605 indicated that the city cannot fine them in excess of \$500 per day because it is a
606 contractual amount.

607 Councilmember Russo expressed concern that the contractor and construction crews
608 have not reacted favorably to citizens. City Engineer Chuck Todd indicated that bids are
609 typically awarded to the lowest responsible, responsive bidder. However, the city could
610 deem the contractor as a 'non-responsible bidder' in order to prevent projects from being
611 awarded to him in the future. Mr. Todd indicated that the only other action that the city
612 could take would be to shut down the project and bring in another contractor, but this
613 would delay the project even more.

614 Couch indicated that this particular contractor has done work for the city in the past, and
615 he has done a good job in the past. Therefore, there was previously no reason to not
616 award the bid to the contractor. The city can assess liquidated damages to the
617 contractor on this project. Couch stated that the standard contract format typically used
618 with contractors was signed with the contractor on this particular project. The city could
619 factor in additional contingencies in future construction project contracts; however, this
620 will inevitably add costs when contractors turn in bids on the project. The contractor
621 apparently bid on other projects and is working on other projects elsewhere at the same
622 time he is trying to get the Fannin Street project finished.

623 Councilmember Farris stated that Denise Malou sent an e-mail to council members
624 indicating that directional signage is incorrect in front of the Tapestry retail store on
625 Fannin. Mr. Todd indicated that city staff will go out tomorrow and ensure directional
626 signage is correct throughout the project.

627 Couch indicated that the City typically does not have bad contractors, but unfortunately
628 it has one now on Fannin Street. Mr. Todd indicated that the City has only had three bad
629 contractors in the past, and this is only the third time that the City has assessed
630 liquidated damages.

631 Couch cautioned that in Texas, a City has to have a very good reason for turning down
632 the lowest bidder.

633 Mayor Cecil asked staff to keep Council up-to-date and informed regularly on this
634 construction project.

635 No action was taken on this item.

- 637 5. Discuss and consider methods for recognizing local military service
638 personnel and their contributions to the country and take any action
639 necessary.

640 Resident Greg Zurek was present to recommend that the Council do something special
641 to recognize veterans and military personnel at the city's weekly Concerts by the Lake.
642 Mr. Zurek suggested that someone from the City or someone from the American Legion
643 say a few words each week prior to the concert as a way to recognize a service member
644 or veteran. He indicated that the American Legion will commit to getting a flag that has
645 flown over the Whitehouse for each of these veterans or service members. He also stated
646 that some restaurants at the Harbor have agreed to host dinner for up to six family
647 members for each of the recognized service members or veterans. He further suggested
648 that a VIP area be reserved for the service members and their families at each weekly
649 concert.

650
651 Mayor Cecil asked what the city can do to pay tribute to the service members once the
652 Concerts by the Lake series ends. Mr. Zurek indicated that the recognitions may need to
653 be placed on hold until the series picks up again in the spring time. Zurek indicated that
654 the local American Legion recognizes service members from Rockwall, Heath,
655 McClendon Chisholm, Fate and Rowlett.

656
657 Councilmember Farris recommended that the recognitions continue after the Concerts
658 by the Lake, perhaps at football games. Councilmember Farris stated that he would like
659 to ensure that every local service member gets recognized and that no one is left out.

660
661 Staff agreed to work with the local chapter of the American Legion to work out the details
662 of weekly service member or veteran recognitions.

663
664 No formal action was taken by the Council at this time.

- 665
666 6. Discuss planning for FY08-09 Operating Budget and take any action
667 necessary.

668 City Manager Julie Couch indicated that a full day budget work session has tentatively
669 been set. Finance Director Mary Smith gave an update on the city's financial outlook for
670 the immediate future as well as an overview on the tax rate and estimated debt service.
671 Couch gave an update on revenue projections and estimated expenditures. She
672 indicated that the number of commercial projects will likely decrease in the upcoming
673 year. Electricity and fuel costs will likely have a large impact on next years' budget.
674 Couch stated that the city will experience additional maintenance and operation costs in
675 the future due to the new animal shelter, new roadway maintenance, new fire stations
676 and the new Hickory Ridge Park. Couch indicated that salary adjustments are proposed
677 to be 4% for non-sworn and 5% for sworn staff, figures which do not include a possible
678 market adjustment.

679
680 Mayor Cecil indicated that any policy decisions that might affect the upcoming budget
681 should be brought forth at this time. No such policies were suggested at this time.

682
683 General discussion took place regarding the potential upcoming tax rate.
684 Councilmember Nielsen cautioned the city manager to not meet or exceed the tax roll
685 back rate with the upcoming budget proposal.

Discussion took place regarding possible dates for a budget work session, though no date was set. No action was taken by Council at this time.

7. Discuss and consider Harbor parking in adjacent neighborhoods and take any action necessary.

Mayor Cecil indicated at a resident e-mailed him expressing concern about Harbor parking on Thursday evenings in her neighborhood. City Manager Couch informed the Council that staff began monitoring this situation last Thursday evening during and after the Concert by the Lake. Couch further indicated that staff plans to meet with the developer, Mr. Whittle, to discuss possible parking alternatives and solutions.

Councilmember Nielsen expressed concern about event parking elsewhere in the City, for example in Caruth during soccer games and near the ASI Gymnastics building. She suggested that staff look at event parking issues in a comprehensive way, throughout the city, not just adjacent to The Harbor development.

General discussion took place related to restricting parking on public streets.

8. Discuss and consider status of security and police presence at The Harbor and take any action necessary.

Councilmember Scott indicated that the e-mail council received related to this item was not entirely accurate. Police Chief Moeller was called upon and provided the Council with factual information related to this item. Chief Moeller provided general information on increased call volumes and availability of pro-active patrol time.

General discussion took place related to consumption of alcoholic beverages in the private property area of The Harbor. Parks Director Brad Griggs clarified that the city ordinance only permits consumption of alcoholic beverages in the public park area at The Harbor. Councilmember Scott expressed a desire for staff to look into TABC regulations as related to the ability for the public to consume alcohol in private property areas of The Harbor development.

Staff agreed to prepare a fact-based response to address the e-mail that generated this action item.

9. Discuss and consider items for charter review and take any action necessary.

This item was tabled until the next Council meeting.

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

1. Departmental Reports
 - Building Inspections Monthly Report
 - Parks & Recreation Monthly Report
 - Police department monthly report
 - Fire Department Monthly Reports

2. City Manager's Report

Couch asked if the Council had any questions related to reports provided in the council packet. No questions were asked and no action was taken related to staff reports.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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. Consider project and funding for REDC land acquisition.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

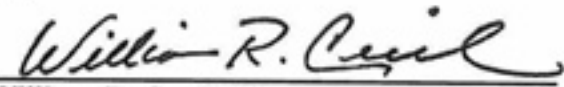
X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session. Mayor Cecil adjourned the meeting at 12:45 a.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 4th day of August, 2008.

ATTEST:


Kristy Ashberry, City Secretary


William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, July 21, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Bill Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen, Mark Russo, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

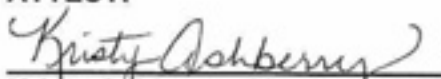
Councilmember Nielsen made a motion to nominate the following individuals to serve on the recently established City Charter Review Commission:

Carolyn Jackson, Clint Brooks, Doug Hamilton, Ron Evans, Don French, Cindy Tayem, Sherry Pittman, Larry Parks, Bob Cotti and, Bill Lofland.

Mayor Cecil seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 4th day of August, 2008.

ATTEST:


Kristy Ashberry, City Secretary




William R. Cecil, Mayor

**MINUTES
ROCKWALL CITY COUNCIL**

**Monday, July 21, 2008
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

I. CALL TO ORDER

Mayor Bill Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen, Mark Russo, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR CECIL

III. CONSENT AGENDA

1. Consider approval of the minutes from the June 16, 2008 City Council meeting and take any action necessary.
2. Consider approval of the minutes from the June 30, 2008 City Council Work Session and take any action necessary.
3. Z2008-008 - Consider approval of an ordinance for a request by Phil Powell for approval of a Specific Use Permit (SUP) to allow for a "Tennis Court, Private" within the SF-E/2.0 Single Family Estate district, specifically on his 2.921-acre property located at 530 Cullins Road and currently described as Tract 4-5, Abstract 80, W. W. Ford Survey, and take any action necessary. (2nd Reading)
4. P2008-022 - Consider a request by Pann S. Sribhen of PSA Engineering for approval of a replat of Lot 7, Block C, Horizon Ridge Medical Park Addition, being a 10.549-acre tract zoned (PD-9) Planned Development No. 9 district and situated along Medical Drive west of Horizon Road, and take any action necessary.
5. SP2008-022 - Consider a request from Ryan Cobb of Prism Leasing, Ltd., for approval of a special exception to the "Auto and Marine-Related Use Conditions" of Article IV of the Unified Development Code, in association with a site plan for a self-service car wash to be located along the north side of SH 276 east of FM 549, on a 1.02-acre site zoned (PD-46) Planned Development No. 46 district, and take any action necessary.
6. Consider a partial easement abandonment of a 10-foot utility easement at 1026 Ivy Lane and take any action necessary.
7. Consider the partial abandonment of a 10-foot utility easement at 1014 Ivy Lane and take any action necessary.
8. Consider approval of Change Order Number 1 for the John King Blvd. Project, from IH-30 to SH-66, and take any action necessary.
9. Consider revisions to the Construction Advisory and Appeals Board and take any action necessary (1st reading).

- 93 10. Consider approval of an ordinance to change the name of the east/west
94 portion of Alamo Road from SH 205 to Lakeshore Drive, and take any
95 action necessary. (1st reading)
- 96 11. Consider approval of a resolution setting the fee for the Construction
97 Advisory and Appeals Board and take any action necessary.
- 98 12. Consider approval of a sanitary sewer facility agreement with Rick Sharp
99 (old SH-276 trucking company site) and take any action necessary.
- 100 13. Consider approval of revisions associated with the City's Employee
101 Compensation Plan Policy and take any action necessary.

102 Councilmember Nielsen pulled item #2 for discussion. Councilmember Farris pulled item
103 #9 for further discussion. Councilmember Scott pulled items # 5 and #13 for further
104 discussion.

105
106 Councilmember Scott made a motion to approve the remaining consent agenda items
107 (#1, 3, 4, 6, 7, 8, 10, 11, and 12). Councilmember Sweet seconded the motion. The
108 ordinances were read as follows:

109 CITY OF ROCKWALL

110
111 ORDINANCE NO. 08- 36

112
113 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
114 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,
115 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT
116 (SUP) TO ALLOW FOR A "TENNIS COURT, PRIVATE" WITHIN THE (SF-E/2.0)
117 SINGLE FAMILY ESTATE DISTRICT, ON A 2.921-ACRE PROPERTY LOCATED AT
118 530 CULLINS ROAD AND CURRENTLY DESCRIBED AS TRACT 4-5, ABSTRACT
119 80, W. W. FORD SURVEY; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
120 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
121 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
122 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
123 EFFECTIVE DATE.

124
125 CITY OF ROCKWALL

126
127 ORDINANCE NO. ____

128
129 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
130 CHANGING THE NAME OF THAT PORTION OF ALAMO ROAD FROM LAKESHORE
131 DRIVE TO STATE HIGHWAY 205, PROVIDING FOR A SEVERABILITY CLAUSE;
132 PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE
133 DATE.

134
135 The motion passed by a vote of 7 ayes and 0 nays.

136
137 With regard to Consent Agenda Item #2, Councilmember Nielsen stated that she would
138 abstain from voting on the June 30 minutes because she was not in attendance at the
139 meeting. Councilmember Sweet made a motion to approve Consent Agenda item #2.
140 Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes and 1
141 abstention (Nielsen).

142
143 Councilmember Scott asked for clarification on the bay doors and associated
144 requirements related to Consent Agenda #5. Planning Director Robert LaCroix clarified
145 the city's requirements related to the placement of garage / bay doors on businesses of

146 this nature. Councilmember Scott made a motion to approve Consent Agenda item #5.
147 Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and
148 0 nays.

149
150 With regard to Consent Agenda item #9, Councilmember Farris suggested that five year
151 terms may be too long. He suggested the Council consider reducing the term length.
152 City Attorney Pete Eckert clarified that Council has the authority to alter the term limits
153 and that perhaps three years might be long enough. Councilmember Sevier agreed that
154 three year terms would suffice.

155
156 Councilmember Farris made a motion to approve the item based on three year terms and
157 to instruct staff to re-write the ordinance to reflect appropriate initial terms for initial
158 appointees. Councilmember Russo seconded the motion. The ordinance was read as
159 follows:

160 CITY OF ROCKWALL

161 ORDINANCE NO. _____

162
163 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
164 TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF
165 ROCKWALL IN CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS;
166 PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF
167 TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE
168 SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A
169 VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE;
170 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE
171 DATE.
172
173

174
175 The motion passed unanimously by a vote of 7 ayes and 0 nays.

176
177 With regard to Consent Agenda item #13, Councilmember Scott clarified that the only
178 areas of the employee compensation policy that are being amended are related to
179 comparable market cities and associated discussions during the budget process.
180 Councilmember Scott made a motion to approve Consent Agenda item #13.
181 Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and
182 0 nays.

183
184 IV. APPOINTMENTS

- 185
186 1. Appointment with the Planning and Zoning Chairman to discuss and
187 answer any questions regarding cases on the agenda and related issues
188 and take any action necessary.

189 Mr. Hunter was present to address the council on planning and zoning related items on
190 tonight's agenda. Mr. Hunter indicated that all commission members were present with
191 the exception of one when these items were brought before the commission. He stated
192 that all items on tonight's City Council agenda were unanimously approved by those
193 present.

194
195 V. PUBLIC HEARING ITEMS

- 196
197 1. P2008-019 - Hold a public hearing and consider a request by Frank
198 Dunlop for approval of a residential replat of Lot 26, Block C, Random

Oaks at the Shores Addition, being 0.28-acre zoned (PD-3) Planned Development No. 3 District and located at 1829 Random Oaks Drive, and take any action necessary.

Planning Director Robert LaCroix offered background information on this item. He indicated that this item is a residential replat that requires a public hearing. Notices were sent out to the public; however no comments have been received back at this time.

Frank Dunlop
1829 Random Oaks

Mr. Dunlop was present to answer any questions of the Council. No comments were made by the applicant.

Mayor Cecil opened the public hearing. There being no one to come forth and address the Council on this item, Mayor Cecil then closed the public hearing.

Councilmember Farris made a motion to approve P2008-19. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

2. Z2008-013 - Continue a public hearing and consider approval of an ordinance for a request by Marcus McNamara of Alexander Marcus Design Group, LLC for approval of a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring approximately 52'4" in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Road, and take any action necessary. (1st Reading)

Mayor Cecil indicated that this public hearing was opened at the last City Council meeting but was continued until tonight's meeting because the applicant was not able to attend the last meeting.

Planning Director Robert LaCroix indicated that the scenic overlay district allows a maximum height of 60 feet. If the proposed structure is over 30 feet in height, the applicant must seek approval of an SUP from the Council before moving forward. This project had previously been turned down because there no specifics were provided as to the type of hotel or schematic designs. The applicant has since come back with specifics on the elevation and the type of hotel. It is a Comfort Suites & Inn and will not be an extended stay hotel. The Architectural Review Board and Planning & Zoning Commission recommended that the elevation submitted be slightly changed. The applicant did make the requested changes to the elevation. Notices were mailed out to residents within 200 feet. One response was received back in favor of the development. Mr. LaCroix stated that the applicant must strictly adhere to the specified elevation and be limited to a maximum of 58 feet in height.

Marcus McNamara
123 West Main Street, Suite 201
Grand Prairie, TX

247 There being no members of the public to come forth and address the Council on this
248 item, Mayor Cecil then closed the public hearing.

249
250 Councilmember Sevier commented that the hotel would likely appeal to nearby
251 restaurants; however, it might not be appealing to others due to the large height. Mr.
252 Sevier stated that he does not believe it would be a good idea to allow this hotel to be
253 placed in the proposed location.

254
255 Councilmember Farris asked what the price range would be for guests staying in the
256 proposed hotel. Mr. McNamara indicated that it would cost about \$99 per night for a
257 hotel room. He further stated that the hotel will be a Comfort Inn & Suites. General
258 discussion took place regarding the type of signage that would be placed in front of the
259 building and asked if the applicant would be agreeable to a monument type sign in front
260 of the establishment. Mr. McNamara stated that he would be agreeable to a monument
261 sign.

262
263 Councilmember Farris made a motion to approve the SUP with the condition that if any
264 sign is placed on the IH-30 service road entrance, a monument sign will be required.

265
266 Councilmember Scott expressed that the location of the hotel does not seem ideal. It is
267 good to now know what type of hotel is being proposed; however, he still expressed
268 dissatisfaction with the proposed development, especially with regard to the height.

269
270 Councilmember Russo asked if Councilmember Farris would include staff
271 recommendations in the motion. Councilmember Farris agreed to do so and amended
272 his motion accordingly. Councilmember Russo seconded the motion.

273
274 The ordinance was read as follows:

275 CITY OF ROCKWALL

276 ORDINANCE NO. 08-

277
278 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
279 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
280 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
281 SPECIFIC USE PERMIT TO ALLOW FOR A STRUCTURE GREATER THAN
282 36 FEET IN HEIGHT WITHIN THE SCENIC OVERLAY DISTRICT, ON A
283 TRACT OF LAND CONTAINING 1.783-ACRES OF LAND AND DESCRIBED
284 AS LOT 8, BLOCK A, ROCKWALL TOWNE CENTER PHASE 4; PROVIDING
285 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT
286 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
287 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
288 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

289
290
291
292 The motion passed by a vote of 4 ayes to 3 nays (Scott, Sweet, Sevier).

- 293
294 3. Z2008-014 - Hold a public hearing and consider approval of an ordinance
295 for a request from Raymond Jowers for approval of a Specific Use Permit
296 (SUP) to allow for "Recreational Vehicle (RV) Sales and Service" within
297 the (LI) Light Industrial district, on a 4.5-acre tract known as Tract 22-1,
298 Abstract 120, R. Irvine Survey and located at 2260 E IH-30, and take any
299 action necessary. (1st Reading)

Mr. LaCroix offered background information on this item. He indicated that the business is currently located further east down IH-30. The applicant wants to relocate to Rockwall because he is out of space at the current facility. Mr. LaCroix briefed the Council on staff and Planning & Zoning requested restrictions and requirements associated with this SUP request. Exterior lighting would need to be reviewed and all code requirements met before a certificate of occupancy would be issued by the city. Other items, such as concrete paving requirements, extension of water line, hold harmless agreement would need to be signed related to fire code requirements

Raymond Jowers
P.O. Box 1870
Rockwall, TX

Mr. Jowers came forth to address the Council and stated that some zoning previously approved within the City does not currently fit with the developments that have occurred since originally approved. He indicated that the needed improvements would be made on a cost sharing basis with other nearby property owners. Mr. Jowers indicated that the tenant only intends to utilize the facility on a temporary, perhaps three year basis. Jowers stated that the tenant now operates out of a facility located further down IH-30. The tenant needs to move because they are out of space at their current business location.

Councilmember Nielsen asked if the applicant would be willing to require a lease of less than three years. Mr. Jowers stated that he would likely not be willing to shorten the lease term with the tenant because anything less than three years would probably not be agreeable for the tenant.

Couch stated that February through July of 2010 is the anticipated timeframe for beginning extension of FM 549 with 18-24 months estimated completion time.

There being no one to come forth and address the Council on this item, Mayor Cecil closed the public hearing.

Councilmember Farris commented that he knows the tenant, and they take very good care of their current property.

Councilmember Farris made a motion to approve the request with the understanding that all staff recommendations must be met. Councilmember Sweet seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR "RECREATIONAL VEHICLE (RV) SALES AND SERVICE" WITHIN THE (LI) LIGHT INDUSTRIAL DISTRICT, ON A 4.5-ACRE TRACT KNOWN AS TRACT 22-1, ABSTRACT 120, R. IRVINE SURVEY AND LOCATED AT 2260 E IH-30; 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 7 ayes and 0 nays.

4. Z2008-015 - Hold a public hearing and consider approval of an ordinance for a request from Tim Spiars of Spiars Engineering, Inc., for approval of a Specific Use Permit (SUP) to allow for a "Daycare" on a 2.96-acre tract zoned (SF-10) Single Family Residential district and (PD-41) Planned Development No. 41 district, including all of Lot 1, Block S, The Preserve Phase 3 Addition and a 1.4376-acre tract described as Tract 12, Abstract 98, A. Hanna Survey, located at the northeast corner of North Lakeshore Drive and Old Alamo Road, and take any action necessary. (1st Reading)

Mr. LaCroix indicated that this developer is the same developer who built The Preserve. He suggested that it might be ideal for Council to consider having something more than single family zoning on the property. The applicant conducted research, found the owner and purchased the land. Mr. LaCroix suggested that the proposed daycare development could be an amenity to the adjacent neighborhood. The 18 acres adjacent to this proposed development is zoned commercial. If the Council decides to move forward with approval of this request, Staff recommended several restrictions, including but not limited to those associated with lighting and noise concerns. The Planning & Zoning Commission recommended approval of this item by a 6 to 0 vote. If the applicant is not able to bring the daycare development to fruition, he would still have the option to build single family homes on the land instead. If the applicant moves forward with a daycare center, it must be limited to a single story building and must have a pitched roof elevation in order to fit in with the surrounding residential neighborhood. Staff and the Planning & Zoning Commission have recommended approval of this SUP request.

Councilmember asked for clarification on the location and size of the property in question. Mr. LaCroix indicated that the property is a three acre tract of land.

Tim Spiars
Spiars Engineering
730 East Park Boulevard
Plano, TX

The applicant came forth to address the Council. The developer has had inquiries from at least one daycare center (Primrose) related to this piece of land. He stated that Mr. LaCroix addressed all of the important issues in his briefing to Council.

Bill Shaddock
5216 Corinthian Bay
Plano, TX

Mr. Shaddock came forth to address the Council. He is the developer and applicant for this SUP request. Mr. Shaddock indicated that he is also the developer of The Preserve here in Rockwall. Shaddock stated that The Preserve subdivision has been very challenging so far. This particular site is not financially conducive to building single family homes. He expressed a belief that this would be a good use of the land in question.

Councilmember Farris stated that he was in attendance at the Planning & Zoning Commission public hearing and that several adjacent residents came forth to express concern about the development, including concerns associated with increased traffic, lighting and noise. Councilmember Farris indicated that these concerns have been adequately addressed.

Councilmember Farris made a motion to approve the SUP request. Councilmember Nielsen seconded the motion.

Mayor Pro Tem Sevier indicated that he drove by this site and looked at it very closely. He stated that several daycare centers are currently located within a very short distance from this proposed development. He also spoke about an apparent lack of adequate turn lanes and accessibility to and from the development. He expressed that the development would result in additional traffic congestion. He believes that there are already an adequate number of daycare center facilities located within a very short distance of this proposed daycare center.

Councilmember Nielsen stated that her grandson is currently on a twelve month waiting list for one of the nearby daycare centers. She expressed that finding and securing good daycare is a challenge for parents.

The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "DAYCARE (7 OR MORE CHILDREN)" ON A 2.96-ACRE TRACT ZONED (PD-41) PLANNED DEVELOPMENT NO. 41 DISTRICT AND (SF-10) SINGLE FAMILY RESIDENTIAL DISTRICT, AND INCLUDING ALL OF LOT 1, BLOCK S, THE PRESERVE PHASE 3 ADDITION AND A 1.4376-ACRE TRACT DESCRIBED AS TRACT 12, ABSTRACT 98, A. HANNA SURVEY, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes and 2 nays (Russo and Sevier).

5. Z2008-016 - Hold a public hearing and consider approval of an ordinance for a request from John Palmer of Lakewood Garden Center for approval of a Specific Use Permit (SUP) to allow for a "Garden Supply/Plant Nursery" on a 1.57-acre tract zoned (NS) Neighborhood Services district and currently described as Tracts 30, 31, 32 and 32-1, Abstract 146, S.S. McCourry Survey, located at 1001 North Goliad, and take any action necessary. (1st Reading)

Councilmember Farris abstained from this discussion because he is friends with the applicant.

Mr. LaCroix indicated that Mr. Palmer is contracted to buy this property. This particular zoning district requires approval of a Specific Use Permit in order to allow this type of business locate at this location. The applicant showed photographs of another location that he owns in Dallas. The applicant will be required to complete some road improvements in order to connect a portion of Alamo to allow for adequate traffic circulation. Staff has recommended approval of the request and believes that it will be a good addition to the neighborhood and will provide a good, potentially needed service. Mr. LaCroix offered additional, general information on the proposed business and indicated that some protections have been added to the ordinance, such as the requirement for approval of a very detailed site plan, in order to ensure the business fits in well with the adjacent neighborhood.

John Palmer
7030 Edgerton
Dallas, TX

The applicant, Mr. John Palmer, came forth to address the Council. Mayor Cecil asked if the applicant plans to keep the current signage in front of the structure. Mr. Palmer indicated that he will remove the current signage.

Mayor Cecil opened the public hearing. There being no one to come forth and address the Council on this item, Mayor Cecil closed the public hearing.

Councilmember Sweet made a motion to approve the SUP with staff recommendations. Councilmember Russo seconded the motion.

Mayor Pro Tem Sevier commented that the drawing shown by the applicant was very favorable and answered a lot of potential concerns and questions.

The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "GARDEN SUPPLY / PLANT NURSERY" WITHIN THE (NS) NEIGHBORHOOD SERVICES DISTRICT, TO BE LOCATED AT 1001 NORTH GOLIAD ON A 1.57-ACRE TRACT KNOWN AS TRACTS 30, 31, 32 AND 32-1, ABSTRACT 146, S. S. MCCOURRY SURVEY; 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 abstention (Farris).

511 VI. ACTION ITEMS

- 512
513 1. Discuss and consider adoption of a resolution pertaining to code
514 enforcement policies within the Takeline area and take any action
515 necessary.

516 Planning Director Robert LaCrix briefed the Council on modifications to the proposed
517 resolution and associated policy since it was last presented to Council for consideration.
518

519 Councilmember Farris stated that he and Councilmember Nielsen took a boat ride and
520 viewed the full length of the takeline. Farris asked if the city can require those properties
521 being 'grandfathered' to be maintained even if they are non-leasable areas. City Attorney
522 Pete Eckert and City Manager Julie Couch indicated that the property maintenance code
523 would be enforceable if improvements or structures are located on the grandfathered
524 properties.
525

526 Councilmember Nielsen expressed concern about requiring property owners to submit
527 an affidavit within 90 days for items such as bird houses, bird baths, flag poles, portable
528 furniture, portable grills, potted plants and decorative statues. Councilmember Sweet
529 agreed that this requirement is overly intrusive.
530

531 Councilmember Farris made a motion to accept staff recommendations on takeline
532 issues with the following changes being made to the proposed resolution:
533

534 Delete the word "acceptable" and allow without grandfathering the following items: bird
535 houses, bird baths, flag poles, portable furniture, portable grills, potted plants and
536 decorative statues.
537

538 Also add in a provision that states that when a person is grandfathered, this does not
539 constitute leasing the takeline and that the property behind their house is public property
540 and is subject to public access.
541

542 Councilmember Farris clarified that the specified items (bird houses, bird baths, flag
543 poles, portable furniture, portable grills, potted plants and decorative statues) need no
544 consideration. They are allowed in the takeline now and will continue to be allowed in
545 the future.
546

547 Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and
548 0 nays.
549

- 550 2. Discuss and consider a variance request for a sign setback from 7-11 for
551 a monument sign to be located at 3250 N. Goliad and take any action
552 necessary.

553 Building Official and Director of Code Enforcement Jeffrey Widmer briefed the Council
554 on this request and associated details. The applicant is asking for a 7 foot set-back,
555 whereas the sign ordinance requires a 10 foot set-back. Widmer indicated that staff has
556 recommended approval of the request.
557

558 Chris Edwards (on behalf of Beacon Sound and Lighting) was present to address the
559 Council.
560

Chris Edwards
239 West Davis
Duncanville, TX

Councilmember Farris asked for clarification on where the sign would actually be located as well as the digital portion of the signage that would include the fuel prices. Councilmember Farris asked if the digital fuel prices could possibly be placed on the canopy instead of on a fixed sign structure. Farris expressed that visibility of the digital fuel prices would be greatly inhibited at this location. The applicant indicated that varying from the normal placement of the digital fuel prices would not be favorable.

Mayor Cecil made a motion to table the item until the applicant can check with his client on placing the fuel prices on the canopy structure.

The applicant indicated that his client, 7-11, will likely not be agreeable to such placement. Mayor Cecil then withdrew his motion.

Councilmember Nielsen made a motion to approve the sign set-back variance request. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes and 1 nay (Farris).

3. Discuss and consider items for city charter review and take any action necessary.

Mayor Cecil indicated that the intent of this item is to identify items of particular interest that would then be communicated to staff and the Charter Review Commission for consideration in their full charter review

Councilmember Nielsen expressed concern about section 3.08 "Meetings of the Council." There seems to be a procedural problem related to how meetings are called. City Attorney Pete Eckert indicated that an issue of this nature would need to be submitted to the State Attorney General for an opinion. Mr. Eckert indicated that this is a valid item for review.

Councilmember Nielsen also pointed out Section 5.02, the "Filing for Office" provision. She asked if this only pertains to candidates for city office. Couch indicated that this does only pertain to city office candidates, but it can still be reviewed as part of the charter review process.

Nielsen asked about franchise agreement requirements having a twenty year limit. Couch indicated that limiting other contracts to twenty years would likely not be a good idea.

Nielsen suggested review of Section 11.02 related to designating a "Newspaper of Record" annually. Couch agreed that this has been a challenge and may be something that should be looked at during the charter review.

Farris pointed out Section 3 related to "City Council Term Limits." He would like to explore the possibility of allowing three year terms instead of two year terms as well as placing the Mayor on a cycle separate than the other council members (on his or her own).

Councilmember Scott indicated that the last Charter Review Commission suggested removing all term limits. He stated that he would like to leave the issue more broad than what has been suggested by Councilmember Farris. General discussion related to term limits took place.

Scott expressed a desire to modify term limits for Planning & Zoning Commission members. He expressed that it takes a while for the commission members to learn what they are doing and achieve any level of consistency and effectiveness. He further indicated a desire to review all provisions to ensure they coincide with existing State laws.

Russo mentioned Sections 3.07 and 3.14 "Prohibitions" and "Investigations by the City Council." Russo said the section allows for punishment of any contempt but disallows firing that person. He feels the Council should be allowed to fire the person and would like these sections reviewed during the process.

Russo also expressed support for maintaining two year council member terms and indicated that he believes any council member should have to give up his seat if he runs for mayor.

Mayor Cecil offered general discussion related to Council term limits.

Mayor Cecil asked City Attorney Pete Eckert for clarification on Section 3.05(5), which was revised in 1996 and relates to appointed Council members serving until the next regular City election. Mr. Eckert clarified this section for the Mayor. Cecil asked that the Commission review the possibility of requiring that an election to fill a vacancy must be held on the next uniform election date rather than at the next general city election.

Mayor Cecil asked questions related to Section 11.05 (6) pertaining to a municipal office holder not serving the city in any other capacity for which compensation is paid. City Attorney Pete Eckert clarified this section for Mayor Cecil. General discussion ensued related to the language contained in this section. Mr. Eckert agreed that this section should probably be evaluated further.

Councilmember Scott expressed a desire to have the charter review commission evaluate provisions related to issuing certificates of obligation without a bond election.

Russo expressed a desire to evaluate having Section 11.02 also reference inclusion of the internet as an informational resource in addition to designating a newspaper of record.

Couch indicated that staff will contact all appointed members of the Charter Review Commission and schedule the first meeting. The review commission will evaluate all issues and will issue its recommendations to the Council well in advance of the May election.

4. Hear update from Council Subcommittee regarding Hotel/Motel Tax funding and take any action necessary.

Councilmember Nielsen spoke briefly about the intent of hotel/motel funding. The money should be utilized to 'put heads in beds.' (i.e. increase hotel occupancy) Councilmember recommended adopting a policy that the event be required to take place within the City of Rockwall. The second recommendation was that the hotel / motel tax money should be used to help promote city initiatives. The third recommendation issued by the subcommittee was that the money not be used in support of an organization but instead only be used as 'seed money' to get an event off the ground. The subcommittee also recommended a firm application deadline for organizations wishing to apply for funding. The subcommittee also recommended evaluating establishment of a convention and visitors bureau.

Councilmember Nielsen and Mayor Cecil clarified that the application would eliminate the point scoring system previously utilized by Council when making funding determinations. Councilmember Scott expressed concern regarding objectivity involved

Sevier made a motion to accept the recommendations of the Hotel / Motel Tax Council Subcommittee. Councilmember Russo seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

5. Discuss and consider status of parking at The Park at Foxchase and take any action necessary.

Councilmember Scott indicated that the park has been drawing residents from outside of the neighborhood immediately adjacent to the park. Parking congestion has caused the new four lane street to be reduced to three lanes. Councilmember Scott suggested either posting 'no parking' signage or constructing a designated parking area for this park in order to eliminate parking on the street.

Councilmember Nielsen stated that this type of issue exists in parks throughout the city, not solely at The Park at Foxchase. Providing funding to construct parking areas in neighborhood parks would detract from the park size and amenities that could be built with available funds. General discussion took place related to speed control in and near neighborhood parks as well as the difficulty in identifying a viable solution to alleviate the problem and satisfy all members of the public.

Councilmember Scott indicated that this problem does in fact exist in other parks throughout the city. He suggested installing 'no parking' signs along the street in order to prohibit parking congestion. The purpose of a neighborhood park is to provide a park that residents can walk to, one that does not require use of a vehicle to access.

Parks Director Brad Griggs indicated that parking congestion is typically not a huge concern. Mr. Griggs stated that the issue was taken before the Park Board in the past, and the Park Board decided not to do anything to prohibit parking on the street because they wanted the public to utilize the park.

Mayor Pro Tem Sevier indicated that posting 'no parking signs' on a public street in a residential neighborhood will only exasperate the problems.

Councilmember Farris made a motion to take the issue before the Park Board for evaluation and discussion and that the board's recommendations be brought back to Council for consideration at a later date. Councilmember Russo seconded the motion.

Glen Varner, Park Board Chairman, is to be placed on the council agenda as an appointment item to allow for open discussion of this item with the Council at a September council meeting.

The motion passed by a vote of 7 ayes and 0 nays.

Mayor Cecil adjourned the public meeting into Executive Session at 9:09 p.m.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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.

VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of executive session. Mayor Cecil adjourned the meeting at 10:25 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 4th day of August, 2008.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Monday, August 04, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Bill Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen, Mark Russo, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately adjourned the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, City Manager evaluation and contract, and Related Matters.
3. 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.
4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council where the duty of the City's attorneys to the City Council under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act.

III. ADJOURNMENT

There being no further business to discuss, Mayor Cecil adjourned the Executive Session Meeting at 5:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 18th day of August, 2008.

ATTEST:

Kristy Ashberry, City Secretary


William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, August 04, 2008

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Bill Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen, Mark Russo, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

Mayor Pro Tem Sevier made a motion to direct the City Manager to proceed with the purchase of 18.96 acres on Airport Road. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Mayor Pro Tem Sevier made a motion to appoint Corky Randolph to the primary board of Rockwall Economic Development Corporation (REDC). Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MARK RUSSO

Councilmember Russo delivered the invocation and led the pledge of allegiance.

III. OPEN FORUM

**Pastor Joe Robbins
805 Peters Colony**

Pastor Robbins came forth to address the Council and thank them for the Juneteenth proclamation and for attending the celebration in June.

No one else came forth to speak to the Council during open forum.

IV. CONSENT AGENDA

1. Discuss and consider approval of the minutes from the July 7, 2008 City Council Meeting and take any action necessary.
2. Discuss and consider approval of the minutes from the July 21, 2008 City Council Meeting and take any action necessary.
3. Consider approval of an ordinance to change the name of the east/west portion of Alamo Road from SH 205 to Lakeshore Drive, and take any action necessary. (2nd Reading)
4. Z2008-013 - Consider approval of an ordinance for a request by Marcus McNamara of Alexander Marcus Design Group, LLC for approval of a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring approximately 52'4" in height, located on Lot 8, Block A,

Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd., and take any action necessary. (2nd Reading)

5. Z2008-014 - Consider approval of an ordinance for a request from Raymond Jowers for approval of a Specific Use Permit (SUP) to allow for "Recreational Vehicle (RV) Sales and Service" within the (LI) Light Industrial district, on a 4.5-acre tract known as Tract 22-1, Abstract 120, R. Irvine Survey and located at 2260 E IH-30, and take any action necessary. (2nd Reading)
6. Z2008-015 - Consider approval of an ordinance for a request from Tim Spiars of Spiars Engineering, Inc., for approval of a Specific Use Permit (SUP) to allow for a "Daycare" on a 2.96-acre tract zoned (SF-10) Single Family Residential district and (PD-41) Planned Development No. 41 district, including all of Lot 1, Block S, The Preserve Phase 3 Addition and a 1.4376-acre tract described as Tract 12, Abstract 98, A. Hanna Survey, located at the northeast corner of North Lakeshore Drive and Old Alamo Road, and take any action necessary. (2nd Reading)
7. Z2008-016 - Consider approval of an ordinance for a request from John Palmer of Lakewood Garden Center for approval of a Specific Use Permit (SUP) to allow for a "Garden Supply/Plant Nursery" on a 1.57-acre tract zoned (NS) Neighborhood Services district and currently described as Tracts 30, 31, 32 and 32-1, Abstract 146, S.S. McCourry Survey, located at 1001 North Goliad, and take any action necessary. (2nd Reading)
8. P2008-024 - Discuss and consider a request by Adam Crump of Douphrate & Associates, Inc., for approval of a final plat for Lot 1, Block 1, Bin 303 Restaurant Addition, being 0.7191-acre zoned (GR) General Retail district and located at 105 Olive Street, and take any action necessary.
9. P2008-026 - Discuss and consider a request by David Kochalka of Kimley-Horn and Associates, Inc., for approval of a replat of Lot 1, Block 1, Rockwall Centre Corners Addition, being 20.2904-acres zoned (C) Commercial district and situated along the north side of SH 276, south of IH-30 and east of SH 205, and take any action necessary.
10. P2008-027 - Discuss and consider a request by Hazel Ripp of CTE Phase 1, LP, for approval of a replat of Lot 1, Block A, Park Place Business Centre, being 5.0-acres zoned (LI) Light Industrial district and located at 1290 East IH-30, and take any action necessary.
11. Consider approval of a Resolution authorizing the continued participation with the Atmos Cities Steering Committee and authorizing the payment of a membership assessment and take any action necessary.
12. Consider Change Order Number 3 for the John King Blvd. Project from Quail Run to FM-1141, and take any action necessary.
13. Consider Change Order Number 3 for the John King Blvd. Project from Quail Run to FM-552, and take any action necessary.

- 135 14. Discuss and consider adoption of an ordinance amending Chapter 16-233
136 (a)(8) of the Code of Ordinances regarding towing of illegally parked
137 vehicles and take any action necessary. (2nd reading)

138
139 Mayor Pro Tem Sevier pulled items #4 and #6 for discussion. Councilmember Farris
140 pulled items #1 and #7, and Councilmember Russo pulled item #2 for further discussion.
141

142 Councilmember Nielsen made a motion to approve the remaining consent agenda items
143 (#3, 5, 8, 9, 10, 11, 12, 13 and 14). Councilmember Sweet seconded the motion.
144 The ordinances were read as follows:

145
146 CITY OF ROCKWALL
147 ORDINANCE NO. 08-41
148

149 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
150 TEXAS, CHANGING THE NAME OF THAT PORTION OF ALAMO ROAD
151 FROM LAKESHORE DRIVE TO STATE HIGHWAY 205, MORE
152 SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO;
153 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
154 REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.
155

156
157 CITY OF ROCKWALL
158 ORDINANCE NO. 08-38
159

160 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
161 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY
162 OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO
163 GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR
164 "RECREATIONAL VEHICLE (RV) SALES AND SERVICE" WITHIN THE
165 (LI) LIGHT INDUSTRIAL DISTRICT, ON A 4.5-ACRE TRACT KNOWN AS
166 TRACT 22-1, ABSTRACT 120, R. IRVINE SURVEY AND LOCATED AT
167 2260 E IH-30; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
168 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
169 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING
170 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
171 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
172

173
174 CITY OF ROCKWALL
175 ORDINANCE NO. 08-42
176

177 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
178 TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF
179 ROCKWALL AS PREVIOUSLY AMENDED, IN CHAPTER 16 MOTOR
180 VEHICLES AND TRAFFIC, PROVIDING FOR A PENALTY OF A FINE NOT
181 TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500) FOR
182 EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING
183 AN EFFECTIVE DATE.
184

185 The motion passed by a vote of 7 ayes and 0 nays.
186

187 In regard to Consent Agenda item #1, Councilmember Farris stated that Action Item #2
188 on the July 7, 2008 minutes reflects a 4 to 3 vote with Scott, Nielsen & Sevier voting

189 against the item. Councilmember Farris stated that this information was partially
190 incorrect and requested that the minutes be changed to accurately reflect those who
191 voted against the item. They included council members Nielsen, Scott and Farris
192 (Sevier's name should be replaced with Farris' name). Councilmember Farris made a
193 motion to approve Consent Agenda Item #1 with the aforementioned modifications.
194 Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and
195 0 nays.
196

197 In regard to Consent Agenda item #2, Councilmember Russo clarified that city charter
198 review discussion detailed in the July 21, 2008 minutes should reflect his support for
199 maintaining two year council member terms and that any council member should have to
200 give up his seat if he runs for mayor. Councilmember Russo made a motion to approve
201 Consent Agenda item #2 with the specified modifications. Mayor Pro Tem Sevier
202 seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.
203

204 Mayor Pro Tem Sevier expressed that he will not be supporting Consent Agenda item #4.
205 Councilmember Farris made a motion to approve Consent Agenda item #4.
206 Councilmember Russo seconded the motion. Councilmembers Scott and Sweet urged
207 the Council to seriously consider if this development fits well in the location where it is
208 going to be placed. The ordinance was read as follows:
209

210 CITY OF ROCKWALL

211
212 ORDINANCE NO. 08-37
213

214 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
215 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY
216 OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO
217 GRANT A SPECIFIC USE PERMIT TO ALLOW FOR A STRUCTURE
218 GREATER THAN 36 FEET IN HEIGHT WITHIN THE SCENIC OVERLAY
219 DISTRICT, ON A TRACT OF LAND CONTAINING 1.783-ACRES OF LAND
220 AND DESCRIBED AS LOT 8, BLOCK A, ROCKWALL TOWNE CENTER
221 PHASE 4; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
222 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
223 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
224 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
225 PROVIDING FOR AN EFFECTIVE DATE
226

227 The motion passed by a vote of 4 ayes and 3 nays (Sweet, Scott, Sevier).
228
229

230 In regards to Consent Agenda item #6, Mayor Pro Tem Sevier stated that he previously
231 voted against this item and that he would also not be supporting it this evening.
232 Councilmember Farris made a motion to approve Consent Agenda item #6.
233 Councilmember Nielsen seconded the motion.
234

235 The ordinance was read as follows:
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CITY OF ROCKWALL

ORDINANCE NO. 08-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "DAYCARE (7 OR MORE CHILDREN)" ON A 2.96-ACRE TRACT ZONED (PD-41) PLANNED DEVELOPMENT NO. 41 DISTRICT AND (SF-10) SINGLE FAMILY RESIDENTIAL DISTRICT, AND INCLUDING ALL OF LOT 1, BLOCK S, THE PRESERVE PHASE 3 ADDITION AND A 1.4376-ACRE TRACT DESCRIBED AS TRACT 12, ABSTRACT 98, A. HANNA SURVEY, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes and 2 nays (Sevier & Russo).

Farris recused himself from Consent Agenda item # 7 and agreed to sign the appropriate paperwork associated with his recusal. Councilmember Nielsen made a motion to approve Consent Agenda item #7. Councilmember Sweet seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 08-40

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "GARDEN SUPPLY / PLANT NURSERY" WITHIN THE (NS) NEIGHBORHOOD SERVICES DISTRICT, TO BE LOCATED AT 1001 NORTH GOLIAD ON A 1.57-ACRE TRACT KNOWN AS TRACTS 30, 31, 32 AND 32-1, ABSTRACT 146, S. S. MCCOURRY SURVEY; 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 recusal (Farris).

V. APPOINTMENTS

1. Appointment with Kiki Teague to discuss encouraging a more horse friendly community and take any action necessary.

Ms. Teague owns the Texas Tac Exchange store on the downtown square. Ms. Teague briefed the Council on various horse-related statistics for Rockwall County and explained that she chose Rockwall for her business because of the many residents who own and/or

maintain horses in Rockwall County. Ms. Teague further expressed her desire for Rockwall to become a destination for horse owners. She would like the 500 acre park development within the City of Rockwall to include horse trails and offered assistance with designing the horse trails. She also suggested that the Council consider a multi-use fair ground facility for this area in order to attract horse shows. She indicated that these types of events attract people to stay in Rockwall hotels and spend money at retail stores within Rockwall.

Councilmember Scott thanked Ms. Teague for coming to address the Council. He expressed that the Council has been working on some things that he cannot discuss in public but that may present opportunities for these types of activities in the future. He does not think it will necessarily be in that area of town, but it may present an opportunity for such activities.

Ms. Teague offered to put together a committee of members of the public who have an interest in horse activities. Councilmember Scott expressed that there may be an opportunity for a committee of this sort in the future.

Parks Director Brad Griggs stated that interest in horse-related activities was explored in a past citizen survey a number of years ago, but it has not been included in citizen surveys since then. Councilmember Nielsen encouraged Ms. Teague to present her thoughts and presentation to the city's Park Board for consideration.

Councilmembers Russo and Sevier thanked Ms. Teague for coming and giving her presentation.

No action was taken by Council at this time.

2. Appointment with Michael Fick to hear concerns related to handicapped parking within the city and take any action necessary.

Mr. Fick was not able to be present. Councilmember Sweet made a motion to defer this item to the August 18 City Council meeting. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

VI. ACTION ITEMS

1. Discuss and consider a proposal from Talley & Associates for master planning services for the 62 acre site (PD-32) on the southeast corner of Horizon Road and the south service road of Interstate 30, and take any action necessary.

Planning Director Robert LaCroix provided background information on this item. He indicated that this consulting firm was narrowed down through an interview process conducted by a council subcommittee consisting of Councilmember Nielsen, Councilmember Farris and Mayor Cecil. The cost proposal for their master planning services is \$130,000.

Councilmember Farris made a motion to approve this item.

Councilmember Nielsen asked Mr. LaCroix to speak about some of the proposal elements in greater detail for the benefit of council members who did not serve on the sub-committee. Mr. LaCroix provided additional details related to this particular consulting firm and its proposal. He explained that the consulting firm would go through a fairly extensive process in order to identify the best mixed use recommendation for this piece of land. This process will be developed through brainstorming with the City

Council and staff as well as working with a team of individuals, including a marketing firm and architectural firm, in order to arrive at the best concept plan proposal for development of this site. The final product will then be marketed to potential developers.

Councilmember Nielsen expressed a desire to ensure that this development and best use of the land is identified upfront before the land begins to be developed. She encouraged the Council to support this project proposal.

Mayor Cecil cautioned that a developer could come in and put an undesirable development in this area. He explained that this development is an entryway into the City, and, therefore, how it develops is very important to the City.

LaCroix further stated that a market analysis would be conducted to identify market trends for the type of development that is most ideal as well as an associated estimate on the potential value of the land once it is developed. There will also be a set of design standards that would be brought forth for adoption by the City as well as a concept plan and parking recommendations. View corridor and graphic depiction of the proposed elevation recommendations would also be included in the deliverables.

City Manager Julie Couch stated that this expense would come out of reserves since it is not a budgeted item.

Mayor Pro Tem Sevier asked if the stakeholders (i.e. owners) have been informed of this consulting project. Mayor Cecil stated that they have not yet been informed of this project but will be informed after approval of this proposal by Council. The Council will make the ultimate decision regarding development proposals on this site.

Couch clarified that Council is considering the consulting proposal this evening. She further clarified the deliverables that are included in the proposal being considered by Council at this time.

Councilmember Scott seconded the motion. He and Mayor Cecil expressed that development of this particular piece of property is very important to the city. Mayor Cecil stated that he believes the ad valorem and sales taxes potentially generated from this site could be very beneficial to the city.

Councilmember Farris stated that he believes a master plan will have a large return due to the large sales taxes that will likely be generated after it is developed.

The motion passed by a vote of 6 ayes and 1 nay (Russo).

2. Discuss and consider adoption of a Resolution directing publication of a notice of intent to issue certificates of obligation, resolving other matters relating to the subject, and take any action necessary.

Finance Director Mary Smith stated that the city is preparing to move forward with issuing debt. First Southwest has indicated that the city will save money by issuing debt as one piece instead of separately. The city would be issuing general obligation debt to take care of voter authorized projects. The water and sewer utility debt can be issued without voter approval. The equipment purchases were authorized in this year's budget and have already been purchased. In addition, the REDC desires to issue debt for Phase II of the Tech Park. These items can be combined and issued as one piece of debt, rather than separately, and it will save the city well in excess of \$1.1 million.

General discussion took place related to voter approved debt and when it was approved by voters. Mayor Pro Tem Sevier clarified that this debt is debt that has already been approved, and the city has an obligation to pay for that debt.

Councilmember Farris made a motion to approve this item. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

3. Discuss and consider increasing the water conservation rate threshold and take any action necessary.

Councilmember Scott began discussion of this item. Finance Director Mary Smith explained the three-tiered block structure of the current water rate. She explained that the current base rate includes the first 2,000 gallons. Then there is a rate that covers up to 12,000 gallons. Anything over 12,000 gallons currently triggers a 'conservation threshold' rate. Mr. Scott is proposing that the city consider moving the current threshold level up to 17,500 gallons before applying the conservation rate. Mrs. Smith indicated that this proposal, if approved, would save a homeowner about \$7.50 per month. She expressed that this lost revenue would need to be recovered in some way, but a threshold adjustment could be considered when rate adjustments are considered.

Councilmember Scott asked if a different rate structure could be considered for the summer months only. Smith stated that the city is required to adopt a rate structure that encourages conservation. Scott indicated that minimal watering in the summer months results in large expenses for an average family in Rockwall. He expressed a desire to raise the threshold in June, July and August and keep it at the normal 12,000 gallons during the other months of the year.

City Manager Julie Couch encouraged the Council to allow staff to evaluate the issue further and bring back alternatives to the Council for consideration at a future date.

Councilmember Scott made a motion to direct staff to evaluate relaxing the conservation rate during the summer months or look into an overall adjustment to the conservation rate and bring back recommendations to the Council for consideration at a later date. Councilmember Sweet seconded the motion. The vote passed by a vote of 7 ayes and 0 nays.

4. Discuss status of water consumption within the city and take any action necessary.

Assistant City Manager Rick Crowley updated the Council on the current water supply, water system capacity and consumption. He indicated that the city's water supply system has been performing very well so far during the hot, summer months. Mr. Crowley stated that this morning all of the pumps, except for the largest one, were pumping, and the city was meeting water demands, even during peak times.

City Engineer Chuck Todd addressed the Council and provided information on past and current consumption levels within the city, including water supply lake levels which are substantially fuller than this time last year. Mr. Todd indicated that the City recently experienced its highest water consumption, which was more than 19,500,000 gallons of water for the day. Mr. Todd provided trend analysis and comparisons on water usage for the month of June for the past three years.

Mayor Cecil clarified that last year the city was under restrictions from its water supplier rather than 'rationing.' Mr. Todd agreed that they were conservation measures that were put in place last year, not rationing.

Todd stated that an 84" water line from Lake Tawakoni has been built by the North Texas Municipal Water District (NTMWD) and is being tested at this time so that water can be pumped from Tawakoni into Lake Lavon in the future if necessary.

Councilmember Farris expressed concern about residents watering during daytime hours. He asked how watering practices such as this affect current water consumption levels when compared to last year when water restriction measures were in place to prohibit daytime watering. Mr. Crowley indicated that water consumption was successfully lowered during 2007 when mandatory restrictions were in place. Farris expressed a desire for Rockwall to begin requiring mandatory watering restrictions once again. Farris indicated that he would like the City of Rockwall to evaluate the City of Dallas' water restrictions, which have been in place for a number of years.

Mr. Crowley indicated that conservation measures are in order at this time even though the city has been meeting its water consumption demand and the NTMWD has been meeting the city's demand. He then offered information on water conservation and restriction measures that some other Metroplex cities have already implemented. Crowley informed the Council that water conservation tips will be sent to local water customers in the coming weeks through the city water bill.

No formal action was taken by Council on this item at this time.

5. Discuss and consider approving an ordinance providing for permit fees for alarm systems, consider authorizing the city manager to contract for alarm system management and take any necessary action (1st reading).

City Manager Julie Couch briefed the Council on this item. Police Chief Mark Moeller then provided information to the Council related the proposed outsourcing program and associated cost estimates. He also provided a cost comparison on administering the program with city staff versus the cost of using an outside company for program administration. The proposed program would be a revenue sharing structure, and the city would benefit by an estimated \$56,000 per year. Chief Moeller recommended that the Council consider allowing staff to contract with an outside vendor for provision of administration of the alarm permitting program. He offered brief information on the services that would be provided by the outside company. Chief Moeller indicated that out of the fifteen cities to which Rockwall compares itself, Rockwall is the only city that does not charge for false alarms.

Councilmember Farris asked for clarification related to how the city's ordinance might be structured and how the revenue would be generated and distributed between the company and the city. Chief Moeller clarified this information and indicated that police and fire would still respond to false alarm calls regardless of the fees charged. City Manager Julie Couch offered comments related to achieving the goal of reducing the number of false alarm calls and associated responses and how the permitting program might help achieve that goal. Chief Moeller indicated that about 6-7 percent of calls for services from the Police Department are related to false alarms and that up to 20 percent of fire calls are associated with false alarms.

Councilmember Farris made a motion to direct staff to bring back a program contract proposal and associated city ordinance for the Council to consider. Mayor Pro Tem Sevier seconded the motion.

Mayor Pro Tem Sevier asked Fire Chief Mark Poindexter if he could estimate the number of apparatus and fire volunteers and/or personnel who might respond to calls for service associated with false alarms. Poindexter indicated that two apparatus are usually dispatched and up to eight personnel may respond.

Councilmember Sweet asked for clarification on how the program might reduce the number of false alarms. Chief Moeller offered clarification and indicated that the history

of the company who would administer the program indicates that cities have experienced a reduction in the number of false alarms as a result of the company's services.

The motion passed by a vote of 6 ayes and 1 nay (Cecil).

6. Discuss and consider retaining a lobbyist for the 2009 legislative session and take any action necessary.

Councilmember Scott provided information on reasons for placing this request on the agenda for consideration. Scott indicated that several crucial topics, including some dealing with homeowners associations and road construction funding, will be addressed during the upcoming legislative session, and he feels it is important for the city to consider obtaining a lobbyist to keep an eye on the issues and push for Rockwall's interest. Scott feels as though lobbyists associated with the Texas Municipal League (TML) are not sufficient to promote the specific interests of the City of Rockwall.

Councilmember Scott made a motion to direct staff to investigate if this can be done in conjunction with other cities and the associated cost as well as the estimated cost if the city were to retain a lobbyist on its own. Councilmember Farris seconded the motion.

Some clarifying discussion took place related to the potential sharing of a lobbyist with another city (or cities) and how that lobbyist might vote if he were representing multiple cities and potentially opposing views.

Mayor Cecil and Councilmember Scott briefly discussed how the lobbyist's fees might be assessed, either hourly or on a lump sum retainer.

The motion passed by a vote of 6 ayes and 1 nay (Russo).

7. Discuss and consider concerns related to littering of lawns in residential neighborhoods and take any action necessary.

Councilmember Sweet stated that several members of the public have approached him over the last few weeks expressing concern about this issue, particularly about phone books, handbills, newspapers, and other related items being left on residents' front doors and lawns. Mayor Cecil expressed a desire to expand the issue beyond residents' front lawns and consider problems associated with littering throughout the city as a whole.

Mayor Cecil asked City Attorney Pete Eckert to clarify whether or not the city imposing restrictions on items of this nature would be legal. Mr. Eckert indicated that the city could impose some restrictions; however, there are certain 'freedom of speech' considerations associated with imposing such restrictions. Mayor Pro Tem Sevier indicated that litter such plastic trash bags and construction debris are problematic in the city as well. He further stated that some items being left on front porches, such as phone books, could be eliminated if citizens would request from the phone company that they no longer receive such items in the future.

Councilmember Farris suggested that 'no soliciting' signs placed on front porches do help with eliminating many of these items.

City Manager Julie Couch offered that staff will evaluate possible ways to reduce litter within the city, both from a source standpoint and an end user standpoint. Assistant City Manager Rick Crowley indicated that the city does have some ordinances in place, such

as those prohibiting solicitation material left on vehicle windshields, to help reduce litter within the city. These ordinances can be revisited and reevaluated if Council desires.

Mrs. Couch stated that staff will bring back information and associated recommendations two Council meetings from tonight for Council consideration.

8. Discuss and consider status of Fontanna Ranch screening improvements and take any action necessary.

**Randall Currington with Springhaven Development
6750 Hillcrest Plaza Drive
Dallas, Texas**

Mr. Currington was present and informed the Council that his company conferred with the property owners, Melba and Stan Jeffus, in May regarding grading for the screening. He indicated that the grading was not properly performed by the contractor, a problem which was discovered while he was out of town. Fencing could not be installed until the grading was fixed. He indicated that the improper grading, coupled with him being out of town, caused delays in finishing the screening project. He indicated that a fence permit has been obtained from the city and the project should be complete by the end of this week or early next week.

Mr. Stan Jeffus, 1903 South FM 549, was present and stated that a landscape barrier was agreed to be installed, a project which has been delayed by more than two years. The developer then indicated that he would not install a landscape barrier but would instead install a fence. Mr. Jeffus estimated that approximately one-third of the landscape barrier project has been completed at this point. General discussion took place related to the slope of the grading and who would be responsible for the upkeep of the fencing. Mr. Currington indicated that the fence would belong to the homeowners' association until an adjacent home was built in the future. At that point, the fence would belong to the future homeowner, not the Jeffus' and not the HOA.

Mayor Pro Tem Sevier implored Mr. Currington to resolve the issue on the Jeffus' property as quickly as possible.

Mr. LaCroix clarified that a landscape buffer is required to be installed in order to be in compliance with the code. Mr. Farris asked if the fence is considered to be the buffer. Mr. LaCroix indicated that the Jeffus' have requested that a fence be installed instead of a landscape barrier. Mr. Jeffus agreed and stated that he has since agreed to a fence as opposed to landscaping barrier.

No Council action was taken on this item at this time.

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

1. Departmental Reports
 - Finance Monthly Report
 - KART Quarterly Report
 - Rockwall County Committee on Aging Quarterly Report
 - Fire Department Monthly Reports for June, 2008
 - Fire Stations #3 and #4 Project Update
 - Police department monthly report
 - Parks & Recreation Monthly Reports

Councilmember Scott asked Police Chief Moeller about young kids being left at The Harbor. He asked Chief Moeller to clarify the abandonment charge recently filed against the parents. Chief Moeller indicated that an abandonment charge was filed, but it was later determined that the child had been left with a teenager and the teenager had left the child at The Harbor. In another instance, the child was in fact left unattended at The Harbor by a parent. Chief Moeller stated that leaving a child unattended at The Harbor is a jailable offense.

Sevier pointed out that revenues generated from mixed beverage sales in restaurants have been favorable for the city.

Councilmember Sweet asked if Harbor calls for service have been compared to calls for service in other shopping centers throughout the city. Chief Moeller stated that no other analysis has been done on other shopping centers at this point. This analysis is being performed because the Council specifically requested this type of information from the Police Department.

Chief Moeller stated that leaving a child unattended is a misdemeanor offense that would require charges to be filed with the county district attorney. Councilmember Scott expressed a possible interest in placing signage at The Harbor stating that parents should not leave children under a certain age (age ten or whatever the state law indicates) unattended. Councilmember Nielsen suggested that city staff, the schools and civic organizations do pro-active public education encouraging parents to be more responsible and educate them about the dangers of leaving children unsupervised. City Manager City Couch stated that city staff will work to develop a public education program related to leaving children unattended and will bring back recommendations to Council at a future date.

Councilmember Sweet asked if there have been any concerns related to teens hanging out in the parking lot of the old movie theater. Chief Moeller indicated that a few, minor concerns have come up but nothing substantial. Councilmember Russo expressed a desire to push a blanket, across-the-board public education program related to leaving children unattended anywhere within the city, not just at The Harbor.

Councilmember Farris asked Finance Director Mary Smith for clarification on a portion of her departmental report related to 'other' revenues. Mrs. Smith indicated that a couple of large property auctions were recently conducted and that a TML excess funds reimbursement for insurance was recently received. Also, the city receives a recurring settlement of some sort from TXU from an old rate case. Miscellaneous items such as these make up 'other' revenue. Mrs. Smith informed him that the city under estimates the budget for these revenues because there is no way of knowing how much will truly be generated.

Mayor Cecil expressed that he is happy to learn that construction of the two new fire stations will be out for bid in August.

Mayor Cecil requested an update on Fannin Street construction. Assistant City Manager Rick Crowley stated that staff will be meeting with the contractor next week. An additional update will be provided to council thereafter.

621 Mayor Cecil asked for an update on the program related to handicapped parking
622 violations. Crowley indicated that the Street Department will be working on development
623 and implementation of the "Show It or Tow It" signs related to handicapped parking
624 throughout the city.

625 2. City Manager's Report

626 A Lake Rockwall Estates special meeting will be held with Council on August 11 at 4:00
627 p.m. The budget work session has been scheduled for Friday, August 15 with breakfast
628 scheduled at 7:30 a.m. and the meeting beginning at 8:00 a.m.

629 November 13-15, 2008 (Thursday evening through Saturday) has tentatively been
630 identified for a possible Council / Staff Retreat at Starbrand Ranch in Kaufman.

631 Discussion took place related the Texas municipal League Conference at the end of
632 October.

633 Couch provided information related to a power outage that occurred on Sunday in The
634 Shores neighborhood.

635 City Attorney Pete Eckert indicated that he has been looking into possible choices for
636 legal counsel to assist with the Homeowner's Association Subcommittee. Mayor Cecil
637 asked for clarification on 'abstaining' from a vote versus 'recusing' oneself. Mr. Eckert
638 clarified that recusing means you have a specific conflict as defined by the law. If
639 someone recuses himself from a vote, specific paperwork has to be filled out and filed
640 with the City Secretary. Abstaining means that the council member is not voting, but
641 there is no specific reason, based on law, as to why the council member is not voting.

642
643 **VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
644 **GOVERNMENT CODE TO DISCUSS:**

- 645
646 1. Deliberation regarding the purchase, exchange, lease, or value of real
647 property.
- 648 2. Personnel Issues, including Board, Commission, and Committee
649 Appointments, City Manager evaluation and contract, and Related
650 Matters.
- 651 3. Commercial or financial information regarding business prospects that the
652 City seeks to have locate, stay, or expand in or near the territory of the
653 City of Rockwall and with which the Board is conducting economic
654 development negotiations.
- 655 4. Pursuant to Section 551.071, consultation between the City's attorneys
656 and City Council where the duty of the City's attorneys to the City Council
657 under the Code of Professional Responsibility of the State Bar of Texas
658 clearly conflicts with the Open Meetings Act.

659
660 **IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

661
662 Councilmember Matt Scott made a motion to appoint the following individuals to the
663 city's Architectural Review Board: Donna Orr, Melba Jeffus, and John Lindsey. Mayor
664 Cecil seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.
665

Councilmember Matt Scott made a motion to appoint the following individuals to the city's Board of Adjustments: Mike Heffler and Rick Mase. Mayor Cecil seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Councilmember Matt Scott made a motion to appoint the following individual to the city's Building and Standards Commission: David Marlett. Mayor Cecil seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Councilmember Matt Scott made a motion to appoint the following individuals to the city's Historic Preservation Advisory Board: Sherry Pittman and Sandi Whitley. Mayor Cecil seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Councilmember Matt Scott made a motion to appoint the following individuals to the city's Park Board: Brandi Patterson, Marcus Yarbrough, and Herb Moltzan. Mayor Cecil seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Councilmember Matt Scott made a motion to appoint the following individuals to the city's Planning and Zoning Commission: Barry Buchanan, Michael Hunter and Phillip Herbst. Mayor Cecil seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Councilmember Matt Scott made a motion to appoint the following individuals to the city's Animal Adoption Center / Shelter Advisory Committee: Mike Kitkoski and Judy Shoeneman. Mayor Cecil seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Councilmember Matt Scott made a motion to appoint the following individual to the city's Art Review Commission: Joetta Currie. Councilmember Margo Nielsen seconded the motion. The motion passed by a vote of 7 ayes and 0 nays. Councilmember Matt Scott made a motion to appoint Maurice Thompson to the city's Art Review Team Commission. Councilmember Mark Russo seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

X. ADJOURNMENT

There being no further business to discuss, Mayor Cecil adjourned the meeting at 11:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 18th day of August, 2008.

ATTEST:

Kristy Ashberry, City Secretary


William R. Cecil, Mayor



1 **MINUTES**
2 **ROCKWALL CITY COUNCIL**

3 **Friday, August 15, 2008**

4 **7:30 a.m. Budget Work Session**

5 **City Courts Building, 205 W. Rusk Rockwall, Texas 75087**
6
7

8 **I. CALL TO ORDER**
9

10 Mayor Bill Cecil called the meeting to order at 8:30 a.m. Present were Mayor Bill
11 Cecil and Councilmembers Glen Farris, Margo Nielsen, Mark Russo, Cliff Sevier,
12 Matt Scott and David Sweet. Also present were City Manager Julie Couch and City
13 Attorney Pete Eckert.
14

15 **II. BREAKFAST**
16

17 **II. HOLD BUDGET WORK SESSION AND TAKE ANY ACTION NECESSARY.**
18

19 City Manager Julie Couch and Finance Director Mary Smith briefed the council on
20 the amended budget for Fiscal Year 2008. Staff presented Council with the
21 proposed Fiscal Year 2009 budget, reviewed economic forecasts and discussed
22 various elements included in the budget proposal.
23

24 General discussion took place related to these topics. No action was taken by
25 Council at this time.
26

27 There being no further business to come before the Council, the budget work
28 session meeting was adjourned at 4:30 p.m.
29

30
31 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
32 **Texas, this 15th day of September, 2008.**
33
34
35

36 _____
37 William R. Cecil, Mayor

38 **ATTEST:**
39
40

41 _____
Kristy Ashberry, City Secretary

1 **AGENDA**
2 **ROCKWALL CITY COUNCIL**

3 **Monday, August 18, 2008**
4 **3:00 p.m. Work Session and Pre-Council Meeting**
5 **City Hall, 385 S. Goliad, Rockwall, Texas 75087**
6

7 **I. CALL TO ORDER**
8

9 **Mayor Bill Cecil called the meeting to order at 3:00 p.m. Present were Mayor Bill Cecil**
10 **and Councilmembers Glen Farris, Margo Nielsen, Mark Russo, Cliff Sevier, Matt Scott**
11 **and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete**
12 **Eckert.**
13

14 **II. HOLD WORK SESSION TO DISCUSS AND CONSIDER ALTERNATIVES RELATED TO**
15 **BOAT DOCKS AT THE HARBOR AND TAKE ANY ACTION NECESSARY.**
16

17 Roger Ross and Steve Shoup of the company Atlantic-Meeco were in attendance.
18 Parks and Recreation Manager Andy Hesser offered brief background information on a
19 history of the boat docks at The Harbor and the issues associated with the docks. Mr.
20 Hesser explained that the Council had previously directed staff to evaluate long-term
21 solutions for the boat dock concerns. After contacting several engineers and
22 contractors to receive information on a company that does quality dock work, Atlantic-
23 Meeco was approached to provide the city with possible solutions to the boat dock
24 problems.
25

26 Mr. Hesser provided the Council with a copy of the Bernard Johnson study on Lake Ray
27 Hubbard and explained the current situation related to storm damage at the existing
28 dock at The Harbor. Atlantic-Meeco provided several options and associated cost
29 estimates. Atlantic-Meeco recommended that there be a phasing plan that starts with
30 the addition of a 225' break wall, followed by a complete replacement of the existing
31 docks with 2 spines going out perpendicular to the wall. It was recommended that the
32 3rd phase include an extension of the dock which would result in a total of 24 stalls or 48
33 potential boat tie ups. Mr. Hesser explained that the city currently has 9 stalls or 18 tie
34 ups. Additional discussion took place related to the need for further evaluation of
35 lighting and the possibility of paid docking.
36

37 Atlantic Meeco agreed to provide the City with updated costs associated with any
38 potential design.
39

40 **Mayor Cecil adjourned the work session into Executive Session at 4:00 p.m.**
41

42 **II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND**
43 **551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- 44 1. Deliberation regarding the purchase, exchange, lease, or value of real
45 property.

AGENDA
ROCKWALL CITY COUNCIL

Monday, August 18, 2008

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Bill Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen, Mark Russo, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER CLIFF SEVIER

Councilmember Sevier delivered the invocation and led the pledge of allegiance.

III. PROCLAMATIONS / AWARDS

1. Sustainability Week

Mayor Cecil read the proclamation for Sustainability Week.

IV. CONSENT AGENDA

- 1. Discuss and consider approval of the minutes from the August 4, 2008 City Council Meeting and take any action necessary.**
- 2. Consider Change Order Number 3 for the John King Blvd. Project, SH-205 (north) to FM-552 and take any action necessary.**
- 3. Consider revisions to the Construction Advisory and Appeals Board and take any action necessary (1st Reading).**
- 4. P2008-023 - Discuss and consider a request by Randy Craven for approval of a final plat of MGH Addition, being 0.47-acre tract zoned (PD-50) Planned Development No. 50 district and located at 904 North Goliad, and take any action necessary.**
- 5. P2008-025 - Discuss and consider a request by Ron Ramirez of Wier & Associates, Inc. for approval of a final plat for the Right-of-Way dedication of the eastern extension of Discovery Blvd and a north/south road between Discovery and Springer Rd, being 4.87-acres zoned (LI) Light Industrial district, and take any action necessary.**
- 6. P2008-028 - Discuss and consider a request by Lloyd Arnsmeier of First Baptist Church for approval of a replat of Lot 1, Block 1, Goliad Place Addition, being 1.92-acres zoned (GR) General Retail district and located along the west side of SH 205 (S. Goliad), south of Boydston Avenue and north of Ross Street, and take any action necessary.**
- 7. P2008-029 - Discuss & consider a request by Stanley and Patricia Watson for approval of a final plat for the Watson Estates Addition, being**

11.75-acres zoned Planned Development No. 72 (PD-72) and located at 2826 N. FM 549, and take any action necessary.

Councilmember Scott pulled item #6 for discussion. Councilmember Scott made a motion to approve the remaining Consent Agenda items (# 1, 2, 3, 4, 5, and 7). Councilmember Sweet seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING 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.

Regarding Consent Agenda item #6, Councilmember Scott asked Planning & Zoning Chairman Bill Bricker some clarifying questions related to how the Planning & Zoning commissioners voted on this particular item. Councilmember Nielsen asked if there was any discussion by the Commission related to additional landscaping. Mr. Bricker clarified that no additional landscaping requirements were added to the staff recommendations. Councilmember Farris asked Planning Director Robert LaCroix some clarifying questions related to this item as well. Farris asked if the landscaping plan that was approved without the fence is the final plan that was approved by Planning & Zoning. Mr. LaCroix indicated that the plan that was approved is the one without the fence.

Mayor Cecil made a motion to approve the item, including staff recommendations. Councilmember Russo seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

V. APPOINTMENTS

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

Planning & Zoning Chairman Bill Bricker offered brief information to the Council on actions taken by the Planning & Zoning Commission related to items on tonight's City Council agenda.

VI. PUBLIC HEARING ITEMS

1. Z2008-017 - Hold a public hearing and consider approval of an **ordinance** for a request by Tom Jones of Tomden Engineering for approval of a change in zoning from (Ag) Agricultural district to (PD-71) Planned Development No. 71 district on a 0.7-acre tract situated in Abstract 183, G. W. Redlin Survey located south of SH 66 and west of the Ralph Hall Municipal Airport, and take any action necessary. **(1st Reading)**

Planning Director Robert LaCroix offered background information on this item. He indicated that the applicant is not here tonight, but Ross Ramsay is present tonight to represent the applicant. Five notices were sent out within 200 feet of the property, but no responses have been received by the city at this time. Planning & Zoning approved this item by a vote of 6 ayes and 0 nays.

Mr. Ross Ramsay
637 Stafford Circle

Mr. Ramsay was present to represent the applicant.

Mayor Cecil opened the public hearing. There being no one to come forth and address the Council, Mayor Cecil closed the public hearing.

Councilmember Scott made a motion to approve Z2008-017. Councilmember Farris seconded the motion.

The ordinance was read as follows:

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-71) PLANNED DEVELOPMENT NO. 71 DISTRICT, ON A TRACT OF LAND CONTAINING APPROXIMATELY 0.7-ACRE AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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 7 ayes and 0 nays.

2. Z2008-018 - Hold a public hearing and consider approval of an **ordinance** for a request from Sam and Linda Duran for approval of a Specific Use Permit (SUP) to allow for an accessory building exceeding the maximum size requirements of 225 square feet (proposed 720-sf), and not meeting the exterior materials requirements, on their property located at 507 Wildwood Lane, being Lot 6, Block P, Northshore #1 Addition, which is zoned (SF-10) Single Family Residential district, and take any action necessary. **(1st Reading)**

Mr. LaCroix offered background information on this item and indicated that the applicant is requesting this SUP primarily to build an accessory building in his backyard. Mr.

LaCroix indicated that the building will be constructed of hardy plank with a composition roof and will be utilized as a hobby building, not a garage. Notices were sent out to property owners within 200 feet of the property. Two responses were received back, both of which indicated support for this request. Mr. LaCroix indicated that Planning and Zoning approved this item by a vote of 7 ayes and 0 nays.

Councilmember Scott asked if this structure will be visible from the front of the home. Mr. LaCroix indicated that it will not be visible from the front.

John Lindsay
429 Hamby Lane
Rockwall, TX

Mr. Lindsay was present to represent the applicant and stated that he designed and drew the plans up for the building. He stated that utilizing brick for the structure would overpower the house and back yard, so hardy plank was chosen for the building material instead.

Mayor Cecil opened the public hearing. There being no one to come forth and address the council on this item, Mayor Cecil closed the public hearing.

Councilmember Scott made a motion to approve Z2008-018. Councilmember Sweet seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-10) SINGLE-FAMILY RESIDENTIAL DISTRICT ALLOWING FOR AN ACCESSORY BUILDING EXCEEDING THE MAXIMUM SIZE REQUIREMENTS AND NOT MEETING THE EXTERIOR CLADDING REQUIREMENTS, ON A TRACT LOCATED AT 507 WILDWOOD LANE, BEING LOT 6, BLOCK P, NORTHSHRE PHASE ONE 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 7 ayes and 0 nays.

3. Z2008-019 - Hold a public hearing and consider approval of an **ordinance** for a request by Andrew and Shelly Spearman for approval of a change in zoning from (Ag) Agricultural district to (SF-E/1.5) Single Family Estate district on a 3.51-acre tract known as Tract 25, Abstract 77, E. M. Elliott Survey, located at 2180 Airport Road, and take any action necessary. (1st Reading)

Mr. LaCroix began discussion of this item and indicated that this home previously burned. Rezoning is being requested before the structure is rebuilt. Staff and the Planning and Zoning Commission have recommended approval of this item. Notices were sent out to property owners within 200 feet. Two responses were received back

and indicated support for this rezoning, and the Planning & Zoning Commission approved the request by a vote of 7 ayes to 0 nays.

Andrew Spearman
6086 County Road 323
Poetry, Texas

Mr. Spearman is the applicant and was present to answer any questions of the Council.

Mayor Cecil opened the public hearing. There being no one to come forth and address the Council on this item, Mayor Cecil closed the public hearing.

Councilmember Scott made a motion to approve Z2008-019. Councilmember Farris seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (SF-E/1.5) SINGLE FAMILY ESTATE DISTRICT, ON A 3.51-ACRE TRACT KNOWN AS TRACT 25, ABSTRACT 77, E. M. ELLIOTT SURVEY AND LOCATED AT 2180 AIRPORT ROAD, AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A" ATTACHED HEREIN; 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 7 ayes and 0 nays.

VII. ACTION ITEMS

- 1. Discuss and consider revisions to the city's burn restrictions to allow for brush and tree burning on estate lots larger than 2 acres and take any action necessary.**

Councilmember Scott asked staff to clarify what the city can and cannot legally allow in regards to burning within the city limits. City Manager Julie Couch indicated that it would not be legal to allow open burning within the city according to state law. The city is in a 'non-attainment' area according to the Texas Commission on Environmental Quality

Councilmember Scott made a motion to amend city ordinances to allow brush and tree burning on estates 5 acres or larger within the city limits if a city issued permit is obtained beforehand. Councilmember Nielsen seconded the motion.

Councilmember Farris asked if 'non-attainment' means that any burning allowed would contribute to bad air quality. City Manager Couch stated that, yes, this is the case. Councilmember Farris stated that he would like to be 'green friendly' and promote good air quality. Therefore, he will not be supporting this item.

Mayor Ceil asked if we are still considered to be a 'non-attainment' area. City Manager Couch indicated that Rockwall County is still considered to be a 'non-attainment' area. Mayor Cecil expressed that he thought some adjustments were made to the standards in the last three or four months, which had possibly placed our area into partial, rather than full, non-attainment. Mayor Cecil indicated that he thought he had received this information from the Dallas Mobility or the Regional Transportation Council. Couch indicated that she is not aware of any such change; however, she agreed to have staff look into this and clarify the issue.

Fire Chief Mark Poindexter stated that you have to be 300 feet from any structure or 50 feet from any property line according to the International Fire Code. He asked if the Council would like to amend these code requirements as well. Councilmember Scott stated that he does not wish to amend any of the International Fire Code requirements.

Councilmember Farris stated that he sees on-line that Rockwall County is deemed to be 'near non-attainment' according to the Texas Commission on Environmental Quality.

Councilmember Scott withdrew his motion and made a motion to table this item and bring it back to Council for action again in 30 days. Mayor Cecil seconded the motion and added that he would like to also be updated on the International Fire Code requirements. The motion passed unanimously by a vote of 7 ayes and 0 nays.

2. Discuss and consider requiring a specific use permit (SUP) for extended stay hotels and take any action necessary.

Councilmember Scott made a motion to require a SUP for extended stay hotels and directed staff to bring back a narrow definition on 'extended stay hotels.' Councilmember Scott expressed that if they market themselves as an extended stay hotel, then he would like them to obtain an SUP.

Councilmember Sweet suggested that an SUP be required for any hotel so as to avoid confusion related to the definition of 'extended stay.' Councilmember Scott made a motion to require an SUP for any hotel being proposed for construction in a commercial zoning area. Mayor Pro Tem Sevier seconded the motion.

Planning Director Robert LaCroix stated that this would be similar to SUPs required for car dealerships.

Planning Manager Michael Hampton suggested defining hotels in three or four different categories.

Mayor Cecil called upon Planning & Zoning Chairman Bill Bricker for comment. Mr. Bricker stated that he does not feel requiring an SUP would place too much burden on the Planning & Zoning Commission. He further indicated that the Commission itself has been concerned about extended stay hotels too.

Councilmember Farris expressed a desire to have staff investigate the issue and bring back recommendations for the Council to consider. Mayor Cecil stated that he believes Council will direct staff to bring back a firm definition.

The motion passed by a vote of 7 ayes and 0 nays.

Couch asked if the Council is ready for this to be passed onto the Planning & Zoning Commission for review and amendments to the zoning ordinance or if the Council desires additional discussion before it is handed off to Planning & Zoning. Council

indicated that they would like it to be passed onto the Planning & Zoning Commission right away.

Mayor Cecil indicated that he would like to reorder the Action Items agenda to address numbers 5, 6 and 9 before the other items.

3. Discuss and consider possible alternatives to deter speeding through alleys in the N. Lakeshore subdivision and take any action necessary.

City manager Julie Couch indicated that a resident on Teakwood Drive previously had a concern about speeding in his alleyway. Couch stated that additional speed limit signage has been installed in the alleyway, and residents in the neighborhood will be asked by the city to comply with the speed limit in the alleyway. The City will send Mr. Wilson, the resident who originally had the concern, a copy of the Traffic Control and Speed Control Program policy for the city. Chief Moeller indicated that additional police officers have been patrolling the area of concern; however, no enforcement action has been taken at this time because no violations have been witnessed by officers thus far. Couch stated that additional signage encouraging drivers to please slow down will be strategically and temporarily placed in and near alleyways of concern in the future.

No action was taken by Council on this item at this time.

4. Discuss and consider adoption of the revised Flood Damage Prevention and Control **Ordinance** and take any action necessary (1st Reading).

City Engineer Chuck Todd offered information on this item.

Mayor Pro Tem Cliff Sevier asked if there is another means, other than the city website, to inform citizens about flood insurance programs and flood map information. Mr. Todd indicated that residents could also be informed in a mailer or via the city's water bill as an insert.

Councilmember Nielsen asked how often flood maps are updated. Mr. Todd indicated that FEMA updates them on their own schedule, and the last time they were updated was in 1992. FEMA used a lot of the information that the city provided to them to update the maps. Councilmember Nielsen indicated that Helping Hands is located in a flood plain and is required to carry flood insurance on the building, which costs about \$2000 each year. Mr. Todd indicated that the city's detention and retention programs help mitigate flood concerns within the city.

Councilmember Farris made a motion to adopt the ordinance as written and presented by staff. Councilmember Russo seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF
THE CITY OF ROCKWALL IN CHAPTER 11 FLOOD HAZARD DAMAGE
PREVENTION AND CONTROL; PROVIDING FOR A PENALTY OF A
FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
(\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED
COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION

OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes and 0 nays.

Action Item #7 was addressed next.

- 5. Discuss and consider adoption of a resolution approving a program of the Rockwall Economic Development Corporation; approving a bond resolution of the Corporation; and containing other provisions related thereto and take any action necessary.**

Finance Director Mary Smith introduced Mr. David Medanich with First Southwest.

Mr. Medanich indicated that bids were requested from 10 or 12 banks. Four bids were received back, with American National Bank having the lowest bid and meeting all the requirements. He recommended awarding the bid to American National Bank at a 7% rate.

Mayor Cecil made a motion to approve the resolution. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

- 6. Hear update on status of construction of the home located at 5702 Ranger Drive and take any action necessary.**

Building Official Jeffrey Widmer offered information on this item. He stated that the 100 days that the Council allowed for the home to be completed expired on August 5. Mr. Widmer indicated that staff took photographs of the home construction progress on August 5, photos which have been given to the Council for review. Mr. Widmer indicated that three options have been proposed by staff.

Councilmember Nielsen asked if this has been back to the Building and Standards Commission. Mr. Widmer stated that it has not gone back to the Commission for consideration since it came to Council a little more than 100 days ago.

**Marion Miller
306 Shamrock Circle
Rockwall, TX**

Mr. Miller indicated that hitting the city sewer line did delay the construction some. Also, he stated that rain caused some delays as well as things in the home itself that have caused complications. Several things were poorly or improperly constructed, which had to be redone. Mr. Miller indicated that he needs 60 more work days in 5 day work weeks to complete the home construction.

Mr. John Floeter, chair of the Homeowner's Association indicated that the builder, Marion Miller, has made a lot of progress on the home and is doing a lot of good work. He stated that he sees no problem with allowing the builder another 60 days to complete the project. He is pleased that more work has been done on the home in the last 100 days than was done on it in the previous 2 years.

Councilmember Nielsen made a motion to allow the builder until December 1, 2008 to finish the home construction without assessing any additional penalties and without putting any liens on the property. Included in the motion was also a requirement that staff provide the Council with an update on the home construction in approximately 45 days. Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

7. Hear update on parking in and around The Harbor area and take any action necessary.

City Manager Julie Couch indicated that staff has evaluated the problem both on evenings when the city's Concerts by the Lake series is being held and on other evenings. Staff has found that there is no problem and recommends that no additional action be taken at this time. Couch stated that staff will inform the residents who expressed concern of their findings.

8. Discuss and consider calling the Public Hearings on the 2008-09 fiscal year tax rate and proposed budget on September 2 and September 15 and take any action necessary.

Finance Director Mary Smith indicated that these public hearings are required by law in order to hear comments on the proposed tax rate and proposed budget. Mrs. Smith stated that the proposed rate is 50.88 cents per \$100 of assessed value. Mayor Cecil clarified that the Council can choose to go below this rate but cannot go above this rate once the public hearings have been called.

Councilmember Farris made a motion to call public hearings on September 2 and September 15 for a fiscal year 2009 tax rate of 50.88 cents. Mayor Cecil seconded the motion. Councilmember Sweet and Councilmember Russo expressed that they will not support the motion. Councilmember Farris clarified that they are discussing calling a public hearing.

The motion passed by a vote of 5 ayes and 2 nays (Russo and Sweet).

9. Discuss and consider a proposal from Townscapes, Inc. for a Corridor Overlay Study for John King Boulevard and take any action necessary.

Dennis Wilson with Townscapes was present and provided the Council with a briefing on the proposed study, including the scope of services to be provided. He gave a general overview on design concepts associated with the seven mile roadway including items such as residential walls and fences, landscaping, lighting, overpasses, traffic arms at intersections, medians, overhead utilities, and special opportunity sites.

City Manager Julie Couch indicated that staff is proposing utilization of bond funding for the project. Couch estimated that the city is currently under budget on the by-pass project by almost \$4 million, so there will be funds left over to fund this study as part of the planning for this seven mile roadway.

Councilmember Farris expressed a desire to use drought friendly "zeroscape" landscaping and drought friendly irrigation technologies.

Councilmember Russo asked if bike trails or lanes can be included in the plan. Mr. Wilson indicated that these concepts could be included in the plan if the Council desires.

Couch indicated that evaluation of zoning is not included in the plan proposal at this time. In other words, it will not include evaluation of if the designated land uses are appropriate for the areas.

Mayor Cecil made a motion to accept a proposal from Townscapes with the understanding that funding will come out of SH 205 bypass bond money. Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Action Item #3 was addressed next.

10. Discuss and consider the City of Rockwall's proposed operating budget for the period of October 1, 2008 through September 30, 2009 and the amended budget for October 1, 2007 through September 30, 2008 and take any action necessary.

Mrs. Couch indicated that this item was placed on the agenda very late Friday afternoon; however, the Council has since decided to hold an additional budget work session on August 25 instead of discussing the budget this evening.

No action was taken by the Council on this item at this time.

Mayor Cecil asked for an update on Fannin Street construction. City Manager Julie Couch expressed that the progress is not moving along as fast as he had indicated. She stated that the contractor has extended the completion time again, though she has not yet had an opportunity to review the details of this extension. The intersection of Fannin and Washington will extend the deadline beyond the revised August 29 completion date. Some involved traffic re-routing will be necessary at this intersection in order for the contractor to complete this particular intersection. Mr. Todd stated that city staff has been out there at least every other day checking on the progress and counting the number of contractor employees working on the project on those days. Mr. Todd said that the traffic control proposal submitted by the contractor was in his opinion not a safe one, so it had to be redone. Additional discussion took place related to phasing of the project and traffic re-routing necessities at various intersections. Mr. Todd indicated that city staff will be meeting with business owners to discuss things that can be done to help mitigate the affects of this project on their businesses.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, City Manager evaluation and contract, and Related Matters.

- 535 **3.** Commercial or financial information regarding business prospects that the
536 City seeks to have locate, stay, or expand in or near the territory of the
537 City of Rockwall and with which the Board is conducting economic
538 development negotiations.
- 539 **4.** Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
540 with attorney with regard to a matter that it is the duty of the attorney to
541 consult with the Council and falls under the attorney-client privilege.

542
543 **IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
544

545 **No action was taken by the Council as a result of Executive Session. Mayor Cecil**
546 **adjourned the meeting at 11:15 p.m.**
547

548
549 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,**
550 **this 15th day of September, 2008.**
551

552
553 **ATTEST:**

William R. Cecil, Mayor

554 _____
555 **Kristy Ashberry, City Secretary**

1 **MINUTES**
2 **ROCKWALL CITY COUNCIL**
3 **Wednesday, August 20, 2008**
4 **4:00 p.m. Special Council Meeting**
5 **City Hall, 385 S. Goliad, Rockwall, Texas 75087**
6
7

8 **I. CALL TO ORDER**
9

10 Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Cecil and
11 council members Glen Farris, Margo Nielsen, Mark Russo, Matt Scott, Cliff Sevier,
12 and David Sweet. Also present was City Manager Julie Couch. Mayor Cecil
13 immediately adjourned the meeting into Executive Session.
14

15 **II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.074 OF TEXAS**
16 **GOVERNMENT CODE TO DISCUSS:**

- 17 1. Personnel Issues, including Board, Commission, and Committee
18 Appointments, and Related Matters.

19 **III. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**
20

21 No action was taken as a result of Executive Session.
22

23 **IV. ADJOURNMENT**
24

25 There being no further business to discuss, Mayor Cecil adjourned the meeting at
26 8:35 p.m.
27

28
29 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
30 **Texas, this 15th day of September, 2008.**
31

32
33 _____
34 William R. Cecil, Mayor

34 **ATTEST:**

35 _____
36 Kristy Ashberry, City Secretary

MINUTES
ROCKWALL CITY COUNCIL
Monday, August 25, 2008
5:00 p.m. Budget Work Session
City Hall, 385 South Goliad Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Bill Cecil called the meeting to order at 5:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen, Mark Russo, Cliff Sevier, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert

II. HOLD BUDGET WORK SESSION AND TAKE ANY ACTION NECESSARY.

City Manager Julie Couch began the discussion and offered information on various items proposed in the upcoming fiscal year budget. General discussion took place related to items that could possibly be cut or have their cost reduced. Discussion took place regarding the general fund, hotel/motel fund expenditures, the water/sewer fund, and reserves.

No formal action was taken by Council regarding the proposed budget at this time. Mayor Cecil adjourned the public portion of the meeting, and Council went into Executive Session at 9:38 p.m.

III. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.074 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken by Council as a result of Executive Session.

VI. ADJOURNMENT

There being no further business to discuss, Mayor Cecil adjourned the meeting at 10:20 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 15th day of September, 2008.

ATTEST:

William R. Cecil, Mayor

Kristy Ashberry, City Secretary

1 **MINUTES**
2 **ROCKWALL CITY COUNCIL**

3 **Tuesday, September 02, 2008**
4 **4:00 p.m. Pre-Council Meeting**
5 **City Hall, 385 S. Goliad, Rockwall, Texas 75087**
6

7 **I. CALL TO ORDER**
8

9 **Mayor Bill Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil**
10 **and Councilmembers Glen Farris, Margo Nielsen, Mark Russo, Cliff Sevier, and David**
11 **Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.**
12 **Councilmember Matt Scott was absent. Mayor Cecil immediately adjourned the meeting**
13 **into Executive Session.**
14

15 **II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF**
16 **TEXAS GOVERNMENT CODE TO DISCUSS:**

- 17 1. Deliberation regarding the purchase, exchange, lease, or value of real property.
18 2. Personnel Issues, including Board, Commission, and Committee Appointments,
19 City Manager evaluation and contract, and Related Matters.
20 3. Commercial or financial information regarding business prospects that the City
21 seeks to have locate, stay, or expand in or near the territory of the City of
22 Rockwall and with which the Board is conducting economic development
23 negotiations.
24 4. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters
25 in which the duty of the attorney to the governmental body under the Texas
26 Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly
27 conflicts with Chapter 551 and regarding legal services – homeowners
28 associations (HOAs) and liquidated damages – Fannin Street Project.

29 **III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
30

31 **No action was taken as a result of Executive Session.**
32

33 **IV. ADJOURNMENT**
34

35 **Mayor Cecil adjourned the Executive Session into the Regular meeting at 5:45 p.m.**
36

37 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,**
38 **this ____ day of _____, 2008.**
39

40
41 **ATTEST:**

William R. Cecil, Mayor

42
43 _____
44 **Kristy Ashberry, City Secretary**

MINUTES
ROCKWALL CITY COUNCIL
Tuesday, September 02, 2008
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Bill Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen, Mark Russo, Cliff Sevier, and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Matt Scott was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER GLEN FARRIS

Councilmember Farris delivered the invocation and led the Pledge of Allegiance.

III. OPEN FORUM

Pastor Joe Robbins
805 Peters Colony

Mr. Robbins has a concern about high grass. He indicated that high grass brings mosquitoes and snakes, and he stated that he was recently bit by a snake. He would like Code Enforcement to have the grass mowed.

There being no one else to come forth and address the City Council, Mayor Cecil closed the Open Forum.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the August 11, 2008 City Council Work Session and take any action necessary.
2. Consider the revisions to the Construction Advisory and Appeals Board and take any action necessary **(2nd reading)**.
3. Consider the revisions to the Flood Damage Prevention and Control **Ordinance** and take any action necessary **(2nd reading)**.
4. Consider Change Order No. 4 for the John King Blvd. Project from FM-552 to Quail Run and take any action necessary.
5. Consider the engineering design contract for Airport Road from Industrial Blvd. to John King Blvd. and take any action necessary.
6. Consider award of the last phase of the John King Blvd. Project (SH-66 to north of FM-1141) and take any action necessary.
7. Z2008-017 - Consider approval of an **ordinance** for a request by Tom Jones of Tomden Engineering for approval of a change in zoning from (Ag) Agricultural district to (PD-71) Planned Development No. 71 district on a 0.7-acre tract situated in Abstract 183, G. W. Redlin Survey located

south of SH 66 and west of the Ralph Hall Municipal Airport, and take any action necessary. **(2nd Reading)**

8. Z2008-018 - Consider approval of an **ordinance** for a request from Sam and Linda Duran for approval of a Specific Use Permit (SUP) to allow for an accessory building exceeding the maximum size requirements of 225 square feet (proposed 720-sf) and not meeting the exterior materials requirements, on their property located at 507 Wildwood Lane, being Lot 6, Block P, Northshore #1 Addition, which is zoned (SF-10) Single Family Residential district, and take any action necessary. **(2nd Reading)**
9. Z2008-019 - Consider approval of an **ordinance** for a request by Andrew and Shelly Spearman for approval of a change in zoning from (Ag) Agricultural district to (SF-E/1.5) Single Family Estate district on a 3.51-acre tract known as Tract 25, Abstract 77, E. M. Elliott Survey, located at 2180 Airport Road, and take any action necessary. **(2nd Reading)**
10. Consider approving an **Ordinance** implementing Atmos rate changes as recommended by the Atmos Cities Steering Committee and take any action necessary.

Margo Nielsen pulled item #1 for discussion. Mayor Pro Tem Cliff Sevier pulled items 2, 5 and 6 for discussion. Councilmember Farris made a motion to approve the remaining consent agenda items (#3, 4, 7, 8, 9 and 10). Councilmember Nielsen seconded the motion.

The ordinances were read as follows:

ORDINANCE NO. 08-44

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 11 FLOOD HAZARD DAMAGE PREVENTION AND CONTROL; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 08-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-71) PLANNED DEVELOPMENT NO. 71 DISTRICT, ON A TRACT OF LAND CONTAINING APPROXIMATELY 0.7-ACRE AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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.

ORDINANCE NO. 08-46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-10) SINGLE-FAMILY RESIDENTIAL DISTRICT ALLOWING FOR AN ACCESSORY BUILDING EXCEEDING THE MAXIMUM SIZE REQUIREMENTS AND NOT MEETING THE EXTERIOR CLADDING REQUIREMENTS, ON A TRACT LOCATED AT 507 WILDWOOD LANE, BEING LOT 6, BLOCK P, NORTSHRE PHASE ONE 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.

ORDINANCE NO. 08-47

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (SF-E/1.5) SINGLE FAMILY ESTATE DISTRICT, ON A 3.51-ACRE TRACT KNOWN AS TRACT 25, ABSTRACT 77, E. M. ELLIOTT SURVEY AND LOCATED AT 2180 AIRPORT ROAD, AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A" ATTACHED HEREIN; 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.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "THE COMPANY") REGARDING THE COMPANY'S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS' PROOF OF REVENUES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.

The motion passed by a vote of 6 ayes and 1 absent (Scott).

In regards to Consent Agenda Item #1, Mayor Cecil indicated that Margo Nielsen was not present at the August 11, 2008 city council meeting. Cecil then made a motion to approve Consent Agenda Item #1, requesting that the minutes be changed in order to

reflect Nielsen's absence. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Scott).

With regard to consent agenda item 2, Mayor Pro Tem Sevier asked for clarification associated with the requirements for members serving on the Construction Advisory and Appeals Board. City Manager Couch explained that this board is very technical in nature and will require members with very specific backgrounds to fill these positions. She expressed confidence that staff does have members of the public who meet these qualifications and are willing to serve on this board. Councilmember Sweet made a motion to approve Consent Agenda item #2. Councilmember Farris seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 08-43

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING 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 absent (Scott).

Regarding Consent Agenda items #5 and #6, Mayor Pro Tem Sevier asked if the same contractor that is working on Fannin Street is also working on these projects. City Engineer Chuck Todd stated that a different contractor is working on these two projects. Councilmember Farris made a motion to approve Consent Agenda items #5 and #6. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Scott).

V. APPOINTMENTS

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

Planning & Zoning Chairman Bill Bricker was present and offered brief comments regarding planning-related items on this City Council agenda.

Mr. Bricker indicated that item Z2008-20 was passed by the Planning & Zoning Commission by a vote of 5 to 0 and that the commission is comfortable with allowing one space for an RV between the fire lane and the building to occasionally be used for display purposes.

2. Appointment with the Historic Preservation Advisory Board representative to discuss proceeding with the historic landmark designation of the property located at 109 St. Mary Street, and take any action necessary.

Planning Director Robert LaCroix indicated that no one from this board was able to attend the meeting this evening. Mr. LaCroix indicated that members of this board have a desire to designate this home as an historic landmark. Councilmember Nielsen asked

if this is the Jordan house, and Mr. LaCroix indicated that it is in fact the Jordan house. Councilmember Nielsen made a motion to move forward with this historic landmark designation. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).

3. Appointment with representatives of businesses on Fannin Street to discuss construction progress and take any action necessary.

Denise Mallou
1210 Fairlakes Point Drive
Rockwall, TX 75087

Gene Horton
214 Houston St.
Lavon, TX 75166

Ms. Mallou and Ms. Horton are the owners of Tapestry, located at 203 South Fannin Street. Ms. Mallou indicated that they opened the business in July of 2006. They explained that the project has negatively impacted their business to the point that they may have to close down. They are requesting compensation from the city for the losses that they have endured as a result of this construction project, which they believe has been poorly managed by the city. She indicated concern about construction workers lounging and cooking in front of their store during lunch breaks and at other times. She also expressed concern about trash being left in front of her store by the construction workers and inappropriate comments being made by them to the owners and to their customers. Ms. Mallou indicated that the traffic flow direction and signage has inhibited customer access into and out of her business. She also indicated a desire to have the construction company held accountable for the long construction project and countless delays. She believes that other cities compensate businesses that have to endure long construction projects.

City Manager Julie Couch indicated that City staff has also been very frustrated with the contractor. Couch explained that under the contract, liquidated damages can be assessed, and the City has done so since May 17. She indicated that a current schedule has been provided by the contractor. Ms. Couch indicated that the current estimated completion date for the project is October 6, 2008.

Mayor Cecil asked if the contractor has a sufficient number of staff working to complete the project at this time. Ms. Couch indicated that they do have a sufficient number of workers on the project at this time, though that has not always been the case throughout the project.

City Attorney Pete Eckert stated that in order for public funds to be expended in this type of claim, there has to be a recognized legal theory for it, and there is none in existence in the State of Texas. Mr. Eckert believes the city is taking the necessary steps in the form of assessing liquidated damages to the contractor in accordance with the contract. Mr. Eckert asked if Ms. Mallou would be willing to swear to the information she submitted to the City Council by having it notarized and turned into the City Secretary. Ms. Mallou indicated that she is willing to and will do so. Ms. Mallou asked if the construction company has any insurance funds that might cover compensating her for her losses. City Manager Couch indicated that she is not sure but that the city is willing to help Ms. Mallou by providing her with the contractor's information.

City Manager Couch indicated that the interim city manager in Rowlett has expressed to her that no compensation has been delivered to businesses as a result of this type of construction-related situation.

Ms. Mallou indicated that she has spoken with a business owner in Rowlett who stated that he had been compensated by the City of Rowlett and by the road construction company in association with a road project that affected many businesses and caused them to close. Ms. Mallou agreed to provide this specific information to the City Manager and staff, including the gentleman's contact information.

Ms. Mallou expressed that the city has mismanaged the project, including poorly writing a contract.

Mayor Cecil stated that he had spent about twenty minutes talking to the contractor in May of 2007 about the importance of meeting the thirteen month construction deadline on this project. This was before the project bid was awarded. Mayor Cecil has strongly encouraged staff to try and get this project complete and try to get the construction company to provide adequate resources and personnel to get the project completed on time. Mayor Cecil indicated that the liquidated damages being assessed in accordance with the contract are \$500 a day. This money and amount will be withheld from the contractor by the city at the end of the construction project.

Ms. Mallou expressed concern about the timing it will take and the process involved in filing a claim against the road construction company. Mayor Cecil stated that the City Manager will try to assist Ms. Mallou in any way she can.

Ms. Mallou asked why the city did not fire the company and hire a new company to finish the project. Mayor Cecil expressed that this particular option was evaluated by staff and the city attorney, and the legal ramifications of such action was explored. Mayor Cecil stated that firing the company and hiring a new company would double or triple the time it would take to finish the project, and it would cost the city more money to do so.

Ms. Couch clarified that no milestones are included in the contract and that the City cannot add provisions on timeframes if they are not first included in the contract.

Mayor Cecil has asked staff and the city attorney to re-evaluate future road construction projects and associated contracts to try and either incentivize or more severely penalize contractors for not completing projects on time.

Ms. Horton asked where the money from liquidated damages goes after the end of the project. Mayor Cecil stated that it goes back into the city's general fund. Ms. Horton expressed that she believes such money should be distributed out to those residents and businesses that have been negatively impacted by the construction project. Mayor Cecil stated that a legal precedence must exist in order to do something like this, as was previously indicated by the city attorney.

VI. PUBLIC HEARING ITEMS

1. Z2008-020 - Hold a public hearing and consider approval of an **ordinance** for a request from Brandon Blythe of Legacy Coach, Inc., for approval of a Specific Use Permit (SUP) to allow for "Recreational Vehicle (RV) Sales and Service" within the (LI) Light Industrial district, specifically within the existing Premier Park Place RV Storage facility located at 1750

E. IH-30, on a 5.02-acre tract known as Lot 1, Block A, McKeown-Belaustegui Addition, and take any action necessary. (1st reading)

Planning Director Robert LaCroix offered background information on this item. The company has requested an additional sign, and a sign application has been submitted for this request. A wash bay will be located in the rear of the structure. Mr. LaCroix stated that the space between the front entry and the fire lane is being requested to allow for display of one RV on occasion. Notices were sent out to those within 200 feet of the property, but no responses were received back.

Mr. Brandon Blythe
Premier Park Place RV
1750 E. IH-30

Mr. Blythe stated that they specialize in very high end sales of RVs.

Councilmember Farris asked Mr. LaCroix to clarify the location that will be used to display coaches and asked if the space is wide enough. Mr. LaCroix clarified and indicated that the area is wide enough.

Mayor Cecil opened the Public Hearing. There being no one to come forth to address the Council on this item, Mayor Cecil then closed the public hearing.

Councilmember Nielsen made a motion to approve the Special Use Permit. Councilmember Sweet seconded the motion.

The ordinance was read as follows:

ORDINANCE NO. 08- _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR "RECREATIONAL VEHICLE (RV) SALES AND SERVICE" WITHIN THE (LI) LIGHT INDUSTRIAL DISTRICT, ON A 5.02-ACRE TRACT KNOWN AS LOT 1, BLOCK A, MCKEOWN-BELAUSTEGUI ADDITION AND LOCATED AT 1750 E IH-30; 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 absent (Scott).

2. A2008-002 - Hold a public hearing and consider a City-initiated request to annex land of approximately 162.88-acres generally located east of FM 1141, south of Clem Road and west of FM 549, and contiguous to the existing City Limits line. (1st Public Hearing)

Mayor Cecil explained that the Council will hear public input tonight, but no action will be taken on this item this evening.

Planning Director Robert LaCroix provided background information on this item. He stated that the City has followed all procedures required by law in association with this proposed annexation. Notices were sent to property owners and published in the newspaper. The service plan has been posted to the website and has been made available to the public upon request here at City Hall. Mr. LaCroix briefed the Council on the 212 Development Agreement associated with this annexation proposal as well as the proposed service plan. Mr. LaCroix briefed the council on the city services that will be provided to the area either immediately after the area becomes annexed or at a future date. The 212 Development Agreement is being proposed for a period of one year. Mr. LaCroix indicated that 8 total properties are included in this annexation and 4 of them qualify for the 212 Development Agreement. A copy of the draft development agreement was sent out to the property owners who are eligible to enter into such agreement with the city.

Mayor Cecil indicated that this is a city-initiated annexation. He opened the public hearing and clarified the agenda item at hand.

Corey Roberson
961 Clem Road

Mr. Roberson asked why the city is interested in annexing the properties. Mr. LaCroix indicated that the larger tracts of land in the area lend themselves to development in the future and that the city would like to control development that may occur in this area. Mr. LaCroix explained that the area has been on the city's annexation plan for the last couple of years. Mr. LaCroix indicated that the city would like to control development on the larger tracts of land. Mr. Roberson indicated that he has been a resident of this property for twenty-two years. Mr. Roberson asked if there is anything that the landowners can do in order to avoid being annexed into the city. He asked if the property owners can enter into any agreement with the city to avoid being annexed into the city. Mr. LaCroix indicated that if the property is designated as an agriculturally zoned area, the property owner can enter into a 212 Agreement with the city. This agreement would be for a one year period. Mr. Roberson stated that his property does not carry an agricultural designation, so he is not eligible for such agreement. Mr. LaCroix stated that there is a possibility of a 212 Agreement with the city if the property owner asks the city to consider a 212 Agreement and brings it forth to the city on his or her own accord. Mr. LaCroix indicated that this type of request could be made and addressed to his office. Mr. Roberson asked if any pending development applications have been submitted to the city at this time for this area. Mr. LaCroix stated that no applications have been received on the area at this time. Mr. LaCroix indicated that some development north of the area is pending at this time. Mr. LaCroix explained that by law there is a specified timeframe that the city must follow in conjunction with a proposed annexation. Mr. Roberson expressed a desire for the city to not annex his property.

Mr. Allen Stevenson
427 Clem Road

Mr. Stevenson stated that has many questions associated with the 212 Agreement. He asked who he should contact regarding his specific questions. Mayor Cecil indicated that he may contact Mr. LaCroix's office to have his questions addressed. Mr. Stevenson indicated that he is a veterinarian and his practice is located on the property. He wanted to know what affect a 212 Agreement and annexation will have on his business. Mayor Cecil indicated that his business would be 'grandfathered.' Mr. Stevenson asked if he

would need a permit from the City to build a barn or other agricultural-related structure if he is located in the city's extra territorial jurisdiction (ETJ). Mr. LaCroix clarified that accessory uses related to the agricultural designation would not require permitting and inspections by the city. Only buildings / construction not related to the AG designation would require permits and inspections. Mr. LaCroix also briefed Mr. Stevenson on the timeframes associated with the annexation and proposed 212 Agreements. Mr. Stevenson commented that he would like to remain in Rockwall County.

There being no one else to come forth and address the Council on this item, Mayor Cecil closed the public hearing.

Mr. LaCroix indicated that the 2nd public hearing on this annexation proposal will be held September 15, 2008.

3. A2008-003 - Hold a public hearing and consider a City-initiated request to annex land of approximately 1505.26-acres generally located along the south side of SH 276 and west of FM 550, and contiguous to the existing City Limits line. (1st Public Hearing)

Mr. LaCroix provided brief information related to this item. He indicated that notices were sent to property owners and that all laws associated with this annexation have been followed, including publishing public notice of this proposed annexation in the newspaper.

Councilmember Nielsen asked how many property owners are located within this area. Mr. LaCroix indicated that seventy-nine property owners are in this area and twenty-six of them are eligible for the 212 Agreement because they have an agricultural designation on their property.

Mr. Ron Burkett
648 Dowell Road
Rockwall, TX

Mr. Burkett asked if there are currently adequate city personnel to service this area. Mayor Cecil stated that there is adequate staff for this area. Mr. Burkett stated that McClendon Chisholm Fire Department currently services the area, and he is concerned about the ability of the Rockwall Fire Department to respond quickly enough based on station locations and traffic congestion. Mr. LaCroix stated that the property owner is required to use city water and pay the associated connection fee when service is made available to that area. General discussion took place related to water services and wastewater services. Mr. LaCroix also clarified that the city first needs to obtain the rights to service the area with water, and then associated utilities would have to be put in place in order to service the area. Mr. Burkett requested an itemized list of what the general charges would be for things such as water connection fees and solid waste collection fees.

Mrs. Couch stated that staff would be happy to place an itemized list of the city's tax rate, water, sewer and trash rates on the city's website for the property owners to reference.

Mr. Burkett asked if the city has any plans to fix erosion problems along a creek near his and the Loftis property. Mr. LaCroix indicated that Mr. Loftis' property has been platted for residential development. Once a developer comes in to develop the property,

drainage will be looked at, but until that time, the city has no plans to improve drainage in this area.

Todd Broom
312 Dowell Road

Mr. Broom indicated that he does not currently have an AG exemption on his property. Mr. LaCroix stated that Mr. Broom is welcome to submit a 212 Agreement proposal to the city for consideration. Mr. Broom asked why the city by-passed certain tracts of land near this proposed annexation. Mr. LaCroix indicated that the city is more interested in the undeveloped land rather than land that has already been developed. Mr. Broom expressed concern about the city possibly allowing developers to come in and place 5 to 6 homes on an acre of land. He expressed concern that traffic congestion and roads are already a large concern in the area. General discussion took place related to Mr. Broom's drainage concerns. Mr. Broom asked when taxing will begin after annexation. Mayor Cecil indicated that the central appraisal district evaluates the property in the year after the annexation and places it on the tax roles at that time.

Ms. Evana Songer
215 Anchor Lane
Gun Barrel City, TX 75156

Ms. Songer stated that she grew up in Rockwall County. She does not wish to have her property annexed into the city.

Sheri Bendorf
1250 Zolner Road

Ms. Bendorft stated that she lives on a working farm, the Zollner Farm, which has been in existence for 113 years. Mayor Cecil clarified that her property would be 'grandfathered' into the city. She handed out a proposal for the Council to review and expressed that she does not wish to have her property annexed.

Sue Ann White
417 Green Circle
Royse City, TX 75189

Mrs. White indicated that she does not wish to be annexed. She has lived on this property for thirty-eight years. The family owns chickens and other farm animals, and they operate a lawn mower repair businesses on the property. She does not wish to be part of a homeowners association and does not want to be subject to city codes. Her home was built on a sink-hole, it leans and it is in need of being torn down and being rebuilt. They had planned to build a metal home with wood shutters, but would be unable to do so if the city annexes them. She does not wish to have her property annexed.

Patti Canup
602 W. Rusk Street
Rockwall, TX 75087

Ms. Canup indicated that many people who live in this area are her friends, and she is curious as to why the city wants to annex this area. She expressed support for maintaining undeveloped areas in Rockwall County. She stated that the city should not annex property owners if they do not want to be annexed. She further stated that she is in the process of writing a book on Rockwall County history. She expressed that the Zollner Ranch is very important to Rockwall County history and the history of the nation. She asked that the Council not annex this area.

Nathaniel Bendorf
1242 Zollner Road
Royse City, TX

Mr. Bendorf expressed that he is not going to fight the annexation because he is sure that his property will be annexed in the end. Mr. Bendorf expressed concern about traffic congestion. He is also concerned about eminent domain and how this might affect the Zollner Ranch and his family in the future. Regarding taxes, he is concerned about being taxed for amenities that he does not receive. In regards to eminent domain, the family has considered donating a piece of land for a future school, but he would like the school to be named after the Zollner Ranch, someone associated with the ranch, or a name of his family's choice. Mr. Bendorf indicated that he does not want to have his land annexed.

Kim Hawkins
2821 Lago Vista
Rockwall, TX

Ms. Hawkins commented that she values the country and what it has to offer, including the animals.

Mary Howard
5441 Co Rd. 4101
Kaufman, TX 75142

Ms. Howard stated that her and her family grew up going to the farm and played there as children, and she is disappointed to learn that the city can come and take land from someone. She encouraged the council to make their choice wisely as related to this annexation.

Mr. Nathaniel Bendorf came forth again and asked how long the city has known about this proposed annexation. Mayor Cecil stated that the city has been considering this annexation for the past two years. Mr. Bendorf stated that the property owners have only known about the annexation proposal for about two months. He indicated that the city should have given property owners more notice.

Sonja Pearce
220 Dowell Road

Mrs. Pearce asked if the deed restrictions go away. Mayor Cecil stated that the deed restrictions stay with the property.

Barbara Browning
256 Westward

587
588 **Ms. Browning expressed that she does not support the proposed annexation.**
589

590 **Eliseo Villarreal**
591 **172 Dowell Road**
592 **Rockwall, TX**
593

594 **Mr. Villarreal asked the council to reconsider the proposed annexation and not annex**
595 **this area.**
596

597 **Terry Hashert**
598 **5751 SH-276**
599

600 **Mr. Hashert asked how many years the staff thinks it will take to bring city sewer and**
601 **water services to the area. Mayor Cecil stated that it depends on the development. Mr.**
602 **Hashert stated that he believes the service plan is too vague, especially concerning how**
603 **long it will be before services will be extended into the area. He expressed that he is not**
604 **in support of the annexation. Mr. LaCroix expressed that there is always pressure to**
605 **develop land in and around the city. He clarified again that the city wishes to control**
606 **how that land develops in the future.**
607

608 **Bonnie Craven**
609 **1309 Megan Court**
610

611 **Ms. Craven asked if there is any way to avoid annexation. Mayor Cecil stated that a 212**
612 **Agreement, both city and property owner initiated, can be considered. The term of the**
613 **city-initiated 212 agreement is one year, and after that one year period, the property**
614 **owner would be voluntarily annexed. Ms. Craven asked what a 212 Agreement is. Mr.**
615 **LaCroix clarified that “212” refers to a section of the Local Government Code, and city**
616 **staff can provide a copy of this to property owners upon request.**
617

618
619 **4. Hold a public hearing on the proposed fiscal year 2009 tax rate.**

620 **Finance Director Mary Smith indicated that 50.88 cents is the advertised tax rate that is**
621 **proposed for fiscal year 2009. The vote on the proposed tax rate will be September 29.**
622 **The Council cannot go any higher than this rate; however, the Council may choose a tax**
623 **rate that is lower than this advertised rate.**

624 **Mr. Calvin Barnard**
625 **2610 Chelsea Court**
626 **Rockwall, TX**
627

628 **Mr. Barnard asked what the current tax rate is for the City. Mayor Cecil clarified that the**
629 **current rate is 48.65 cents. Mr. Barnard expressed concern about having equipment**
630 **purchases not being as transparent as they could be. Mr. Barnard stated that he is a**
631 **senior citizen, and he will not be affected by the tax rate because his tax rate is frozen.**
632 **He expressed concern about other citizens having their tax rate raised. Mayor Cecil**
633 **clarified the timeframe associated with construction of the SH-205 Bypass project.**
634 **Mayor Cecil expressed that the Council is working on the proposed budget and tax rate**
635 **simultaneously. The Council is working on a lower tax rate that would address the city’s**

debt payments with no additional increase in the maintenance and operation portion of the budget.

5. Hold a public hearing on the proposed budget for fiscal year 2009.

Finance Director Mary Smith gave a brief overview of the proposed budget, including the addition of one new police officer, a maintenance worker at The Harbor, seven new drivers for fire stations and debt obligations associated with road projects.

Mayor Cecil opened the public hearing. There being no one to come forth and address the Council on this item, Mayor Cecil closed the public hearing.

VII. ACTION ITEMS

1. Discuss and consider the 2008 Citizen Survey and take any action necessary.

This item has been pulled as a result of a request from Staff, and it will not be heard nor voted on this evening.

2. Discuss and consider rescheduling the Monday, February 16, 2009 City Council Meeting and take any action necessary.

Councilmember Farris indicated that Rockwall County Day in Austin has been scheduled this year on a council meeting date. Mayor Cecil asked if this date is absolute. Councilmember Farris affirmed that it is a solid date that unable to be changed. Councilmember Farris suggested re-scheduling the council meeting to Tuesday, February 17 instead of Monday, February 16.

Councilmember Farris made a motion to re-schedule the Monday, February 16, 2009 City Council meeting to Tuesday, February 17, 2009 instead. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Scott).

3. Discuss and consider an **Ordinance** authorizing the issuance and sale of General Obligation Bonds; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving the official statement; providing an effective date; and enacting other provisions relating to the subject. **(1st Reading)** No action except the reading of the ordinance can take place.

Finance Director Mary Smith indicated that the bond sale will take place on September 15. Mrs. Smith stated that approximately \$9.5 million in general obligation bonds will be issued, mainly for the 205 Bypass and a few other, smaller projects.

The ordinance was read as follows:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2008; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

No action was taken at this time.

4. Discuss and consider an **Ordinance** authorizing the issuance and sale of Combination Tax and Surplus Revenue Certificates of Obligation; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject. **(1st Reading)**
No action except the reading of the ordinance can take place.

Finance Director Mary Smith indicated that this item is related to water and sewer project bonds and the Economic Development Corporation's infrastructure bond issue.

The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2008; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

5. Discuss and consider regulating parking on unimproved surfaces within residentially zoned areas and take any action necessary.

Director of Code Enforcement Jeffrey Widmer stated that his department surveyed about ¼ of the city and found approximately fifty instances of cars parking on the grass. Mr. Widmer expressed that an estimated two hundred residents may be affected if the Council moves forward with an ordinance regulating parking on grass. He stated that about one complaint a month has been received by Code Enforcement over the last four years related to parking on grass. Mr. Widmer offered various alternatives to Council for ways in which they could move forward to address parking on unimproved surfaces.

Discussion took place related to possibly exempting large properties, such as those an acre or an acre-and-a-half and larger.

General discussion took place related to whether or not the council should or should not regulate this issue. The Council chose to not take action on this item at this time.

6. Hear report regarding litter regulations and review of new solicitation ordinance and take any action necessary.

Director of Code Enforcement Jeffrey Widmer asked if there are any questions related to the ways in which city staff currently regulates litter. No council members presented questions at this time.

728 Mr. Widmer briefed the council on various aspects of the draft ordinance that was
729 included in the council meeting packet. He clarified that anyone wishing to distribute
730 handbills would have to first obtain a permit from the city before he or she could
731 distribute handbills within the city. Non-profit and religious organizations would not
732 have to pay a permit fee, but they would need to register with the police department
733 beforehand.

734 Mayor Cecil asked if City Attorney Pete Eckert has any concerns related to this proposed
735 ordinance. Mr. Eckert stated that there does tend to be issues related to ordinances of
736 this type, and there have been court cases associated with such ordinances; however,
737 these have been in other states and in other districts.

738 City Manager Couch expressed a desire for the Council to decide if it wants to further
739 regulate these types of issues or not.

740 Mayor Pro Tem Sevier indicated that he feels the requirement that a thirteen year old be
741 accompanied by a parent in order to go 'door to door' is unreasonable. Councilmember
742 Nielsen agreed that the thirteen-year-old age requirement is not desirable because it
743 might restrict Girl Scouts from coming to her door to sell cookies.

744 Mayor Cecil asked what is different about the draft ordinance as compared to the existing
745 ordinance.

746 Mr. Widmer stated that the main difference is that it requires a person to obtain a permit
747 and pay a \$50 fee before he or she distributes handbills door-to-door within the city.

748 Mayor Cecil made a motion to table this item until the next Council meeting.
749 Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes and
750 1 absent (Scott).

751 7. Discuss and consider recommendation of Hotel/Motel tax sub-committee
752 regarding request from Cedar Creek Non-Profit Housing, Inc for event
753 funding and take any action necessary.

754 This item was pulled, as the applicant withdrew the request.

755 8. Discuss and consider authorizing the City Manager to execute a Lease
756 Extension Agreement with Marine Quest for the operation of Chandlers
757 Landing Marina and take any action necessary.

758 Parks and Recreation Director Brad Griggs offered background information on this item
759 and stated that Marine Quest's current lease expires in the year 2016. The company has
760 requested extension of this lease. A recommendation from the Park Board was
761 submitted to the City Council as part of the council meeting packet. A summary of
762 Marine Quest's financial status was also included in the Council's packet. Mr. Griggs
763 briefed the Council on an associated Capital Improvement Plan that would be part of the
764 lease extension agreement. The Park Board approved their recommendations by a vote
765 of 5 ayes and 0 nays.

766 Some general discussion took place related to maintenance-related items and associated
767 costs versus capital improvement items.

768 Mayor Pro Tem Sevier asked for clarification on the lease term. City Manger Couch
769 stated that the term would be an additional twenty years starting from the date of
770 execution of the agreement being proposed today. Therefore, it would be an extension
771 of the lease until the year 2028. Mayor Pro Tem asked for clarification on the allowable
772 building materials for the marina. Mr. Griggs stated that Marine Quest would have to

773 meet all boat slip parking requirements in accordance with the existing lease agreement.
774 Griggs also indicated that regulations associated with the city's Takeline Overlay District
775 do not apply to commercial areas, only to residential areas.

776 Couch indicated that extension of their break wall would have to be approved by the City
777 of Dallas. She indicated that the City of Dallas has approved the concept but has not yet
778 approved construction plans because they have not yet been developed. Couch stated
779 that as part of the agreement, Marine Quest would have to submit plans and get approval
780 from the City of Dallas.

781 Councilmember Russo asked if there will be sufficient boat slip parking at the marina
782 with the addition of the fifty slips. Griggs indicated that Marine Quest will have to meet
783 all existing requirements, including parking requirements, before they expand. Russo
784 asked if they are currently allowed to count parking slips located at the Yacht Club as
785 part of their parking requirements. Couch indicated that this is not accurate information
786 and that parking slips at the Yacht Club have never been counted as part of their parking
787 requirements.

788 Darren Williams, the Director of Operations with Marine Quest, was present and
789 expressed that he is excited about the opportunity to continue to serve this marina and
790 provide enhancements to the facility.

791
792 Odess Lee with Civil Works Engineering accompanied Mr. Williams to clarify the
793 enhancement/development plan. Mr. Lee clarified Mayor Pro Tem's concerns related to
794 plywood. He stated that some of the existing plywood is slated to be removed and
795 replaced with metal siding and then repainted. At the request of Councilmember Nielsen,
796 he further clarified enhancements related to the various docks located on the map.

797
798 Mr. Ken Adams
799 452 C Yacht Club Drive
800 Rockwall, TX
801

802 Mr. Adams, a Rockwall resident, provided the Council with photographs and addressed
803 the Council on how the marina negatively affects Cutter Hill III and Cutter Hill I residents.
804 Mr. Adams indicated that the docks have been poorly maintained, and that boat owners
805 have been going elsewhere to dock their boats as a result of the poor conditions at the
806 Chandlers Marina. Mr. Adams asked that the Council not approve a 100% metal roof at
807 the docks. He is concerned about views from resident homes and about property values.
808

809 Ms. Forrest Fenwick
810 2715 Promenade
811 Rockwall, TX
812

813 Ms. Fenwick clarified what she as a resident at Cutter Hill proposes as related to the
814 docks at the marina. They would like some of the docks left uncovered for sailboats.
815 They are opposed to covering the docks for motorboat use.
816

817 Mr. John Floater
818 5442 Ranger Drive
819 In Chandler's Landing
820

Mr. Floater indicated that a letter from Chip Emory, president of the Chandler's Landing HOA, was submitted to the Council this afternoon. Councilmember Farris asked for clarification on the HOA meeting that took place. He asked if any of the residents located in the 'view corridor' were present at that particular HOA board meeting. Councilmember Farris asked if the HOA board is okay with the Marine Quest proposal. Mr. Floater indicated that no board members were in opposition to the Marine Quest proposal.

Mr. Marcel Bosworth
200 East Continental
Southlake, TX

Mr. Bosworth was present and indicated that he took over Chandlers in 1995. He expressed that there is not a large demand for sailboat slips at this time. Instead, there is a large demand for motorboat slips. Mr. Bosworth indicated that it would be cheaper for him to renovate uncovered sailboat slips; however, he does not believe there is a demand for these types of boat slips.

Councilmember Russo indicated a desire for Marine Quest to consider a higher-quality product than wood.

Councilmember Nielsen made a motion to approve the lease extension request with the caveat that the improvements be made within 36 months or else they are to be considered in violation of the agreement. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Scott).

9. Discuss and consider Proposed Budget for Fiscal Year 2009 and take any action necessary.

Mrs. Couch briefed the council on the suggested cutbacks within the 2009 year proposed budget. Mrs. Couch stated that this would establish a 50.04 cent tax rate, as requested by the Council.

No action was taken by Council on this item at this time.

10. Discuss and consider approval of an agreement authorizing the City of McClendon Chisholm access to the regional sanitary wastewater system and take any action necessary.

City Manager Couch stated that the Council had agreed to this item, in concept, at a previous city council meeting. Mrs. Couch stated that the agreement would authorize the City of McClendon Chisholm to tie into the regional wastewater system that was originally built in cooperation with the cities of Heath and Forney. There is a population service cap, and if McClendon Chisholm exceeds this cap, the agreement would have to be re-negotiated.

Councilmember Farris made a motion to approve the agreement. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes and 0 nays.

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

1. Departmental Reports
Update on Code Enforcement efforts regarding oversized vehicles and trailers in residential areas.
July 2008 Building Inspections Monthly Report
Police Department Monthly report
Fire Stations #3 and #4 Project Update
Fire Department Monthly Reports - July 2008
Fire Department - Volunteer Applicant Status
Fire Department - Jeneway Final Report
Finance Monthly Report
2. City Manager's Report

City Manager Couch indicated that her report was handed out to council members before the start of the meeting. She encouraged council members to call her if any of them has any questions or concerns. She pointed out that an update on the Fire Department's Jenaway Study has been provided in the Council packet. Mayor Cecil expressed concern about fire department recruitment efforts. Mrs. Couch briefed the council on the various recruitment efforts that the city has initiated in an effort to recruit additional volunteers. Furthermore, a current C3 team is evaluating this issue in depth in an effort to identify the best recruitment efforts with which to move forward.

Mayor Pro Tem Sevier questioned why more than a dozen volunteers showed up at a false alarm call. Chief Poindexter and City Manager Couch both expressed the belief that having such a large number of volunteers respond to a call is a positive thing. General discussion took place related to the numbers of volunteers who respond to fire calls, including the perceived pros and cons of those numbers.

Mayor Pro Tem Sevier made a motion to approve the City Manager's Contract. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Scott).

Mayor Cecil adjourned the meeting into Executive Session at 11:50 p.m.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, City Manager evaluation and contract, and Related Matters.
3. 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.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of

916 Texas clearly conflicts with Chapter 551 and regarding legal services –
917 homeowners associations (HOAs) and liquidated damages – Fannin
918 Street Project.

919

920 **X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

921

922 **XI. ADJOURNMENT**

923

924

925 **There being no further business to discuss, Mayor Cecil adjourned the meeting at 11:45**
926 **p.m.**

927

928 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,**
929 **this ____ day of _____, 2008.**

930

931

932 **ATTEST:**

William R. Cecil, Mayor

933

934

935 **Kristy Ashberry, City Secretary**

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MINUTES
ROCKWALL CITY COUNCIL
Thursday, September 4, 2008
4:00 p.m. Special Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL TO ORDER

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Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Cecil and council members Glen Farris, Margo Nielsen, Mark Russo, Cliff Sevier, and David Sweet. Also present was City Manager Julie Couch. Councilmember Matt Scott was absent. Mayor Cecil immediately adjourned the meeting into Executive Session.

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17

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.074 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- 18
19
1. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.

20
21

III. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

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23

No action was taken as a result of Executive Session.

24
25

IV. ADJOURNMENT

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29

There being no further business to discuss, Mayor Cecil adjourned the meeting at 6:55 p.m.

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31
32

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this ____ day of _____, 2008.

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37

William R. Cecil, Mayor

ATTEST:

Kristy Ashberry, City Secretary

MINUTES
ROCKWALL CITY COUNCIL
Monday, September 15, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Bill Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil and Council members Glen Farris, Margo Nielsen, Mark Russo, Cliff Sevier, and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Matt Scott was absent. Mayor Cecil immediately adjourned the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, City Manager Evaluation and Related Matters.
3. 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.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding 212 Development Agreements and The Shores Country Club.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

V. ADJOURNMENT

Mayor Cecil adjourned Executive Session into the Regular meeting at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this ____ day of _____, 2008.

ATTEST:

William R. Cecil, Mayor

Kristy Ashberry, City Secretary

MINUTES
ROCKWALL CITY COUNCIL
Monday, September 15, 2008
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Cecil and Council Members David Sweet, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Councilmember Matt Scott was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DAVID SWEET

David Sweet said the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Constitution Week

Mayor Cecil introduced members of the Daughters of the American Revolution. The ladies gave a brief description of the organization and the purpose of "Constitution Week." Mayor Cecil read and presented the proclamation.

IV. CONSENT AGENDA

- 1. Consider approval of the minutes from the August 15, 2008 Council Budget Work Session and take any action necessary.**
- 2. Consider approval of the minutes from the August 18, 2008 City Council Meeting and take any action necessary.**
- 3. Consider approval of the minutes from the August 20, 2008 Special City Council Meeting and take any action necessary.**
- 4. Consider approval of the minutes from the August 25, 2008 Council Budget Work Session and take any action necessary.**
- 5. Discuss and consider awarding bid for demolition services to be performed on certain properties located in Lake Rockwall Estates subdivision and take any action necessary.**
- 6. Consider adoption of a Resolution supporting increased funding for the Texas Recreation and Parks Account and take any action necessary.**
- 7. Z2008-020 - Consider approval of an ordinance for a request from Brandon Blythe of Legacy Coach, Inc., for approval of a Specific Use Permit (SUP) to allow for "Recreational Vehicle (RV) Sales and Service" within the (LI) Light Industrial district, specifically within the existing Premier Park Place RV Storage facility located at 1750 E. IH-30, on a 5.02-acre tract known as Lot 1, Block A, McKeown-Belaustegui Addition, and take any action necessary. (2nd reading)**

8. Consider authorizing the City Manager to engage Fox, Byrd & Co. P.C. as the City's auditors for the fiscal year ending September 30, 2008 and take any action necessary.
9. Consider approval of the Engineering Services Agreement for the 2nd Phase of the Squabble Creek Sanitary Sewer Interceptor Rehabilitation and take any action necessary.

Council member Nielsen pulled item #5 and then made a motion to approve the remaining Consent Agenda Items (#1, 2, 3, 4, 6, 7, 8, and 9). Councilmember Sweet seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 08-51

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR "RECREATIONAL VEHICLE (RV) SALES AND SERVICE" WITHIN THE (LI) LIGHT INDUSTRIAL DISTRICT, ON A 5.02-ACRE TRACT KNOWN AS LOT 1, BLOCK A, MCKEOWN-BELAUSTEGUI ADDITION AND LOCATED AT 1750 E IH-30; 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 absent (Scott).

Councilmember Nielsen made a motion to remove 156 Wayne from the list of structures to be demolished in Lake Rockwall Estates and then made a motion to approve the bid as recommended by staff, including demolition of the remaining structures listed. Councilmember Farris seconded the motion. The motion passed by a vote of 4 ayes and 2 nays (Sevier and Sweet) and 1 absent (Scott).

V. APPOINTMENTS

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

Planning & Zoning Chairman Bill Bricker indicated that the commission is somewhat conflicted about the city's new detention pond requirements and associated ordinance as it pertains to the plat and site plan for Honda of Rockwall. The detention pond requirements would result in losing a significant amount of parking spaces on the site. Mr. Bricker indicated that the Planning & Zoning Commission approved the site plan by a 5 to 0 vote. Mayor Cecil asked if the dealership was going to apply for LEED Certification. Mr. Bricker indicated that the dealership will be applying for a Gold LEED Certification.

2. Appointment with Park Board Chairman to discuss parking adjacent to the Park at Fox Chase and take any action necessary.

144 Park Board members Glen Varner, Pam Kitkoski and Marcus Yarborough were present to
145 address the City Council. Mr. Varner indicated that this issue was discussed by the Park
146 Board before Fox Chase even opened. The Park Board found no indication that safety
147 was impacted as a result of the parking situation at the park. Mr. Varner stated that
148 parking spaces and restrooms often come up when considering park design. The Park
149 Board had received feedback that neither parking spaces nor restrooms were desired to
150 be built at the park. Mr. Varner presented the Council with statistics related to event
151 reservations made at various neighborhood and city parks. He stated that park pavilion
152 reservations are only allowed to be made by residents of the city. Mr. Varner suggested
153 that the reason why so many people are driving to the park instead of walking to the park
154 is because of the high number of park pavilion reservations. The pavilions are usually
155 reserved for parties and social gatherings, which brings in people from other areas and
156 neighborhoods other than the neighborhood in which the park is located. Mr. Varner
157 indicated that the Park Board does not suggest restricting parking at the park, nor does it
158 suggest adding a parking lot. He further stated that the Park Board recommends that the
159 City Council take no action related to parking in and around the Park at Fox Chase at this
160 time.

161 Mr. Varner clarified that the question of whether or not to construct parking and
162 restrooms always comes up when considering the design of a neighborhood park;
163 however, because these components take up a significant amount of space and are quite
164 costly, these usually get left out of the design of neighborhood parks.

165 No action was taken by the City Council regarding this item.

- 166 3. Appointment with Jed Dolson to discuss an alternate roadway curb for the
167 Stone Creek Subdivision and take any action necessary.

168 City Engineer Chuck Todd stated that this type of curb has been used at Park Place
169 West. It is not a city standard, but it has not been a problem at Park Place West. Todd
170 indicated that staff does not have any issues with installation of such curb.

171
172 Mr. Jed Dolson
173 3838 Oak Lawn Avenue
174 Dallas, TX
175

176 Mr. Dolson was present to address the City Council on behalf of Stone Creek. Mr. Dolson
177 requested that all of the lots in the subdivision be allowed to have a "lay down" roadway
178 curb. He expressed that it is actually more expensive to do; however, it makes for a
179 softer design and feel throughout the neighborhood. In regards to any possible drainage
180 concerns, Mr. Dolson indicated that the developer has not had any problems with this
181 type of curb when it has been used in other subdivisions in other cities. Mr. Dolson
182 presented a series of photographs of other neighborhoods where this type of curb has
183 been used in other cities.

184
185 Mr. Farris asked what the purpose is of the request. Mr. Dolson stated that they believe
186 this type of curb is aesthetically more appealing. Mr. Farris asked staff if there are any
187 disadvantages of having a curb like this. Mr. Todd stated that there really is no
188 disadvantage. He stated that the only areas where this may be a concern is in areas
189 where the speed limit is higher. Todd clarified, however, that these curbs would be
190 installed in the neighborhood in areas where the homes are located and not on the main
191 thoroughfares through the neighborhood. Mr. Dolson stated that they only want these
192 curbs installed anywhere where there are driveways in residential areas.

Councilmember Farris made a motion to approve the use of 'lay down' curbs in this subdivision with instructions for staff to specify for the developer on a map where these curbs will and will not be allowed throughout the subdivision. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Scott).

4. Appointment with David Medanich, First Southwest Company, regarding the sale of bonds and to discuss and consider approval of an Ordinance authorizing the issuance and sale of General Obligation Bonds, levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving the official statement; providing an effective date; and enacting other provisions relating to the subject and take any action necessary. (2nd Reading)

Mr. Medanich was present to address the Council. Mayor Cecil asked how much money the city saved on these bond ratings. Mr. Medanich indicated that this is very hard to specify. He stated that they are very happy with the three bids received. Mr. Medanich stated that Leroy Grawunder from McCall, Parkhurst and Horton prepared the documentation that was presented to Council this evening. Mr. Medanich went over each of the bids received. Mr. Medanich recommended that Council award the bid of 4.602% to Robert W. Baird and Company for the general obligation bonds.

Councilmember Farris made a motion to award the bid to Robert W. Baird & Co. at 4.602%. Councilmember Nielsen seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 08-49

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2008; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

The motion passed by a vote of 6 ayes and 1 absent (Scott).

5. Appointment with David Medanich, First Southwest Company, regarding the sale of Certificates of Obligation and to discuss and consider approval of an Ordinance authorizing the issuance and sale of the Combination Tax and Surplus Revenue Certificates of Obligation; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving the official statement; providing an effective date; and enacting other provisions relating to the subject and take any action necessary. (2nd Reading)

Mr. Medanich recommended awarding the bid to Robert W. Baird at 4.523%. Councilmember Farris made a motion to award the bid to Robert W. Baird & Co. at 4.523%. Mayor pro tem Sevier seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 08-50

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2008; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

The motion passed by a vote of 6 ayes and 1 absent (Scott).

6. Appointment with John Palmer with Lakewood Garden Center to request a special exception to the paving requirements for Alamo Road north of the intersection of Alamo Road and Live Oak, and take any action necessary.

Councilmember Farris recused himself from this item and the associated vote.

Planning Director Robert LaCroix gave background information on this request and indicated that Mr. Palmer, the potential property owner, would either like a complete waiver of the requirement for construction of Alamo Road or he would like a deferment of the paving requirements for a period of five years.

**John Palmer
7030 Edgerton
Dallas, TX 75231**

Mr. Palmer indicated that the bank stated they will not loan him the money for the street because there is no way to put a lien on a public roadway. Mayor Cecil asked if it would help him if the Council defers the road-related requirement for five years. Mr. Palmer stated that this would be a positive thing because it would allow him to get the business up and running without having to expend money up front for this roadway requirement. Some general discussion took place related to how and where this paving would intersect with the existing and future roadway.

Councilmember Nielsen made a motion to defer the paving requirements for construction of the entire roadway for a period of five years. Mayor Cecil seconded the motion. Mayor Pro Tem expressed concern that the parking situation will likely be congested with only one way into the business and one way out of the business. Mr. Palmer expressed that he is not concerned that this will be a large problem.

Mayor Cecil pointed out that Councilmember Farris is recusing himself from the vote and will need to fill out the appropriate paperwork and turn it in to the City Secretary. The motion passed by a vote of 4 ayes, 1 nay (Sevier), 1 recusal (Farris) and 1 absent (Scott).

VI. PUBLIC HEARING ITEMS

1. A2008-002 - Hold a public hearing and consider a City-initiated request to annex land of approximately 162.88-acres generally located east of FM 1141, south of Clem Road and west of FM 549, and contiguous to the existing City Limits line. (2nd Public Hearing)

Mr. LaCroix offered brief background information on this item. He indicated that all laws and regulations were followed related to this annexation, including sending notices to affected property owners and publishing said notices in the newspaper. He further stated that information related to 212 Agreements and annexation has been provided in handout form to those members of the public who are present tonight. This information will also be made available on the city website.

Mayor Cecil opened the public hearing.

Mr. Alan Stevenson
427 Clem Road
Rockwall, TX

Mr. Stevenson stated that he met with Mr. Robert LaCroix to have his questions answered. He indicated that Mr. LaCroix was very helpful; however, he still does not understand why certain adjacent properties are not being annexed. He stated that one of the properties has been previously used for a soccer field, a motocross field and a shooting range. Mr. Stevenson wanted to know why the city is not annexing this particular property which is located just to the south of him. Mr. LaCroix stated that there is a width requirement of 1,000 feet when the city does an involuntary annexation. The city has to follow strict requirements when identifying the areas and parcels of land they propose to annex. Mr. LaCroix indicated that the south side of Cornelius is in an annexation plan for proposed annexation in the year 2010. Mr. Stevenson indicated that 212 agreements can be given for up to fifteen years; however, the one being proposed by the city to the property owners at this time is only for a period of one year. He encouraged the Council to consider allowing the 212 agreements to be for a period longer than just one year. Mr. Stevenson asked when the 212 agreements need to be signed and turned into the city. Mr. LaCroix stated that action to annex the properties will not come before the council for consideration until a council meeting in October. After the City Council takes action to annex the land, the property owner has 90 days to enter into a 212 Agreement with the City.

There being no one else to come before the Council to address them on this item, Mayor Cecil closed the public hearing.

2. A2008-003 - Hold a public hearing and consider a City-initiated request to annex land of approximately 1505.26-acres generally located along the south side of SH 276 and west of FM 550, and contiguous to the existing City Limits line. (2nd Public Hearing)

Staff has followed required state law in association with this proposed annexation in that appropriate notices were sent to affected property owners, and they were also published in the newspaper.

Mr. Nathaniel Bendorf
1242 Zolner Road

Mr. Bendorf expressed that he believes the city is proposing this annexation for money and control reasons. General discussion took place related to the rules and regulations that the city may or may not impose on property owners once their land is annexed, including regulations related to the discharge of firearms. Mr. Bendorf expressed that he would like the city to please keep the value of his farm and property out of public papers in the future. He would also like the city to leave his barns alone and give him a reasonable amount of time to come into compliance with property code regulations

concerning cleaning up items on his property. He also encouraged the city to consider only annexing his farm land and leaving his neighbors' properties out of the annexation.

Mrs. Sue Ann White
417 Green Circle
Royse City, TX

Mrs. White indicated that they live on 2.77 acres that they have owned for 38 years. She asked the city to please not annex her property. She does not want city codes imposed upon her and her property, and she does not want to pay city taxes. She encouraged the council to put themselves in the shoes of the property owners and be empathetic to them when considering whether or not to move forward with the annexation. She wanted to know if the city plans to control the noise and traffic that occurs at Southern Junction if her property is annexed into the city. Mr. LaCroix, Planning Director, stated that the city will not be able to do anything about the noise and traffic at the Southern Junction night club because it is located outside of the city limits. Mrs. White requested that her fireworks sales business be grandfathered and not affected if the city moves forward with the annexation. She stated that it has been in business for thirty-six years, and sell fireworks twenty-eight days out of the year. Mayor Cecil asked if an existing business is grandfathered when annexation occurs. City Attorney Pete Eckert stated that normally a business would be grandfathered; however, since it is a fireworks sales company, it may not be able to be grandfathered. Mr. Eckert indicated that the city is looking into whether or not this business could be grandfathered based on state laws.

Patti Canup
602 W. Rusk
Rockwall, TX 75087

Ms. Canup indicated that her father moved here and started a business here in Rockwall many years ago. She expressed concern about undeveloped land being taken in, brought into the city, potentially developed and therefore 'lost.' She indicated that personal freedoms are being compromised as a result of the annexations. Mayor Cecil stated that the primary reason for annexing the properties is to control future development and growth that may occur in the proposed annexation area. Ms. Canup expressed concern that the city has known about this proposed annexation for a period of two years, but the property owners have only known about it for a little over a month. Mayor Cecil stated that the city has been considering annexation of the area for a period of two years; however, the city council has not yet voted to move forward with the proposed annexation. Mayor Cecil indicated that as soon as the city council decided to move forward with the proposed annexation, it informed property owners of its intentions to move forward with possibly annexing the land.

Zula Maxine Zolner Brooks
1287 Zollner Road
Royse City, TX 75189

Mrs. Brooks expressed that she does not wish to be annexed into the city. She stated that her great grandparents came here from overseas years ago in order to escape dictatorship. She indicated that her city has been here for over 132 years.

Katie Hawkins
1287 Zollner Road
Royse City, TX 75189

Ms. Hawkins read a written statement prepared by Mrs. Brooks. The statement indicated a general desire to not be annexed into the city.

Mr. David Brooks
544 Zollner Road

Mr. Brooks indicated that he is the son of Zula Maxine Zolner Brooks, and his father did a lot for the City of Rockwall and Rockwall County when he was living. He expressed that he does not want his land to be annexed into the city. He indicated that he wished the city had informed the property owners that they were located in the city's ETJ and that they could possibly be annexed by the city in the future. He also generally indicated that he does not wish to pay city taxes. He expressed general concern about the possibility that this annexation may be occurring in anticipation of the future 'outer loop' and the city's desire for tax money. Mr. Brooks encouraged the city council to reevaluate this proposed annexation and to not annex his and his neighbors' property unless they ask to be annexed.

Ms. Brooks asked about the possibility of FM-551 being extended in the future. Mayor Cecil stated that the thoroughfare plan was recently given to him

Sheri Bendorf
1250 Zollner Road
Royse City, TX 75189

Ms. Bendorf indicated that she does not wish to have her property annexed into the city. She stated that their farm is still a working farm, and the family has no intention of selling or developing their land. She indicated that the city has been approached by people in the past who have wished to purchase portions of their property, but the family has turned them down. Ms. Bendorf asked if they would have to follow city codes if they are annexed. Mr. LaCroix stated that any new construction on the property would have to follow and meet city code. He also indicated that the farm would be grandfathered and could still remain as a working farm as it is today.

Mr. Ron Burkett
648 Dowell Road

Mr. Burkett expressed concern about current and future traffic congestion in the city. He expressed concern about large retail developments such as Costco or Sams. He also indicated concern about densely populated neighborhood developments and how these negatively impact residents commuting to and from Dallas via IH-30.

Ms. Kim Bridges and Mr. Craig Jackson
525 Zollner Ranch Road.

Ms. Bridges passed out a map showing the proposed future toll road called TTC-35. Mayor Cecil indicated that he is aware of the project and that it is a proposed state roadway project, separate from the City. Ms. Bridges expressed general concern that

this roadway is proposed to go right through the Zollner Ranch property. Mayor Cecil stated that he personally does not know that it will ever actually happen. He indicated that the governor has recently backed off on his push for the TTC-35 roadway project. Mayor Cecil indicated that the City of Rockwall and Rockwall County have approved a thoroughfare plan, but TTC-35 is not a part of this approved thoroughfare plan. Ms. Bridges stated that they own an acre-and-a-half and therefore do not qualify for a 212 Agreement. Mayor Cecil stated that the city may decide to entertain a 212 non-development agreement with those who do not typically qualify for such agreement.

Sarah Spafford
424 Coach Light Trail

She indicated that she does not understand the 212 Agreement. She wanted to know what happens if she does or does not sign such agreement. Mayor Cecil stated that the city is required by state law to offer a 212 Agreement. If a property does not qualify for an Agricultural exemption, the city may decide to offer. If a property owner is offered a 212 Agreement by the city and decides to sign it, then the property will not be annexed into the city for whatever timeframe the agreement is signed.

Mr. Nathaniel Bendorf came forth again to address the Council and urged them to consider that the property owners who are proposed to be annexed are very upset and do not want to be annexed into the city.

There being no one else to come forth and address the City Council on this item, Mayor Cecil closed the public hearing.

3. Z2008-021 - Hold a public hearing and consider approval of an ordinance for a request from CJ Rhodes for approval of a Specific Use Permit (SUP) to allow for an accessory building that does not meet the exterior materials requirements on Lot 1, Rolling Meadows Estates, which is zoned (SF-E/4.0) Single Family Estate district and located at 2855 Rolling Meadows Drive, and take any action necessary. (1st reading)

Planning Director Robert LaCroix briefed the Council on the nature of this request as well as the staff recommendations related to this SUP. The Planning & Zoning Commission did recommend approval of this item by a vote of 5 to 0, with the understanding that the color of the building would match the color on the house.

Carla & CJ Rhodes
2855 Rolling Meadows Drive
Rockwall, TX

Councilmember Farris asked if the applicant would be willing to plant a row of shrubs on the side of the barn that faces FM-549. The applicant indicated agreement to do so.

Mayor Cecil opened the public hearing. There being no one to come forth and address the council on this item, Mayor Cecil closed the public hearing.

Councilmember Farris made a motion to approve the SUP request with the condition that the applicant plant a row of evergreen shrubbery on the side of the barn that faces FM-549. Councilmember Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 08-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE 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 CLADDING REQUIREMENTS, ON A TRACT LOCATED AT 2855 ROLLING MEADOWS DRIVE, BEING LOT 1, ROLLING MEADOWS 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 by a vote of 6 ayes and 1 absent (Scott).

4. Hold a public hearing on the proposed budget for fiscal year 2009.

Finance Director Mary Smith began discussion of this item and indicated that this is the second public hearing on the tax rate. She indicated that the Council has expressed the desire for a 50.04 cent tax rate. Smith further indicated that the rate has been advertised at 50.88 cents and that the Council will vote to approve the FY 2009 budget on September 29, 2008.

Earl Milner
204 Dartbrook
Rockwall, TX

Mr. Milner encouraged the City Council to be sure that the items being proposed in the budget are valid and well-needed. He stated that the Council should vote to do what is right for Rockwall. Mr. Milner expressed that he knows it is not popular to raise taxes; however, if it is the right thing to do, then it may need to be done.

Michael Hunter
220 West Quail Run Road
Rockwall, TX

Mr. Hunter requested that the City Council consider raising the taxes. He expressed a desire for city services and items be paid for as they are needed. He stated that city reserves should be used only for emergencies, not for day-to-day necessities. He does not want to negatively impact reserve funds unless they are absolutely needed. Mr. Hunter asked Council to reconsider eliminating the proposed parks maintenance staff position from the upcoming budget. He also asked Council to reconsider participation in the Texas Main Street Program. He asked that Council consider having this program as part of the General Fund instead of funding it out of reserves. He encouraged Council to go ahead and raise taxes if it is needed for day-to-day operation of the city.

There being no one else to come forth and address the Council on this item, Mayor Cecil closed the public hearing.

5. Hold a public hearing on the proposed tax rate for fiscal year 2009.

The proposed tax rate will continue to be posted and advertised at 50.88 cents, even if it turns out that Council chooses to set the tax rate lower than this rate.

Mayor Cecil opened the public hearing. There being no one to come forth and address the Council on this item, Mayor Cecil closed the public hearing. NO action was taken on this item at this time. The budget and associated tax rate will be voted on at the September 29 special meeting of the city council.

VII. SITE PLANS / PLATS

1. P2008-030 - Discuss and consider a request by Kevin Wier of Spiars Engineering, Inc., for approval of a preliminary plat of Lot 1, Block 1, Honda of Rockwall Addition, being 8.686-acres zoned (C) Commercial district situated along the south side of Interstate 30 east of Commerce Street and west of John King Blvd (205 Bypass), and take any action necessary.

Planning Director Robert LaCroix offered brief background information on this item. LaCroix indicated that when site plans were submitted to the city, they did not include the newly adopted detention standards set by the City. He stated that the dealership is trying to achieve the Gold level LEED Certification. He further stated that the Planning & Zoning Commission did recommend approval of this plat by a 5 to 0 vote.

Bennett Ratliff, the Ratliff Group
Irving, TX

Mr. Ratliff spoke on behalf of Honda of Rockwall. The company is proposing to build a 63,000+ square foot, two-story structure on a little more than 8 acres. He indicated that they are proposing vertical walls on the detention pond, which would be located in the rear of the building. The detention pond will have fencing all the way around it, and customers will not be able to see the detention pond. In order to screen it from public view from those living in adjacent multi-family housing units beyond the rear of the property, the company plans to install a decorative wrought iron fence as well as a row of trees. General comments were offered related to aesthetics of the proposed building and associated components. He indicated that the dealership would lose about 70 parking spaces if a detention pond meeting newly adopted detention standards were required to be built. Mr. Ratliff offered general information on numbers of parking spaces and indicated that the dealership will already be very limited on numbers of parking spaces.

Councilmember Nielsen thanked Mr. Ratliff for his presentation. Nielsen made a motion to approve the preliminary plat, which accepts the detention pond as proposed and includes the Planning & Zoning Commission's recommendation to plant green vines along and down the north wall of the detention pond. Mayor Pro Tem Sevier seconded the motion. Mr. Ratliff indicated that five gallon Boston Ivy vines will be planted on some lattice work that will be installed along the north wall of the detention pond.

Councilmember Farris asked if other properties in the city have vertical walls on detention ponds. Mr. LaCroix stated that there are in fact other properties in the city that do contain similar vertical walls. He also indicated that there are no associated safety concerns as long as there is fencing surrounding the pond.

General discussion took place related to irrigation and associated LEED Certification requirements.

The motion passed by a vote of 6 ayes and 1 absent (Farris).

- 2. SP2008-028 - Discuss and consider a request by Kevin Wier of Spiars Engineering, Inc., for approval of variances to the Unified Development Code, specifically to the masonry requirements of the IH-30 Overlay District, Section C. Architectural Standards (3/4 majority vote required for approval), and to the Use Standards in Article IV, Permissible Uses, to allow service bay doors to face the street (simple majority vote for approval), in association with a site plan for Honda of Rockwall, located on the proposed Lot 1, Block 1, Honda of Rockwall Addition, being 8.686-acres zoned (C) Commercial district and located along the south side of Interstate 30 east of Commerce St and west of John King Blvd (205 Bypass), and take any action necessary.**

Mayor Cecil indicated that a ¾ majority vote is required to approve this item. Mr. LaCroix indicated that the Planning & Zoning Commission recommended approval of this plat. He briefly described the nature of the variance requests being made by Honda of Rockwall.

**Mr. Ratliff with the Ratliff Group
Irving, TX**

Mr. Ratliff stated that they are requesting that overhead doors facing the roadways be allowed. He indicated that they are substantially set back from the road. He also stated that they are requesting a variance request to the stone masonry requirements of the city. They would instead like to utilize recycled building materials that can be recycled at the end of the life of the building. He also indicated that they have added some trellis/lattice work on the back and sides of the building in order to add some articulation and improve the aesthetics while also achieving green standards. He also indicated that they are requesting cisterns to be installed on one side of the building. They are also requesting a variance to the lighting standards of the city so that they would be allowed to shine a directional light onto the "H" Honda logo on the front of the building.

City Attorney Pete Eckert stated that 5 out of 6 council members will have to vote in favor of these variance requests in order for them to be approved.

Mayor Pro Tem Cliff Sevier made a motion to approve the proposed variances. Councilmember Russo seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Scott).

VIII. ACTION ITEMS

- 1. A2008-002 - Discuss and consider approval of a development agreement that shall be offered, in accordance with Chapters 43 and 212 of the Texas Local Government Code, to eligible property owners within the proposed 162.88-acre annexation area generally located east of FM 1141, south of Clem Road and west of FM 549, and take any action necessary.**

Councilmember Sweet indicated that he personally spends a great deal of time carefully considering tough decisions, including decisions associated with possibly annexing land into the city limits. He also indicated that he is comfortable offering 212 non-development agreements to affected property owners for a period of two years so as to not bind future city councils.

Councilmember Farris also expressed support for offering property owners the opportunity to sign 212 non-development agreements for a period of two years. Those that are zoned Agricultural automatically get the opportunity to sign a 212 Agreement. The other properties do not automatically have to be offered such agreement. Mr. LaCroix indicated that some of the larger properties, other than the Zollner Ranch, do not currently have an Agricultural exemption. Councilmember Farris cautioned the Council to consider these annexations and future annexations equitably and fair in regards to how and when 212 Agreements are offered and/or considered.

Mayor Pro Tem Sevier thanked the Zollners for inviting him out to their ranch and explaining to him the history of their ranch over the years. He expressed support for offering and entering into a 212 Agreement with property owners. He stated that has carefully considered this annexation, and it is a difficult decision. Sevier also reassured the public that this annexation proposal is not about money.

Councilmember Nielsen expressed that she is very sorry to impose heartache on the Zollner family. She stated that the annexation decision is not about money or taxes. It is about development and control of development as well as controlling potential over population and additional traffic congestion. Nielsen asked if a 212 Agreement is signed on a piece of land that does not have an Agricultural exemption, such as the White's property, can the business remain unaffected. City Attorney Pete Eckert stated that if a 212 Agreement is signed with the Whites, the fireworks business located on the property would remain unaffected. Mr. Eckert stated that if the city does annex the land, her business would not be able to be grandfathered in because of the nature of her business and the fact that state law recognizes fireworks as a public nuisance. However, if a 212 Agreement was signed with the Whites, then the business could remain in tact.

Councilmember Russo expressed that this annexation decision is a very difficult one to make. Mr. Russo indicated a desire for the council to consider a 212 Agreement for a period of three years. He also stated that he would like a 212 Agreement to be considered with the owners of the 1.5 acre tract of land immediately adjacent to the Zollner Ranch (owned by Ms. Kim Bridges and Mr. Craig Jackson).

Councilmember Sweet stated that he is comfortable with a three year 212 Agreement and is comfortable with considering such agreement with property owners who do not have an Agricultural exemption.

Mayor Pro Tem clarified that the city will not at all be involved in any land sales that the property owners wish to make in the future. He also indicated that the city is not in the business of developing property and will not be developing any of these properties.

Councilmember Farris clarified that the property owners can still build things on their property. The only difference is that any new structures will have to meet city codes and regulations.

Mayor Cecil stated that he has been through several annexations and that each of them is difficult. Mayor Cecil indicated that each annexation is unique and different and he

691 does not believe that any precedence is set when decisions are made that deal with
692 individual annexations. Mayor Cecil encouraged the Council to consider a 212
693 Agreement with any property owner who proposes such agreement. Mayor Cecil stated
694 that he is in support of an initial 212 Agreement of three years with the understanding
695 that the term can be extended for a longer period of time at the end of the initial three
696 year term.

697
698 Mr. LaCroix indicated that the Council will consider to either move forward or not move
699 forward with annexation at the October 6, 2008 City Council meeting.

700
701 Mayor Cecil stated that the Council has 90 days to move forward with the annexation,
702 starting October 6, if the Council decides to move forward with annexing the properties.
703 He indicated that no decisions will be made by the Council until October 6, 2008.

704
705 Mr. LaCroix offered that handouts of state statutes related to annexation are being
706 provided to any member of the public who wishes to review them.

707
708 Councilmember Nielsen asked what process non-AG exempt property owners need to go
709 through in order to offer a 212 Agreement to the city. Mr. LaCroix stated that the city
710 staff is knowledgeable and willing to help any land owner by guiding them through the
711 process and helping them with 212 agreement proposals. He stated that he does not
712 necessarily believe a land owner needs to obtain an attorney in order to develop a 212
713 Agreement proposal. Mrs. Couch suggested that staff and landowners hold off on
714 working on 212 Agreements until after October 6 so that the Council can make a decision
715 on whether or not they will move forward with annexing the areas. That way staff and
716 landowners do not potentially waste time working on agreements that might be irrelevant
717 and unneeded.

- 718
719 2. A2008-003 - Discuss and consider approval of a development agreement
720 that shall be offered, in accordance with Chapters 43 and 212 of the
721 Texas Local Government Code, to eligible property owners within the
722 proposed 1505.26-acre annexation area generally located along the
723 south side of SH 276 and west of FM 550, and contiguous to the existing
724 City Limits line, and take any action necessary.

725 This item was addressed in conjunction with Action Item #1. See Action Item #1 above
726 for discussion of this item.

- 727 3. Discuss and consider a request from Karin Sumrall of the Woodmont
728 Corporation for a variance to the Sign Ordinance to allow an additional
729 directory sign for the Rockwall Crossing shopping center and take any
730 action necessary.

731 Building Official Jeffrey Widmer provided the Council with information on the nature of
732 this variance request. Councilmember Farris asked if there are more retail spaces there
733 now than there was when the retail center was originally built. Councilmember asked
734 why this was not considered when the development first went in. Farris indicated that he
735 will not support this variance request for an additional, third sign.

736 Karin Sumrall
737 Woodmont Corporation
738 2100 West 7th Street
739 Fort Worth, Texas

740
741 **Ms. Sumrall indicated that the original signage only took into account the larger retail**
742 **spaces, but the smaller retail spaces were not considered for space on the original**
743 **signage.**

744
745 **Mr. Wider verified that this would be the third sign placed on this property. He indicated**
746 **that a second sign was granted in July of 2005. In 2007 the City amended the sign code**
747 **in order to allow large retail centers and car dealerships to come forth and request**
748 **additional signage on their properties.**

749
750 **Councilmember Russo expressed that he will not support this request either.**

751
752 **Ms. Sumrall stated that 28,762 square feet has not yet been leased at this time, and**
753 **adding this requested signage would make the spaces more leasable.**

754
755 **Councilmember Nielsen urged the council members to consider approving the request**
756 **so that hopefully the spaces could be more easily leased. Leasing of these spaces, she**
757 **indicated, would help generate sales tax revenues.**

758
759 **Councilmember Farris made a motion to deny the variance request. Mayor Pro Tem**
760 **Sevier seconded the motion.**

761
762 **Councilmember Sweet indicated that he will not support the motion that has been made**
763 **because he does not want to cripple the company or hinder them from being able to**
764 **lease the space.**

765
766 **Mayor Cecil asked Ms. Sumrall why some existing stores have more than one sign panel**
767 **space on the existing signs. Ms. Sumrall stated that she believes it was done this way**
768 **because it was likely written into the lease agreement at the time the spaces were**
769 **originally leased. Cecil asked if anyone has spoken with existing tenants about their**
770 **'greediness' in taking up more than one panel space on the two existing signs. Mayor**
771 **Cecil expressed a desire for the council to consider tabling the item to allow**

772
773 **Councilmember Farris withdrew his original motion and offered a motion to table the**
774 **item for thirty (30) days. Mayor Pro Tem Sevier withdrew his second and seconded the**
775 **motion to table this item for thirty days. The motion passed by a vote of 6 ayes and 1**
776 **absent (Scott).**

- 777
778 **4. Discuss and consider a request from Mr. Terry Frey and Dr. Eugene**
779 **Gicheru for a variance to the Sign Ordinance to allow an additional pole**
780 **sign for Care United located at the Rockwall Town Centre shopping**
781 **center at Greencrest and I-30 and take any action necessary.**

782 **Mayor Cecil made a motion to defer this item until the next City Council meeting at the**
783 **request of the applicant. Council member Sweet seconded the motion. The motion**
784 **passed by a vote of 6 ayes and 1 absent (Scott).**

- 787 5. Hear report regarding litter regulations and review of new solicitation
788 ordinance and take any action necessary.

789 **This item was deferred until the next regular City Council meeting on October 6, 2008.**

- 790 6. Discuss and consider amending the 2006 International Fire Code to allow
791 open burning on tracts of land 2 acres and larger and take any action
792 necessary.

793 **This item was deferred until the next regular City Council meeting on October 6, 2008.**

- 794 7. A2008-004 - Discuss and consider approval of a resolution of the City
795 Council of the City of Rockwall authorizing the Mayor to enter into a
796 boundary agreement with the City of Heath, Texas, and take any action
797 necessary.

798 **Planning Director Robert LaCroix and City Manager Julie Couch offered a brief**
799 **explanation of this resolution and associated boundary agreement.**

800
801 **Councilmember Farris made motion to approve the resolution. Mayor Cecil seconded**
802 **the motion. The motion passed by a vote of 6 ayes and 1 absent (Scott).**

- 803
804 8. Discuss and consider the 2008 Citizen Survey and take any action
805 necessary.

806 **Ray Turco, a consultant retained by the city to help conduct the survey, was present to**
807 **review the draft survey instrument with the City Council.**

808 **Mayor Cecil expressed concern that the survey is too long and that the city might not get**
809 **the response that it desires due to the long length of the survey. General discussion**
810 **took place related to many of the proposed questions contained on the draft survey**
811 **instrument as well as the length of the survey in general. City Manager Julie Couch**
812 **indicated that the last survey went out in 2005, and the city received a response rate of**
813 **more than seventy percent, which was an excellent response rate. She further stated**
814 **that it is typical to do a citizen survey once every two to three years.**

815 **Councilmember Sweet expressed a desire to ask the public for its opinion concerning**
816 **Lake Rockwall Estates.**

817 **Mr. Turco and the Council exchanged general discussion related to random sampling as**
818 **well as sending the survey to all residents. Discussion ensued related to how the survey**
819 **responses would be tabulated.**

820 **Councilmember Sweet asked if Mayor Cecil will support putting Lake Rockwall Estates**
821 **on the survey. Mayor Cecil indicated that he is undecided on whether or not to place it**
822 **on the survey questionnaire.**

823 **Councilmember Sweet made a motion to include in the survey instrument a question**
824 **related to the direction that Council should take when considering future annexation of**
825 **Lake Rockwall Estates. Councilmember Russo seconded the motion. The motion**
826 **passed by a vote of 4 ayes, 2 nays (Nielsen, Farris) and 1 absent (Scott).**

827 **City Manager Couch stated that staff will work with Ray Turco to develop a series of**
828 **possibly four questions to ask the public related to the possible future annexation of**
829 **Lake Rockwall Estates.**

831 There being no further business to bring forth for discussion, Mayor Cecil adjourned the
832 public meeting into Executive Session at 12:25 a.m.

833
834 **IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
835 **GOVERNMENT CODE TO DISCUSS:**
836

- 837 1. Deliberation regarding the purchase, exchange, lease, or value of real
838 property.
- 839 2. Personnel Issues, including Board, Commission, and Committee
840 Appointments, City Manager Evaluation and Related Matters.
- 841 3. Commercial or financial information regarding business prospects that the
842 City seeks to have locate, stay, or expand in or near the territory of the
843 City of Rockwall and with which the Board is conducting economic
844 development negotiations.
- 845 4. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to
846 matters in which the duty of the attorney to the governmental body under
847 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
848 Texas clearly conflicts with Chapter 551 and regarding 212 Development
849 Agreements and The Shores Country Club.

850
851 **X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
852

853 No action was taken as a result of Executive Session.
854

855 **XI. ADJOURNMENT**
856

857 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,**
858 **this ____ day of _____, 2008.**

859
860
861 **ATTEST:**
862
863

William R. Cecil, Mayor

864 _____
Kristy Ashberry, City Secretary

MINUTES
ROCKWALL CITY COUNCIL
Monday, September 29, 2008
5:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Bill Cecil called the meeting to order at 5:00 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen, Matt Scott, Cliff Sevier, and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Mark Russo was absent. Mayor Cecil immediately adjourned the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding Waterstone Estates and industry air quality issues

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session at this time.

IV. ADJOURNMENT

There being no further business to discuss, Mayor Cecil adjourned Executive Session at 4:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this ____ day of _____, 2008.

ATTEST:

William R. Cecil, Mayor

Kristy Ashberry, City Secretary

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**MINUTES
ROCKWALL CITY COUNCIL**

Monday, September 29, 2008

6:00 p.m. Special Meeting

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

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I. CALL TO ORDER

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Mayor Bill Cecil called the meeting to order at 6:30 p.m. Present were Mayor Bill Cecil and Councilmembers Glen Farris, Margo Nielsen, Matt Scott, Cliff Sevier, and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Mark Russo was absent.

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II. ACTION ITEMS

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1. Discuss and consider the Rockwall Economic Development Corporation budget for fiscal year 2009 and amended budget for fiscal year 2008 and take any action necessary.

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Mayor Cecil offered a motion to approve the Rockwall EDC budget for FY2009 and the amended budget for FY2008. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Russo).

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2. Discuss and consider the Rockwall Technology Park Association budget for fiscal year 2009 and amended budget for fiscal year 2008 and take any action necessary.

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Farris made a motion to approve the Rockwall Technology Park Association budget for fiscal year 2009. Sweet seconded the motion. Councilmember Nielsen recused herself from this vote and filed the appropriate paperwork with the City Secretary.

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The motion passed by a vote of 5 ayes, 1 recusal (Nielsen) and 1 absent (Russo).

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3. Discuss and consider approval of an Ordinance adopting the amended budget for fiscal year 2008 and take any action necessary.

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\$7.8 million fund balance for end of FY2008. Mayor Cecil made a motion to approve the ordinance. Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Russo).

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4. Discuss and consider (a) Ratification of the property tax revenue increase reflected in the fiscal year 2009 budget and take any action necessary; (b) Approval of an Ordinance adopting the budget for fiscal year 2009 and take any action necessary.

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Finance Director Mary Smith explained that the Truth in Taxation statutes dictate how the numbers need to be calculated. Cecil made a motion to approve ratification of the property tax revenue increase reflected in the fiscal year 2009 budget and take any action necessary. Mayor Cecil read the following caption:

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No council members seconded the motion. The motion died for lack of a second.

Councilmember Nielsen stated that she is not willing to make a motion but commented that she has concerns related to the budget proposal including reserves being used for Fire Station construction and the Main Street Program.

Nielsen asked that items be placed back in the budget appropriately in the General Fund at a slight tax payer cost increase per year instead of taking funds out of reserves to pay for such items.

City Attorney Pete Eckert clarified that the ratification of the property tax revenue increase has to be passed by Council before a budget can be voted on for approval.

Councilmember Nielsen stated that she would like to approve a tax rate of 50.88 cents and she would like to see several of the items that were cut from the general fund budget proposal placed back into the budget.

Councilmember Farris stated that he is in agreement with Councilmember Nielsen's comments and concerns about this budget proposal and next fiscal year's budget. He indicated a willingness to support a 50.88 cent tax rate proposal as originally proposed by staff.

Couch indicated that the city has certain obligations related to setting the tax rate according to state law and that there are certain timeframes that have to be adhered to by law. Couch asked Finance Director Mary Smith if the item can be tabled until the October 6 City Council meeting. Smith indicated that the entire process, including the requirement to publish notices in the newspaper, would have to start over again.

Councilmember Sweet expressed concern about council members not bringing forth concerns related to the budget earlier in the budget discussions. Sweet offered general comments on voter approved debt that dictates the need to reassess the debt side of the budget.

Councilmember Scott expressed general satisfaction with the level of spending being proposed. However, he expressed concern related to the reserve levels and the possibility of going above the rollback rate next year and/or having drastic cutbacks next year. He is not willing to ignore staff recommendations related to the budget proposal and tax rate this year.

Councilmember Sevier indicated support for the proposal as submitted for consideration.

Mayor Cecil stated that council members who were not in support of the reduced tax rate increase that was suggested had an obligation to say so during previous budget discussions.

Finance Director Mary Smith stated that the deadline, according to the Truth in Taxation laws, is that an entity must adopt a budget and tax rate by September 30 of each year or by sixty days after the entity receives the certified tax rolls from the appraisal district.

Couch stated that the Council can either act on the budget tonight. Or, the council could recess the meeting until tomorrow night. Couch indicated that recessing the meeting until tomorrow night would still allow the city to meet all notice and legal requirements. If the budget is not acted on by tomorrow night, the tax rate would go back to the effective rate, which would result in cutting more than \$600,000 from the budget.

Mayor Cecil made a motion to discontinue discussion of items 4, 5, and 6 and move items 7 and 8 up for discussion this evening. Upon completion of items 7 and 8, the meeting will recess and discussion of items 4, 5, and 6 will resume tomorrow evening at

135 5:00 p.m. Councilmember Sweet seconded the motion. The motion passed by a vote of
136 6 ayes and 1 absent (Russo).

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138 Discussion of Agenda Item #4 was continued on Tuesday, September 30, 2008.

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140 On Tuesday, September 30, 2008, Mayor Cecil reconvened the Special Council Meeting at
141 5:00 p.m. Present were Mayor Cecil and Councilmembers Glen Farris, Margo Nielsen,
142 Mark Russo, Matt Scott, Cliff Sevier, and David Sweet. Also present were City Manager
143 Julie Couch and City Attorney Pete Eckert.

144 Mayor Cecil made a motion to ratify the property tax revenue increase reflected in the
145 FY2009 budget. Councilmember Farris seconded the motion. The motion failed by a
146 vote of 3 ayes and 4 nays (Nielsen, Scott, Sweet and Farris).

147 Councilmember Sweet commented that he would like council to discuss some of the
148 issues raised last night and he would like additional discussion to take place related to
149 the proposed budget and its impact. He expressed that he does not support an
150 increased property tax increase nor the proposed budget at this point.

151 Councilmember Scott stated that he voted against the motion for the same reasons he
152 gave last night. He has a problem with the police position coming out of the seizure
153 funds instead of the general fund, and he has a problem with the fire fighter positions not
154 being funded for six months. If these two items are addressed, he would support the
155 budget.

156 Councilmember Sweet expressed concern about the way that the police and fire
157 positions are being proposed to be funded.

158 Couch explained that Sweet previously inquired as to whether or not the police position
159 could be funded out of the General Fund and then fund other police-related items out of
160 the seizure fund. Couch stated that overtime and some training modules could be
161 funded out of the seizure fund instead of the General Fund. Additional discussion took
162 place related to when the new fire stations may be open.

163 Councilmember Farris expressed concern for expenses related to Concerts by the Lake
164 and Founders Day coming out of Hotel/Motel Tax funding. He expressed a desire for
165 these items to be placed back into the General Fund instead. Finance Director Mary
166 Smith stated that these items add up to about \$70,000 or .24 cents of the tax rate.

167 There was discussion regarding the funding of Concerts by the Lake and Founders day,
168 where they should be funded and the tax impact of putting them in the General Fund.

169 Couch indicated that if the council does not approve the budget, it would mean that the
170 city would have to go back to the effective rate, which is currently 47.88 cents. This
171 would remain in effect for the full fiscal year, which would mean that \$642,000 would
172 have to be cut out of the upcoming budget.

173 Councilmember Farris made a motion ratify the tax rate for FY2009 at 50.86 cents and
174 stated, "This budget will raise more total property taxes than last year's budget by
175 \$2,551,148 and of that amount, \$867,951 is tax revenue to be raised from new property
176 added to the tax roll this year." Councilmember Nielsen seconded the motion. The
177 motion failed by a vote of 2 ayes and 5 nays (Sweet, Scott, Cecil, Russo, Sevier).

Councilmember Sweet made a motion to ratify the tax rate for FY2009 at 50.31 cents and stated, "This budget will raise more total property taxes than last year's budget by \$2,387,658 and of that amount, \$858,565 is tax revenue to be raised from new property added to the tax roll this year." Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes and 1 nay (Farris).

Councilmember Sweet made a motion to approve the ordinance adopting the budget for FY2009 as amended by the ratification statement including moving the police position from the seizure fund to the general fund, moving police overtime expenses to the seizure fund and funding the new fire positions for six months. Councilmember Nielsen seconded the motion.

The ordinance was read as follows: (#08-53)

CITY OF ROCKWALL

ORDINANCE NO. 08-53

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

5. Discuss and consider approval of an Ordinance levying ad valorem taxes for the tax year 2008 and take any action necessary.

Mayor Cecil made the following motion: I move that the property taxes be increased by adoption of a tax rate of 50.31 cents. Councilmember Nielsen seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 08-54

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2008 AT A RATE OF \$.5031 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2008 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2008 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes and 0 nays.

- 225 6. Discuss and consider the Hotel/Motel Subcommittee recommendations
226 for funding in fiscal year 2009 and take any action necessary.

227 **General discussion took place related to whether or not those council members who**
228 **serve on the board of various organizations that are applying for funding need to recuse**
229 **themselves from the vote(s) associated with this agenda item.**

230 **Councilmember Scott made a motion to continue the discussion of the Hotel/Motel**
231 **Subcommittee recommendations for funding in FY2009 until the October 6, 2008 Regular**
232 **City Council meeting. Mayor Cecil seconded the motion. The motion passed by a vote of**
233 **7 ayes to 0 nays.**

234 **Mayor Cecil adjourned the meeting on Tuesday, September 30, 2008 at 6:20 p.m.**
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237 **The agenda items below were discussed on Monday, September 29, 2008, and**
238 **Councilmember Russo was absent from the meeting on this date.**

- 239 7. Discuss the City's street, water, and wastewater assessment policies and
240 take any necessary action.

241 **Assistant City Manager Rick Crowley offered information on curb and gutter costs in**
242 **residential and non-residential areas and the city's associated assessment policy.**
243 **Councilmember Scott made a motion to change the policy to not assess for curb and**
244 **gutters in residential areas. Councilmember Sevier seconded the motion.**

245 **General discussion took place related to assessing property owners when new roads are**
246 **built versus when curb and gutters are installed on existing roadways.**

247 **The motion passed by a vote of 6 ayes to 0 nays with 1 absent (Russo).**

248 **Crowley asked if the Council would like to make any distinctions related to non-profit**
249 **property owners versus those commercial businesses that are for profit. Couch stated**
250 **that such non-profits would mostly be churches since most other types of non-profits do**
251 **not own property. It was pointed out that non-profits could apply for a variance from the**
252 **Council if they desired.**

253 **City Engineer Chuck Todd briefed the Council on the current policy related to water**
254 **assessments, which are usually done through pro-rata agreements with property owners**
255 **located on both sides of the water line.**

256 **General discussion took place related to whether or not these policies deter developers**
257 **from building in Rockwall. Couch indicated that Council has granted waivers on**
258 **assessments in some instances.**

259 **Mayor Cecil made a motion to leave the water assessment policy in place and**
260 **unchanged. Councilmember Nielsen seconded the motion. The motion passed by a vote**
261 **of 6 ayes, 0 nays and 1 absent (Russo).**

262 **Todd provided Council with an overview of the city's current wastewater assessment**
263 **policy. Todd offered an example of wastewater assessments that property owners on**
264 **Amity Lane incurred when wastewater service had to be extended into that area due to**
265 **health concerns related to failing septic tank systems.**

266 Couch stated a desire to get council direction on the city's wastewater assessment
267 policy because the city needs to move forward with assessing property owners on Amity
268 Lane and Indian Trail.

269 Councilmember Nielsen asked what happens if a property owner refuses to tie into the
270 system or pay the assessment. Crowley indicated that a lien gets placed on the property,
271 which secures the city's collection of the assessment. He explained that only a non-
272 homestead property could be foreclosed on as a result of such lien.

273 Mayor Cecil asked where the money that is collected goes once property owners pay.
274 Crowley indicated that in the case of street assessments, they go into the city's street
275 assessment fund and are used on road-related projects.

276 In the case of water and wastewater assessments, the money that is collected goes into
277 the city's enterprise fund.

278 Councilmember Farris asked how the city determines if a septic system meets health
279 codes or not. Mr. Todd explained that property owners are supposed to have their
280 systems inspected at least one time each year. He further stated that the County is
281 responsible for ensuring that these inspections are performed each year.

282 Mayor Cecil made a motion to continue the wastewater policy that is currently in place.
283 Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes, 0
284 nays and 1 absent (Russo).

285 Couch indicated that staff will soon bring back a revised street assessment policy for the
286 council to consider.

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288 8. Discuss and consider the 2008 Citizen Survey and take any action
289 necessary.

290 City Attorney Pete Eckert stated that he has extensively studied and considered some of
291 the legal issues related to city-initiated annexation. Mr. Eckert expressed concern about
292 asking the public questions related to annexation of Lake Rockwall Estates on the
293 upcoming citizen survey.

294 Mayor Cecil clarified that asking such questions would result in the Council receiving
295 from the public a non-binding referendum of sorts. Cecil further expressed that he
296 strongly supports citizen input; however, in this case, the Council has to ultimately make
297 a decision related to annexation of Lake Rockwall Estates.

298 Mayor Cecil made a motion to exclude Lake Rockwall Estates questions from the
299 upcoming Citizen Survey and move forward with the other survey questions as proposed
300 by staff. He also included in the motion a direction for city staff to immediately begin a
301 pro-active campaign to educate Rockwall citizens on Lake Rockwall estates and the
302 upcoming annexation decision. Councilmember Scott seconded the motion.

303 Councilmember Farris stated that the City of Midlothian had offered the public, both
304 existing residents and those who were potentially going to be annexed, an opportunity to
305 come in and meet with departmental directors in order to ask questions and gain
306 information on what services and benefits would be experienced if/when they were
307 annexed by the city.

308 The motion passed by a vote of 4 ayes, 2 nays (Sweet and Sevier) and 1 absent (Russo).

There being no further business to discuss, Mayor Cecil recessed the meeting at 9:33 p.m.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding Waterstone Estates and industry air quality issues

IV. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of executive session.

V. Adjournment

There being no further business to discuss, Mayor Cecil recessed the September 29, 2008 meeting at 9:33 p.m.

Mayor Cecil adjourned the meeting on Tuesday, September 30, 2008 at 6:20 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this ____ day of _____, 2008.

ATTEST:

William R. Cecil, Mayor

Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL

Monday, October 06, 2008

4:00 p.m. Pre-Council Meeting

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

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Cecil and Council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo, Glen Farris and Mayor Pro Tem Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, City Manager evaluation and Related Matters.
3. 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.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding Christopher Bens; Joanna Bens v City of Rockwall.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See below for action taken at beginning of Regular City Council Meeting.

V. ADJOURNMENT

There being no further business to discuss, Mayor Cecil adjourned Executive Session at 5:50 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 17th day of November, 2008.

ATTEST:

Kristy Ashberry
Kristy Ashberry, City Secretary

William R. Cecil
William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

**Monday, October 06, 2008
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Cecil and Council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo, Glen Farris and Mayor Pro Tem Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

Mayor Pro Tem Sevier made a motion to approve the purchase of a parcel of land off of IH-30 in the amount of \$14,000. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

Councilmember Nielsen delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. 4-H "Make it Yours" Week

Members of the Rockwall County 4-H Club were present to accept the proclamation from Mayor Cecil.

2. Rockwall University Graduation

Purchasing Agent LeaAnn Ewing and Capital Projects Accountant Shannon Raymond were recognized for completion of the Rockwall University Program. Mayor Cecil delivered a recognition award and small check to each of them in recognition of their accomplishments.

3. Texas Night Out

Police Sergeant Andy Villarreal was present to accept the Texas Night Out proclamation on behalf of the Rockwall Police Department and the Rockwall community.

4. Fire Prevention Week

Rockwall Fire Department Public Educator Tony Santoro was present and delivered brief information about a new public education program in the schools called 'Risk Watch.' He also accepted the proclamation from Mayor Cecil.

5. National Hispanic Marriage Day

Enid Reyes from Lakepointe Church was present along with Ernesto and Elsa Castro who were recognized for their fifty years of marriage. Enid, Ernesto and Elsa accepted the proclamation read by Mayor Cecil.

IV. OPEN FORUM

Harold Snyder
1519 Murphy Drive
Rockwall, TX 75087

Mr. Snyder spoke about the Canyon Ridge Apartment Complex and indicated that he is against the zoning and site plan associated with this complex because of its proximity to residentially zoned areas.

Pastor Joe Robbins
805 Peters Colony

Expressed an appreciation for the improvements made in the Southside Community. However, he expressed concern about insufficient communication related to improvement projects. He indicated that construction recently interfered with a funeral his church had planned

Dorothy Brown
508 Dickens

She indicated that she lives in the Southside Community. She expressed concern that the home recently built next door to her home does not contain brick at all. However, when her home was built, she was told by the city that her home had to have fifty percent brick. She expressed dissatisfaction with this home not containing any brick yet her home was required to have fifty percent brick.

Councilmember Matt Scott recognized Councilmember David Sweet for his leadership during the budget and tax rate process.

V. CONSENT AGENDA

1. Discuss and consider approval of the minutes from the September 2, 2008 regular City Council Meeting and take any action necessary.
2. Discuss and consider approval of the minutes from the September 4, 2008 special City Council Meeting and take any action necessary.
3. Discuss and consider approval of the minutes from the September 11, 2008 special City Council Meeting and take any action necessary.
4. Discuss and consider approval of the minutes from the September 15, 2008 regular City Council Meeting and take any action necessary.
5. Consider adoption of a Resolution of Necessity for the Acquisition of Land for the John King Boulevard Overpass and take any action necessary.
6. Discuss and consider adoption of a resolution expressing support for the 2008 Rockwall County Bond Proposal and take any action necessary.

7. Consider authorizing the City Manager to engage Fox, Byrd & Co. P.C. as the City's auditor for the fiscal year ended September 30, 2008 and take any action necessary.
8. Consider the engineering agreement for the IH-30 Utility Relocation Project (for John King/IH-30 Interchange) and take any action necessary.
9. Consider the construction contract for the Neighborhood Drainage Improvements, Phase 2, and take any action necessary.
10. Consider Change Order Number 2 for the John King Blvd. Project, SH-205 (south) to SH-276, and take any action necessary.
11. Z2008-021 - Consider approval of an ordinance for a request from CJ Rhodes for approval of a Specific Use Permit (SUP) to allow for an accessory building that does not meet the exterior materials requirements on Lot 1, Rolling Meadows Estates, which is zoned (SF-E/4.0) Single Family Estate district and located at 2855 Rolling Meadows Drive, and take any action necessary. (2nd reading)
12. Discuss and consider approval of a request for a Fireworks Permit and take any action necessary.
13. Discuss and consider approval of an ordinance amending the Code of Ordinances in Chapter 10 Fire Prevention & Protection to address discrepancies between the Code of Ordinances and the International Fire Code and take any action necessary.
14. Discuss and consider approval of an ordinance amending the Code of Ordinances in Chapter 18 Offenses and Miscellaneous Provisions to address discrepancies between the Code of Ordinances and the International Fire Code and take any action necessary.

Councilmember Farris pulled item #4 for discussion. Councilmember Russo pulled item #3 for discussion. Councilmember Scott pulled items #1 and #2 for discussion.

Councilmember Nielsen made a motion to approve the remaining Consent Agenda items. Councilmember Sweet seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 08-55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE 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 CLADDING REQUIREMENTS, ON A TRACT LOCATED AT 2855 ROLLING MEADOWS DRIVE, BEING LOT 1, ROLLING MEADOWS 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.

CITY OF ROCKWALL
ORDINANCE NO. 08-57

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 10 FIRE PREVENTION AND PROTECTION AMENDING THE 2006 INTERNATIONAL FIRE CODE BY THE ADDITION OF SECTION 307.2.2 EXCEPTION TO THE PROHIBITION ON OPEN BURNING AND MODIFYING SECTION 3301.1.3 FIREWORKS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 18 OFFENSES AND MISCELLANEOUS PROVISIONS FOR COMPLIANCE WITH THE 2006 INTERNATIONAL FIRE CODE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cecil made a motion to approve Consent Agenda items #1 and #2.
Councilmember Farris seconded the motion. The motion passed by a vote of 6 for and 1 abstention (Sevier)

Mayor Cecil made a motion to approve # 3 Mayor Pro Tem Sevier 2nd – 6 for 1 abstain (Russo).

Councilmember Farris made a motion to approve Consent Agenda item #4 with the following change: Line #826 of the minutes should reflect the two nays as Councilmembers Nielsen & Farris. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes and 1 abstention (Scott).

VI. APPOINTMENTS

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

The Planning & Zoning chairman was not present to address the Council on this item.
No action was taken.

- 242 2. Appointment with Lake Rockwall Estates resident Teresa Andrews to
243 hear concerns related to the city's Animal Ordinance and take any action
244 necessary.

245 Mrs. Andrews expressed that she took in a 105 pound pot bellied pig and several puppies
246 that were dumped out in her neighborhood years ago. She stated that she has taken
247 care of each of these animals for several years and does not wish to have the animals
248 removed from her home as has been recently requested by the City of Rockwall Code
249 Enforcement. She has been told that she has fifteen days to get rid of her animals
250 because she has too many on her property. Mrs. Andrews stated that she has four inside
251 dogs and two outside dogs plus one pot bellied pig.

252 Jeffrey Widmer indicated that the ordinance allows three dogs and pot bellied pigs up to
253 95 pounds.

254 City Attorney Pete Eckert indicated that there is no way that the council can grant her an
255 exception since the ordinance has been extended into the ETJ. The number of animals
256 on her property is not something that can be 'grandfathered' when she is annexed;
257 however, the city can work with her on the timeframe and allow her an extension to deal
258 with the animals. The Council could allow her until the time the area is actually annexed
259 to reduce the number of animals on her property.

260 Councilmember Nielsen stated that she will not be supporting any action of the Council
261 that would require her to get rid of her animals.

262 Councilmember Sweet thanked Mrs. Andrews for pursuing this issue in the right way.
263 General discussion took place among council members related to a possible solution to
264 this issue.

265 Councilmember Scott made a motion to direct staff to look at allowing a variance
266 provision for land that is brought into the city after the ordinance was originally written.
267 Councilmember Nielsen seconded the motion and expressed support for 'grandfathering
268 in' animals in areas that are annexed into the city.

269 Mayor Pro Tem Sevier cautioned the Council to be careful in how they amend the
270 ordinance because animals such as goats and other types of livestock could also be
271 considered pets. City Manager Couch suggested having staff look at other city
272 ordinances related specifically to pot bellied pigs. The motion passed by a vote of 7 ayes
273 and 0 nays.

- 274 3. Appointment with David Bush, Lakeside Civic Chorus to receive their
275 annual report of hotel/motel funding and take any action necessary.

276 Mr. Bush was not present.

- 277 4. Appointment with Don Hagaman to discuss and consider donation of
278 street signs and take any action necessary.
279

280 John Hagaman was present and indicated that he is a 2000 graduate of Rockwall High
281 School and he would like to manufacture and donate to the city special orange and white
282 street signs along Yellow Jacket and every street that intersects Yellow Jacket Lane.
283 City Manager Couch asked if Mr. Hagaman will replace the street signs if and when they
284 get stolen. Councilmember Farris asked that Mr. Hagaman bring forth an example to the
285 Council of what these street signs will look like. Councilmember Russo asked if there
286 are fines associated with stealing street signs. Chief Moeller stated that the fines
287 associated with the signs are guided by state law and are related to the value of the

property. Mayor Pro Tem expressed support for the street signs. Mayor Cecil thanked Mr. Hagaman for his spirit and support of his community. Mayor Pro Tem Sevier made a motion to accept the donation and approve the alternate design of these signs once the schematics have been reviewed and approved by Council. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

VII. PUBLIC HEARING ITEMS

1. Z2008-022 – Hold a public hearing and consider approval of an ordinance for a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, and Article XIII, Definitions. (1st reading)

Planning Director Robert LaCroix gave background information on this item and indicated that the council may wish to require a specific use permit for certain types of hotels. General discussion took place related to possible adoption of definitions for various types of hotels such as full service hotels, 'residential and lodging' hotels and 'motels.'

Planning Manager Michael Hampton spoke about the possibility that requiring an SUP for certain types of hotels would perhaps deter certain hotels from securing land and building in Rockwall. General discussion took place related to requiring an SUP on hotels containing a certain number of rooms.

Mayor Cecil opened the public hearing.

James Murkel
420 Wayne Drive
Rockwall, TX

Mr. Murkel expressed concern about the way in which various hotels are defined, especially related to defining various hotels based on whether or not they have internal or external entrances.

Mr. LaCroix indicated that the definitions would not require a developer to build a certain type of hotel. They just simply define

Councilmember Scott made a motion to approve the ordinance allowing for revisions to Article IV "Permissible Uses" and Article XIII "Definitions" of the city's Unified Development Code as specified in Z2008-021. Councilmember Russo seconded the motion. Councilmember Sweet expressed that he will not support this item because it has too many variables.

Councilmember Scott withdrew his motion and then made a motion to require an SUP for any hotel or motel. Councilmember Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 08-56

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE IV. PERMISSIBLE USES, AND ARTICLE XIII. DEFINITIONS; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 nay (Farris).

VIII. SITE PLANS / PLATS

1. SP2008-008 - Discuss and consider a request by Javier Barajas of Mulvanny G2 Architecture for approval of a variance to the Architectural Requirements of the IH-30 Overlay District, SH 205 Overlay District and the SH 276 Overlay District, in association with amended building elevations for the proposed Costco Wholesale development located on Lot 1, Block 1, Rockwall Centre Corners Addition, specifically to replace the approved "Sandblasted CMU" material with "Smooth Face CMU" material, and take any action necessary. (Approval requires 3/4 vote of Council members present)

Planning Director Robert LaCroix offered background information on this item and stated that the Planning and Zoning Commission recommended approval of the "Smooth Face CMU" material change by a vote of 5 to 1. He explained that the Architectural Review Board also recommended approval of the material change with the stipulation that the mortar match the CMU. Mr. LaCroix passed around a sample of the material being proposed to be used.

Greg McGahee with AEM and Associates was present to represent and speak on behalf of Costco.

Mr. McGahee explained what 'sandblasted CMU' is as compared to "smooth face CMU." He offered brief clarification on Costco's request for approval of an alternate building material and the reasoning behind the request. Councilmember Scott expressed concern about granting a variance on building material, especially in the city's overlay district.

Mr. LaCroix indicated that the smooth face CMU has the appearance of having texture built into the material itself.

Councilmember Scott made a motion to approve the variance request. Councilmember Nielsen seconded the motion. Nielsen asked for clarification of the new Animal Adoption Center. Mr. Widmer stated that the new building has smooth face and split face building material on it, which allowed for the appearance of different materials.

Councilmember Farris stated that he believes the Council has already granted many

variances that stray from the city's overlay district requirements, and he is not in support of granting this variance.

The motion passed by a vote of 6 ayes to 1 nay (Farris).

IX. ACTION ITEMS

1. A2008-003 - Discuss and consider approval of a development agreement that shall be offered, in accordance with Chapters 43 and 212 of the Texas Local Government Code, to eligible property owners within the proposed 1505.26-acre annexation area generally located along the south side of SH 276 and west of FM 550, and contiguous to the existing City Limits line, and take any action necessary.

Action Items #1 and #2 were reversed so that #1 was addressed after Action Item #2.

Planning Director Robert LaCroix offered brief comments and background information on this item including the ability for council to consider city initiated and property owner initiated 212 agreements and their associated term lengths. Mayor Pro Tem Sevier asked for clarification on the term limits. Mr. LaCroix stated that the agreement can be offered and/or signed for a minimum of one year and a maximum of fifteen years. He further clarified that at fifteen years, the property owner would have to come back and ask for an extension of the agreement.

Councilmember Farris stated that he believes that the Council is showing its intent associated with the annexation by allowing for consideration of property owner initiated 212 agreements. He further stated that the city's intent is to control future development of the area, not to take the land from those who own it. Councilmember Farris indicated a desire to sign one year 212 agreements with property owners.

Farris made a motion to allow all individual property owners under the annexation area a period of 45 days to execute 212 agreements with the city and that those agreements be for an initial period of one year. Councilmember Nielsen seconded the motion. Councilmember Scott indicated that he will not support the motion because he is not in favor of the city considering 212 agreements with property owners who do not currently have an Agricultural designation on their property.

Councilmember Russo expressed a desire for the Council to consider an initial term of three years for 212 Agreements with both AG and non-AG property owners.

Councilmember Sweet asked for clarification regarding the term length of 212 Agreements. Mr. LaCroix clarified that 212 Agreements can be offered for an initial term of up to fifteen years. He explained that at the end of the initial fifteen years, a property owner can then ask for an extension of another fifteen years, with a total number of years being forty-five.

Councilmember Scott suggested that the motion be amended to clarify that the area will be annexed in the event that the legislature does away with the city's ability to be

engaged in 212 Agreements. Farris amended his motion to offer all property owners in the area a period of 45 days to execute 212 agreements for consideration and that those agreements be for a period of one year and that the area will be annexed in the event that the legislature does away with the city's ability to be engaged in 212 Agreements. Councilmember Nielsen seconded the amended motion.

The motion passed by a vote of 6 ayes to 1 nay (Russo).

2. A2008-003 - Discuss and consider approval of an ordinance for a City-initiated request to annex land of approximately 1505.26-acres generally located along the south side of SH 276 and west of FM 550, and contiguous to the existing City Limits line and take any action necessary. (1st reading)

Action item #2 was addressed prior to Action item #1.

Planning Director Robert LaCroix indicated that the city has conducted the required public hearings, and the staff has followed required state laws regarding sending notices and publishing such notices in the newspaper. He further stated that the council can consider city initiated and/or resident proposed 212 agreements once they decide whether or not to move forward with the proposed annexation.

Councilmember Farris made a motion to initiate the annexation of A2008-003. Councilmember Scott seconded the motion. Councilmember Scott stated that he was absent during the public hearings but he has listened to the recording of the meeting and associated comments. He expressed concern for development that may or could occur in the future in and around this area that is proposed to be annexed.

The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF
CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS
AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF
1505.26 ACRES OF LAND, WHICH SAID TERRITORY LIES
ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS
OF THE CITY OF

The motion passed by a vote of 7 ayes and 0 nays.

3. A2008-002 - Discuss and consider approval of a development agreement that shall be offered, in accordance with Chapters 43 and 212 of the Texas Local Government Code, to eligible property owners within the proposed 162.88-acre annexation area generally located east of FM 1141, south of Clem Road and west of FM 549, and take any action necessary.

Action Items #3 and #4 were reversed so that Action Item #3 was handled after Action Item #4.

Councilmember Farris made a motion to extend 212 development agreements to all property owners in the area with the initial term of such agreements to be for a period of one year and to allow a forty-five day period to deliver development agreement proposal to the city and that if the state legislature changes the law regarding 212 agreements, the property owners will automatically be annexed into the city. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

4. A2008-002 - Discuss and consider approval of an ordinance for a City-initiated request to annex land of approximately 162.88-acres generally located east of FM 1141, south of Clem Road and west of FM 549, and contiguous to the existing City Limits line and take any action necessary.
(1st reading)

Action Items #3 and #4 were reversed so that Action Item #4 was handled prior to Action Item #3.

Planning Director Robert LaCroix offered brief background information on this item.

Councilmember Scott made a motion to initiate the annexation. Councilmember Farris seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. _____

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

The motion passed by a vote of 7 ayes to 0 nays.

5. Discuss and consider hotel/motel tax funding levels for organizations for fiscal year 2009 and take any action necessary.

Mayor Cecil stated that the Chamber of Commerce request for funding will be considered separately from all other requests.

Councilmember Farris made general comments related to 'putting heads in beds' and urged the Council to carefully consider funding based on this principle. Councilmember Russo asked for clarification on the two requests associated with the Historical Foundation. Finance Director Mary Smith offered information and clarified that one application was submitted for general historical purposes associated with the house, and the second application was submitted for a specific event.

Mayor Pro Tem Sevier asked the Council to not be so strict in the future on the concept of approving funding based on how many 'heads and beds' the event generates.

Mayor Cecil expressed support for the creation of a Convention and Visitor's Bureau for Rockwall in the future.

Councilmember Farris made a motion to move \$4,000 from the fund balance over to the Kiwana's convention for a total of \$17,000 in funding and then approve the remaining items as recommended. Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Councilmember Farris recused himself from the discussion and vote associated with the Chamber of Commerce funding request. Mayor Pro Tem Sevier made a motion to approve the funding request from the Rockwall Chamber. Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes with 1 recusal (Farris).

6. Discuss and consider a sign variance request for Care United located in Rockwall Town Center and take any action necessary.

Eugene Gacherou
2344 Greencrest Boulevard

Mr. Gacherou stated that the location in which they are located is not very visible and there is no additional space on the existing signage in the shopping center. He indicated that the facility opened at the beginning of September, and several customers have stated difficulty in finding the business due to poor sign visibility. The applicant stated a preference of having a pole sign to allow for the best visibility while minimizing clutter of existing signs. Councilmember Nielsen asked if the applicant would consider a monument sign on the corner of Greencrest Boulevard and the IH-30 service road. The applicant indicated that while this might be a consideration, he is still concerned about minimal visibility on IH-30. General discussion took place related to the possibility of a monument sign versus a pole sign. Discussion also took place related to the proposed LED sign.

Councilmember Sweet expressed concern about sign clutter but still wants businesses to succeed.

Councilmember Scott made a motion to deny the variance request. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Discussion took place related to the possibility of the applicant bringing back a proposal for a monument sign at a later date. The applicant indicated that they may wish to do so.

7. Discuss and consider a sign height variance request from Costco Wholesale and take any action necessary.

Building Official Jeffrey Widmer offered background information on this item and indicated that other businesses along this stretch of IH-30 have been granted similar variances in the past.

Greg McGahee with AEM & Associates
788 Crestview Court
Coppell, TX

General discussion took place related to how many feet off of IH-30 and off of SH-276 the business is located and the estimated visibility of the business from major roadways.

Councilmember Farris expressed concern related to placing a sign facing south because it will face a residential neighborhood.

Councilmember Scott made a motion to approve the variance request as presented. Councilmember Sweet seconded the motion.

Discussion took place related to which sides of the building the applicant would prefer to have the larger and smaller signs placed.

The motion passed by a vote of 7 ayes to 0 nays.

8. Consider the engineering services agreement for Airport Road, John King Blvd. to FM-549, and take any necessary action.

Assistant City Manager Rick Crowley offered a staff recommendation to award the contract to Friese & Nichols. Councilmember Scott made a motion to approve the agreement with Friese & Nichols. Councilmember Russo seconded the motion. Mayor Pro Tem Sevier asked if the city goes out for bid on engineering services agreements. Mr. Crowley stated that the city does not go out for bid and is actually prohibited by law from going out for bid on engineering service agreements.

The motion passed by a vote of 7 ayes to 0 nays.

9. Hear report regarding litter regulations and review of new solicitation ordinance and take any action necessary.

This item was deferred until the next regular City Council meeting.

10. Discuss and consider amending the 2006 International Fire Code to allow open burning on tracts of land 2 acres and larger and take any action necessary.

This item was deferred until the next regular City Council meeting.

11. Discuss and consider status of miscellaneous road projects and consider approving intersection enhancements for SH-205 and take any action necessary.

The update of miscellaneous road projects was deferred until the next regular City Council meeting. However, City Manager Couch indicated that there is a need for the Council to consider approval of \$170,000 so that the city can move forward with enhancements on SH-205 intersections for stamped concrete. Couch explained that this comes out of the street assessment funding. Councilmember Scott made a motion to approve the funding. Councilmember Russo seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

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

1. Departmental Reports
Update on Fire Stations #3 and #4 Construction Project
Quarterly Report of Kaufman Area Rural Transportation
Building Inspections Monthly Report - August

Building Inspections Monthly Report - September
Fire Department Monthly Report for August 2008
PARD Monthly Reports
Police Department Monthly Report

2. City Manager's Report

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, City Manager evaluation, and Related Matters.
3. 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.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding Christopher Bens; Joanna Bens v City of Rockwall.

XII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

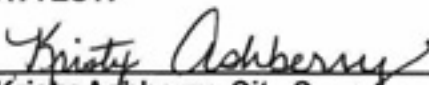
No action was taken at this time as a result of Executive Session.

XIII. ADJOURNMENT

There being no further business to discuss, Mayor Cecil adjourned the meeting at 11:29 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 17th day of November, 2008.

ATTEST:


Kristy Ashberry, City Secretary


William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, October 20, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Cecil and Council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo, Glen Farris and Mayor Pro Tem Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, City Manager evaluation and Related Matters.
3. 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.
4. Pursuant to Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding vested rights.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See action taken below in regular Council Meeting.

V. ADJOURNMENT

There being no further business to discuss, Mayor Cecil adjourned Executive Session at 5:50 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 17th day of November, 2008.

ATTEST:

Kristy Ashberry
Kristy Ashberry, City Secretary

William R. Cecil
William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, October 20, 2008

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Cecil and Council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo, Glen Farris and Mayor Pro Tem Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

Mayor Pro Tem Cliff Sevier made a motion to appoint Paul Roland to the Construction Advisory and Appeals Board. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR BILL CECIL

Mayor Cecil delivered the proclamation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Red Ribbon Week

Nancy Farrar with the Rockwall Independent School District was present to accept the proclamation. She explained that Red Ribbon week is celebrated to encourage school kids to remain drug free. She further mentioned that this year is the twentieth anniversary of the program.

2. Home Health Care Month

Betty Culpepper Jones was present to accept the proclamation. She explained that this month is celebrated to recognize those who deliver home health care and hospice services to those in the community.

3. National Animal Shelter Appreciation Month

Manuel Salazar and Joyce Ross with Rockwall Animal Services were present to accept the proclamation.

4. James L. Greenwalt Bronze Star Medal Day

Mr. James L. Greenwalt was present along with Congressman Ralph Hall. Mayor Cecil read and presented the proclamation to Mr. Greenwalt. Congressman Hall said a few words and presented Mr. Greenwalt with an American flag that flew over the U.S. Capital and pinned the Bronze Star on him as well.

95 IV. CONSENT AGENDA

- 96
- 97 1. Consider award of a contract renewal for Concrete Streets, Alleys,
- 98 Curb/Gutter and Sidewalk maintenance and take any action necessary.
- 99 2. Consider adoption of a Resolution denying Oncor Electric Delivery
- 100 Company's request for a rate increase and take any action necessary.
- 101 3. Consider a Resolution authorizing the Chairman of Cities Aggregate
- 102 Power Project to negotiate and execute a contract for electricity on behalf
- 103 of the City of Rockwall as a member of CAPP and take any action
- 104 necessary.
- 105 4. Z2008-022 - Consider approval of an ordinance for a city-initiated revision
- 106 to the City of Rockwall Unified Development Code (Ord. No. 04-38),
- 107 specifically Article IV, Permissible Uses, and Article XIII, Definitions, and
- 108 take any action necessary. (2nd reading)
- 109 5. P2008-032 - Discuss and consider a request by Robert A. Howman of
- 110 Glenn Engineering for approval of a replat of Lot 1, Block A, Rockwall
- 111 High School Addition, being 35.295-acres zoned (C) Commercial district
- 112 and located at 901 Yellow Jacket Lane, and take any action necessary.
- 113 6. P2008-035 - Discuss and consider a request by Harold Fetty of Rockwall
- 114 Surveying, Inc. for approval of a replat of Lot 3, Block A, Hillcrest Center
- 115 Addition, being a 0.91-acre tract located at 3260 N. Goliad and zoned
- 116 (GR) General Retail district, and take any action necessary.
- 117 7. P2008-034 - Discuss and consider a request by Von and Carolyn
- 118 Maynard for approval of a final plat of Lot 1, Block 1, Maynard Place
- 119 Addition, being 1.97-acres that is proposed to be zoned (SF-E/1.5) Single
- 120 Family Estate district, and currently known as part of Tract 26-2, Abstract
- 121 77, E. M. Elliott Survey, located along the west side of FM 549 north of
- 122 Airport Road, and take any action necessary.
- 123 8. Discuss and consider approval of an ordinance amending the Code of
- 124 Ordinances in Chapter 10 Fire Prevention & Protection to address
- 125 discrepancies between the Code of Ordinances and the International Fire
- 126 Code and take any action necessary (2nd reading).
- 127 9. Discuss and consider awarding a contract to PMAM Corporation for
- 128 Police and Fire Alarm Tracking and Billing Services and consider
- 129 approval of an ordinance amending Chapter 15, Article XI "Alarm
- 130 Systems" of the City of Rockwall Code of Ordinances and take any action
- 131 necessary (1st reading).

132 Councilmember Scott pulled items #3 for discussion. Mayor Pro Tem Sevier

133 pulled items #1 and #7 for discussion. Councilmember Scott made a motion to

134 approve the remaining items. Councilmember Sweet seconded the motion. The

135 ordinances were read as follows:

136 CITY OF ROCKWALL

137 ORDINANCE NO. 08-56

138

139 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,

140 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-

141 38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY

AMENDING ARTICLE IV. PERMISSIBLE USES, AND ARTICLE XIII. DEFINITIONS; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 08-57

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 10 FIRE PREVENTION AND PROTECTION AMENDING THE 2006 INTERNATIONAL FIRE CODE BY THE ADDITION OF SECTION 307.2.2 EXCEPTION TO THE PROHIBITION ON OPEN BURNING AND MODIFYING SECTION 3301.1.3 FIREWORKS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes and 0 nays.

Mayor Pro Tem Sevier made a motion to approve item #1. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Councilmember Scott asked if item #3 has any relation to Atmos Energy. City Attorney Pete Eckert stated that it does not have a direct relation to Atmos. Councilmember Scott then made a motion to approve item #3. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Regarding item #7, Mayor Pro Tem Sevier asked for clarification on the Park Board recommendation as related to the recommended equipment for the dedicated park. Mayor Pro Tem Sevier made a motion to approve item #7. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

V. APPOINTMENTS

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

Planning & Zoning Chairman Bill Bricker was present and offered brief comments related to items on tonight's City Council agenda.

2. Appointment with Mac Jones representing Hammond Jones Real Estate Development LLC to discuss a variance to the screening requirements contained in Article VIII, Landscape Standards, Section 5.6 Screening from Residential Uses of the City of Rockwall Unified Development Code, in association with the proposed Canyon Ranch apartment development located on Yellow Jacket Lane, and take any action necessary.

Mac Jones

190 Wild Basin Road
191 Austin, TX
192

193 Mr. Jones stated that he is the second owner of this property, which is zoned for multi-
194 family housing. He explained that his company desires to build a 'high end' apartment
195 complex on the site. Mr. Jones then expressed concern related to a screening
196 requirement with the neighborhood immediately to the east of the property. He explained
197 that this screening requirement calls for a masonry wall to be constructed as a barrier
198 between the property where the proposed apartment complex is to be located and the
199 existing, adjacent neighborhood to the east. Mr. Jones explained that the setback and
200 property line of the proposed apartment complex is at least fifty feet from the
201 neighborhood. Mr. Jones stated that constructing a masonry fence would result in
202 destruction of existing vegetation, which is not desirable. He explained that the previous
203 developer received a variance in 2003 that would allow him to construct a wrought iron
204 fence instead of a masonry wall.

205 Councilmember Scott asked for clarification on what 'high end' apartments means. Mr.
206 Jones expressed that there would be 124 units (50 one bedrooms, 50 two bedrooms and
207 a handful of three bedroom units). He believed the price point would be about \$1.30 per
208 square foot.

209 General discussion took place related to an emergency access point that the developer
210 would agree to place on the east side of the proposed apartment complex.

211 Harold Snyder
212 1519 Murphy Drive
213 Rockwall, TX
214

215 Mr. Snyder was present to represent the Waterstone Estates Homeowners Association
216 (HOA). He explained that the HOA would like to have additional vegetation and screening
217 in order to limit the noise and lights from the apartment complex. He explained that the
218 old project, which came forth from the previous owner, expired after it did not move
219 forward for more than two years. Therefore, he explained, that the project coming forth
220 from the new owner and new developer is being considered as a new project proposal.
221 Mr. Snyder expressed concern about lights and noise from the apartment complex's pool
222 and from its parking lot. He explained that a petition was signed by many homeowners
223 who have concern about the proposed complex, including the lights, the three story
224 height of the building structure and possible safety concerns. Mr. Snyder expressed that
225 he would like the City Council to consider requiring the developer to construct a solid
226 fence that is higher than six feet in height.
227

228 Councilmember Scott asked Pete Eckert if the city can require a developer to install a
229 masonry fence that is higher than six feet in height, which is what the city's ordinance
230 requires. Mr. Eckert clarified that that city council cannot require a fence any higher than
231 six feet. Attorney Terry Morgan, who also represents the city, confirmed that opinion.
232

233 Mayor Cecil recessed the meeting into Executive Session in order to confer with the city
234 attorneys and allow representatives of the homeowners' association time to consult with
235 the developer to see if an agreement can be reached.

236 Mr. Snyder asked the City Council to put this item on hold and allow time for the HOA to
237 consult with the developer and see if a compromise can be reached. Mr. Jones

expressed that he is willing to try and reach a compromise and consensus between himself (the developer) and the homeowner's association.

Councilmember Scott made a motion to postpone this item until the first City Council meeting in November to allow time for negotiation between the homeowner's association and the developer to see if a resolution can be reached agreed upon between the two parties. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Mayor Cecil stated that the City will make city attorney Pete Eckert available to the homeowners association in case any clarification is needed related to the city's position or viewpoint.

3. Appointment with Margie VerHagen, Executive Director of Rockwall County Committee on Aging, to give an annual report on RCCOA's activities and to request funding for the 2008-2009 budget year and take any action necessary.

Ms. VerHagen was present and explained that the RCCOA offers many programs to seniors and disabled persons in the community including benefit counseling, health fair and other seminars, training sessions, caregiver support and information. She stated that she is expecting a twenty percent increase in service demand in the upcoming year due to the new Evergreen Development and increased food costs and packaging. She requested \$25,000 in funding from the City of Rockwall for the upcoming year. Councilmember Nielsen asked if there are any financial criteria for those seniors and disabled who benefit from RCCOA's programs. Ms. VerHagen explained that there is no income requirement nor stipulations, only physical need and status. Councilmember Nielsen expressed concern for those who live independently and can afford to pay for their own meals yet receive them at no cost because the city supplements the cost of their meals. She expressed the belief that those who can afford to pay for their own meals should pay for their own means.

Councilmember Scott made a motion to postpone this item until the first City Council meeting in November so that more information can be gathered and presented related to those who can afford to pay for meals yet have no means to actually get the meals to them. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 for and 1 refusal (Farris).

VI. PUBLIC HEARING ITEMS

1. P2008-033 - Hold a public hearing and consider a city-initiated request for approval of a residential replat of Lot 36, Block D, Hillcrest Shores Addition, being 0.25-acre zoned (PD-11) Planned Development No. 11 district and located at 721 Sunset Hill, and take any action necessary.

Planning Director Robert LaCroix explained the purpose of this replat and offered brief background information on this item. Planning and Zoning Commission recommended approval of this item by a vote of 7 to 0.

Mayor Cecil opened the public hearing.

Mr. Les Chapman
733 Sunset Hill Drive
Rockwall, TX 75087

286
287 Mr. Chapman lives in the home adjacent to the lot and is concerned that the city is
288 charging the property owner \$5,000 to correct the mistakes associated with the original
289 plat.

290
291 City Engineer Chuck Todd explained that the city charged the homeowner for the cost of
292 the land so that the city was not simply giving the land away to the homeowner. The
293 owner then had to re-plat the easement in order to incorporate it as part of his property,
294 and there was cost associated with this as well. The city shared some of the cost of
295 survey work with the property owner. Todd explained that this sale helped the property
296 owner install a pool towards the side of his home because a sewer line that runs in the
297 rear of his home prohibited him from installing the pool in the back of his home.

298
299 Penelope Chapman
300 733 Sunset Hill Drive
301 Rockwall, TX 75087
302

303 Mrs. Chapman expressed concern about charging the property owner so much money to
304 buy the easement. She suggested that the city sell the property to the homeowner at a
305 very minimal cost such as .01 cents.
306

307 Councilmember Scott asked City Attorney Pete Eckert for clarification on the rules
308 related to the city disposing of public land. He clarified the rules that govern the sale of
309 land to adjacent property owners. Mr. Eckert explained that the statute prohibits selling
310 the land for less than its fair market value. Mr. Todd explained that the tax records were
311 used as a basis for determining the value of the land. This was done in lieu of an
312 appraisal because a lot of times an appraisal costs more to perform than the actual land
313 is worth. Mr. Eckert expressed that the City Council could reduce the cost of the land,
314 but it would have to be reasonable.
315

316 There being no one else to come forth and address the Council on this item, Mayor Cecil
317 then closed the public hearing.
318

319 Councilmember Scott made a motion to waive all of the costs and fees that are in
320 addition to the actual cost of the land itself, to reassess the value of the land and
321 approve the re-plat as presented. Councilmember Sweet seconded the motion. The
322 motion passed by a vote of 7 ayes to 0 nays.
323

- 324 2. Z2008-024 - Hold a public hearing and consider approval of an ordinance
325 for a request by Donna Orr and Roger Shank for approval of a Specific
326 Use Permit (SUP) to allow for a reduction in the land area required for
327 grazing farm animals on Lot 4, Rolling Meadows Estates, being 4.6-acres
328 zoned (SF-E/4.0) Single Family Estate district and located at 2625 Rolling
329 Meadows Drive, and take any action necessary. (1st reading)

330 Planning Director Robert LaCroix explained the current regulations according to the
331 city's unified development code. He expressed that Ms. Orr is involved in an animal
332 rescue program that results in her having additional animals on her property on a
333 temporary basis from time-to-time. Mr. LaCroix explained that in 2005, the applicant
334 received permission from the city to build a barn, which does have a sufficient number of
335 stalls to accommodate her animals. In addition, an adjacent property owner allows Ms.

Orr's animals to graze on his property as well. Mr. LaCroix explained that the city mailed notices to adjacent property owners within 200 feet of the property. The City then received 3 responses in favor of the city granting the SUP and one in opposition of the city granting the SUP. The Planning & Zoning Commission recommended approval of this SUP by a vote of 7 to 0.

Donna Orr
2625 Rolling Meadows Drive
Rockwall, Texas

Mrs. Orr briefly explained the nature of her request and shared brief information about her animals.

Robin
2580 Rolling Meadows Drive
Rockwall, Texas

Robin came forth to express support for approval of the Specific Use Permit.

Gary Evans
2585 Rolling Meadows Drive
Rockwall, Texas

Mr. Evans came forth and expressed support for approval of the requested Specific Use Permit.

There being no one else to come forth and address the Council on this item, Mayor Cecil then closed the public hearing.

Councilmember Scott made a motion to approve the Specific Use Permit. Councilmember Sweet seconded the motion.

Mayor Pro Tem Sevier clarified that this Specific Use Permit will allow the property owner permission for one additional horse.

Mrs. Orr expressed that there is not a need for approval of more than one additional horse because she is planning on retiring soon and she and her husband are downsizing the number of animals they have already.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 08-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-E/4.0) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR A REDUCTION IN THE LAND AREA REQUIRED FOR GRAZING ANIMALS, ON A 4.6-ACRE TRACT LOCATED AT 2625 ROLLING MEADOWS DRIVE, BEING LOT 4, ROLLING MEADOWS 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 by a vote of 7 ayes to 0 nays.

3. Z2008-025 - Hold a public hearing and consider approval of an ordinance for a request by Von and Carolyn Maynard for approval of a change in zoning from (Ag) Agricultural district to (SF-E/1.5) Single Family Estate district, for a 1.97-acre tract known as part of Tract 26-2, Abstract 77, E. M. Elliott Survey, located along the west side of FM 549 north of Airport Road, and take any action necessary. (1st reading)

Mr. LaCroix explained that the plat associated with this property was approved by the Council during the Consent Agenda phase of tonight's meeting. He expressed that seven notices were sent out to adjacent property owners and that the city received back three responses in support of the change in zoning.

Tonya McNair

Customs Collections with David Weekley Homes

She was present to represent the Maynards and offered that she is present to answer any questions of the Council.

Mayor Cecil opened the public hearing. There being no one to come forth and address the council, the public hearing was then closed.

Council Sweet made a motion to approve the requested change in zoning. Councilmember Scott seconded the motion.

The ordinance was read as follows:

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (SF-E/1.5) SINGLE FAMILY ESTATE DISTRICT, ON A 1.97-ACRE TRACT KNOWN AS PART OF TRACT 26-2, ABSTRACT 77, E. M. ELLIOTT SURVEY AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A" ATTACHED HEREIN; 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 7 ayes to 0 nays.

4. Z2008-026 - Hold a public hearing and consider approval of an ordinance for a request by Rayburn Country Electric Cooperative, Inc., for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically a wind turbine, on their property located at 960

Sids Road, being approximately 7.403-acres zoned (Ag) Agricultural district and known as Tract 3-6, Abstract 26, W. H. Barnes Survey, and take any action necessary. (1st reading)

Planning Director Robert LaCroix offered background information on this item and indicated that the property owner is requesting approval to install this wind turbine to see how well it works in hopes that wind turbines can be offered to their customers in the future.

Planning Manger Michael Hampton then gave a brief presentation on the nature of the wind turbine, including a short explanation of how the wind turbine works and the estimated sound level that will be emitted from the wind turbine. Mr. Hampton explained that the wind turbine is 127 feet tall and offered that there are already some very tall towers in existence near the property. He further indicated that the noise emitted from the proposed wind turbine is anticipated to not be a problem or nuisance to adjacent property owners. He stated that if the wind turbine causes noise in excess of that allowed under the city's noise ordinance, then the applicant would have to discontinue use of the turbine. In addition, if the wind turbine is not utilized for a period of two years or more, then the SUP would be withdrawn by the city. He explained that notices were sent to adjacent property owners, but no written responses were received by the City. He indicated that the Planning and Zoning Commission recommended approval of the SUP associated with the wind turbine by a vote of 7 to 0.

John Kirkland
President of Rayburn Country Electric Cooperative, Inc.
980 Sids Road

Mr. Kirkland clarified that he would like to install this wind turbine off grid. He stated that the wind turbine would produce only about half of the electricity used at his facility. He explained that his company serves over 200,000 customers. He expressed that wind speed and power generation will be posted on the company's website in order to evaluate the effectiveness and payback associated with this wind turbine.

There being no one to come forth and address the Council on this item, Mayor Cecil closed the public hearing.

Mayor Pro Tem Sevier made a motion to approve the SUP and associated ordinance as requested. Councilmember Farris seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "UTILITY INSTALLATION, OTHER THAN LISTED," SPECIFICALLY A WIND TURBINE, WITHIN THE (AG) AGRICULTURAL DISTRICT, ON A 7.403-ACRE TRACT OF LAND LOCATED AT 960 SIDS ROAD AND DESCRIBED AS TRACT 3-6, ABSTRACT 26, W. H. BARNES SURVEY, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;

PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

5. Z2008-027 - Hold a public hearing and consider approval of an ordinance for a request by Tracy LaPiene of Allen and Ridinger Consulting, Inc., for approval of a Specific Use Permit (SUP) to allow for an "Auto Repair Garage, Minor" within the (C) Commercial zoning district, on Lot 2, Block 1, Horizon Village Addition, being a 2.181-acre tract located along the north side of Ralph Hall Pkwy east of Horizon Rd (FM 3097), and take any action necessary. (1st reading)

Planning Director Robert LaCroix offered brief background information on this item and explained that this location is near the existing Sonic, Lowes and Bel Fiore Salon. The SUP would only be for construction of a National Tire and Battery.

Mayor Pro Tem Sevier asked for clarification on how the building would be situated on the property and wanted to know if there is more than one entry and exit. Mr. LaCroix clarified that there will be two entryways/exits that would allow ingress and egress

Tracy LaPiene
Allen and Ridinger Consulting, Inc.
285 West Southwest Parkway
Lewisville, TX

Mr. LaPiene expressed that he is present to answer any questions of the Council.

Mayor Cecil opened the public hearing. There being no one to come forth and address the Council, Mayor Cecil closed the public hearing.

Councilmember Scott made a motion to approve the SUP and associated ordinance. Councilmember Russo seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 07-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW FOR AN "AUTO REPAIR GARAGE, MINOR" ON A 2.181-ACRE TRACT OF LAND KNOWN AS LOT 2, BLOCK 1, HORIZON VILLAGE ADDITION, AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A"; 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 (Sweet).

VII. ACTION ITEMS

1. Discuss and consider establishing a sub-committee to evaluate the city's financial policies as related to the use of general fund reserves as well as how to replenish and maintain the reserves and take any action necessary.

Mayor Cecil explained that he placed this item on the agenda because some questions came up during the budget process that were related to use of general fund reserves. Councilmember Nielsen stated that this is a concern of hers as well, and she asked what the timeframe would be for receiving back recommendations from this proposed sub-committee. Mayor Cecil indicated that 120 days would likely be sufficient.

Councilmember Nielsen made a motion to establish a sub-committee to evaluate a policy for use of general fund reserves and replenishment of those funds and report back to the Council with its recommendations within 120 days.

City Manager Julie Couch explained that reserves are currently accumulated by budgeting conservatively and placing any excess, unused funds into reserves at the end of each fiscal year.

Councilmember Farris seconded the motion.

Councilmember Scott expressed that he feels the City Manager has adequately expressed how the city currently budgets and replenishes reserves. He indicated that he does not necessarily see the need for establishing the proposed committee. He asked if the Council would consider including recommendations related to how funds can be budgeted in order to pay for large capital items, such as roads, instead of always having to hold bond elections and issue debt for such items.

Mayor Pro Tem Sevier expressed concern regarding possibly placing limits on how reserve funds could be used in the future because it might limit the council spending such funds when they are really needed.

Councilmember Nielsen clarified that reserves are very important to keep up the City's bond rating. Nielsen stated that she is concerned about the Council using reserves for line items in the budget that may be more appropriately spent out of the General Fund. Councilmember Sweet offered brief comments related to the Council having to make tough budgeting decisions during hard financial times. He is not certain that this issue should be handed over to a sub-committee for evaluation.

Councilmember Scott offered general comments about citizens voting to approve items that they understand will result in taxes being raised in order to pay for large items.

The motion passed by a vote of 6 ayes and 1 nay (Sweet).

2. Discuss and consider approval of the final contract price by Speed Fab Crete for the construction of Fire Stations #3 and #4 and take any action necessary.

Assistant to the City Manager Joey Boyd offered brief information on this item and indicated that Speed Fab Crete has presented final pricing to the city, which is in line with the guaranteed maximum price previously presented to the Council. The estimated

pricing on the two projects came in at \$4,759,433, which is \$78,107 over the previously approved Guaranteed Maximum Price presented to the Council by Speed Fab Crete in the past. However, Mr. Boyd explained, this \$78,107 is the responsibility of Speed Fab Crete because it is beyond the Guaranteed Maximum Price that was agreed upon.

Mr. David Bloxom with Speed Fab Crete was present to address the City Council. He indicated that over 200 bidders were invited to bid on the project, and more than 80 bidders ended up bidding on the project. He indicated that the Fire Stations will hopefully be finished, weather permitting, by June 1, 2009.

Mayor Cecil offered a motion to move forward with approval of the final contract pricing on Fire Stations #3 and #4 as presented by staff. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider status of miscellaneous road projects and take any action necessary.

Couch indicated that the grade separation associated with the railroad crossing has been approved by the railroad. She offered an explanation of how the city gained approval of for this, and she indicated that this will result in the city saving a substantial amount of money.

The FM-3097 road project from FM-740 to Tubbs Road had been a designated state road project that previously got removed from their schedule. However, it was recently picked by up again by the State and will soon be moving forward.

Couch indicated that the Bypass is currently estimated to be \$4.1 million under budget.

Couch then briefed the Council on various outstanding road projects and the estimated costs currently associated with each of these projects. City Engineer Chuck Todd offered estimated timeframes on when each project might begin and end.

Councilmember Scott expressed a desire to begin planning for roadways that are not necessarily needed now but will be needed fifteen years down the road so that they do not come up at the last minute. Couch indicated that future roadway needs and infrastructure will be discussed in depth at the Council / Staff Retreat in November.

4. Discuss and consider amending the 2006 International Fire Code to allow open burning on tracts of land 2 acres and larger and take any action necessary.

Assistant City Manager Rick Crowley briefed the Council on some of the proposed changes to the Fire Code. Mr. Crowley indicated that a property owner wishing to burn would have to seek approval from his neighbor if that neighbor is within three hundred feet of his property and would be downwind of the burn. The person wishing to burn would also have to obtain a permit from the City.

Councilmember Scott made a motion to approve the amendments as presented with a permit fee of \$0.00.

Councilmember Farris expressed that he does not support this proposal due to environmental concerns as well as the fact that city waste collection services will pick up trash and bulk items.

Councilmember Sweet seconded the motion.

Mr. Crowley clarified that a one year permit would be issued and that the permit holder would have to notify the City and receive approval prior to each burn during that one year period. Mayor Cecil stated that he would like to see the permit fee more accurately reflect the administrative costs associated with the permit and approval process.

Councilmember Scott withdrew his initial motion and then made a motion to approve the amendments as presented without a specified permit fee. Councilmember Sweet seconded the motion. The motion passed by a vote of 5 ayes to 2 nays (Farris, Sevier).

Staff is to bring back recommendations for an appropriate permit fee at the next regular City Council meeting.

5. Hear report regarding litter regulations and review of new solicitation ordinance and take any action necessary.

Building Official Jeffrey Widmer offered information on this item. He explained that the City currently charges \$5 for a solicitor's permit. Staff is now proposing a \$35 fee for a permit and a \$15 fee for an identification card. This would result in a total fee of \$50 for a permit. He indicated that if a solicitor is 13 years of age or younger, he or she would have to be supervised by a person 18 years of age or older. Also, those soliciting on the street itself would have to be at least 18 years of age or older. Mr. Widmer further indicated that the person listed on the handbill itself would be the one who would be held accountable for distribution of any handbills not associated with a city-issued permit. Mr. Widmer clarified that a non-profit organization would not need to obtain a permit according to this ordinance, but it would need to notify the police department of its intent to distribute handbills and register with the Police Department.

City Manager Couch clarified that whereas currently a lawn care company, for example, does not need to obtain a permit in order to leave a handbill on a resident's door, the company would have to first obtain a permit from the city prior to distributing that hand bill under the proposed new ordinance.

Councilmember Farris expressed concern about how best to define the word 'solicitation' so that those handing out handbills clearly understand what solicitation is and is not.

City Attorney Pete Eckert clarified that those seeking public political office would not have to obtain a permit because requiring this of those seeking office would be inhibiting freedom of speech and would not be legal.

Mayor Cecil expressed that the item as presented did not receive a motion or a second. No action was taken by the Council on this item.

6. Discuss and consider approval of a request from Dr. Thomas Ripp, Ms. Hazel Ripp and Keegan Ripp, owners of Shenaniganz, and Mr. Alan McGrew of Starlight Signs for a variance to the height of three wall signs to be located on the building currently being remodeled at 1290 E. Interstate 30 and take any action necessary.

Building Official Jeffrey Widmer indicated that the owners would like to demonstrate a hardship to the Council if they are required to install signage in accordance with the city's sign requirements.

Keegan Ripp briefed the Council and explained the nature of the business and the entertainment opportunities it will bring to the community. He explained that the city's sign requirements are posing a financial concern due to budget constraints on the part of the owners.

Mayor Cecil made a motion to approve the variance request. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

There being no further business to discuss, Mayor Cecil adjourned the regular meeting at 10:45 p.m.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, City Manager evaluation and Related Matters.
3. 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.
4. Pursuant to Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding vested rights.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

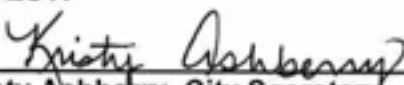
The Council did not convene in Executive Session following the regular Council meeting. No action was taken as a result of Executive Session at this time.

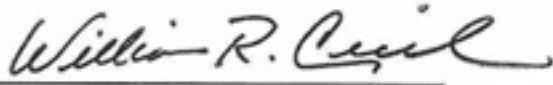
X. ADJOURNMENT

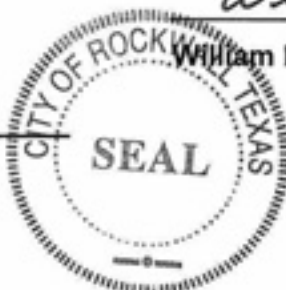
There being no further business to discuss, Mayor Cecil adjourned the meeting at 10:38 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 17th day of November, 2008.

ATTEST:


Kristy Ashberry, City Secretary


William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL

Monday, November 03, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Cecil, Mayor Pro Tem Cliff Sevier and Councilmembers Glen Farris, Margo Nielson, Mark Russo, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, City Manager evaluation and Related Matters.
3. 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.
4. Pursuant to Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding vested rights.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

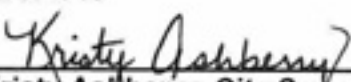
No action was taken as a result of Executive Session at this time.

V. ADJOURNMENT

There being no further business to discuss, Mayor Cecil adjourned Executive Session at 5:50 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 17th day of November, 2008.

ATTEST:


Kristy Ashberry, City Secretary




William R. Cecil, Mayor

**MINUTES
ROCKWALL CITY COUNCIL**

Monday, November 03, 2008

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Cecil, Mayor Pro Tem Cliff Sevier and Councilmembers Glen Farris, Margo Nielson, Mark Russo, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MARK RUSSO

Councilmember Russo delivered the invocation and led the pledge of allegiance.

III. PROCLAMATIONS / AWARDS

1. Mary Mock Day
2. Patriot PAWS Day

Neither proclamations nor awards were presented.

IV. OPEN FORUM

**Pastor Joe Robbins
805 Peters Colony**

Mr. Robbins thanked the Council for the new sidewalks and street improvements in the Southside community.

**Mr. Brad Tomlinson
2962 Hunters Glenn
Rockwall, TX 75032**

Mr. Tomlinson expressed concern related to speeding in neighborhoods. He shared photos with the city council of a car accident that occurred at his home when a young, 17 year old driver ran a vehicle into his home. Councilmember Sweet asked where his neighborhood is located. Mr. Tomlinson indicated that his home is located in the Fox Chase subdivision.

**Mr. Sam Buffington
509 Bourn Avenue
Rockwall, TX**

Mr. Buffington thanked the Council for the road work done on Fannin and Sam Houston Streets.

V. CONSENT AGENDA

1. Consider Change Order No. 2 for the John King Blvd., IH-30 to SH-66, and take any necessary action.
2. Consider Change Order Number 1 for the Rockwall Fire Station #3 project and take any action necessary.
3. Z2008-024 - Consider approval of an ordinance for a request by Donna Orr and Roger Shank for approval of a Specific Use Permit (SUP) to allow for a reduction in the land area required for grazing farm animals on Lot 4, Rolling Meadows Estates, being 4.6-acres zoned (SF-E/4.0) Single Family Estate district and located at 2625 Rolling Meadows Drive, and take any action necessary. (2nd reading)
4. Z2008-025 - Consider approval of an ordinance for a request by Von and Carolyn Maynard for approval of a change in zoning from (Ag) Agricultural district to (SF-E/1.5) Single Family Estate district, for a 1.97-acre tract known as part of Tract 26-2, Abstract 77, E. M. Elliott Survey, located along the west side of FM 549 north of Airport Road, and take any action necessary. (2nd reading)
5. Z2008-026 - Consider approval of an ordinance for a request by Rayburn Country Electric Cooperative, Inc., for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically a wind turbine, on their property located at 960 Sids Road, being approximately 7.403-acres zoned (Ag) Agricultural district and known as Tract 3-6, Abstract 26, W. H. Barnes Survey, and take any action necessary. (2nd reading)
6. Z2008-027 - Consider approval of an ordinance for a request by Tracy LaPlene of Allen and Ridinger Consulting, Inc., for approval of a Specific Use Permit (SUP) to allow for an "Auto Repair Garage, Minor" within the (C) Commercial zoning district, on Lot 2, Block 1, Horizon Village Addition, being a 2.181-acre tract located along the north side of Ralph Hall Pkwy east of Horizon Rd (FM 3097), and take any action necessary. (2nd reading)
7. Discuss and consider approval of an ordinance amending the Code of Ordinances in Chapter 18 Offenses and Miscellaneous Provisions to address discrepancies between the Code of Ordinances and the International Fire Code and take any action necessary.

Councilmember Sweet pulled item #6 for discussion.

Mayor Pro Tem Sevier made a motion to approve the remaining Consent Agenda items (#1, 2, 3, 4, 5, and 7). Councilmember Farris seconded the motion.

The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 08 - 58

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,

TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-E/4.0) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR A REDUCTION IN THE LAND AREA REQUIRED FOR GRAZING ANIMALS, ON A 4.6-ACRE TRACT LOCATED AT 2625 ROLLING MEADOWS DRIVE, BEING LOT 4, ROLLING MEADOWS 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.

CITY OF ROCKWALL
ORDINANCE NO. 08 - 60

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (SF-E/1.5) SINGLE FAMILY ESTATE DISTRICT, ON A 1.97-ACRE TRACT KNOWN AS PART OF TRACT 26-2, ABSTRACT 77, E. M. ELLIOTT SURVEY AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A" ATTACHED HEREIN; 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.

CITY OF ROCKWALL
ORDINANCE NO. 08- 61

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "UTILITY INSTALLATION, OTHER THAN LISTED," SPECIFICALLY A WIND TURBINE, WITHIN THE (AG) AGRICULTURAL DISTRICT, ON A 7.403-ACRE TRACT OF LAND LOCATED AT 960 SIDS ROAD AND DESCRIBED AS TRACT 3-6, ABSTRACT 26, W. H. BARNES SURVEY, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

Councilmember Scott made a motion to approve Consent Agenda item #6.
Councilmember Farris seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 08- 59

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW FOR AN "AUTO REPAIR GARAGE, MINOR" ON A 2.181-ACRE TRACT OF LAND KNOWN AS LOT 2, BLOCK 1, HORIZON VILLAGE ADDITION, AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A"; 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 (Sweet).

City Secretary Kristy Ashberry mistakenly overlooked the reading of the ordinance caption for Consent Agenda Item #7. Therefore, Mayor Cecil opted for a re-vote specifically on Consent Agenda item #7. Mayor Pro Tem Sevier made a motion to approve Consent Agenda item #7. Councilmember Farris seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 18 OFFENSES AND MISCELLANEOUS PROVISIONS FOR COMPLIANCE WITH THE 2006 INTERNATIONAL FIRE CODE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

VI. APPOINTMENTS

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

Chairman Bill Bricker was not present to address the Council but instead e-mailed brief comments to council members for their consideration.

2. Appointment with Omega Hawkins, General Manager of Kaufman Area Rural Transportation, to provide and annual report to the Council for 2007-2008 and request funding for transportation services for the 2008-2009 fiscal year and take any necessary action.

Omega Hawkins
Combine, Texas

Ms. Hawkins indicated that 10,246 rides were given from September 1, 2007 through August 30, 2008 in Rockwall. She further indicated that four full time busses and drivers are dedicated to Rockwall.

388 riders have Rockwall addresses.

Councilmember Nielsen made a motion to provide \$20,000 in funding to KART for Fiscal Year 2008-2009. Mayor Pro Tem Sevier seconded the motion.

General discussion took place related to the cost associated with taking riders into areas located in Dallas County. Ms. Hawkins indicated that those who are escorting the elderly to doctor appointments do ride free of charge with KART.

The motion passed by a vote of 7 ayes to 0 nays.

3. Appointment with Margie VerHagen, Executive Director of Rockwall County Committee on Aging, to further discuss an annual report on RCCOA's activities and to request funding for the 2008-2009 budget year and take any action necessary.

Margie VerHagen

Executive Director of Rockwall County Committee on Aging

RCCOA is currently providing 81 elderly and disabled residents with meals delivered to their homes. It costs approximately \$6.00 to provide and deliver these meals to their homes. The meals have increased in cost by .50 cents per meal, which is approximately an eight percent increase in meals. Additional meals are delivered to and served at congregate sites where the elderly and disabled meet. Ms. VerHagen indicated that she anticipates about a 10-15 % increase in the numbers of persons who will be served this year compared to last year.

Councilmember Sweet made a motion to give \$20,000 to RCCO for fiscal year 2008-2009. Council Nielsen seconded the motion. Councilmember Nielsen asked that Ms. VerHagen work with staff member Joey Boyd in the future in order to come up with a more concrete budget proposal for any additional funding in the future.

The motion passed by a vote of 6 ayes to 1 nay (Farris).

4. Appointment with a representative of Rockwall Alliance for the Arts to receive their annual report and take any action necessary.

Kathleen Morrow

2920 Starboard

Rockwall, TX

Ms. Morrow provided the Council with a general update on the program applicants and the numbers of students that they are able to fund. She indicated that the Alliance is only able to fund about half of their applicants this year. She stated that the poor economy has negatively impacted their fundraising efforts.

- 299
300
301
302 5. Appointment with Mac Jones representing Hammond Jones Real Estate
303 Development LLC to discuss a variance to the screening requirements
304 contained in Article VIII, Landscape Standards, Section 5.6 Screening
305 from Residential Uses of the City of Rockwall Unified Development Code,
306 in association with the proposed Canyon Ranch apartment development
307 located on Yellow Jacket Lane, and take any action necessary.

308
309 Harold Snyder, the Homeowners Association President for Waterstone Estates, indicated
310 that he and the developer have come to an agreement that a steel fence will be installed
311 as well as landscaping (100 trees). Mr. Snyder stated that the HOA would like an eight
312 foot fence, instead of a six foot fence, installed as well as non-glare, directional lighting
313 pointed away from the Waterstone Estates neighborhood.
314

315 Planning Director Robert LaCroix clarified that the developer is required to put in
316 approximately 423 inches, which will equate to at least 100 trees, depending on if they
317 are 3" or 4" trees. The city's minimum size is 3" trees. Mr. Jones indicated that putting
318 in many more trees will cause many trees to be destroyed in the process.
319

320 General discussion took place related to the most desirable size tree that should be
321 installed in order to fill in the open spaces and diminish the amount of noise originating
322 from the apartment complex.
323

324 Mr. Farris asked Mr. Snyder how the HOA was communicated with and how the
325 discussions went. Mr. Snyder indicated that most of the discussions took place at the
326 board level and that nearly all homeowners located immediately adjacent to the
327 development were contacted.
328

329 Councilmember Farris indicated that he looked at the landscaping plan and feels as
330 though it is a good, solid plan that will meet the needs and desires of the homeowner's
331 association. He indicated that he feels that 100 additional trees (beyond the 433" already
332 required) would not be feasible.
333

334 Councilmember Nielsen made a motion to approve an eight foot tubular steel fence and
335 that staff be authorized to accept a revised landscape site plan showing where additional
336 trees will be located, including in front of the pool and in existing open areas.
337 Councilmember Farris seconded the motion.
338

339 Councilmember Sweet expressed that he will not support the motion because some
340 other possibilities could have been discussed, including the possibility of combination
341 masonry and tubular fencing.
342

343 Mr. LaCroix indicated that lights are always shielded and pointed downward so that light
344 does not emanate upward.
345

346 The motion failed by a vote of 2 ayes and 5 nays (Sweet, Scott, Cecil, Russo and Sevier).
347
348

VII. PUBLIC HEARING ITEMS

1. H2008-006 - Hold a public hearing and consider approval of an ordinance for a city-initiated request for a Historic Landmark designation for the Rockwall Flower Shop located at 102 S. Goliad, and take any action necessary. The tract is zoned (DT) Downtown and is located outside of the Old Town Rockwall Historic District and identified as a "Contributing Property" within the Downtown Historic & Architectural Survey. (1st Reading)

Planning Director Robert LaCroix offered background information on this item, including a brief history of the building. Mr. LaCroix stated that historians believe the building used to be a dry goods store. The Planning & Zoning Commission recommended naming the building the Heath-Jones Mercantile Building. Mr. LaCroix indicated that the architecture is representative of "turn of the Century" buildings. The Commission recommended approval of this request for an historic designation. LaCroix indicated that a certificate of appropriateness would have to be obtained prior to making any aesthetic changes to the building. Any major changes to the building façade would have to be changes that work towards taking the building back to the original, historic façade.

Mayor Cecil opened the public hearing. There being no one to come forth and address the Council on this item, Mayor Cecil closed the public hearing.

Councilmember Farris made a motion to approve the historic designation request. Councilmember Russo seconded the motion and commented that the building owner is in favor and is looking forward to this historic designation.

The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE V, SECTION 6.2 HISTORIC OVERLAY DISTRICT TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR THE DESIGNATION OF A LANDMARK DISTRICT KNOWN AS THE HISTORIC "HEATH-JONES MERCANTILE", BEING 102 SOUTH GOLIAD, BLOCK N, PART OF LOTS 1 & 2, ROCKWALL OLD TOWN 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 7 ayes to 0 nays.

2. H2008-008 - Hold a public hearing and consider approval of an ordinance for a city-initiated request for a Historic Landmark designation for the Jordan House located at 109 St. Marys Street, and take any action necessary. The tract is zoned (SF-7) Single Family and is located outside of the Old Town Rockwall Historic District and identified as a "High Contributing Property" within the Historic survey. (1st Reading)

Councilmember Farris made a motion to approve the historic designation request. Council Russo seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE V, SECTION 6.2 HISTORIC OVERLAY DISTRICT TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR THE DESIGNATION OF A LANDMARK DISTRICT KNOWN AS THE HISTORIC "OLD JONES HOUSE", BEING 109 ST. MARY'S, BLOCK 117, LOT A, BF BOYDSTON ADDITION; AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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.

VIII. ACTION ITEMS

1. Discuss and consider approval of a revised "Exhibit A" associated with the open burning ordinance (#08-57) which allows burning on tracts of land 2 acres and larger and take any action necessary.

Assistant City Manager Rick Crowley offered brief background information on this item. He indicated that the Council had requested that staff set an appropriate permit fee associated with permitting burning on tracts of land 2 acres and larger.

Fire Chief Mark Poindexter indicated that staff recommends a \$50 inspection fee during normal business hours and a \$155 inspection fee after hours and on weekends. These permit fee amounts are based on the estimated administrative time it will take to inspect the site prior to the burn, and the increased amount recommended for after hours and on weekends is to discourage residents from calling staff out to perform inspections during these hours. Some general discussion took place related to smoke blowing across roadways and the possible associated need for traffic control / direction.

Councilmember Farris indicated that he is not in favor of a \$50 fee. He feels that a one time \$25 fee to pull the permit would be appropriate.

Councilmember Scott made a motion to approve revised Exhibit A with a cost of \$25 to pull the one year permit and \$25 for each burn inspection. Councilmember Sweet seconded the motion.

Mayor Cecil expressed that he is not in support of anything less than what staff has recommended.

Councilmember Scott made a motion to approve a revised Exhibit A with a one year permit fee of \$25. Councilmember Sweet seconded the motion. The motion passed by a vote of 4 ayes to 3 nays (Sevier, Farris, Cecil).

Councilmember Scott made a motion to approve a revised Exhibit A with a per burn inspection fee of \$25. Councilmember Sweet seconded the motion. The motion failed by a vote of 3 ayes to 4 nays (Nielsen, Cecil, Sevier, Farris).

Councilmember Farris made a motion to approve the staff recommendation for a \$50 per burn inspection fee during normal working hours and \$150 inspection fee for after hours and weekend burns. Councilmember Nielsen seconded the motion. The motion passed by a vote of 4 ayes to 3 nays (Sweet, Scott, Russo).

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

1. Departmental Reports
 - Finance Monthly Report
 - Fire Department Monthly Report
 - Parks and Recreation/ Streets Monthly Reports
 - Police Department Monthly Report
 - Police Department Quarterly Report
 - Quarterly Report from Rockwall County Committee on Aging

Chief Poindexter explained that staff is working to resolve a problem that has been discovered related to the time that an audio recording of a call records versus the time that the CAD system is recording. One recording mechanism is showing some calls to be out of compliance while the other system shows those same calls to be in compliance.

Mayor Cecil recognized the Finance report, specifically that revenues exceeded expenditures. He noted that thirteen days of reserves were added to the reserve budget for the city as a result of these savings.

2. City Manager's Report

City Attorney Pete Eckert indicated that the State Attorney General Abbott has deemed that general agenda items, such as the City Manager's Report, can no longer be listed in a general manner. Instead, the attorney general has ruled that this type of agenda item needs to be specifically listed in order for the Council to be able to discuss such items with the City Manager during an open meeting.

City Manager Couch indicated that the city is hosting a groundbreaking ceremony for the new fire stations this coming Monday at 5:00 p.m. near Springer Elementary.

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

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

- 501 2. Personnel Issues, including Board, Commission, and Committee
502 Appointments, City Manager evaluation and Related Matters.
- 503 3. Commercial or financial information regarding business prospects that the
504 City seeks to have locate, stay, or expand in or near the territory of the
505 City of Rockwall and with which the Board is conducting economic
506 development negotiations.
- 507 4. Pursuant to Pursuant to Section 551.071(2) of the Open Meetings Act:
508 with regard to matters in which the duty of the attorney to the
509 governmental body under the Texas Disciplinary Rules of Professional
510 Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and
511 regarding vested rights.

512

513 XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

514

515 No action was taken as result of Executive Session.

516

517 XII. ADJOURNMENT

518

519 There being no further business to discuss, Mayor Cecil adjourned the meeting at 8:30
520 p.m.

521

522 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
523 this 17th day of November, 2008.

524

525

526 ATTEST:

527 Kristy Ashberry
528 Kristy Ashberry, City Secretary
529

William R. Cecil
William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, November 17, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Cecil, Mayor Pro Tem Cliff Sevier and Council members Glen Farris, Mark Russo, Matt Scott and David Sweet. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council member Margo Nielsen was absent.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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 Council is conducting economic development negotiations.
4. Pursuant to Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding vested rights.

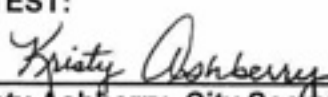
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

V. ADJOURNMENT

There being no further business to discuss, Mayor Cecil adjourned Executive Session at 5:50 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 1st day of December, 2008.

ATTEST:


Kristy Ashberry, City Secretary




William R. Cecil, Mayor

AGENDA
ROCKWALL CITY COUNCIL
Monday, November 17, 2008
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Cliff Sevier and council members Glen Farris, Mark Russo, David Sweet and Matt Scott. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council member Margo Nielsen was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM CLIFF SEVIER

Mayor Pro Tem Sevier delivered the invocation and led the Pledge of Allegiance.

III. CONSENT AGENDA

1. Consider approval of the minutes from the September 29-30, 2008 Special Meeting of the City Council and take any action necessary.
2. Consider approval of the minutes from the October 6, 2008 regular City Council Meeting and take any action necessary.
3. Consider approval of the minutes from the October 20, 2008 regular City Council Meeting and take any action necessary.
4. Consider approval of the minutes from the November 3, 2008 regular City Council Meeting and take any action necessary.
5. Discuss and consider approval of an **ordinance** amending Chapter 15, Article XI "Alarm Systems" of the City of Rockwall Code of Ordinances and take any action necessary (2nd reading).
6. Consider approving a contract with Kaufman Area Rural Transportation for transportation services in the City of Rockwall and take any action necessary.
7. Consider approving a contract with Rockwall County Committee on Aging for Senior Services in the City of Rockwall and take any action necessary.
8. Consider the award and purchase of 2009 Police Pursuit Vehicles and take any action necessary.
9. H2008-006 - Consider approval of an **ordinance** for a city-initiated request for a Historic Landmark designation for the "Heath-Jones Mercantile" building located at 102 S. Goliad, and take any action necessary. The tract is zoned (DT) Downtown and is located outside of the Old Town Rockwall Historic District and identified as a "Contributing Property" within the Downtown Historic & Architectural Survey. (2nd Reading)
10. H2008-008 - Consider approval of an **ordinance** for a city-initiated request for a Historic Landmark designation for the "Old Jones House"

located at 109 St. Mary Street, and take any action necessary. The tract is zoned (SF-7) Single Family and is located outside of the Old Town Rockwall Historic District and identified as a "High Contributing Property" within the Historic survey. (2nd Reading)

11. Consider the award of the construction management contract, with TCB, for the Downtown Water and Sanitary Sewer Construction Project and take any action necessary.
12. Consider the abandonment of a drainage easement related to the Rockwall Firestone Project and take any action necessary.
13. Consider award and purchase of a new service truck for the Parks Department and take any action necessary.
14. Consider adoption of a resolution setting user fee for Harry Myers Park Amphitheater and take any action necessary.
15. Discuss and consider adoption of an **ordinance** amending the 2006 International Fire Code to allow open burning on tracts of land 2 acres and larger and take any action necessary (1st reading).

Council member Farris pulled item #7 so that he can recuse himself from the vote.

Council member Sweet pulled item #8 for discussion. Council member Russo pulled item #1 and item #14 for discussion.

Mayor Cecil made a motion to approve the remaining consent agenda items (items #2, 3, 4, 5, 6, 9, 10, 11, 12, 13, and 15). Mayor Pro Tem Sevier seconded the motion.

The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 08-62

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING ARTICLE XI, CHAPTER 15 OF THE CODE OF ORDINANCES, ALARM SYSTEMS, BY AMENDING SECTION 15-232, SECTION 15-236, AND SECTION 15-241 AS PREVIOUSLY ADOPTED BY ORDINANCE #02-48 AND AMENDING SECTION 15-239 AS PREVIOUSLY ADOPTED BY ORDINANCE #03-04, PROVIDING A SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 08-63

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE V, SECTION 6.2 HISTORIC OVERLAY DISTRICT, TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR THE DESIGNATION OF A LANDMARK DISTRICT KNOWN AS THE HISTORIC "HEATH-JONES MERCANTILE", LOCATED AT 102 SOUTH GOLIAD AND DESCRIBED AS BLOCK N, PART OF LOTS 1 & 2, ROCKWALL OLD TOWN ADDITION; PROVIDING FOR SPECIAL

136 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
137 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
138 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
139 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
140

141 CITY OF ROCKWALL
142 ORDINANCE NO. 08-64
143

144 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
145 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-
146 38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY
147 AMENDING ARTICLE V, SECTION 6.2 HISTORIC OVERLAY DISTRICT,
148 TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR
149 THE DESIGNATION OF A LANDMARK DISTRICT KNOWN AS THE
150 HISTORIC "OLD JONES HOUSE", LOCATED AT 109 ST. MARY
151 STREET AND DESCRIBED AS BLOCK 117, LOT A, BF BOYDSTON
152 ADDITION, AND MORE SPECIFICALLY DESCRIBED HEREIN AS
153 EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
154 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
155 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING
156 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
157 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
158

159 CITY OF ROCKWALL
160 ORDINANCE NO. 08-57
161

162 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
163 TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF
164 ROCKWALL IN CHAPTER 10 FIRE PREVENTION AND PROTECTION
165 AMENDING THE 2006 INTERNATIONAL FIRE CODE BY THE ADDITION
166 OF SECTION 307.2.2 EXCEPTION TO THE PROHIBITION ON OPEN
167 BURNING AND MODIFYING SECTION 3301.1.3 FIREWORKS; PROVIDING
168 FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO
169 THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL
170 BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A
171 VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE;
172 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
173 EFFECTIVE DATE.
174

175 The motion passed by a vote of 6 ayes and 1 absent (Nielsen).

176 Council member Russo pulled action item #1 because he was absent the first portion of
177 the meeting and did not need to vote on the item. Council member Farris made a motion
178 to approve action item #1. Councilmember Sweet seconded the motion. The motion
179 passed by a vote of 5 ayes, 1 abstention (Russo) and 1 absent (Nielsen).

180 Mayor Cecil made a motion to approve action item #7. Councilmember Sweet seconded
181 the motion. The motion passed by a vote of 5 ayes, 1 recusal (Farris) and 1 absent
182 (Nielsen).

183 Council member Sweet stated that he is okay with this item since it has already been
184 included in the newly adopted budget. Council member Sweet made a motion to approve
185 item #8. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6
186 ayes and 1 absent (Nielsen).

Council member Russo pulled action item #14 because he felt the fees are not reasonable. He suggested that the fee be lowered. Russo then made a motion to amend the resolution to approve fees in the amounts of \$50 for residents and \$100 for non-residents. Council member Scott seconded the motion. Council member Farris asked if these fees reflect the staff time involved in renting the amphitheater. Parks Director Brad Griggs indicated that staff time is involved in escorting users down to the amphitheater and back. Staff also has to prep the area in some cases as well as pick up trash and help clean up after an event is over. Griggs stated that the Harbor Amphitheater is \$200 an hour compared to the \$100 and \$200 flat fee per use being proposed in this resolution. Council member Farris stated that he is not in support of the motion. Mayor Pro Tem Sevier stated that he is in agreement with the Parks Director's proposal. He indicated that user fees are necessary so that taxes do not have to be raised at some point. Griggs indicated that the Park Board talked at length about the fees before unanimously agreeing to set the fees at those being proposed this evening. Mayor Cecil called for the vote, and the motion failed by a vote of 1 for (Russo) 5 against (Sweet, Scott, Cecil, Sevier, Farris) and 1 absent (Nielsen).

Council member Sweet made a motion to approve Consent Agenda item #14 as presented by staff. Council member Farris seconded the motion. The motion passed by a vote of 5 for, 1 against (Russo) and 1 absent (Nielsen).

IV. APPOINTMENTS

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

Chairman Bill Bricker was present and offered brief comments to the council regarding planning & zoning related items on the Council agenda.

2. Appointment with Greg Hooten of TCB to present a status report on the John King Blvd. Project and take any action necessary.

Greg Hooten was present to give a status report on the John King Boulevard project. He indicated that the project is broken up into seven, randomly ordered phases. He then gave a very brief description of each phase as well as the status and level of completion related to each phase. He indicated that about twenty percent of the overall project is not yet complete. The estimated completion date for the portion that is under TCB's control is the end of December of this year. One portion, the at grade railroad crossing section, has to be completed by a contractor of the railroad. Thus, it is not certain when this will be complete. Mr. Hooten indicated that it may be complete within three to four months, but this is likely an optimistic projection.

No action was taken on this item at this time.

V. PUBLIC HEARING ITEMS

1. H2008-007 - Hold a public hearing and consider approval of an ordinance a city-initiated request for a Historic Landmark designation for the Hall Office Building located at 102 San Jacinto, and take any action necessary. The tract is zoned (DT) Downtown and is located outside of the Old Town Rockwall Historic District and identified as a "Contributing

Property" within the Downtown Historic & Architectural Survey. (1st reading)

Planning Director Robert LaCroix gave brief background information on this item. He indicated that the building used to look quite a bit different than it does today. He stated that the structure was originally built as a bank. A public hearing was conducted at the Historic Preservation Advisory Board level, and the item also went before the Planning & Zoning Commission for consideration. Both of these boards recommended approval of this Historic Landmark designation. Mr. LaCroix stated that Mr. Blakeley Hall, the owner of the building, is opposed to the Historic Landmark designation. Therefore, it requires a super majority vote of the Council.

Mr. Blakeley Hall stated that this building has been in his family for more than sixty years. He indicated that he does not mind it being referred to as a 'landmark.' However, he feels as though this type of designation causes him to go through additional processes to make aesthetic modifications to the building, and he is not in favor of having to do so.

Councilmember Farris asked Mr. Hall if he plans to preserve the building if it is not designated as a Historic Landmark. He stated that he plans to get rid of the glass block windows in the front of the building in the future. Mayor Pro Tem Sevier indicated that he does not necessarily believe the building needs to be historically landmarked.

There being no one else to come forth and address the council on this item, Mayor Cecil closed the public hearing.

Councilmember Sweet indicated that he believes the Hall Family does plan to maintain the building in a historical manner. Since he believes the family, in good faith, does plan to maintain the building in a historical manner, and since the family does not wish to have the designation, he will not support the Historic Landmark designation. Councilmember Scott agreed that the designation is not appropriate at this point. Councilmember Farris.

Councilmember Farris made a motion to table this item until all council members are present. Councilmember Scott seconded the motion. Some discussion took place. The Mayor then called for the vote. The vote failed by a vote of 1 (Farris), 5 nays (Sweet, Scott, Cecil, Russo, Sevier) and 1 absent (Nielsen).

Mayor Cecil made a motion to deny the Historic Landmark designation. Councilmember Scott seconded the motion. The motion passed by a vote of 5 ayes, 1 abstention (Farris) and 1 absent (Nielsen).

2. A2008-006 (6:00 pm) - Hold a public hearing and consider a City-initiated request to annex land in accordance with a previously approved Chapter 212 Texas Local Government Code Development Agreement, specifically for approximately 9.96-acres located along the north side of SH 66 east of FM 1141 and contiguous to the existing City Limits line. (1st Public Hearing)

Planning Director Robert LaCroix offered brief comments about this item and indicated that no action on the part of Council is required this evening. Mayor Cecil opened the public hearing. There being no one to come forth and address the Council on this item, the Mayor then closed the public hearing. No action was taken on the part of Council at this time.

3. A2008-006 (6:30 pm) - Hold a public hearing and consider a City-initiated request to annex land in accordance with a previously approved Chapter 212 Texas Local Government Code Development Agreement, specifically for approximately 9.96-acres located along the north side of SH 66 east of FM 1141 and contiguous to the existing City Limits line. (2nd Public Hearing)

Mr. LaCroix indicated that this is the second public hearing on this item tonight.

Mayor Cecil opened the public hearing. There being no one to come forth and address the Council on this item, the Mayor then closed the public hearing.

No action was taken on the part of Council at this time.

VI. SITE PLANS / PLATS

1. SP2008-030 - Discuss and consider a request by Ross Ramsay of Ramsay Architects for approval of a variance to the Architectural Standards of the IH-30 Overlay district, Article V of the Unified Development Code, specifically to allow for more than 50% stucco on a proposed building (3/4 vote by Council required), and an exception to the minimum parking requirements, Article VI of the Unified Development Code (simple majority vote by Council required), in association with a site plan for Phase 2 of the McClintock Building, located on a Lot 5, Block A, Shoreline Plaza Addition, being 0.574-acre zoned (PD-32) Planned Development No. 32 district and located at 2850 Shoreline Trail, and take any action necessary.

Mayor Cecil indicated that the stucco exception will require a ¾ majority vote. The request for an exception to the minimum parking requirements will only require a simple majority vote. Planning Director Robert LaCroix offered brief background information on this item. Mr. LaCroix indicated that the Planning & Zoning Commission recommended approval of the stucco-related exception. Regarding the parking requirement, Mr. LaCroix stated that another 8,000+ square feet of parking is proposed to be added, resulting in about 14,669 total square feet of parking. He further indicated that the applicant hopes to have a shared parking arrangement with the adjacent property in the future. The Planning & Zoning Commission also recommended approval of the exception request related to the minimum parking requirements.

Mr. McClintock
166 Yorkshire
Heath, TX

Regarding the stucco related exception, Mayor Cecil made a motion to approve the 80% stucco. Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Nielsen).

Councilmember Scott made a motion to grant the exception on the minimum parking requirements. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Nielsen).

VII. ACTION ITEMS

1. A2008-003 - Discuss and consider approval of development agreements that have been offered, in accordance with Chapters 43 and 212 of the Texas Local Government Code, to property owners within the proposed 1505.26-acre annexation area generally located along the south side of SH 276 and west of FM 550, and contiguous to the existing City Limits line, and take any action necessary.

Planning Director Robert LaCroix read into the record the following 212 agreements that have been received by the City:

Ronald G. and Cindy L. Wylie
Dowell Road Addition, Lot 7R (5,980 acres)

Steve A. Bobalik
J.H. Bailey, Tract 4-01 (9.00 acres) & AB 46 (Part of 10 acre tract)

Steven D. Sexton
Lot 4 of Dowell Road Addition, Lot 4, (3.787 acres)

Richard H. Mills
JH Bailey, Tract 1 (5 acres)

Craig Jackson
JH Bailey, Tract 8-3 (1.5 acres)

Timothy E. White
R. Dickens, Tract 8 (2.77 acres)

Rainey D. and Sonja Pearce
Dowell Road Addition. Lot 3 (3.787 acres)

Harry Schroeder
JH Bailey, Tract 4 (30.15 acres)

Ming Tao Ho & Julie Ann Chou
JH Bailey, Tract 4-1 (30.31 acres)

Ming Tao Ho & Julie Ann Chou
JH Bailey, Tract 4-3 (30.31 acres)

379 **Ronald W. & Holly Burkett**
380 **JH Robnett Tract 1-5 (5.761 acres)**

381
382 **David L. and Amanda Turner**
383 **Dowell Road Addition, Lot 6R (5.980 acres)**

384
385 **Mayor Cecil made a motion that the 212 agreements be accepted and that they be**
386 **executed by the city. Council member Scott seconded the motion. The motion passed**
387 **by a vote of 6 ayes to 1 absent (Nielsen).**

- 388
389 2. A2008-003 - Discuss and consider approval of an ordinance for a City-
390 initiated request to annex land of approximately 1505.26-acres generally
391 located along the south side of SH 276 and west of FM 550, and
392 contiguous to the existing City Limits line, and take any action necessary.
393 (2nd reading)

394 **Mayor Cecil made a motion to continue this item until the next regular Council meeting.**
395 **Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1**
396 **absent (Nielsen).**

- 397
398 3. A2008-002 - Discuss and consider approval of development agreements
399 that have been offered, in accordance with Chapters 43 and 212 of the
400 Texas Local Government Code, to property owners within the proposed
401 162.88-acre annexation area generally located east of FM 1141, south of
402 Clem Road and west of FM 549, and take any action necessary.

403 **Planning Director Robert LaCroix read into the record the following 212 agreements**
404 **received by the City at this time:**

405
406 **Allen G. Stevenson Et Ux**
407 **WM Dalton, Tract 22 (20.74 acres)**

408
409 **Greg W. & Pamela L. McCallum**
410 **WM Dalton, Tract 24 (19.06 acres – part of 20.06 acre tract)**

411
412 **Mayor Cecil made a motion to accept the agreements that have been received and to**
413 **execute them. Councilmember Sweet seconded the motion. The motion passed by a**
414 **vote of 6 ayes to 1 absent (Nielsen).**

- 415
416 4. A2008-002 - Discuss and consider approval of an ordinance for a City-
417 initiated request to annex land of approximately 162.88-acres generally
418 located east of FM 1141, south of Clem Road and west of FM 549, and
419 contiguous to the existing City Limits line, and take any action necessary.
420 (2nd reading)

421
422 **Mayor Cecil made a motion to move forward with the annexation subject to the**
423 **developmental agreements. Councilmember Farris seconded the motion. The ordinance**
424 **was read as follows:**

CITY OF ROCKWALL, TEXAS
ORDINANCE # 08-66

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 162.88 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent (Nielsen).

5. Discuss and consider an agreement related to ETJ boundaries and take any action necessary.

City Manager Julie Couch offered background information on this item. She indicated that the area in question involves the cities of Lavon, Nevada, Wylie and Garland and is related to an ETJ area north of the city's current ETJ. This area is currently in Garland's ETJ. Not all cities have approved the draft ETJ agreement. Once Rockwall, Nevada, Wylie and Lavon have approved the agreement, it will then go to the City of Garland for final approval.

Mayor Cecil made a motion to accept the boundary agreement as presented. Mayor Pro Tem Sevier seconded the motion.

Councilmember Scott indicated that he is not in support of this boundary agreement because it is not in Rockwall Independent School District nor is it in Rockwall County.

The motion failed by a vote of 3 ayes, 3 nays (Sweet, Scott, Sevier) and 1 absent (Nielsen).

Couch asked if this item can be brought forth again when no council members are absent and the full council is present for a vote. Mayor Cecil agreed that this issue can be brought forth again for consideration by the full council at a later date.

6. Discuss and consider forming a council sub-committee to evaluate a City Awards program for citizens and take any action necessary.

Councilmember Sweet made a motion to form a city awards council subcommittee. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Nielsen).

Couch suggested that the council's "Facilities Naming" subcommittee be considered to fulfill these duties in addition to its current duties.

7. Discuss and consider contract with Rockwall County Elections Administrator and take any action necessary.

Couch stated that prior to contracting with the County Election Administrator, the City of Rockwall conducted all of the early and regular voting on its own. Even if the City chooses to take these responsibilities back, the City would still depend on the County to use its counting equipment to count the balloted votes and do the tabulations.

Council members, in general, expressed frustration and dissatisfaction with the number of hours it took the County Elections Administrator to tabulate the results of the most recent election. After much discussion, Councilmember Scott made a motion to no longer contract with the Rockwall County elections administrator in future elections for anything other than the basics that we have to have for elections. After some discussion, Councilmember Scott withdrew his motion.

Councilmember Scott made a motion that a resolution be drawn up for consideration by the Council to be sent to the county elections board expressing dissatisfaction with the last election. Councilmember Sweet seconded the motion. After some discussion, the motion passed by a vote of 6 ayes to 0 nays with 1 absent (Nielsen).

There being no further business to discuss, Mayor Cecil recessed the meeting into Executive Session at 8:38 p.m.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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 Council is conducting economic development negotiations.
4. Pursuant to Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding vested rights.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Scott made a motion to approve an amendment to the BLD License Agreement approving an extension of the period for election of refund to June 1, 2009. The motion was seconded by Mayor Pro Tem Sevier. The motion passed by a vote of 5 ayes, 1 nay (Cecil) and 1 absent (Nielsen).

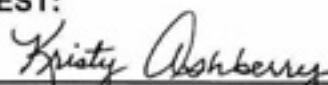
Scott made a motion to approve an amendment to the Consulting Agreement with BLD to include an on hold period from January 15, 2009 to May 15, 2009. The motion was seconded by Farris and passed by a vote of 5 ayes, 1 nay (Cecil) and 1 absent (Nielsen).

517
518 X. ADJOURNMENT
519

520 There being no further business to discuss, Mayor Cecil adjourned the meeting at 9:30
521 p.m.

522 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
523 this 1st day of December, 2008.

524
525
526 ATTEST:

527 
528 _____
529 Kristy Ashberry, City Secretary



William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Monday, December 01, 2008

4:00 p.m. Pre-Council Meeting

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

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Cecil, Mayor Pro Tem Cliff Sevier and Council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding modifications to the settlement agreement/development plan – Skorburg and regarding pending litigation – Zollner Brooks v. City of Rockwall.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Executive Session action was taken at the end of the meeting (see below, page 9).

IV. ADJOURNMENT

Mayor Cecil adjourned the Executive Session portion of the meeting at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 15th day of December, 2008.

ATTEST:

Kristy Ashberry
Kristy Ashberry, City Secretary



AGENDA
ROCKWALL CITY COUNCIL

Monday, December 01, 2008

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Cecil, Mayor Pro Tem Cliff Sevier and Council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER GLEN FARRIS

Councilmember Farris delivered the invocation and led the Pledge of Allegiance.

III. OPEN FORUM

No one came forth to address the Council during Open Forum.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the November 17, 2008 Regular City Council meeting and take any action necessary.
2. Consider approval of an amendment to our Engineering Services Agreement with PBS&J for the addition of the engineering services for the reconstruction of the existing Shadydale Lane and take any necessary action.
3. P2008-039 - Discuss and consider a request from Sy Pham of SP Design & Build for approval of a final plat for Lot 3, Block 1, Meadowcreek Business Center Phase 3 Addition, being a 1.35-acre tract zoned (C) Commercial district and located along the east side of SH 205, south of SH 276, and take any action necessary.
4. Consider bid award for construction of pedestrian trail segments and take any action necessary.
5. Discuss and consider adoption of an ordinance amending the 2006 International Fire Code to allow open burning on tracts of land 2 acres and larger and take any action necessary (2nd reading).

Councilmember Nielsen pulled item #1 for discussion.

Councilmember Farris made a motion to approve the remainder of the Consent Agenda (items #2, 3, 4, and 5). Councilmember Sweet seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 08-57

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 10 FIRE PREVENTION AND PROTECTION AMENDING THE 2006 INTERNATIONAL FIRE CODE BY THE ADDITION OF SECTION 307.2.2 EXCEPTION TO THE PROHIBITION ON OPEN BURNING AND MODIFYING SECTION 3301.1.3 FIREWORKS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

Councilmember Nielsen pulled Consent Agenda item #1 in order to abstain from the vote since she was absent from that particular City Council meeting. Mayor Cecil made a motion to approve Consent Agenda Item #1. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes and 1 abstention (Nielsen).

V. APPOINTMENTS

1. Appointment with Roger Hamm with Speed Fab Crete to give an update on the Fire Stations #3 and 4 Construction Project and take any action necessary.

Mr. Hamm indicated that the crew is two weeks into the projects, and so far they are on schedule. He stated that the projects are expected to be completed by the end of June of 2009. No action was taken by Council on this agenda item.

2. Discuss and consider acceptance of the Public Safety Radio System Expansion Study and take any action necessary.

Keith Witt with Trott Communications in Irving, TX was present to brief the council on the project and answer any technical questions. He indicated that the coverage of the current radio system is not at optimal performance at this time. He stated that what used to be adequate coverage on the current system has been compromised due to new buildings and structures that now interfere with radio system coverage. Mr. Witt indicated that additional enhancements are needed in order to overcome current coverage concerns and ensure radio coverage is adequate in certain areas of the city.

Councilmember Nielsen and Mayor Cecil indicated that additional information is needed from Careflight and from Presbyterian Hospital in order to make informed, final decisions regarding expansion of the current radio system.

Councilmember Sweet asked for an explanation of the height of the radio tower. Witt explained that it would be approximately 200 feet tall and would be designed in a way that would be less visual obtrusive. It is also anticipated that a flag pole of some sort may be attached to it in order to make it less visually obtrusive.

Mayor Cecil asked if this study included the City of Heath since it is a part of the current radio system. Director of Internal Operations Joey Boyd stated that this study did in fact include the City of Heath, and they have no issues with the recommendations for the system expansion.

City Manager Julie Couch stated that more detailed financing information as well as answers to questions and issues that were raised this evening will be brought back to the Council within the next sixty days. Thereafter, once Council approves moving forward, staff would then work with the consultant to enter the design phase of the project.

No action was taken by Council related to this item at this time.

VI. ACTION ITEMS

1. Discuss and consider a request by Arun Vittala, of Best Sign and representing Genghis Grill, for an additional pole sign on the property located at 1699 Laguna Drive and take any action necessary.

Building Official Jeffrey Widmer began discussion of this item and indicated that Genghis Grill would like to place a more visible sign at their site at Laguna Drive and IH-30. He indicated that there is a current pole sign at the site, and it is being used by Starbucks. The feasibility of adding an additional sign to the existing Starbucks sign has been explored. Staff has determined that an additional sign could be added to the Starbucks sign if the applicant desires to do so and the Council approves such an addition.

Councilmember Farris made a motion to table this item until the next City Council meeting since neither the applicant nor his representative was present to address the Council on this item. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

2. A2008-002 - Discuss and consider approval of development agreements that have been offered, in accordance with Chapters 43 and 212 of the Texas Local Government Code, to property owners within the proposed 162.88-acre annexation area generally located east of FM 1141, south of Clem Road and west of FM 549, and take any action necessary.

Planning Director Robert LaCroix indicated that an additional property owner had, prior to the deadline, dropped off his 212 Development Agreement. It was placed in the City Secretary's mailbox / inbox while staff was away at the Council / Staff Retreat, and it was not discovered until after that Monday's City Council meeting. The 212 Development Agreement read into the record was as follows:

Glen D. Walker, Tract 17, Abstract 72 – a 37.844 Acre tract of land.

Councilmember Farris made a motion to accept and execute the 212 development agreement from Mr. Walker. Mayor Cecil seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

3. A2008-002 - Discuss and consider approval of an ordinance for a City-initiated request to annex land of approximately 162.88-acres generally

located east of FM 1141, south of Clem Road and west of FM 549, and contiguous to the existing City Limits line, and take any action necessary. (2nd reading)

Planning Director Robert LaCroix indicated that this will be a second reading of the ordinance. The annexation will go forth in accordance with the schedule and subject to the 212 development agreement just read into the record on the previous agenda item (agenda item #2).

Mayor Cecil made a motion to move forward with the annexation based on the revised description. Councilmember Nielsen seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

4. A2008-003 - Discuss and consider approval of development agreements that have been offered, in accordance with Chapters 43 and 212 of the Texas Local Government Code, to property owners within the proposed 1505.26-acre annexation area generally located along the south side of SH 276 and west of FM 550, and contiguous to the existing City Limits line, and take any action necessary.

Councilmember Scott made a motion to postpone this item until the next Council meeting. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

5. A2008-003 - Discuss and consider approval of an ordinance for a City-initiated request to annex land of approximately 1505.26-acres generally located along the south side of SH 276 and west of FM 550, and contiguous to the existing City Limits line, and take any action necessary. (2nd reading)

Councilmember Sweet made a motion to postpone this item until the next Council meeting. Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

6. Discuss and consider an agreement related to ETJ boundaries and take any action necessary.

City Manager Couch indicated that this item was discussed at the last City Council meeting. The City has been working on this piece of land with Garland, Lavon, Nevada and Wylie for a number of years. Should the Council decide to not move forward with possibly annexing this piece of land, the City of Lavon would most likely approach the City of Garland to pursue obtaining this area of land for its own city limits. Council members Farris and Sweet indicated that they believe this piece of land acts as a buffer and should be included in the city's extraterritorial jurisdiction (ETJ). However, each expressed that they would not support moving forward with actual annexation of this area.

Mayor Cecil made a motion to move forward with the ETJ boundary agreement. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes and 1 nay (Scott).

7. Discuss and consider adoption of a resolution setting water and wastewater rates and charges and take any action necessary.

Finance Director Mary Smith indicated that there has been a significant increase in the cost associated with expanding and maintaining the system, including the cost of treating the water.

Councilmember Scott made a motion to approve the resolution setting water and wastewater rates with the understanding that the conservation rate should be set at 15,000 rather than 12,000 gallons. Councilmember Sweet seconded the motion. General discussion ensued related to the conservation rate and at what level it should be set. The motion failed by a vote of 2 for and 5 against (Nielsen, Cecil, Russo, Sevier and Farris).

Councilmember Farris made a motion to approve the resolution with the conservation threshold being set at 12,000 gallons. Councilmember Russo seconded the motion. The motion passed by a vote of 5 ayes to 2 nays (Scott and Sweet).

8. Discuss and consider creating a Youth Animal Adoption Center Volunteer Program and take any action necessary.

Councilmember Scott indicated that the current volunteer program allows kids as young as sixteen years old to participate. Scott indicated that other cities allow kids as young as 10-12 years of age to participate as long as a waiver is signed and a parent is present with the child at the time he or she is volunteering. General discussion ensued related to possibly getting the city's Youth Advisory Council involved in developing this program as well as discussion related to the involvement of younger kids in such activities in general.

Mayor Cecil indicated that the City of Plano involves kids in its Animal Services program by renting out its meeting room facility to the public for kids' birthday parties.

Councilmember Scott made a motion to send to the Animal Adoption Center / Shelter Advisory Committee the general ideas associated with creation of such program and that this committee then bring back to the Council for its consideration a framework and associated recommendations for setting up such volunteer program. Councilmember Nielsen seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

9. Discuss and consider authorizing the City Manager to execute a contract to secure reinsurance/stop loss coverage for the City's Employee Health Benefit Program and take any action necessary.

Councilmember Scott made a motion to authorize the City Manager to execute a contract to secure reinsurance/stop loss coverage with ING. Councilmember Farris seconded the motion. The motion passed unanimously by a vote of 7 ayes to 0 nays.

10. Discuss and consider the approval of a long term power purchasing contract with Cities Aggregate Power Project and take any action necessary.

City Manager Couch explained that Rockwall is a member of the CAPP. Being a member of CAPP allows us to have better power rates overall. City Manger Couch indicated that this would lock the city into paying a certain amount for a period of twenty-four years. This contract would basically result in participating cities issuing debt to ensure capacity for future electric services. City Attorney Pete Eckert indicated that increased savings would be recognized immediately if the city decides to participate in this contract; however, the long term affects of participating in this contract are unknown and a bit difficult to predict. Some large load carriers such as the cities of Plano and Carrollton

recently chose not to participate; however, other cities such as Arlington, Addison and Farmers Branch are participating.

Mayor Cecil made a motion to approve the ordinance on first reading. Councilmember Scott seconded the motion. The ordinance was read as follows:

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF _____, TEXAS
APPROVING AN ELECTRIC POWER CONTRACT WITH CITIES
AGGREGATION POWER PROJECT, INC. ("CAPP") FOR ELECTRIC
CAPACITY AND ENERGY, PROVIDING CAPACITY PAYMENTS AS
PUBLIC PROPERTY FINANCE CONTRACTUAL OBLIGATIONS OF
THE CITY, PLEDGING AND LEVYING AN AD VALOREM TAX TO
SUCH PAYMENTS, PROVIDING FOR ENERGY PAYMENTS FOR
ELECTRIC ENERGY SUBJECT TO ANNUAL APPROPRIATION BY
THE CITY, PROVIDING FOR THE ASSIGNMENT OF SUCH
CAPACITY PAYMENTS TO SUPPORT DEBT ISSUED BY CAPP
INCURRED TO ACQUIRE ELECTRIC CAPACITY RIGHTS FROM
LUMINANT GENERATION COMPANY AND RELATED ENTITIES
PURSUANT TO A 24-YEAR POWER PURCHASE AGREEMENT
("PPA"); AUTHORIZING THE CITY MANAGER OR OTHER
APPROPRIATE CITY OFFICER OR EMPLOYEE TO EXECUTE AND
DELIVER THE MEMBER CONTRACT; FURTHER AUTHORIZING
THE CITY MANAGER OR OTHER APPROPRIATE CITY OFFICER
OR CITY EMPLOYEE TO SIGN ADDITIONAL AGREEMENTS
ARRANGED BY CAPP FOR ELECTRIC POWER NEEDED BY THE
CITY IN THE PERIOD 2009-2013 IN EXCESS OF THE AMOUNT
OBTAINED UNDER THE MEMBER CONTRACT;
ACKNOWLEDGING, AUTHORIZING AND DIRECTING THE CITY
MANAGER OR APPROPRIATE CITY OFFICER OR CITY
EMPLOYEE TO SIGN AND RETURN CAPP'S DISCLOSURE LETTER;
FURTHER AUTHORIZING THE CITY MANAGER OR APPROPRIATE
CITY OFFICER OR OTHER CITY EMPLOYEE TO ACCEPT
CONFORMING CHANGES TO THE MEMBER CONTRACT
DEPENDENT ON THE FINAL TERMS OF THE CAPP PPA;
PROVIDING FOR VALIDITY AND SUFFICIENCY OF CITY
EMPLOYEE'S OR CITY OFFICER'S SIGNATURE IF THE OFFICER
OR EMPLOYEE LEAVES OFFICE OR EMPLOYMENT PRIOR TO
THE DELIVERY OF THE MEMBER CONTRACT; ADOPTING A
SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS
PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE
TEXAS OPEN MEETINGS ACT.

The motion passed by a vote of 7 ayes to 0 nays.

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

1. Departmental Reports
 - Fire Department Monthly Report - October
 - Monthly Finance Report
 - Building Inspections Monthly Report - October

Mayor Pro Tem Sevier asked for an update on the recently approved false alarm ordinance and associated contract. Assistant Chief Riggs indicated that once the contract is in place, the city anticipates a decrease in false alarms of up to 30%. Riggs also indicated that the city anticipates an increase in payment for false alarm violations issued.

Councilmember Sweet asked for staff to provide an update on the recent grass fire in McClendon Chisholm and the city's mutual aid participation in responding to that fire. Couch indicated that Chief Poindexter can do so at the next City Council meeting.

2. City Manager's Report

Mayor Cecil recessed the regular meeting into Executive Session at 8:18 p.m.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding modifications to the settlement agreement/development plan – Skorborg and regarding pending litigation – Zollner Brooks v. City of Rockwall.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Cliff Sevier made a motion to appoint council members Glen Farris, Cliff Sevier and Mayor Bill Cecil to the Conservation/Preservation/LEED Subcommittee. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Mayor Pro Tem Cliff Sevier made a motion to appoint David Sweet, Matt Scott and Mark Russo to the Citizen Award / Facilities Naming Committee. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Mayor Cecil made a motion to appoint council members Margo Nielsen, Mayor Bill Cecil and Matt Scott to the Budget Reserves subcommittee. Council member Nielsen seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Councilmember Nielsen made a motion to move Bill Houser (replacing Carl Jackson) and John Hoenshelt (replacing Gene Burton) up from non-voting to voting members of the REDC. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

Mayor Cecil made a motion to appoint Carolyn Jackson and Mike Lucas as non-voting members of the Rockwall Economic Development Corporation (REDC) to replace Bill Houser and John Hoenshelt. Council member Nielsen seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

X. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 15th day of December, 2008.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Wednesday, December 10, 2008
1:00 p.m. Special Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 1:00 p.m. Present were Mayor Bill Cecil and Council members David Sweet, Margo Nielsen, Mark Russo and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council member Matt Scott and Mayor Pro Tem Cliff Sevier were absent from the meeting.

Mayor Cecil immediately recessed the meeting into Executive Session.

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

1. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding pending litigation – Zollner Brooks v. City of Rockwall.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Farris made a motion to table number IV on today's agenda until the next regular meeting of the City Council, which will be held on the 15th of December, 2008. Councilmember Sweet seconded the motion. The motion passed by a vote of 5 ayes and 2 absent (Scott, Sevier).

Councilmember Farris made a motion to table number V on today's agenda until the next regular city Council meeting, which will be held the 15th of December, 2008. Councilmember Sweet seconded the motion. The motion passed by a vote of 5 ayes and 2 absent (Scott, Sevier).

IV. A2008-003 - DISCUSS AND CONSIDER APPROVAL OF DEVELOPMENT AGREEMENTS THAT HAVE BEEN OFFERED, IN ACCORDANCE WITH CHAPTERS 43 AND 212 OF THE TEXAS LOCAL GOVERNMENT CODE, TO PROPERTY OWNERS WITHIN THE PROPOSED 1505.26-ACRE ANNEXATION AREA GENERALLY LOCATED ALONG THE SOUTH SIDE OF SH 276 AND WEST OF FM 550, AND CONTIGUOUS TO THE EXISTING CITY LIMITS LINE, AND TAKE ANY ACTION NECESSARY.

V. A2008-003 - DISCUSS AND CONSIDER APPROVAL OF AN ORDINANCE FOR A CITY-INITIATED REQUEST TO ANNEX LAND OF APPROXIMATELY 1505.26-ACRES

47 GENERALLY LOCATED ALONG THE SOUTH SIDE OF SH 276 AND WEST OF FM
48 550, AND CONTIGUOUS TO THE EXISTING CITY LIMITS LINE, AND TAKE ANY
49 ACTION NECESSARY. (2ND READING)
50

51 VI. ADJOURNMENT

52 Mayor Cecil adjourned the meeting at 2:04 p.m.

53
54 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
55 Texas, this 15th day of December, 2008.

56
57
58 ATTEST:

59 *Kristy Ashberry*
60 _____
61 Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, December 15, 2008
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Cecil and Councilmembers David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Pro Tem Cliff Sevier was absent.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding modifications to the settlement agreement/development plan – Skoburg and regarding pending litigation – Zollner Brooks v. City of Rockwall.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

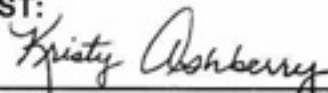
No action was taken as a result of executive session.

IV. ADJOURNMENT

There being no further business to discuss, Mayor Cecil adjourned Executive Session at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 5th day of January, 2009.

ATTEST:



Kristy Ashberry, City Secretary





William R. Cecil, Mayor

MINUTES
ROCKWALL CITY COUNCIL
Monday, December 15, 2008
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Cecil and Councilmembers David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Pro Tem Cliff Sevier was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DAVID SWEET

Councilmember Sweet delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. North Texas Literacy Awareness Day

Mayor Cecil stated that this proclamation was drafted at the request of the North Central Texas Council of Governments and would be sent to them for their records.

IV. CONSENT AGENDA

1. Discuss and consider approval of the minutes from the December 1, 2008 regular City Council meeting and take any action necessary.
2. Discuss and consider approval of the minutes from the December 10, 2008 special City Council meeting and take any action necessary.
3. Consider award of the construction bid for the Downtown Area Water and Sanitary Sewer Reconstruction Project to Barson Utilities and take any action necessary.
4. Consider Recommendation from Park Board Establishing a Non-Resident Fee for Fee-Based Recreation Programs and take any action necessary.
5. Discuss and consider authorizing an increased budget amount for the purchase of a Hall-Mark HP100 Aerial Fire Apparatus (Ladder Truck) and take any action necessary.

Councilmember Scott pulled item # 2 for discussion. Mayor Cecil made a motion to approve the remainder of the Consent Agenda (#s 1, 3, 4, and 5). Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes with 1 absent (Sevier).

Councilmember Scott indicated that he needed to abstain from the vote on item #2 because he was absent from the December 10, 2008 City Council meeting. Mayor Cecil made a motion to approve Consent Agenda item #2. Councilmember Nielsen seconded the motion. The motion passed by a vote of 5 ayes, 1 abstention (Scott) and 1 absent (Sevier).

V. APPOINTMENTS

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

Planning & Zoning Chairman Bill Bricker was present to give a brief update on how the Commission voted on each of the items on this Council agenda. No action was taken on this item at this time.

2. Appointment with members of the City Charter Review Commission to hear report on charter review and associated propositions and take any action necessary.

Commission Chair Bill Lofland was present to address the Council on charter amendment propositions being recommended for Council consideration by the Charter Review Commission. Mr. Lofland briefly explained each of the eleven propositions put forth by the Commission.

Councilmember Scott asked about term limits. Chair Bill Lofland explained that the Charter Review Commission had much discussion about term limits and looked at several other charters throughout the state before deciding to recommend that those who are 'terming out' could seek a petition of 5 percent of the qualified voters in order to run for an additional term. Scott also asked about the 'resign to run' clause. Mr. Lofland explained that the Commission felt that such a clause is necessary in order to stay away from any contention among or between council members leading up to and during election time.

Councilmember Nielsen asked about the proposition that deals with licensed attorneys being appointed as municipal judges. Mr. Lofland explained that State law allows for even the Mayor to be appointed as municipal judge. The language that the commission has chosen allows for the city to appoint someone who is qualified even if he/she is not an attorney.

Mayor Cecil thanked Mr. Lofland for his and the other commission members' work on the Charter review process.

VI. PUBLIC HEARING ITEMS

1. P2008-037 - Hold a public hearing and consider a request by Chase Finch of Corwin Engineering for approval of a residential replat of Stone Creek Phase 1 Addition, being 201 lots on 83.393-acres zoned (PD-70) Planned Development No. 70 district and located along the east side of SH 205, south of FM 552 and north of Quail Run Road, and take any action necessary.

Mr. LaCroix offered brief background information on this item. The replat is being requested in order to allow for one additional model home which would be facing the amenity center. Mr. LaCroix explained that Planning and Zoning Commission recommended approval of the replat by a vote of 5 ayes to 0 nays.

Jed Dolson
3838 Oak Law Avenue
Skorburg Company

Mr. Dolson was present to represent the applicant.

Mayor Cecil opened the public hearing. There being no one to come forth and address the Council on this item, Mayor Cecil closed the public hearing. Councilmember Farris made a motion to approve the replat request. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Sevier).

2. Z2008-028 - Hold a public hearing and consider approval of an ordinance for a request by Sheri Franza of Rockwall Economic Development Corp. for approval of a change in zoning from (LI) Light Industrial District to (PD) Planned Development District for an 8.405-acre property known as Lot 8, Block A, Rockwall Technology Park Addition, located at the northwest corner of FM 549 and SH 276, and take any action necessary. (1st reading)

Mr. LaCroix explained that the REDC is requesting that this corner be rezoned because the REDC recognizes that this is more of a retail / commercial corner rather than the light industrial part of the Tech Park. Their intent is to service the industrial portion of the Tech Park. Mr. LaCroix spoke briefly and explained the possible types of development that the REDC desires to be placed on this corner as well as those that are undesirable. There is currently not a conceptual plan for this corner, but some conditions will be placed on the property along with this rezoning.

John Floeter
5442 Ranger Drive
Vice Chairman of the REDC

Mr. Floeter was present to represent the applicant. He indicated that there is currently no developer interested in this particular piece of property. He further stated that the REDC is interested in providing a retail service of some sort for employees working at the Tech Park. Councilmember Nielsen indicated a concern about all of the possible uses of the property in the future. Mr. LaCroix indicated that listing types of businesses that the REDC wants to prohibit would end up being a list of about eighty-five prohibited uses. Mr. Floeter explained that at the time of sale, the REDC would have a PD as well as a development agreement with whoever is purchasing the property for development.

Councilmember Farris asked if the REDC has thought about leasing the corner property instead of selling it. Mr. Floeter indicated that the REDC has thought about it, but he explained that the REDC would prefer to sell it. The REDC is not a developer and would prefer private development rather than board-owned development.

Mayor Cecil opened the public hearing. Councilmember Scott made a motion to continue the public hearing for sixty days. Councilmember Russo seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

3. Z2008-029 - Hold a public hearing and consider approval of an ordinance for a request by John Bledsoe of Trans Am Trucking, Inc., for approval of a change in zoning from (C) Commercial district to (PD-44) Planned Development No. 44 district, on a 1.57-acre tract known as part of Lot 1, Block A, James Helwig Addition, located along the southwest side of SH 205 south of Sids Road, and take any action necessary. (1st reading)

Mr. LaCroix offered brief background information on this item. Mr. Scott asked if the company can currently use a portion of the property for a driver training area. Mr. LaCroix explained that using it for a training facility currently would be a violation of the current zoning.

Juan Vasquez
12655 North Central, Suite #1016
Dallas, TX

Mr. Jasquez explained that the company learned that the property cannot currently be used for truck driver training, and as a result, they are now requesting a change in zoning so that it can be utilized for such training. He explained that there would be no new or additional drivers added, nor would it be advertised as a driver training business. It would simply be utilized for the company's existing drivers.

Mayor Cecil opened the public hearing. There being no one to come forth and speak on the item, Mayor Cecil then closed the public hearing.

Councilmember Scott commented that the company is located in an area across from a residential area, and since there is no way to ensure that this would not be an expanded truck driver training facility, he is not in support of rezoning the property.

Councilmember Nielsen clarified that to zone them commercial now would in essence legalize what the company is doing now. Mr. LaCroix confirmed that this is true. Mr. LaCroix indicated that with the PD, a portion of the property could be dedicated as a training facility on a conceptual plan.

Mr. Bledsoe explained that he would like to pave a portion of the property to teach the drivers how to park and back up the trucks. He would not have a problem specifying on a site plan the area where he plans to pave and train his truck drivers, nor does he have a problem specifying that it will not be utilized for parking.

Councilmember Russo asked where the truck drivers currently train. Mr. Bledsoe indicated that the drivers are trained in Kansas.

Councilmember Russo made a motion to continue the public hearing, pending a site plan, until the next regular Council meeting. Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

4. Z2008-030 - Hold a public hearing and consider approval of an ordinance for a request by Brandon Cox of Pogue Engineering & Development Co., Inc., for approval of a PD Development Plan for Stone Creek Retail, being a 23.44-acre tract zoned (PD-70) Planned Development No. 70 District (Ord. 07-13) and situated at the southeast corner of FM 552 and SH 205, and take any action necessary. (1st reading)

Mr. LaCroix gave background information on this item, including issues related to walkability of the development, parking, placement of the gas station, the façade of the building and identity of the shopping center as a whole. Mr. LaCroix indicated that the Planning & Zoning Commission did recommend approval of the plan.

Mr. LaCroix indicated that they can have monument signs but no pole signs. It is included in the 205 overlay district, so the development will have to meet the stone requirements of the overlay district.

John Rose
16475 Dallas Parkway, Suite 220
Addison, TX

Gray Stogner
8214 Westchester
Dallas, TX

Mr. Stogner indicated that they are not opposed to building in a taller berm on the edge of the property. General discussion took place related to submission of a more detailed landscape plan as well as discussion related to the signage that will be utilized throughout the development, both for the entryways and for the tenants.

Mayor Cecil opened the public hearing. There being no one to come forth and address the Council on this item, Mayor Cecil closed the public hearing.

Councilmember Scott made a motion to approve with the understanding that the gas station area will be left as last proposed (opposite than what P&Z approved) and that staff should adequately address any traffic concerns. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

VII. ACTION ITEMS

1. Discuss and consider an overview of City's Main Street Program and take any action necessary.

Assistant City Manager Rick Crowley offered background information on this item. He indicated that an advisory committee / board needs to be established and trained and a Main Street manager needs to be hired as well.

Russo suggested that the Historic Preservation Advisory Board have involvement on the Main Street Program board either through an ex-officio or an official member role. Crowley indicated that the city hopes to have its Main Street manager hired by the first of the year. General discussion took place related to program costs and what the city has budgeted for the program. Discussion also took place related to the desired makeup and number of advisory board members and whether or not Council needs to interview people to possibly serve on the board.

Staff will advertise and bring back recommendations for possible board members at the next City Council meeting. Staff will also write a resolution creating the board and bring it back for Council consideration.

Councilmember Farris made a motion to set up the resolution to elect seven voting members to the Main Street board (no ex-officio members) and that staff put an application on the internet to solicit 3 names for each position on the board, and that Council will have the ability to nominate persons for each position. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

2. Discuss and consider the development and implementation of a Convention and Visitors bureau and take any action necessary.

Councilmember Farris began discussion of this item. He expressed that the creation of a CVB would increase economic development in Rockwall, though he does not believe Rockwall is currently ready for a full-time CVB at this time. Farris asked Margie Hooper, President of the Chamber, what types of CVB-related duties the Chamber currently handles. Mrs. Hooper stated that the Chamber gets a lot of calls asking for information on restaurants and lodging in Rockwall as well as activities in Rockwall. She explained that the Chamber, especially in the summer time, can get 50-60 calls a day for CVB-related questions. Mrs. Hooper explained that while the Chamber is currently able to handle these questions and duties now, Rockwall is probably in the early stages of needing a CVB.

Councilmember Farris made a motion that the hotel/motel subcommittee take on the idea of forming a CVB and bring back recommendations for Council consideration within sixty days. Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

3. A2008-003 - Discuss and consider approval of development agreements that have been offered, in accordance with Chapters 43 and 212 of the Texas Local Government Code, to property owners within the proposed 1505.26-acre annexation area generally located along the south side of SH 276 and west of FM 550, and contiguous to the existing City Limits line, and take any action necessary.

Councilmember Scott made a motion to offer the current, revised 212 agreement to the Zollner family with the understanding that the agreement must be accepted or rejected by 5:00 p.m. on Thursday, December 18, 2008. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

4. A2008-003 - Discuss and consider approval of an ordinance for a City-initiated request to annex land of approximately 1505.26-acres generally located along the south side of SH 276 and west of FM 550, and contiguous to the existing City Limits line, and take any action necessary. (2nd reading)

Mayor Cecil made a motion to postpone action on this item until the next Council meeting. Councilmember Sweet seconded the motion.

The motion passed by a vote of 6 ayes to 1 absent (Sevier).

5. A2008-006 - Discuss and consider approval of an ordinance for a City-initiated request to annex land in accordance with a previously approved Chapter 212 Texas Local Government Code Development Agreement, specifically for approximately 9.96-acres located along the north side of SH 66 east of FM 1141 and contiguous to the existing City Limits line, and take any action necessary. (1st reading)

Mayor Cecil made a motion to move forward with the annexation in accordance with procedure. Councilmember Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 09 - 02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 9.96 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes to 1 absent (Sevier).

6. Discuss and consider a request by Arun Vittala, of Best Sign and representing Genghis Grill, for an additional pole sign on the property located at 1699 Laguna Drive and take any action necessary.

**Arun Vittala
1718 Reserve Street
Garland, TX 75042**

Mr. Vittala explained that the reason for requesting the pole sign is to obtain more visibility. He indicated that placing the pole sign on the existing Starbucks sign would not be ideal because the Starbucks sign is too low. He also indicated that a professional looked into if it would be structurally feasible to place an additional sign on the existing Starbucks sign, and the professional stated that the sign cannot structurally hold the additional weight of an additional sign.

Councilmember Nielsen made a motion to deny the request for an additional pole sign. Councilmember Farris seconded the motion. Additional discussion took place related to the grading and possible placement of an additional sign. The motion failed by a vote of 3 ayes to 3 nays (Cecil, Russo, Sweet) with one absent (Sevier).

Councilmember Sweet made a motion to approve the request. Councilmember Russo seconded the motion. The motion passed by a vote of 4 ayes to 2 nays (Nielsen and Farris) with one absent (Sevier).

7. Discuss and consider a request from the city's contractor Allied Waste Services to increase residential and commercial solid waste collection rates and take any action necessary.

Finance Director Mary Smith spoke on this item. It was indicated that Allied Waste is a subsidiary of Republic Waste. Smith stated that a commercial rate increase has been requested in the amount of 5 percent and a residential increase in the amount of 10 percent in order to cover increases in fuel costs. Smith indicated that the city's unlimited bulk and brush pick up that Allied currently allows the city is a large advantage, one that residents really do appreciate and enjoy.

**John Covington
General Manager of Allied Waste
171 Pelican Cove Drive
Rockwall, TX**

Mr. Covington indicated that the company does not use the Garland landfill because it recently had a fee increase and is now currently higher in cost than the City of Dallas landfill.

Smith indicated that no rate increase can take place without prior consent of the Council.

Some discussion took place related to a fairly new recycling program through a partnership between Allied and a company called Recycled Bank. This program rewards participants for recycling efforts. This would allow residents to recoup up to about \$220-\$240 annually each year, which would virtually pay for their trash service for the year.

Councilmember Farris made a motion to approve the increased rate proposals as presented. Councilmember Nielsen seconded the motion. The motion passed by a vote of 4 ayes to 2 nays (Russo and Sweet) with one absent (Sevier).

8. Discuss and consider approval of the City's 2008-2009 Corporate Strategic Plan and take any action necessary.

City Manager Couch began discussion of this item. Councilmember Scott pointed out several grammatical modifications to the mission statement as well as the wording on some of the initiatives. Councilmember Scott made a motion to approve the 2008-2009 Corporate Strategic Plan with the specified modifications. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

9. Discuss and consider the adoption of a multiple pet permit for residents in our ETJ who are being annexed into the City and have more animals than our ordinance allows and take any action necessary.

Director of Animal Service Jeffrey Widmer provided background information on this item. After some discussion, Councilmember Nielsen made a motion to approve the ordinance as presented. Councilmember Farris seconded the motion. The ordinance was read as follows:

The motion passed by a vote of 6 ayes to 1 absent (Sevier).

10. Discuss the traffic signal study for the Ralph Hall and Market Center Drive intersection and take any action necessary.

City Engineer Chuck Todd stated that a study was conducted back in October. The study indicated that the City does have the option to install a traffic signal at this intersection. Councilmember Scott made a motion to approve the installation of a traffic signal using bond funds from the Ralph Hall Parkway bond initiative. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Sevier).

11. Discuss and consider the organization, structure, functions and protocols of Council sub-committees and take any action necessary.

Councilmember Sweet made a motion to postpone this item until the next City Council meeting and that the item be placed towards the top of the Action Items agenda next time. Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

12. Discuss and consider retaining Bickerstaff Heath Delgado & Acosta to represent the City in the Texas Legislature during the upcoming 81st legislative session and take any action necessary.

Councilmember Scott made a motion to retain the firm to represent the city as its lobbyist during the 81st legislative session with an amount not to exceed \$30,000 unless the Council is otherwise informed. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

13. Discuss and consider the process for adopting and/or adopt the City of Rockwall's legislative agenda for the upcoming 81st legislative session and take any action necessary.

Councilmember Scott suggested that Council and staff e-mail the City Manager suggestions for items of interest for the upcoming session and then let the Council discuss the items at the January 5th Council meeting. No action was taken at this time.

14. Discuss and consider the approval of a long term power purchasing contract with Cities Aggregate Power Project and take any action necessary. (2nd Reading)

Mayor Cecil made a motion to deny the contract approval. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

15. Discuss and consider creating a City of Rockwall Lake Ray Hubbard Citizens Emergency Task Force and take any action necessary.

Councilmember Scott indicated that this item is being brought forth in light of a recent apparent drowning in Lake Ray Hubbard. Councilmember Scott asked if a task force of this nature would be in the realm of something that the CERT could possibly be responsible for. Poindexter indicated that CERT is trained in Search & Rescue training on land only. He further indicated that in his personal opinion, having citizen volunteers do this type of work is not something that is recommended. Councilmember Scott indicated that he is willing to try to speak to members of the Dallas City Council to see if this is something that Dallas is willing to consider allowing a citizen task force to do.

Mayor Cecil asked for clarification as to who currently undertakes search and rescue efforts on the lake. Chief Poindexter stated that the Rowlett Fire Department currently uses a Dallas rescue boat for rescue purposes as part of a mutual aid agreement. It used to be Garland that did it, but now Rowlett handles it out of Station #2. Poindexter further explained that once it is discovered that someone has died, it goes from a fire response to a police recovery effort.

Discussion took place related to how best to approach the City of Dallas regarding this issue. Mayor Cecil suggested that a resolution be drafted and sent to the Mayor of the City of Dallas expressing that there is an interest on the part of the City of Rockwall to offer up this task force service.

Councilmember Scott made a motion to draft a resolution for consideration by the Council to send to the City of Dallas expressing Rockwall's desires and intent to establish a LRH Citizens Emergency Task Force. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding modifications to the settlement agreement/development plan – Skorburg and regarding pending litigation – Zollner Brooks v. City of Rockwall.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

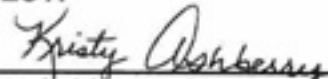
No action was taken as a result of Executive Session.

X. ADJOURNMENT

The meeting was adjourned at 10:56 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 5th day of January, 2009.**

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, December 22, 2008
12:00 p.m. Special Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

1. CALL TO ORDER

Mayor Cecil called the meeting to order at 12:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Cliff Sevier and Council members David Sweet and Mark Russo. Also present was City Manager Julie Couch and City Attorney Pete Eckert. Council members Matt Scott, Margo Nielsen and Glen Farris were absent. Mayor Cecil immediately recessed the meeting into Executive Session.

2. DISCUSS AND CONSIDER APPROVAL OF AN AGREEMENT WITH THE DGNO RAILROAD FOR CONSTRUCTION OF RAILROAD CROSSING AND RAILROAD SIGNAL AT JOHN KING BOULEVARD AND TAKE ANY ACTION NECESSARY.

Mayor Cecil called the public meeting back to order at 12:52 p.m. Mayor Cecil made a motion to approve the agreement with DGNO Railroad. Councilmember Russo seconded the motion. The motion passed by a vote of 4 ayes with 3 absent (Scott, Nielsen, Farris). Mayor Cecil recessed the public meeting at 12:54 p.m.

Councilmember Nielsen arrived to the meeting at 1:05 p.m. Councilmember Scott arrived to the meeting at 1:16 p.m.

Mayor Cecil called the meeting back to order at 1:45 p.m. and went back into Executive Session.

Councilmember Scott left the meeting at 1:50 p.m. Mayor Pro Tem Cliff Sevier left the meeting at 2:15 p.m.

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

1. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 and regarding pending litigation – Zollner Brooks v. City of Rockwall.

4. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

5. A2008-003 - DISCUSS AND CONSIDER APPROVAL OF DEVELOPMENT AGREEMENTS THAT HAVE BEEN OFFERED, IN ACCORDANCE WITH CHAPTERS 43 AND 212 OF THE TEXAS LOCAL GOVERNMENT CODE, TO PROPERTY OWNERS WITHIN THE PROPOSED 1505.26-ACRE ANNEXATION AREA GENERALLY LOCATED

ALONG THE SOUTH SIDE OF SH 276 AND WEST OF FM 550, AND CONTIGUOUS TO THE EXISTING CITY LIMITS LINE, AND TAKE ANY ACTION NECESSARY.

Mayor Cecil made a motion to approve the revised 212 Agreement and the revised settlement agreement. Councilmember Sweet seconded the motion. The motion passed by a vote of 4 ayes with 3 absent (Scott, Sevier, Farris).

6. A2008-003 - DISCUSS AND CONSIDER APPROVAL OF AN ORDINANCE FOR A CITY-INITIATED REQUEST TO ANNEX LAND OF APPROXIMATELY 1505.26-ACRES GENERALLY LOCATED ALONG THE SOUTH SIDE OF SH 276 AND WEST OF FM 550, AND CONTIGUOUS TO THE EXISTING CITY LIMITS LINE, AND TAKE ANY ACTION NECESSARY. (2ND READING)

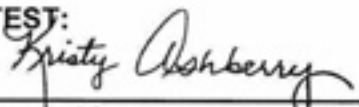
At 2:46 p.m. Mayor Cecil called the public meeting back to order. Councilmember Nielsen made a motion to move forward with the annexation and approval of the ordinance. Councilmember Sweet seconded the motion. The motion passed by a vote of 4 ayes and 3 absent (Scott, Sevier, Farris).

7. ADJOURNMENT

There being no further business to discuss, Mayor Cecil adjourned the meeting at 2:51 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this 5th day of January, 2009.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor

