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MINUTES
ROCKWALL CITY COUNCIL

Monday, January 05, 2009

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. and immediately adjourned the meeting into Executive Session. Present were Mayor Bill Cecil, Mayor Pro Tem Cliff Sevier and Council members David Sweet, Matt Scott, Margo Nielsen and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Mark Russo 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


III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

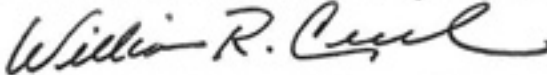
IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this
2nd day of February, 2009.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, January 05, 2009

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 David Sweet, Matt Scott, Margo Nielsen and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Mark Russo was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

Councilmember Nielsen delivered the invocation and led the Pledge of Allegiance.

III. OPEN FORUM

There being no one to come forth and speak to the Council, Mayor Cecil closed the Open Forum portion of the meeting.

IV. CONSENT AGENDA

1. Discuss and consider approval of the minutes from the December 15, 2008 Regular City Council meeting and take any action necessary.
2. Discuss and consider approval of the minutes from the December 22, 2008 Special City Council meeting and take any action necessary.
3. A2008-006 - 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. (2nd reading)
4. Z2008-030 - 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. (2nd reading)

Council members Farris and Scott pulled item #2 for discussion.

Mayor Pro Tem Sevier pulled item #4 for discussion.

Mayor Cecil made a motion to approve items #1 and #3. Councilmember Farris 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 with one absent (Russo).

Councilmember Farris abstained from item #2 because he was not present at the meeting. Councilmember Sweet made a motion to approve Consent Agenda item #2. Mayor Cecil seconded the motion. The motion passed by a vote of 4 ayes to 2 abstentions (Farris, Scott) with 1 absent (Russo).

Mayor Pro Tem Sevier abstained from item #4 because he was not previously present when it was discussed. Councilmember Farris made a motion to approve consent agenda item #4. Councilmember Scott seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 09-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AND (PD-70) PLANNED DEVELOPMENT NO. 70 DISTRICT (ORDINANCE NO. 07-13), SO AS TO APPROVE A DEVELOPMENT PLAN ON APPROXIMATELY 23.44-ACRES 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 by a vote of 5 ayes with 1 abstention (Sevier) and 1 absent (Russo).

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.

No one from the Planning & Zoning Commission was present to address the Council on this item. No action was taken on this item.

2. Appointment with Roger Hamm with Speed Fab Crete to provide an update on the Fire Stations #3 and #4 project and take any action necessary.

Mr. Hamm was present and provided an update on construction progress. He provided information on work that has already been completed at each station as well as work that

will be performed in the immediate future. Currently, the projected completion date for both projects is still the end of June.

3. Appointment with Mark Nguyen of Agave Restaurant to here a request regarding an amendment to the alcohol ordinance allowing for late hour permits and take any action necessary.

Mr. Nguyen was present and indicated a desire to have the late hours ordinance amended so that restaurants serving alcohol can stay open and serve alcohol later than midnight. City Attorney Pete Eckert indicated that it is up to the Council's discretion as to whether or not late hours will be allowed. Councilmember Scott asked what days of the week Mr. Nguyen is interested in staying open late. Mr. Nguyen indicated that he would like to have late night hours on Friday and Saturday nights up to 2:00 a.m. Mayor Cecil asked for clarification on how late a restaurant can have late hours and on what days of the week. Mr. LaCroix indicated that the TABC sets the rules on this, and that late hours can be until 2:00 a.m. on every night of the week except for Sunday nights, at which time late hours are only allowed by TABC until 1:00 a.m. Councilmember Nielsen asked if there is a possibility of increased police related calls if the hours are extended. Chief Riggs stated that it is certainly possible that extended late hours could increase calls during those extended hours down at The Harbor. Councilmember Farris asked for clarification on which surrounding cities allow late night permits. It was stated that Garland does currently allow late hours, however, Mr. LaCroix indicated, staff has not done that particular research at this time.

Councilmember Farris made a motion to direct staff to evaluate a sample ordinance and to research surrounding cities to find out which of them allows late night hours currently and report back to the Council for further consideration. Mayor Pro Tem Sevier seconded the motion.

Mr. Nguyen indicated that when he closes down at midnight, there is usually a full bar at his restaurant. He further stated that he does believe staying open an additional two hours would help his business.

Mr. LaCroix indicated that a mixed beverage permit from TABC still requires a restaurant/bar to maintain a 50% / 50% ratio of food to alcohol sales and that this would not change even if late night hours were granted by the City.

Mr. Nguyen indicated that the restaurant portion of his establishment closes down at 10:00 p.m., but bar food is served until midnight.

Councilmember Sweet indicated that he is interested in surveying surrounding communities that do allow late hours to see if their police call volume increases during the 1:00 a.m. or 2:00 a.m. timeframe. He further indicated that he struggles with the possibility of allowing late hours because of the concern of people drinking more, drinking later and then driving.

Mr. LaCroix indicated that staff will further evaluate with TABC if late night hours can be restricted to only two days per week (Friday and Saturday).

City Manager Julie Couch summarized each of the tasks that the Council has asked staff to perform and/or look into. Couch stated that it will take at least 30-45 days to complete all of the surveying and related research.

193
194 Mayor Cecil called for the vote. The motion passed by a vote of 6 ayes to 1 absent (Russo).
195

196 VI. ACTION ITEMS
197

- 198 1. Discuss and consider the organization, structure, functions and protocols of
199 Council sub-committees and take any action necessary.

200 Councilmember Sweet indicated that he placed this item on the agenda for discussion. He
201 briefly expressed his concerns and why the item was placed on the agenda. He indicated
202 that subcommittees are usually comprised of three council members, a staff liaison and
203 sometimes legal counsel. Councilmember Nielsen indicated that subcommittees are
204 usually formed to tackle larger issues that will take more than 3 or 4 hours to address.
205 However, the general parameters of subcommittees, including their reporting mechanisms
206 and requirements, are not always concretely defined. Mayor Cecil indicated that
207 subcommittee charters should be the basis for defining the scope, responsibilities and
208 reporting mechanisms for council subcommittees. Councilmember Sweet indicated that
209 due to the time investment required and the depth of the issues that Council has to deal
210 with, subcommittees are unfortunately a necessity.
211

212 City Manager Couch indicated that subcommittees do require a great deal of staff time and
213 that a more clearly defined charter for both standing and ad-hoc committees is in fact a
214 good idea. She suggested that subcommittee charters could be more clearly defined by
215 bringing forth a resolution for Council consideration each time a subcommittee is formed.
216 Couch indicated that the subcommittee process could be defined in the Council Policies
217 and Procedures document.
218

219 No formal action was taken on this item at this time.
220

- 221 2. Discuss and consider amending the sign ordinance regarding the maximum
222 height of wall signs and take any action necessary.

223 Jeffrey Widmer, Building Official, indicated that currently wall signs cannot exceed six feet
224 in height. It is being proposed by staff that the maximum height be changed to allow signs
225 that are 30% of the façade height. The signs would still be limited to a size that is 10% of
226 the front of the building. Councilmember Sweet indicated that he does not mind having the
227 current variance process in place. After much discussion, no action was taken on this item
228 at this time.

- 229 3. Discuss and consider requiring a super majority vote of the council to
230 approve a request for a variance from the existing pole sign rules and
231 regulations and take any action necessary.

232 Item #4 was addressed prior to item #3. Councilmember Scott offered a brief introduction of
233 this item and then made a motion to require a super majority vote of the council to approve
234 a request for a variance from the existing pole sign regulations. Councilmember Farris
235 seconded the motion. Councilmember Sweet indicated that he will not support the motion
236 because he believes that the variance requests that have been granted thus far have been
237 appropriate and have made sense. After much discussion, Mayor Cecil called for the vote.
238 The motion failed by a vote of 3 ayes, 3 nays (Cecil, Sweet, Sevier) and 1 absent (Russo).
239

- 240 4. Discuss and consider a request from Mr. Gaston Piccolo, of Becky's Custom
241 Canvas, located at 343 County Line Road, for a height variance and
242 materials variance for a proposed wall sign and take any action necessary.

243 Mr. Gaston Piccolo
244 Becky's Custom Canvas
245 343 County Line Road
246 Rockwall, TX
247

248 He indicated that the sign is 8 feet tall and 10 feet wide and would be made of a fiberglass
249 material.

250
251 Jeffrey Widmer, Building Official, indicated that his proposed sign exceeds 6 feet in height,
252 so he needs a height variance. He would also need a variance in order to use wood for the
253 sign letters themselves. Mr. Widmer indicated that wood signs are allowed in the historic
254 district; however, there are not any wooden signs allowed in any other area of the city.
255 Councilmember Farris indicated that he is not in favor of granting this particular variance
256 because he does not believe that it will allow drivers to see his business from Horizon Road
257 anyway because the distance is too far at about 465 feet.
258

259 Councilmember Scott made a motion to deny the variance requests. Councilmember Farris
260 seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Russo).
261

- 262 5. Discuss and consider amending Chapter 23 of the Code of Ordinances,
263 Streets, Sidewalks and Public Places, in Section 23.1 (f) to extend the
264 enforcement of overhanging limbs to include private streets and private
265 alleyways and take any action necessary.

266 Building Official Jeffrey Widmer provided brief background information on this item. He
267 indicated that the city attorney has indicated that this ordinance can legally be extended to
268 include private streets and alleyways. Mr. Widmer indicated that several school buses and
269 even some of the city's fire trucks have been damaged by overhanging and overgrown
270 limbs that are extending over into the streets. Mr. Eckert indicated that it is considered a
271 public health and safety issue, and, therefore, it is an ordinance that can be enforced on
272 private streets. Councilmember Sweet made a motion to approve the ordinance.
273 Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes to 1
274 absent (Russo).

- 275 6. Z2008-029 - Discuss and consider approval of an ordinance for a request by
276 John Bledsoe of Trans Am Trucking, Inc., for approval of a change in zoning
277 from (C) Commercial district to (PD-44) Planned Development No. 44
278 district, on a 1.57-acre tract known as part of Lot 1, Block A, James Helwig
279 Addition, located along the southwest side of SH 205 south of Sids Road,
280 and take any action necessary. (1st reading)

281 Planning Director Robert LaCroix provided background information on this item. He
282 indicated that Council previously stipulated that no outside truck storage is to be allowed
283 and that the owner can only utilize the training facility to train existing drivers. He further
284 stated that a public hearing has already been conducted.
285

286 Mayor Cecil made a motion to approve the ordinance as presented. Councilmember Nielsen
287 seconded the motion.
288

Councilmember Sweet stated that he will not support the motion because of the residential neighborhoods adjacent to the business. He indicated that he is not in support of expanding the trucking company's operations since the area around it has grown up as a predominately residential neighborhood.

The motion passed by a vote of 4 ayes to 2 nays (Scott, Sweet) with 1 absent (Russo).

7. Discuss and consider the City of Rockwall's legislative agenda for the upcoming 81st legislative session and take any action necessary.

City Manager Couch indicated that a representative from the law firm that was recently hired was present to meet the Council and staff prior to the Council meeting.

Councilmember Scott made a motion to approve the draft legislative agenda with the caveat that the agenda can be modified at any time as necessary. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Russo).

8. Discuss and consider approval of a resolution establishing the Main Street Advisory Board and take any action necessary.

Mayor Cecil made a motion to approve the resolution as presented. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Russo).

VII. 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 - November 2008
 - Finance Monthly Report - November
 - Building Inspections Monthly Report - November
 - Fire Department Monthly Reports - November 2008
 - Parks and Recreation Monthly Report

2. City Manager's Report

City Manager Couch indicated that a work session has been scheduled for Monday, January 12, 2009 at 6:00 p.m. She further stated that all lanes of the 205 Bypass are now open. Some discussion took place related to TXDOT, and it was indicated that recent changes in TXDOT's structure have warranted that Rockwall County will now be covered under the area engineer that also covers Navarro and Kaufman Counties.

Mayor Cecil indicated that the sales tax revenue for the end of the year increased a little over 12% over the previous year. Expenditures did not exceed those that were budgeted, and a little more than a half a million dollars was added to the reserves.

Chief Poindexter briefly explained that the city recently underwent a Homeland Security grant audit that resulted in no mistakes and no state issued recommendations. Some discussion took place related to some of the fire department reports and associated data.

Councilmember Farris asked Assistant Chief Rigg about larceny offenses and why they have increased so much throughout the year. Chief Riggs indicated that there has been an increase in burglary of motor vehicles, especially around the IH-30 corridor. Chief Riggs stated that surveillance efforts have increased on the part of the police department and that

the department has even placed bait vehicles on portions of the IH-30 corridor to try and catch such criminals.

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

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

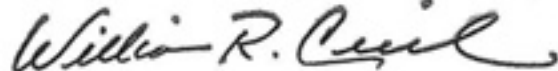
No action was taken as a result of Executive Session.

X. ADJOURNMENT

There being no further business to discuss, Mayor Cecil adjourned the meeting at 8:51 p.m.

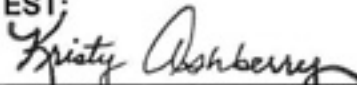
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this

2nd day of February, 2009.



William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, January 12, 2009
5:00 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 5:00 p.m. and immediately adjourned into Executive Session. Present were Mayor Cecil, Mayor Pro Tem Cliff Sevier and Councilmembers David Sweet, Mark Russo and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council members Margo Nielsen and Matt Scott were absent.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071

1. Pursuant to Section 551.071(1) of the Open Meetings Act: Pending or Contemplative Litigation – City v. Primary Media

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

Mayor Cecil called the public meeting back to order at 6:07 p.m. Present were Mayor Cecil, Mayor Pro Tem Cliff Sevier and Councilmembers David Sweet, Mark Russo and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council members Margo Nielsen and Matt Scott were absent.

IV. DISCUSS DRAFT CONCEPT PLAN FOR PD-32 AND TAKE ANY ACTION NECESSARY.

Coy Talley with Talley and Associates was present and gave an update on various components of the concept plan for PD-32 including a market analysis, aspects of a mixed use development, population growth estimates, housing, retail and office development. He also addressed estimated tax revenue to the city over time.

It was indicated that city staff will meet with TXDOT and do some preliminary planning on possibly moving the exit ramp near the Harbor off of IH-30 back further south a bit.

After some discussion, no action was taken on the part of Council. It was agreed that an action item would be placed on the February 2, 2009 City Council meeting agenda for Council consideration regarding moving forward with the concept plan.

Planning and Zoning Chairman Bill Bricker briefly spoke in favor of the concept plan.

Rob Whittle generally spoke in favor of the plan and expressed that he believes the city is heading in the right direction for development of this hillside.

48 No action was taken by Council on this item.

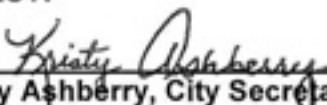
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50 V. ADJOURNMENT

51
52 There being no further business to discuss, Mayor Cecil adjourned the meeting at 7:47
53 p.m.

54
55 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
56 this 2nd day of February, 2009.

57
58 ATTEST:


William R. Cecil, Mayor

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60 
61 Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL

Tuesday, January 20, 2009
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 and immediately adjourned into Executive Session. Present were Mayor Bill Cecil, Mayor Pro Tem Cliff Sevier and Councilmembers David Sweet, Matt Scott, Margo Nielsen and Mark Russo. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Glen Farris 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, Related Matters, and Agreement for Municipal Court Judge.
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

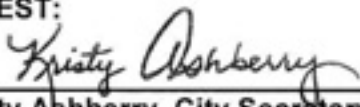
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See end of meeting Executive Session item below for actions taken.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this
2nd day of February, 2009.

ATTEST:


Kristy Ashberry, City Secretary


William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Tuesday, January 20, 2009

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. Present were Mayor Bill Cecil, Mayor Pro Tem Cliff Sevier and Councilmembers David Sweet, Matt Scott, Margo Nielsen and Mark Russo. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Glen Farris was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR CECIL

Mayor Cecil delivered the invocation and led the Pledge of Allegiance.

III. CONSENT AGENDA

1. Discuss and consider amending the minutes from the December 1, 2008 regular City Council meeting and take any action necessary.
2. Consider granting an easement to Oncor Electric Delivery Company for the electric service to Fire Station Number 3 (north) and take any action necessary.
3. Discuss and consider approval of an ordinance confirming and approving an interlocal boundary and ETJ Contract and take any action necessary (1st reading).
4. 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.
5. Discuss and consider amending Chapter 23 of the Code of Ordinances, Streets, Sidewalks and Public Places, in Section 23.1 (f) to extend the enforcement of overhanging limbs to include private streets and private alleyways and take any action necessary. (2nd reading)
6. Z2008-029 - 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. (2nd reading)
7. P2008-041 - 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 located at 1225 SH 276, and take any action necessary.
8. P2009-001 - Discuss and consider a request by Jake Fears of Wier & Associates for approval of a replat of Block E, Rockwall Technology Park Addition, being three proposed lots on 14.274-acres zoned (LI) Light

Industrial district and located at the northwest corner of FM 549 and Discovery Blvd, and take any action necessary.

9. Consider approval of an agreement with Clean Harbors, Inc. to manage Household Hazardous Waste Day collection and disposal on April 18, 2009 and take any action necessary.

10. Consider granting Farmers Electric Cooperative a utility easement for the electric service for Fire Station Number 4 (south) and take any action necessary.

Mayor Cecil pulled item #6 for discussion. Councilmember Scott pulled item #3 for discussion. Mayor Pro Tem Sevier pulled item #4 for discussion.

Councilmember Scott made a motion to approve the remainder of the consent agenda (#1, 2, 5, 7, 8, 9 and 10). Councilmember Sweet seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 09-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING CHAPTER 23 STREETS, SIDEWALKS AND PUBLIC PLACES BY PROVIDING FOR CERTAIN AMENDMENTS TO SECTION 23.1 (f) AS SET FORTH HEREIN; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500) 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 to 1 absent (Farris).

Councilmember Scott expressed that he pulled item #3 because he is not in favor of this ordinance. Councilmember Nielsen made a motion to approve Consent Agenda item #3. Mayor Cecil seconded the motion. The ordinance was read as follows:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF _____, TEXAS, CONFIRMING AND APPROVING AN INTERLOCAL BOUNDARY AND ETJ CONTRACT SETTING FORTH THE CORPORATE BOUNDARIES, EXTRATERRITORIAL JURISDICTION AND AREAS RESERVED FOR EXPANSION; PROVIDING FOR CERTAIN AGREEMENTS AND ADJUSTMENTS TO THE BOUNDARIES AND EXTRATERRITORIAL JURISDICTION OF THOSE CITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 5 for, 1 against (Scott) and 1 absent (Farris).

Mayor Pro Tem Sevier pulled item #4 because he is concerned about allowing so many animals in one home unless the home is located on acreage. Councilmember Nielsen clarified the purpose of the ordinance as she understands it. Councilmember Scott asked city attorney Pete Eckert if the ordinance allows for this many pets on a diminishing basis.

Mr. Eckert stated that it is in fact on a diminishing basis. Councilmember Scott made a motion to accept the ordinance as is. Councilmember Sweet seconded the motion. After some discussion, Mayor Pro Tem Sevier expressed that he will support this item.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 09-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE CODE OF ORDINANCES IN CHAPTER 5 – ANIMALS- TO PROVIDE FOR A MULTIPLE PET PERMIT IN NEWLY ANNEXED AREAS / EXTRA TERRITORIAL JURISDICTION; PROVIDING FOR CONDITIONS AND REGULATIONS; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$500 AND THAT EACH DAY IN VIOLATION CONSTITUTES A SEPARATE OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

Mayor Cecil pulled item #6 at the request of the applicant and then made a motion to move this item to the next regular city council meeting. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Farris).

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.

Chair of the Planning & Zoning Commission, Bill Bricker, was present and offered brief commentary on how the commission voted on each of the items on tonight's agenda, including the reasoning for each decisions.

2. Appointment with John Hagaman to hear update on streets signs for Yellow Jacket Lane and take any action necessary.

Mr. Hagaman presented the finished street signs to the City Council. Each council member expressed thanks for the street signs. No formal action was taken on this item.

V. SITE PLANS / PLATS

1. SP2008-033 - Discuss and consider a request by Mike Parrish of Alliance Architects for approval of a variance to the architectural requirements and mechanical equipment screening requirements in association with the approved site plan for L3 Communications, being a 50,000-sf office building located on part of Lot 3R, Block E, Rockwall Technology Park Addition, being 5.13-acres zoned (LI) Light Industrial district and located at the northwest corner of FM 549 and Discovery Blvd within the FM 549 Overlay District, and take any action necessary. (3/4 majority vote for approval)

191 Planning Director Robert LaCroix indicated that a ¾ vote of those council members present,
192 or 5 out of 6, is required in order for this item to pass. He offered brief background
193 information on this item.
194

195 Councilmember Nielsen asked if there will also be a temporary construction building in
196 addition to this building. Mr. LaCroix indicated that a temporary office building will be
197 located behind an existing building while the permanent building is being constructed. The
198 estimated construction time for the permanent building is about twelve months.
199

200 Mike Parrish
201 Alliance Architects
202 7037 Elm Ridge
203 Dallas, TX
204

205 Councilmember Nielsen made a motion to approve SP2008-033, including the proposed
206 metal panel screening for the rooftop mechanical equipment and the minimum 20% natural
207 stone. Councilmember Sweet seconded the motion. Councilmember Scott clarified that the
208 screening and the 20% stone variance is what the council is currently voting on. He
209 indicated that he does not agree with the variance on the 20% stone requirement but has no
210 problem with the proposed metal screening.
211

212 Councilmember Nielsen amended her motion to include the proposed metal screening only.
213 Councilmember Sweet seconded the amended motion. The motion passed by a vote of 6
214 ayes and 1 absent (Farris).

215 Councilmember Nielsen made a motion to approve the variance on the 20% stone
216 requirement. Councilmember Sweet seconded the motion. The motion passed by a vote of
217 5 for, 1 against (Scott) and 1 absent (Farris).

218 Mayor Cecil made a motion to approve the proposed variance on the concrete tilt wall
219 construction and the horizontal and vertical articulations. Councilmember Sweet seconded
220 the motion. The motion passed by a vote of 6 ayes to 1 absent (Farris).

- 221 2. P2008-043 - Discuss and consider a request by Brandon Cox of Pogue
222 Engineering & Development Co., Inc., for approval of a preliminary plat for
223 Stone Creek Retail Addition, being six (6) lots on a 21.15-acre tract zoned
224 (PD-70) Planned Development No. 70 District and situated at the southeast
225 corner of FM 552 and SH 205, and take any action necessary.

226 Planning Director Robert LaCroix indicated that the applicant represents Tom Thumb,
227 including the proposed store and shopping center. He offered some brief background
228 information on this item. He indicated that the Planning & Zoning Commission did
229 recommend approval of this item at its most recent meeting.

230 Councilmember Scott made a motion to approve the preliminary plat. Mayor Pro Tem
231 Sevier seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Farris).

- 232 3. SP2008-034 - Discuss and consider a request by Brandon Cox of Pogue
233 Engineering & Development Co., Inc., for approval of a variance to the
234 lighting standards in association with the approved PD Site Plan for Stone
235 Creek Retail Phase 1, being a 74,000-sf retail development on 9.79-acres
236 zoned (PD-70) Planned Development No. 70 District and situated at the
237 southeast corner of FM 552 and SH 205 within the North SH 205 Overlay
238 District, and take any action necessary. (¾ majority vote for approval)

Planning Director Robert LaCroix offered brief background information on this item and explained that this item does require a ¾ majority vote of those council members present because it is located in an overlay district.

Gray Stogher
8214 Westchester, Suite 850
Dallas, TX

Councilmember Russo asked if LED lights were considered for the development. Mr. Stogher indicated that he does not believe that LED lights were considered because he believes the cost is about three times more expensive.

After some discussion about how the thirty foot light poles might affect surrounding property owners / homeowners, Councilmember Russo made a motion to approve SP2008-034. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Farris).

VI. ACTION ITEMS

1. Discuss and consider recommendations of the Charter Review Commission and take any action necessary.

Councilmember Scott indicated that he does not feel a work session is necessary. He stated that the term limits and 'resign to run' items are the only items that may be controversial. Councilmember Scott suggested that this item be postponed until the next regular council meeting because one council member is absent this evening. Councilmember Sweet made a motion to postpone this item until the next regular council meeting when all council members can be present. Councilmember Russo seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Farris).

2. Discuss and consider setting the speed limit on John King Boulevard at 45 miles per hour and take any action necessary.

Councilmember Scott indicated that some sections of this roadway are set at 30 miles per hour, which he believes should be changed to 45 miles per hour. Councilmember Scott made a motion to set the speed limit at 45 miles per hour. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Farris).

3. Discuss and consider approval of a resolution approving a regional transportation legislative program for the 81st Texas Legislature and take any action necessary.

City Manager Couch explained that this item was forwarded to the city by the North Central TX Council of Governments for consideration by the Council. She offered clarification on the resolution and its components. Councilmember Scott indicated that he would like a short presentation to more specifically explain the proposed legislative agenda.

Mayor Pro Tem made a motion to table item #3 and item #4 until the next regular city council meeting. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Farris).

- 287 4. Discuss and consider approval of a resolution approving a legislative
288 position on Rail North Texas: a primary rail legislative program with
289 supplemental roadway improvements and take any action necessary.

290 See item #3 above.

291
292 There being no further business to discuss, Mayor Cecil adjourned the meeting into
293 Executive Session at 7:27 p.m.

294
295 VII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
296 GOVERNMENT CODE TO DISCUSS:

- 297
298 1. Deliberation regarding the purchase, exchange, lease, or value of real
299 property.
300 2. Personnel Issues, including Board, Commission, and Committee
301 Appointments, Related Matters, and Agreement for Municipal Court Judge.
302 3. Commercial or financial information regarding business prospects that the
303 City seeks to have locate, stay, or expand in or near the territory of the City
304 of Rockwall and with which the Board is conducting economic development
305 negotiations.
306 4. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to
307 matters in which the duty of the attorney to the governmental body under the
308 Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas
309 clearly conflicts with Chapter 551

310
311 VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

312
313 Mayor Cecil made a motion to appoint Pat Turner, Barb Coleson and Sandra Whitley to the
314 Main Street Advisory Board. Councilmember Nielsen seconded the motion. The motion
315 passed by a vote of 6 ayes and 1 absent (Farris).

316
317 Mayor Cecil made a motion to appoint Shirley Floeter to the Animal Adoption Center /
318 Shelter Advisory Committee to replace Mike Kitkoski. Mayor Pro Tem Sevier seconded the
319 motion. The motion passed by a vote of 6 ayes to 1 absent (Farris).

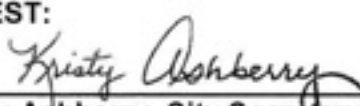
320
321 Mayor Cecil made a motion to appoint David Butler to the Art Review Team (ART)
322 Commission to replace Nancy Beaty. The motion was seconded by Councilmember Russo.
323 The motion passed by a vote of 6 ayes and 1 absent (Farris).

324
325 IX. ADJOURNMENT

326
327 There being no further business to discuss, Mayor Cecil adjourned the meeting at 9:15 p.m.

328
329 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas, this
330 2nd day of February, 2009.

331
332 ATTEST:

333 
334 Kristy Ashberry, City Secretary
335


William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Monday, February 02, 2009

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 Cecil, Mayor Pro Tem Cliff Sevier and Council members David Sweet, Margo Nielsen, Mark Russo, and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Matt Scott was 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(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 legal services

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

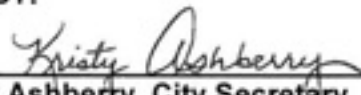
Mayor Pro Tem Sevier made a motion to appoint the following individuals to the Main Street Advisory Board: Pat Coble, SueLaine Callaway, Chris Cameron and Laura Brosie. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes and 1 absent (Scott).

IV. ADJOURNMENT

Mayor Cecil adjourned Executive Session at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 2nd day of March, 2009.

ATTEST:


Kristy Ashberry, City Secretary


William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

**Monday, February 02, 2009
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, Margo Nielsen, Mark Russo, and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Matt Scott was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER RUSSO

Councilmember Russo delivered the invocation and led the Pledge of Allegiance.

III. OPEN FORUM

**Ken Dickson
205 Meadowdale
Rockwall, TX 75087**

Mr. Dickson indicated that he used to serve on the City Council and that he does not agree on the efforts that have been put forth regarding Lake Rockwall Estates annexation. He generally expressed that the cost to the tax payers would be too great.

Councilmember Matt Scott arrived to the meeting at 6:12 p.m.

**Beatrice Burns
319 Renee Drive**

She indicated that she has lived at this address for thirty-eight years. She is wondering when the residents in Lake Rockwall Estates will be able to tie into the city sewer system so that the residents can get off of septic systems.

**Jean deLeon
451 Renee Drive
Rockwall, TX**

She indicated that she has lived out there for over twenty-five years. She generally indicated that she is in favor of the annexation of Lake Rockwall Estates.

Councilmember Scott left the meeting at 6:16 p.m.

**Richard Greer
299 Chris Drive**

He expressed that he has lived in this home for about twenty-nine years. He expressed that he is generally in favor of the annexation of Lake Rockwall Estates.

97 **Joan Stanley**

98 **298 Wayne Drive**

99 **Ms. Stanley indicated that she has lived in the home since 1969 and is very appreciative**
100 **of the work that has been done so far out in Lake Rockwall Estates. She expressed that**
101 **she is very much in favor of the annexation of Lake Rockwall Estates.**

102
103 **Ellen O'Brien**

104 **1055 Russell Drive**

105 **She indicated that she has lived in her home for a little over a year. Her neighbor has**
106 **about fifteen dogs that threaten her and others when they come out of their house. She**
107 **generally indicated that she is in favor of the annexation of Lake Rockwall Estates.**

108
109 **Dale Morgan**

110 **2976 Hunters Glen**

111 **Rockwall, TX 75032**

112 **Mr. Morgan spoke in favor of the annexation of Lake Rockwall Estates. He indicated that**
113 **it is time to move forward with the annexation because it is in the long term interest of**
114 **the city and the residents in that area to do so.**

115
116 **Bruce Paton**

117 **10 Intrepid**

118 **He indicated that the existing conditions in Lake Rockwall Estates are not desirable and**
119 **the housing conditions are substandard. He generally spoke in favor of the annexation**
120 **of Lake Rockwall Estates.**

121
122 **David Dorotik**

123 **509 Parks**

124 **He indicated that he lives near Lilian, a street that has been patched for over 32 years.**
125 **He indicated that there are water and sewer problems near where he lives. He basically**
126 **indicated that there are existing needs in existing parts of the city.**

127
128 **Mary Garza**

129 **482 Eva Place**

130 **She lives in Lake Rockwall Estates and has three children who graduated from Rockwall**
131 **High School and left after graduation because they were ashamed of where they lived.**
132 **She indicated that she has been waiting for three years for the city to annex LRE. She is**
133 **in favor of the annexation.**

134
135 **Nancy Turner**

136 **829 Lakeside Drive**

137 **Rockwall, TX 75032**

138 **She does not believe that annexation will solve all of the problems in Lake Rockwall**
139 **Estates. She is not in favor of the annexation and does not want to be annexed. She**
140 **owns seven lots.**

141
142 **Ben Weible**

143 **215 Trout Street**

144 **He is not sure that annexation is going to solve the problems in Lake Rockwall Estates,**
145 **specifically high water bills. He generally expressed that he is not in favor of the**
146 **annexation of LRE.**

Stephen Straughan
5802 Constellation
Rockwall, TX 75032

He indicated that he was initially in favor of the annexation of Lake Rockwall Estates when serving on the City Council. He then had some reservations due to the cost associated with the annexation. He is now in favor of the annexation. If the city does not annex the area, then the efforts that have already been put into place, such as code enforcement, would likely stop. He encouraged the city council to vote in favor of the annexation.

Debbie Adams
208 Summit Ridge
485 Eagle Place

She agrees with annexation of the Lake Rockwall Estates area.

Calvin Barnard
2610 Chelsea Court
Rockwall, TX 75032

He is not in favor of the annexation of Lake Rockwall Estates. He believes that this is not the time to incur the costs associated with the annexation.

Isai Garza
482 Eva Place

Mr. Garza generally spoke in favor of the annexation of Lake Rockwall Estates.

Danny Turner
829 Lakeside Drive

He indicated that the Council should let the taxpayers of the city decide on the annexation of Lake Rockwall Estates.

Ruth Peck
108 Lakedale
Rockwall, TX

Ms. Peck indicated that she would like to postpone her speech until the first meeting in March.

IV. CONSENT AGENDA

1. Discuss and consider approval of the minutes from the January 5, 2009 regular City Council meeting and take any action necessary.
2. Discuss and consider approval of the minutes from the January 12, 2009 special meeting of the City Council and take any action necessary.
3. Discuss and consider approval of the minutes from the January 20, 2009 regular City Council meeting and take any action necessary.
4. Z2008-029 – Discuss 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. (2nd reading)

5. P2008-042 – Discuss and consider a request by Jonathan Youness of RKM Consulting Engineers for approval of a final plat of the Mansions Family Addition, being 32.65-acres zoned (PD-10) Planned Development No. 10 district and located at 1650 S John King Blvd, and take any action necessary.
6. P2009-003 – Discuss and consider a request by Jonathan Youness of RKM Consulting Engineers for approval of a final plat of the Mansions Senior Addition, being 18.165-acres zoned (PD-10) Planned Development No. 10 district and located at 1470 S John King Blvd, and take any action necessary.
7. Discuss and consider an **ordinance** setting the speed limit on John King Blvd. to 45 MPH and take any action necessary. (1st Reading)
8. Consider a Resolution endorsing Cities Aggregation Power Project's 2009 Legislative Agenda and take any action necessary.
9. Discuss and consider approval of an **ordinance** confirming and approving an interlocal boundary and ETJ Contract and take any action necessary (2nd reading).

Councilmember Farris pulled item #3 for discussion and made a motion to approve the remaining consent agenda items.

Councilmember Sweet pulled consent agenda item #4 for discussion.

Councilmember Russo pulled consent agenda item #1 for discussion.

Councilmember Farris made a motion to approve consent agenda items number 2, 5, 6, 7, 8, and 9. Councilmember Nielsen seconded the motion.

The ordinances were read as follows:

CITY OF ROCKWALL, TEXAS
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 SETTING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, SECTION 545.356, UPON JOHN KING BLVD., FROM SH-205 (NORTH) TO THE IH-30 WESTBOUND SERVICE ROAD AND JOHN KING BLVD., FROM THE IH-30 EASTBOUND SERVICE ROAD TO SH-205 (SOUTH), 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.

ORDINANCE NO. 09-06

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, CONFIRMING AND APPROVING AN INTERLOCAL BOUNDARY AND ETJ CONTRACT SETTING FORTH THE CORPORATE BOUNDARIES, EXTRATERRITORIAL JURISDICTION AND AREAS RESERVED FOR EXPANSION; PROVIDING FOR CERTAIN AGREEMENTS AND ADJUSTMENTS TO THE BOUNDARIES AND EXTRATERRITORIAL JURISDICTION OF THOSE CITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes to 1 absent (Scott).

Councilmember Russo pulled Consent Agenda item #1 because he was absent from the meeting and needs to abstain from the vote. Mayor Cecil made a motion to approve Consent Agenda item #1. Councilmember Farris seconded the motion. The motion passed by a vote of 5 for, 1 abstention (Russo) and 1 absent (Scott).

Councilmember Farris pulled Consent Agenda item #3 because he was absent from the meeting and needs to abstain from the vote. Mayor Cecil made a motion to approve Consent Agenda item #3. Councilmember Russo seconded the motion. The motion passed by a vote of 5 for, 1 abstention (Farris) and 1 absent (Scott).

Councilmember Sweet indicated that he is not in support of Consent Agenda item #4 because he believes it is an expansion of the trucking business. Councilmember Nielsen made a motion to approve consent agenda item #4. Councilmember Farris seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 09 - 03

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 (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 AND MORE SPECIFICALLY SHOWN 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 for, 1 against (Sweet) and 1 absent (Scott).

V. APPOINTMENTS

1. Appointment with Roger Hamm from Speed Fab Crete to give an update on the Fire Stations #3 and #4 Construction Project and take any action necessary.

Mr. Hamm provided the council with a brief update on construction progress at each of the fire stations. Mr. Hamm indicated that while he is currently behind, the estimated completion date for both stations is still the end of June of 2009.

296
297 **VI. ACTION ITEMS**
298

- 299 1. Discuss and consider a request from Mr. Terry Frey, of The Sign Guy,
300 and Dr. Eugene Gicheru, of Care United for a variance to allow for an
301 additional monument sign in Rockwall Town Centre on Greencrest Drive
302 at I-30 and take any action necessary.

303
304 Building Official Jeffrey Widmer provided brief background information on the item. He
305 indicated that the nature of the materials being requested for the monument sign is
306 unique.
307

308 Mr. Frey was present and briefed the Council on the proposed materials for the
309 monument sign.
310

311 Mr. Widmer indicated that one variance is being requested to allow the additional
312 monument sign. The second variance is being requested for the unique materials of the
313 proposed sign.
314

315 Councilmember Russo made a motion to deny the additional monument sign and to deny
316 the associated materials variance request. Councilmember Sweet seconded the motion.
317

318 Mr. Widmer stated that the applicant is willing to build the sign out of masonry if the
319 variance to place the sign is approved, yet the variance request on the building materials
320 is denied.
321

322 Mayor Pro Tem Sevier indicated that he is in favor of the monument sign and the
323 variance request on the sign materials.
324

325 Councilmember Nielsen indicated that she is willing to support a masonry sign on the
326 corner but is not in support of the styrofoam type material being requested in lieu of
327 masonry.
328

329 Councilmember Russo withdrew his original motion and then made a motion to approve
330 the additional monument sign with the understanding that a masonry material be
331 required. Councilmember Sweet pulled his second. Councilmember Nielsen seconded
332 Russo's motion. Councilmember Farris indicated that he is not in favor of any additional
333 signage in this area. After much discussion, the motion failed by a vote of 2 ayes, 4
334 against (Sweet, Cecil, Sevier, Russo) and 1 absent (Scott).
335
336

- 337 2. A2009-001 - Discuss and consider approval of an ordinance for a City-
338 initiated request to annex approximately 329.53-acres known as "Lake
339 Rockwall Estates," located along the south side of Tubbs Road, east side
340 of Horizon Road (FM 3097), and north side of County Line Road, and
341 contiguous to the existing City Limits line, in accordance with a previously
342 approved Annexation Plan adopted pursuant to Chapter 43 of the Texas
343 Local Government Code, and take any action necessary. (1st reading)

344 Councilmember Scott joined the meeting at 7:25 p.m.
345

Planning Director Robert LaCroix began discussion of this item and offered brief background information. He stated that the City Council amended its annexation code on February 6, 2006 and put Lake Rockwall estates on a three year annexation plan. The City has met the requirements for the annexation plan and the requirements under the Texas Local Government Code. The second reading of the ordinance is currently scheduled for February 17, 2009, and the last day that the Council can possibly annex would be March 6, 2009. If the Council does not annex by March 6, the next time it could be placed back on a three year annexation plan would be five years from now.

Mayor Cecil indicated that he has visited with 200-250 residents of the Rockwall community to try and decide if annexation of the area is in the best interest of the citizens of Rockwall. He expressed that he does believe annexation of the area is in the best long term interest of the citizens of Rockwall, so he will be supporting the annexation.

Councilmember Farris read an e-mail from former Councilmember Scott Self. He then indicated that non-action is costly in and of itself. He indicated that non-action related to annexation could result in undesirable development in the Lake Rockwall Estates area.

Councilmember Scott made a motion to approve A2009-001. Councilmember Nielsen seconded the motion. Councilmember Sweet indicated that he was elected in 2007 after the process of annexing this area began. After some discussion, he indicated that though the timing is not ideal, it is the right thing to do to support the annexation of Lake Rockwall Estates, and he will be supporting it tonight.

Mayor Pro Tem Sevier indicated that he too was not on the Council at the time the process of annexing this area first began. He stated that things like water and sewer services and road conditions will not change immediately. The City has to buy the water rights to serve the area, and it does not currently have the funds available to do so.

Councilmember Russo thanked the many Rockwall residents who welcomed him into their homes as he went door-to-door seeking election votes during his campaign. He promised that he would let no resident be forgotten.

Councilmember Nielsen indicated that she is in favor of the annexation of Lake Rockwall Estates and is especially concerned about the children.

Mayor Cecil indicated that the purpose of annexing is to control development and to ensure that Lake Rockwall Estates is a safe and desirable place to live in the future.

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 329.53 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; AND PROVIDING A SAVINGS CLAUSE.

398
399 The motion passed by a vote of 6 ayes and 1 against (Russo).
400

401 Councilmember Scott left the meeting at 8:01 p.m.
402

- 403 3. Discuss and consider recommendations of the PD-32 subcommittee and
404 take any action necessary.

405 Planning Director Robert LaCroix offered brief background information on this item. He
406 indicated that staff is asking for direction on this concept plan from the Council at this
407 time. Councilmember Farris commended the subcommittee for its work on this issue.

408 Councilmember Farris made a motion to approve the PD-32 Concept Plan as presented.
409 Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1
410 absent (Scott).

- 411 4. Discuss and consider recommendations of the Charter Review
412 Commission and take any action necessary.

413 Mayor Cecil made a motion to table this item until the next regular City Council meeting
414 on Tuesday, February 17. Councilmember Russo seconded the motion. The motion
415 passed by a vote of 6 ayes to 1 absent (Scott).
416

- 417 5. Discuss and consider approval of a resolution approving a regional
418 transportation legislative program for the 81st Texas Legislature and take
419 any action necessary.

420 Mayor Cecil made a motion to table items number 5 and number 6 until the February 17
421 Council meeting. Councilmember Sweet seconded the motion. The motion passed by a
422 vote of 5 ayes, 1 abstention (Russo) and 1 absent (Scott).
423

- 424 6. Discuss and consider approval of a resolution approving a legislative
425 position on Rail North Texas: a primary rail legislative program with
426 supplemental roadway improvements and take any action necessary.

427 See item number 5 directly above.

- 428 7. Discuss and consider Subcommittee recommendation for a Citizen
429 Awards program and take any action necessary.

430 Assistant to the City Manager Joey Boyd indicated that Council members Sweet, Scott
431 and Russo are the council members who currently serve on this subcommittee. "Beyond
432 the Horizon Distinguished Citizen Award" is the name of the awards program that the
433 subcommittee has developed.
434

435 Councilmember Nielsen indicated that she is concerned about the specific criteria that
436 will be used to determine who will be eligible for this award. She would like to see a
437 more specific definition of who will be eligible.
438

439 After some discussion, Mayor Cecil made a motion to accept the program and the
440 program name as recommended by the subcommittee. Mayor Pro Tem Sevier seconded
441 the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).
442

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

- 445
446 1. Departmental Reports
447 Fire Department Annual Report 2008
448 Finance Report - December 2008
449

450 Finance Director Mary Smith indicated that the sales tax numbers are down 5 percent
451 over the previous year for the same timeframe. Permit revenues and construction
452 inspection fees are coming in as expected. Property tax numbers have begun to come
453 in, but we still do not have a clear indication of how they will ultimately turn out. We are
454 currently meeting revenue projections to date. Councilmember Sweet asked if there is
455 any action that is warranted at this time. City Manager Couch indicated that staff does
456 have concern because the February numbers are very important since they reflect
457 December holiday sales. Staff will be monitoring sales tax numbers very closely on a
458 monthly basis. A building permit activity report was handed out to the Council for its
459 review. Staff will be able to give Council a much better picture related to the budget once
460 the February sales tax check arrives to the City. Smith stated that when looking at the
461 sales tax figures as a whole across the state, more than 90 percent of the cities across
462 the state saw sales taxes decline during this timeframe. She indicated that only two
463 cities actually saw an increase in sales tax revenues. Couch indicated that residential
464 development is still moving along at about a comparable pace to last year.
465

466 Police Department Monthly Report
467 Police Department Quarterly Report
468 December 2008 Building Inspections monthly report
469

470 Widmer indicated that there are currently about 540 lots that are currently ready to build
471 on. Stone Creek has approximately 200 lots that will soon be ready to build on as well.
472

473 Parks and Recreation Report
474 Fire Department Monthly Report for December 2008
475

476 Mayor Cecil complimented Chief Mark Poindexter on his "Points of Pride" year end
477 report. Brief discussion took place related to some apparent late response times and the
478 associated reasons. Poindexter indicated that traffic and bad road conditions due to
479 road construction as well as some Opticom problems have caused some delayed
480 response times. Some brief discussion took place related to man hours.
481

482 Quarterly Report from Rockwall County Committee on Aging

- 483 2. City Manager's Report
484

485 Mayor Pro Tem Sevier asked for clarification on how much the city pays in subsidy per
486 year to the EMS service provider. Couch clarified that the EMS service sets its own
487 private rates and the participating cities and the county pay a subsidy to the EMS
488 company to subsidize its operations. The subsidy does not fully cover the EMS
489 company's cost of operations, and the company is allowed to charge for its services.
490 Some discussion took place related to why the city does not charge for fire calls.
491

492 VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
493 GOVERNMENT CODE TO DISCUSS:
494

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.

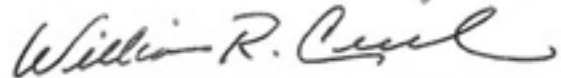
IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken at this time as a result of Executive Session. See above for action taken at the start of the meeting.

X. ADJOURNMENT

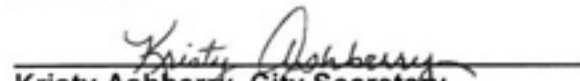
Mayor Cecil adjourned the meeting at 9:00 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 2nd day of March, 2009.



William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary

AGENDA
ROCKWALL CITY COUNCIL

Tuesday, February 17, 2009
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. 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 including:
 - 1). REDC-Native Oaks Easement Acquisition.
 - 2). White Road
2. Personnel Issues, including Board, Commission, and Committee Appointments, Related Matters, and Agreement for Municipal Court Judge.
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 City V. Primary Media.


III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See end of meeting Executive Session item for actions taken during Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 2nd day of March, 2009.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



AGENDA
ROCKWALL CITY COUNCIL

Tuesday, February 17, 2009

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 SEVIER

Mayor Pro Tem Sevier delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Black History Month

Mayor Cecil read the proclamation for Black History Month.

2. Severe Weather Awareness Week

Mayor Cecil read and presented to Fire Chief Mark Poindexter the proclamation for Severe Weather Awareness Week.

IV. CONSENT AGENDA

- 1. A2009-001 - Discuss and consider approval of an ordinance for a City-initiated request to annex approximately 329.53-acres known as "Lake Rockwall Estates," located along the south side of Tubbs Road, east side of Horizon Road (FM 3097), and north side of County Line Road, and contiguous to the existing City Limits line, in accordance with a previously approved Annexation Plan adopted pursuant to Chapter 43 of the Texas Local Government Code, and take any action necessary. (2nd reading)**
- 2. Discuss and consider a resolution establishing the Environmental Council Sub-Committee and take any action necessary.**
- 3. Discuss and consider a Facility Agreement with Western Rim for the construction of a section of the Squabble Creek Force Main adjacent to the Mansions Project and take any action necessary.**
- 4. Discuss and consider award of the Fire Hydrant Replacement construction contract and take any action necessary.**
- 5. Discuss and consider an ordinance setting the speed limit on John King Blvd. to 45 MPH and take any action necessary. (2nd Reading)**
- 6. P2009-002 - Discuss and consider a request by David Hairston of Rockwall Partners, Ltd for approval of a replat of Lot 1, Block A, Horizon**

Car Wash Addition, being 1.76-acres zoned (C) Commercial district and located at 2525 Horizon Road, and take any action necessary.

7. P2009-004 - Discuss and consider a request by Kevin Wier of Spiars Engineering for approval of a final plat of Lot 1, Block 1, Honda of Rockwall Addition, being 8.686-acres zoned (C) Commercial district and situated along the south side of Interstate 30 east of Commerce St and west of John King Blvd, and take any action necessary.
8. Discuss and consider awarding the bid for the Street Dept. Service Truck and take any action necessary.
9. Discuss and consider Authorizing the City manager to execute a Renewed Lease Agreement with the Rockwall RC Sport Flyers (RRCFS) and take any action necessary.
10. Discuss and consider a resolution of necessity for the White Road Expansion Project/Duhon property and take any action necessary.
11. Discuss and consider a resolution of necessity for the White Road Expansion Project/Himmelreich property and take any action necessary.
12. Discuss and consider awarding the bid for emergency generators for Fire Stations 3 and 4 and take any action necessary.

Councilmember Scott pulled item #1, #10 and #11 for discussion. Mayor Pro Tem Sevier pulled items #7, #8 and #9 for discussion. Councilmember Sweet made a motion to approve the remaining Consent Agenda items (#2, 3, 4, 5, 6, and 12). Mayor Pro Tem Sevier seconded the motion. The ordinance (#5) was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 09-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI OPERATION, DIVISION 7 BY SETTING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTION CODE, SECTION 545.356, UPON JOHN KING BLVD., FROM SH-205 (NORTH) TO THE IH-30 WESTBOUND SERVICE ROAD AND JOHN KING BLVD., FROM THE IH-30 EASTBOUND SERVICE ROAD TO SH-205 (SOUTH), 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 to 0 nays.

Councilmember Scott pulled item #1 and then made a motion to approve Consent Agenda item #1. Councilmember Nielsen seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 09-07

142
143 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
144 ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF
145 CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS
146 AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF
147 329.53 ACRES OF LAND, WHICH SAID TERRITORY LIES
148 ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS
149 OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN
150 EFFECTIVE DATE; AND PROVIDING A SAVINGS CLAUSE.
151

152 The motion passed by a vote of 6 ayes and 1 nay (Russo).
153

154 Regarding Consent Agenda item #10, Councilmember Scott indicated that there may be
155 certain alternatives that may result in saving additional trees along White Road. He then
156 made a motion that items #10 and #11 be postponed until the second council meeting in
157 March. The motion passed by a vote of 7 ayes to 0 nays.
158

159 Regarding Consent Agenda item #7, Mayor Pro Tem Scott asked for certain clarifications
160 regarding ownership of the property changing hands. Mayor Pro Tem then made a
161 motion to approve Consent Agenda item #7 (P2009-004). Mayor Cecil seconded the
162 motion. The motion passed by a vote of 7 ayes to 0 nays.
163

164 Regarding Consent Agenda item #8, Mayor Pro Tem Sevier asked if the additional
165 equipment for the truck will be brought back to the Council for consideration in the
166 future. City Manager Couch indicated that it would not come back before council
167 because the dollar amount of those items will be below the amount needed for council
168 approval. Mayor Pro Tem Sevier made a motion to approve Consent Agenda item #8.
169 Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes to 0
170 nays.
171

172 Mayor Pro Tem Sevier made a motion to approve Consent Agenda item #9.
173 Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes to 0
174 nays.
175

176 V. APPOINTMENTS 177

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

181 Planning & Zoning Chairman Bill Bricker was present and offered brief comments
182 regarding P&Z related items on the agenda. No action was taken on this item.
183

- 184 2. Appointment with the Historic Preservation Advisory Board Chairman to
185 discuss the creation of a Neighborhood Preservation Overlay (NPO)
186 District for the area north of Williams Street, east of Fannin Street, and
187 south of Heath Street and take any action necessary.

188 Planning Director Robert LaCroix offered background information on this item. He
189 indicated that the housing in this area is indicative of housing built during the World War
190 II and post 1945 era.

Mr. Ron Harper, Chairman of the Historic Preservation Advisory Board, was present and recommended approval of this district in order to preserve the homes in that area.

Councilmember Nielsen asked if this neighborhood is asking to be designated as an historical area or if the city is reaching out to them. Mr. LaCroix clarified that it would be the city reaching out to the neighborhood and not vice versa.

Mr. Harper indicated that this would not be designating the area as a full blown historic district at this time. Mr. LaCroix indicated that right now, it would just be a means for the city to express that it wishes to preserve the neighborhood. Councilmember Farris expressed that he would like community input before moving forward with any historic preservation designation.

The Council indicated that it would like staff to cautiously and carefully move forward with this item by talking with members of the neighborhood and then reporting back to the full council in the future. No formal action was taken on this item at this time.

3. Appointment with Chief Moeller to discuss Racial Profiling and Year End Reports and take any action necessary.

Chief Mark Moeller was present and offered brief comments on the Racial Profiling and Year End departmental reports. No formal action was taken on the part of the council regarding this item.

4. Appointment with Pastor Steve Stroope, of Lake Pointe Church, to request a height, size and materials variance for a new monument sign for Lake Pointe Church and take any action necessary.

Jeffrey Widmer indicated that approval of the variances being requested tonight would require a ¾ majority vote. After some brief comments, Councilmember Farris made a motion to approve the three variance request. Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

VI. PUBLIC HEARING ITEMS

1. Z2008-028 - Continue 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)

Sheri Franza, President and CEO of Rockwall Economic Development Corporation
2408 Rachel Drive
Heath, TX

Ms. Franza indicated that they would like to change the zoning to a Planned Development District so that the future use of the land can be for retail / commercial use. She indicated that there are about 1,000 tenants in the technology park at this time and they would like to offer retail services to tenants in the park. A more detailed plan of what the REDC plans to try and attract to this property will be brought forth to the Council in the future.

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

239
240 Mayor Pro Tem Sevier made a motion to approve Z2008-028. Councilmember Sweet
241 seconded the motion. The ordinance was read as follows:

242
243 CITY OF ROCKWALL
244 ORDINANCE NO. 09-

245
246 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
247 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
248 CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED
249 SO AS TO APPROVE A CHANGE IN ZONING FROM (LI) LIGHT
250 INDUSTRIAL DISTRICT TO (PD-___) PLANNED DEVELOPMENT NO.
251 ___ DISTRICT, ON A TRACT OF LAND CONTAINING
252 APPROXIMATELY 8.405-ACRES AND MORE SPECIFICALLY
253 DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL
254 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
255 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
256 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
257 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
258 EFFECTIVE DATE.

259
260 The motion passed by a vote of 7 ayes to 0 nays.

- 261
262 2. Z2009-001 - Hold a public hearing and consider approval of an
263 ordinance a request by Kimberly Cullins Collichio and Donna Cullins
264 Pritchard for approval of a zoning change from (Ag) Agricultural district to
265 (LI) Light Industrial district on a 1.025-acre tract known as Part of Lot 1,
266 Block C, Rockwall Commercial Park Phase I, and located at 1795 East
267 Interstate 30, and take any action necessary. (1st reading)

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

269
270 Robert Cook
271 Cook Realtors

272
273 Mr. Cook indicated that he has a master lease on the structure and has had one for
274 approximately eight years. He indicated a desire to have the zoning changed to Light
275 Industrial in hopes of attracting additional tenants.

276
277 Mayor Cecil opened the public hearing. There being no one to come forth and address
278 the Council, Mayor Cecil then closed the public hearing.

279
280 Councilmember Nielsen made a motion to approve Z2009-001. Councilmember Sweet
281 seconded the motion. The ordinance was read as follows:

282
283 CITY OF ROCKWALL
284 ORDINANCE NO. 09-

285
286 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
287 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
288 CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED

289 SO AS TO APPROVE A CHANGE IN ZONING FROM (AG)
290 AGRICULTURAL DISTRICT TO (LI) LIGHT INDUSTRIAL DISTRICT,
291 ON A TRACT OF LAND CONTAINING 1.025-ACRES AND KNOWN AS
292 PART OF LOT 1, BLOCK C, ROCKWALL COMMERCIAL PARK
293 PHASE 1 ADDITION, LOCATED AT 1795 IH-30; PROVIDING FOR A
294 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
295 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
296 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
297 PROVIDING FOR AN EFFECTIVE DATE.
298

299 The motion passed by a vote of 7 ayes to 0 nays.
300

301 VII. ACTION ITEMS
302

- 303 1. Discuss and consider status of FM 552 and John King Blvd and take any
304 action necessary.

305 Mayor Cecil indicated that the speed limit being set at 55 miles per hour and the road
306 conditions being what they are currently makes the road conditions dangerous in this
307 particular area.

308 City Engineer Chuck Todd indicated that the city's consultants, TCB, did a study and
309 submitted it to TXDOT for consideration. Several options were identified, including
310 signaling the intersection, placing a flashing yellow light at the intersection or reducing
311 the speed limit in that area. The City will have interim 'caution' signs placed near the
312 area this week for a temporary solution to the problem. Staff will follow up with TXDOT
313 to find a permanent solution to the concern.

314 No formal action was taken by council on this item.

- 315 2. Discuss and consider approving amendments to Council Policies and
316 Procedures and take any action necessary.

317 Councilmember Sweet began discussion of this item and offered brief background
318 information. City Manager Julie Couch then offered additional follow up commentary.
319

320 Councilmember Nielsen expressed that she would like to see general guidelines
321 established for when and why a subcommittee is set up. She also indicated that she
322 would like guidelines established on how the subcommittee should interact with the
323 Council as it moves along through its work. Furthermore, she expressed a desire to
324 have more specifics on how the subcommittee should report out to the full council at the
325 end of its work.
326

327 Councilmember Russo left the meeting at 7:43 p.m.
328

329 City Manager Couch indicated that she will do some additional work on this item and will
330 bring it back to the Council for additional consideration in two weeks.
331

- 332 3. Discuss and consider recommendations of the Charter Review
333 Commission and take any action necessary.

334 City Manager Couch indicated that the Council should decide on each proposition soon
335 so that a charter election can be called if needed.
336

337 Councilmember Russo returned to the meeting at 7:45 p.m.

Councilmember Scott made a motion to adopt Proposition #11 (the 'disaster clause') for a charter election. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Regarding Proposition #10, Councilmember Scott made a motion to move forward with this proposition for placement on a charter election ballot. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Regarding Proposition #9, Councilmember Scott made a motion to approve this proposition for placement on a charter election ballot. Councilmember Sweet seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Regarding Proposition #8, Councilmember Scott made a motion to move forward with placement of this proposition on a charter election ballot. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Councilmember Sweet made a motion to approve moving forward with placement of proposition #7 on a charter election ballot. Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Regarding Proposition #6, (city secretary verifying petition signatures), Councilmember Farris made a motion to move forward with placing it on a charter election ballot. Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Councilmember Scott made a motion to move forward with Proposition #5 with an amendment specifying that the swearing in of new council members shall not happen before June 1st following the canvassing of the election votes. Councilmember Farris seconded the motion.

Councilmember Scott amended his motion to change Proposition #5 to specify that the new council member should be sworn in after the second regularly scheduled council meeting in the month of May. Councilmember Farris amended his second. City Manager Couch specified that the wording should be, "Newly elected Mayor or council members will be sworn in after the next regular council meeting following the canvassing of the election." The motion passed by a vote of 6 ayes to 1 nay (Russo).

Councilmember Scott made a motion that the proposition be amended to provide that the municipal judge or judge(s) shall be a licensed attorney and that there may be one or more associate judge(s) that are or are not licensed attorneys. Mayor Pro Tem Sevier seconded the motion. After much discussion, Councilmember Scott withdrew his motion. Action on this Proposition will be deferred until the first council meeting in March.

Regarding Proposition item #1, Councilmember Scott made a motion to move forward with approving this item for placement on a charter election ballot. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Regarding Proposition #3, Councilmember Scott made a motion that the proposition state that any member of the Council who desires to run for Mayor places his or her seat

up for election at the next May election. This means that if you give up your seat to run for Mayor, and you lose, you also lose your council seat. Also included in his motion was a desire to remove the connection of term limits for Mayor and Council so that a council member can serve three consecutive two year terms and then could also serve an additional three consecutive two year terms as Mayor (or vice versa). Furthermore, in each case, the three two year term limits would apply to each office. Councilmember Russo seconded the motion. The motion failed by a vote of 3 ayes to 4 nays (Sweet, Cecil, Sevier, Farris).

Mayor Cecil made a motion to keep the charter "as is." Mayor Pro Tem Sevier seconded the motion. The motion failed by a vote of 3 ayes and 4 nays (Sweet, Scott, Russo, Farris).

Councilmember Sweet made a motion to defer Proposition #3 until the next Council meeting. Councilmember Farris seconded the motion. The motion passed by a vote of 4 ayes to 3 nays (Nielsen, Russo, Farris).

No action was taken in regards to Propositions #2.

4. Discuss and consider amendments to our Animal Ordinance to include tethering prohibitions and take any action necessary. (1st Reading)

Animal Services Director Jeffrey Widmer began discussion of and offered brief information on this item.

Councilmember Russo left the meeting at 9:07 p.m.

After much discussion, it was agreed that this item would be deferred until the next council meeting so that staff can make some modifications to the proposed ordinance.

5. Discuss and consider approval of a resolution adopting the fee associated with irrigation systems and take any action necessary.

Councilmember Farris made a motion to table items 5 and 6 so that the subcommittee can have more discussion on the items. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Russo).

6. Discuss and consider amendments to Chapter 6 of the Code of Ordinances regarding minimum irrigation system requirements and take any action necessary. (1st Reading)

This item was tabled (see item #5 directly above).

7. Discuss and consider an ordinance prohibiting Changeable Electronic Variable Message Signs (CEVMS) on off-site advertising signs within the corporate city limits and the extraterritorial jurisdiction (ETJ) of the City of Rockwall and take any action necessary. (1st Reading)

Building Official Jeffrey Widmer provided brief background information on this item. Councilmember Farris made a motion to approve this item and prohibit CEVMS on off-site advertising. Councilmember Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE 09-____

437
438 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
439 ROCKWALL, AMENDING ORDINANCE 84-61, AS PREVIOUSLY
440 AMENDED BY ORDINANCE 85-45 AND ORDINANCE 00-10,
441 PROHIBITING CHANGEABLE ELECTRONIC VARIABLE MESSAGE
442 SIGNS IN THE CITY OF ROCKWALL AND ITS EXTRATERRITORIAL
443 JURISDICTION; PROVIDING FOR A PENALTY OF A FINE NOT TO
444 EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR
445 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
446 PROVIDING AN EFFECTIVE DATE.
447

448 The motion passed by a vote of 6 ayes to 1 absent (Russo).

- 449 8. Discuss and consider approval of funding for the Rockwall Main Street
450 Program Kick-Off Event and take any action necessary.

451 Assistant City Manager Rick Crowley began discussion of and offered brief information
452 on this item. Councilmember Nielsen made a motion to approve the full budget request
453 amount. Councilmember Farris seconded the motion. The motion passed by a vote of 6
454 ayes and 1 absent (Russo).
455

- 456 9. Discuss and consider obtaining federal stimulus money for road,
457 infrastructure, and other public works projects and take any action
458 necessary.

459 Councilmember Scott asked that staff look into what monies might be made available to
460 cities via the federal government as related to the federal stimulus effort. He indicated
461 that he would like staff to look into this and report back to the Council at the first meeting
462 in March. No formal action was taken on this item at this time.
463

- 464 10. Discuss and consider fees associated with replacing mechanical items in
465 residential homes and take any action necessary.

466 Councilmember Scott began discussion of this item. He expressed that he would like to
467 know what the fees are that the city charges for things such as inspecting for a new
468 fence, roof or hot water heater installation. Councilmember Scott made a motion to have
469 staff report back to Council with a complete analysis on routine home-related
470 inspections, how much they cost to perform and what amount of revenue it contributes
471 to the budget. Councilmember Sweet seconded the motion. The motion passed by a
472 vote of 6 ayes to 1 absent (Russo).
473

474 Mayor Cecil recessed the meeting into Executive Session at 10:11 p.m.
475

476 VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
477 GOVERNMENT CODE TO DISCUSS:
478

- 479 1. Deliberation regarding the purchase, exchange, lease, or value of real
480 property including:

- 481 1). REDC-Native Oaks Easement Acquisition.
482 2). White Road

- 483 2. Personnel Issues, including Board, Commission, and Committee
484 Appointments, Related Matters, and Agreement for Municipal Court
485 Judge.
- 486 3. Commercial or financial information regarding business prospects that the
487 City seeks to have locate, stay, or expand in or near the territory of the
488 City of Rockwall and with which the Board is conducting economic
489 development negotiations.
- 490 4. Pursuant to Section 551.071(2) of the Open Meetings Act: with regard to
491 matters in which the duty of the attorney to the governmental body under
492 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
493 Texas clearly conflicts with Chapter 551 and regarding City V. Primary
494 Media.

495 IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
496

497 Councilmember Sweet made a motion to approve the request from REDC to purchase an
498 easement from Native Oaks in the amount of \$94,000. Councilmember Scott seconded
499 the motion, which passed unanimously (6 ayes to 1 absent (Russo)).
500

501 Councilmember Scott made a motion to approve a contract with Kathy Penn for her
502 service as the Municipal Judge. The motion was seconded by Farris and passed
503 unanimously (6 ayes and 1 absent (Russo)).
504

505 X. ADJOURNMENT
506
507

508 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
509 this 2nd day of March, 2009.

510
511 ATTEST:

512 Kristy Ashberry
513 Kristy Ashberry, City Secretary
514

William R. Cecil
William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Monday, March 02, 2009

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. 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 legal services

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

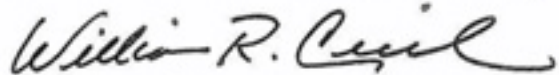
V. ADJOURNMENT

Mayor Cecil adjourned Executive Session at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 16th day of March, 2009.

ATTEST:


Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

**Monday, March 02, 2009
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 – COUNCIL MEMBER FARRIS

Councilmember Farris delivered the invocation and led the Pledge of Allegiance.

III. OPEN FORUM

Mayor Cecil opened the floor for Open Forum. There being no one to come forth and address the Council during Open Forum, Mayor Cecil then closed Open Forum.

IV. CONSENT AGENDA

1. Discuss and consider approval of the minutes from the February 2, 2009 regular City Council meeting and take any action necessary.
2. Discuss and consider approval of the minutes from the February 17, 2009 regular City Council Meeting and take any action necessary.
3. Discuss and consider extending the 2009 Concert by the Lake Series and take any action necessary.
4. Discuss and consider approval of an ordinance re-adopting the provisions of Ordinance 00-10 and take any action necessary.
5. Discuss and consider amendments to our Animal Ordinance to include tethering prohibitions and take any action necessary. (2nd Reading)
6. 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 9, 2009 and take any action necessary.
7. Discuss and consider a Resolution to request permission from TXDOT to temporarily close SH 66 and take any action necessary.
8. Z2008-028 - 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. (2nd reading)

- 89 9. Z2009-001 - Consider approval of an ordinance for a request by Kimberly
90 Cullins Collichio and Donna Cullins Pritchard for approval of a zoning
91 change from (Ag) Agricultural district to (LI) Light Industrial district on a
92 1.025-acre tract known as Part of Lot 1, Block C, Rockwall Commercial
93 Park Phase I, and located at 1795 East Interstate 30, and take any action
94 necessary. (2nd reading)
- 95 10. Discuss and consider approval of the Official 2009 Zoning Map for the
96 city, and take any action necessary.
- 97 11. Consider adoption of a resolution expressing support for the North
98 Central Texas Council of Governments proposed Economic Recovery
99 Funding Plan related to project funding for the John King Blvd. IH-30
100 Overpass and certain improvements to FM-740 and take any action
101 necessary.

102 Mayor Cecil pulled Consent Agenda item #5 and moved it to become Action Item #10 on
103 tonight's agenda.

104
105 Councilmember Scott pulled items #1 and #3 for discussion.

106
107 Councilmember Sweet made a motion to approve the remainder of the Consent Agenda
108 (#2, 4, 6, 7, 8, 9, and 11). Mayor Pro Tem Sevier seconded the motion. The ordinances
109 were read as follows:

110
111 CITY OF ROCKWALL
112 ORDINANCE NO. _____

113
114 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
115 ROCKWALL, TEXAS RE-ADOPTING THE PROVISIONS OF
116 ORDINANCE 00-10; CLARIFYING THAT ORDINANCE 00-10
117 AMENDED ORDINANCE 84-61; PROVIDING THAT OFF-SITE
118 ADVERTISING SIGNS ARE PROHIBITED WITHIN THE CITY LIMITS
119 OF THE CITY OF ROCKWALL AND WITHIN THE CITY'S
120 EXTRATERRITORIAL JURISDICTION (ETJ); PROVIDING A PENALTY
121 OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED
122 DOLLARS (\$500) AND A SEPARATE OFFENSE SHALL BE DEEMED
123 COMMITTED ON EACH DAY IN VIOLATION; PROVIDING A
124 SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

125
126
127 CITY OF ROCKWALL
128 ORDINANCE NO. 09 - 09

129
130 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
131 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
132 ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A
133 CHANGE IN ZONING FROM (LI) LIGHT INDUSTRIAL DISTRICT TO (PD-73)
134 PLANNED DEVELOPMENT NO. 73 DISTRICT, ON A TRACT OF LAND
135 CONTAINING APPROXIMATELY 8.405-ACRES AND MORE SPECIFICALLY
136 DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL
137 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
138 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
139 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
140 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 09 - 10

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 (LI) LIGHT INDUSTRIAL DISTRICT, ON A TRACT OF LAND CONTAINING 1.025-ACRES AND KNOWN AS PART OF LOT 1, BLOCK C, ROCKWALL COMMERCIAL PARK PHASE 1 ADDITION, LOCATED AT 1795 IH-30; 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.

Councilmember Scott expressed that he needs to abstain from the vote on Consent Agenda item #1 because he was absent from that particular meeting. Mayor Cecil made a motion to approve Consent Agenda item #1. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes with 1 abstention (Scott).

Councilmember Scott expressed the he would like Consent Agenda item #3 moved to become Action Item #11 so that it can be discussed in greater detail. Mayor Cecil agreed to move the item to the end of the Action Items portion of the agenda.

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 Director Robert LaCroix indicated that the P&Z Chairman, Bill Bricker, will not be present this evening. No action was taken on this item.

2. Appointment with Roger Hamm of Speed Fab Crete to provide an update on the construction of Fire Stations #3 and #4 and take any action necessary.

Mr. Hamm was present and provided a brief update to Council on construction progress at each of the fire stations. He indicated that a phone line needs to be lowered under the site of Fire Station #3. He indicated that site #4 is about 2 weeks behind site #3. He further indicated that the construction is about 4 weeks behind overall. He stated that the schedule has been adjusted due to the weather and other delays that have occurred, and that final completion of the stations is still as originally projected. Brief discussion took place related to lowering the phone line underground at Fire Station #3, a problem which has slightly delayed construction at that particular site.

After some additional discussion, no action was taken on this item on the part of Council.

3. Appointment with Rockwall resident Austin Cory to hear concerns related to the city's motorized scooter ordinance and take any action necessary.

Austin Cory
7125 Holden Drive
Rockwall, TX

190

191 Austin Cory, a student at Nebbie Williams Elementary School and a Rockwall resident,
192 was present. He offered information to the Council on the current State law related to
193 motorized scooters. He further offered information related to the City's current
194 motorized scooter ordinance, the problems he has found with the ordinance and
195 suggestions for improving the ordinance. Among his suggestions was a suggestion that
196 kids be allowed to ride their scooter on public streets that have a speed limit of 25 miles
197 per hour or less.

198 Councilmember Farris thanked Mr. Cory for his presentation. He asked Police Chief
199 Moeller how many streets within the City have speed limits of 25 miles per hour or less.
200 Chief Moeller indicated that very few streets have a speed limit that low.

201 Mayor Cecil asked Mr. Cory what age limit he feels would be appropriate for allowing kids
202 to ride these scooters on public streets. Mr. Cory indicated that he believes an
203 appropriate age would be 10 or 11 years old and up.

204 Mayor Pro Tem Sevier expressed concern related to the young age of those riding
205 motorized scooters and their safety.

206 Councilmember Scott asked that staff further evaluate Mr. Cory's concerns and report
207 back to the Council at a future date. He indicated that there may be room for this
208 ordinance to be massaged to allow at least some of what Mr. Cory has suggested.

209 Councilmember Nielsen asked the Parks Director if there are any areas of public parks
210 where these motorized scooters could be allowed. Mr. Griggs, Parks Director, indicated
211 that the current trails were not made for motorized scooters. They are more so made for
212 pedestrian traffic only. Ms. Nielsen further asked if part of a park could be closed down,
213 even if for a short period of time on a designated date, to allow kids to ride motorized
214 scooters on city park trails. Mr. Griggs expressed that there have been several
215 pedestrian complaints related to kids riding scooters on pedestrian trails within city
216 parks. Mr. Griggs further indicated that the makeup of the trails, including some of the
217 curves, were not designed to handle motorized scooters.

218 Mayor Cecil indicated that most of the city's residential neighborhoods have a speed
219 limit of at least 30 miles per hour. He further stated that the Council did previously
220 evaluate the possibility of lowering the speed limit in all residential neighborhoods from
221 30 miles per hour down to 25 miles per hour. However, the Council decided not to do so
222 but instead opted to handle lowering of speed limits in residential neighborhoods on a
223 case by case basis at the request of those neighborhoods. Mayor Cecil asked if there are
224 any "appropriate areas" designated within the City for kids to ride motorized scooters.
225 Mr. Griggs indicated that he is not aware of any other than private properties.

226 Councilmember Farris invited Mr. Cory to come to the City's Youth Advisory Council
227 (YAC) meeting this Thursday evening and give his presentation to the YAC as well. Mr.
228 Cory indicated that he is willing to come to the YAC meeting and give his presentation on
229 Thursday night.

230 Mr. Cory further suggested that a tall flag be added to each motorized scooter so that
231 they are more visible to drivers on the streets. Mayor Cecil asked how Mr. Cory would
232 feel about restricting the riding of motorized scooters at night. Mr. Cory indicated that he
233 feels it would be necessary to prohibit riding motorized scooters at night due to safety
234 concerns.

235 Mayor Cecil thanked Mr. Cory for his presentation and complimented him on such.

No formal action was taken on this item on the part of Council at this time.

4. Appointment with Jim Hummingbird of the Stoney Hollow HOA to hear concerns related to reducing the speed limit on Cobblestone Lane and Stoney Hollow Lane and take any action necessary.

Mr. Jim Hummingbird
3066 Stoney Hollow Lane

Mr. Hummingbird indicated that there are 96 homes in his subdivision. He expressed concern related to cars driving fast through his neighborhood and how this affects safety, especially of pedestrians and kids. He indicated that there are not sidewalks in his neighborhood.

Councilmember Scott asked if the homeowner's association is requesting that the speed limit be lowered. Mr. Hummingbird explained that he sits on the board of the HOA and that a request to have the speed limit lowered was supposed to have come forth from the HOA board about two years ago. He is now following up on that request and attempting to ensure that the request is brought forth to the city for consideration.

Councilmember Scott made a motion to direct staff to lower the speed limit in Mr. Hummingbird's neighborhood from 30 miles per hour to 25 miles per hour. Councilmember Nielsen seconded the motion.

Councilmember Nielsen asked Mr. Hummingbird if the homeowners in the neighborhood would have any negative feelings or concerns about lowering the speed limit. Mr. Hummingbird indicated that he does not believe homeowners in the neighborhood would have a problem with the speed limit being lowered.

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

It was indicated by Mayor Cecil that staff will draft an ordinance for approval at the next Council meeting, and that it will take approximately 30 days for the ordinance to become effective.

5. Appointment with the Animal Advisory Committee to discuss the Youth Volunteer Program and take any action necessary.

Sandra Soloman
1635 Shores Boulevard

Ms. Soloman indicated that she is the chair of the Animal Advisory Committee. She then turned the presentation over to Dr. Sealock.

Dr. Mike Sealock
1030 Ridge Road Court

Dr. Sealock expressed general concern related to the recent lowering of the age limit associated with volunteering at the city's Animal Adoption Center/Shelter. He provided statistics and information related to animal bites associated with children. He further elaborated on other threats associated with allowing children to volunteer in shelters. He

also gave information related to the age limits that other shelters and SPCAs place on their volunteers, indicating that most shelters he researched restrict volunteers to the age of 16 or 18 years of age. He further provided information on disease and parasite related concerns associated with animals in shelters. Dr. Sealock made certain recommendations, including limiting the duties for youth volunteers to certain, specific activities, including those that require little to no volunteer contact with the animals themselves.

Councilmember Scott thanked Dr. Sealock for his presentation. He expressed that he too is concerned about kids and their safety. Some general discussion took place related to potential safety concerns and exposure associated with kids and parents coming to the Adoption Center to spend time with an animal that the family will potentially adopt and take home.

Mayor Cecil asked Mr. Widmer if he knows of other communities that allow volunteers under the age of 16. Mr. Widmer indicated that he does not recall which communities do allow youth elements in their volunteer program. Mr. Widmer indicated that entities allowing youth programs are typically very specific as to the duties that volunteers are allowed to perform.

Councilmember Russo asked if there are risks associated with children working with cats. Dr. Sealock indicated that there are concerns, such as diseases and cat bites, associated with cats as well. Councilmember Russo asked if Dr. Sealock believes an educational program prior to youth volunteering would help. Dr. Sealock indicated that he does believe it would help. Mr. Russo asked if the age of 16 or 18 would be more appropriate for volunteers at our Animal Shelter. Dr. Sealock indicated that he believes the age of 16 would be appropriate.

Mayor Pro Tem Sevier indicated that his son was exposed to a cat-related parasite that affected his eye for a period of about 2 years. He further expressed that he has general concerns related to the potential for kids getting bit by dogs.

Councilmember Farris provided the Council with some examples of other entities that allow youth volunteers under the age of 16 as well as some input on whether or not those programs require that the youth be accompanied by a parent. He expressed concern for not allowing kids under the age of 16 to volunteer. In general, Mr. Farris expressed the belief that engaging youth in the community at a young age is important.

Councilmember Nielsen asked if animals are vaccinated when they come in and if the animals are tested for certain diseases. Staff member Jeffrey Widmer indicated that animals are not vaccinated when they come in. He further explained that animals are not vaccinated until they are adopted out. He indicated that animals put up for adoption are tested for heartworms but that they are not tested for other diseases due to cost restraints. Councilmember Nielsen expressed that she is concerned about Dr. Sealock's comments related to staff not having time to monitor volunteers. In general, Ms. Nielsen expressed that she believes volunteers can be of great benefit if and when they are properly trained.

Councilmember Scott offered commentary related to age limits associated with youth volunteers and the weight of dogs that youth might interact with. He also offered comments related to parents supervising youth when volunteering. Councilmember

336 Scott expressed that he believes there are some things that can be done to find a middle
337 ground to address safety concerns yet still have an active, attractive youth volunteer
338 program.

339
340 Councilmember Sweet thanked Dr. Sealock and the committee for their hard work and
341 efforts.

342
343 Mayor Cecil asked about kids who participate in FFA (Future Farmers of America). He
344 asked Dr. Sealock if there is any similarity, in terms of risk, in what kids who participate
345 in FFA are exposed to and what Rockwall's youth may potentially be exposed to when
346 volunteering at the city's shelter. Dr. Sealock expressed that there are some similarities.

347
348 Mayor Cecil then made a motion to instruct staff and the committee to work together to
349 find a solution to the issues at hand and report back to Council for consideration at a
350 future date. He included in his motion a request that the program not be expanded nor
351 stopped at this time while staff works with committee members to find a compromise to
352 the concerns. Further included in the Mayor's motion was that the Animal Adoption
353 Center / Shelter Advisory Committee recommendations be adopted on an interim basis
354 until a compromise can be reached on the expressed concerns. Councilmember Scott
355 seconded the motion.

356
357 Councilmember Scott suggested that the Council consider holding a work session with
358 the Animal Adoption Center/Shelter Advisory Committee to discuss the issues at hand
359 and try to come to an agreement on the parameters of the youth program.

360
361 Mayor Cecil asked Mr. Widmer how many volunteers the program currently has as well
362 as a brief status report on the program. Mr. Widmer indicated that about five youth have
363 recently volunteered. He further stated about 3 of those 5 applicants have gone through
364 the volunteer training program at this time. Councilmember Scott expressed that he
365 would like the three volunteers who have already gone through the volunteer training
366 program to be allowed to continue to volunteer, with the understanding that the
367 volunteer activities of the youth volunteers will be limited to the duties suggested by the
368 Animal Adoption Center/Shelter Advisory Committee.

369
370 After additional, brief discussion, the motion passed unanimously.

- 371
372 6. MIS2009-001 - Appointment with James Coffey to consider a request for
373 a waiver to the masonry requirements set forth in Article V, Section 3.1,
374 General Residential District Standards, of the City of Rockwall Unified
375 Development Code, for a Single-Family residence located at 316
376 Portview Place, and take any action necessary.

377 Planning Director Robert LaCroix indicated that Mr. Coffey is constructing a home in
378 Chandlers Landing and that he would like to request a waiver related to the masonry,
379 specifically the stone requirements of the City.

380
381 Mr. James Coffey
382 824 Farm Road 1537
383 Sulphur Springs, TX
384

Mr. Coffey indicated that he would like to utilize stucco in an amount beyond that which is currently allowed.

Councilmember Nielsen made a motion to approve Mr. Coffey's variance request. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

7. Appointment with Joel Weiner of Chandlers Landing to hear request for an amendment to the Concession Agreement with Chandlers Landing to allow for sale of beer and wine and take any action necessary.

Mr. Weiner
1 Harbor View
Rockwall, TX

Mr. Weiner expressed that he would like to be able to sell alcohol in his marina concessions store.

Councilmember Nielsen made a motion to approve the request for an amendment to the Concessions Agreement. Councilmember Farris seconded the motion. After brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

VI. PUBLIC HEARING ITEMS

1. A2009-002 (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 106.90-acres along FM 550 south of SH 276, and contiguous to the existing City Limits line. (1st Public Hearing)

Mayor Cecil explained that no Council actions will be taken this evening. These are strictly public hearings to take public input.

Planning Director Robert LaCroix offered brief background information on this item and indicated that this is a voluntary annexation at the request of the Zollner family in accordance with a signed 212 Agreement.

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

No action was taken by Council on this item.

2. A2009-002 (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 106.90-acres along FM 550 south of SH 276, and contiguous to the existing City Limits line. (2nd Public Hearing)

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

No action was taken by Council on this item.

434
435
436 **VII. ACTION ITEMS**
437

- 438 1. Discuss and consider amending our Code of Ordinances to give the
439 Council discretion to require enhanced barriers between existing
440 subdivisions or developments and proposed new developments and take
441 any action necessary.

442 Councilmember Scott expressed that this is an item that was put on the agenda at the
443 request of him and Councilmember Sweet. Scott expressed that the city requires a
444 maximum of a six foot masonry wall between developments. If a builder came in and
445 asked for a variance to build a wrought iron fence instead, the Council could grant the
446 variance. He expressed that he does not believe, nor do City Attorneys Pete Eckert and
447 Terry Morgan believe, that the city can require a multifamily developer to build a taller
448 masonry barrier. He would like staff to look into an ordinance that would allow Council
449 more leeway to provide more enhanced barriers in certain circumstances.

450
451 City Attorney Pete Eckert indicated that there likely could be some flexibility built into the
452 ordinance / the unified development code to allow for additional discretion.
453

454 Councilmember Farris expressed that he has concerns related to this item and how it
455 might lead to potential litigation from unhappy developers who might claim that the city
456 is placing extraordinary requirements on them to try and prevent their development. Mr.
457 LaCroix indicated that such ordinance could potentially lead to a 'takings' lawsuit by a
458 developer. Mr. LaCroix indicated that the City would have to be careful in how it would
459 move forward with such development restrictions.
460

461 Councilmember Farris directed staff to identify, on a location map, the various areas in
462 the city where this type of concern might potentially come into play based on the current
463 zoning.
464

465 Councilmember Scott made a motion to direct staff to draft a modification ordinance to
466 allow the Council flexibility for enhanced barriers, including higher barriers as well as
467 various types of separations such as distances, vegetation barriers or berms.
468 Councilmember Farris seconded the motion.
469

470 Councilmember Russo expressed concern about the Council forcing a masonry
471 requirement upon a developer if it may end up looking unsightly over time.
472

473 The motion passed by a vote of 7 ayes to 0 nays.
474

- 475 2. Discuss and consider approval of a contract with the Rockwall County
476 Elections Administrator for administration of the May 9, 2009 General
477 Election and take any action necessary.

478 City Manager Julie Couch provided information on this item and indicated that she and
479 the City Secretary had a conversation with Glenda Denton, the Elections Administrator,
480 related to the Council's concerns surrounding the late election returns in the November
481 2008 election. She explained that the results were delayed due to the Elections Board
482 having to process all of the early voting and ballots by mail. She further explained that
483 the City would be holding the election jointly with the Rockwall Independent School

District and that items for the two entities would be on the same ballot. Discussion of this item was deferred to the end of the meeting so that Council could review the proposed contract document.

3. Discuss and consider recommendations of the Charter Review Commission and take any action necessary.

Regarding Proposition #4, related to the municipal judge, Mayor Cecil made a motion to leave the Charter "as is" and not add a plural "s" to the word "judge." Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Regarding Proposition #3, Councilmember Farris made a motion that the Charter remain as it is. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 5 ayes and 2 nays (Russo, Nielsen).

Regarding Proposition #2, Councilmember Farris made a motion to not include Proposition #2 as part of any potential charter election. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

General discussion took place related to moving forward with a Charter Election if there is a contested City Council race and associated election but not having a Charter Election if there is no contested City Council race. Discussion took place related to this idea as it relates to cost.

City Manager Couch indicated that a Charter Election requires that a city pass an ordinance to call a Charter Election and that an ordinance must have two readings before it becomes effective. She then explained that the council would need to call a special meeting on Monday, March 9 in order to have a second reading of the ordinance if it plans to have a charter election.

4. Discuss and consider approval of an ordinance ordering the Charter Election to be held jointly with the Rockwall Independent School District and to be administered by the Rockwall County Elections Administrator on May 9, 2009 and take any action necessary.

After some discussion, Mayor Cecil made a motion to approve the ordinance calling the Charter Election on first reading. Councilmember Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 09-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ORDERING A CHARTER ELECTION TO BE HELD JOINTLY WITH THE ROCKWALL INDEPENDENT SCHOOL DISTRICT AND ADMINISTERED BY THE ROCKWALL COUNTY ELECTIONS ADMINISTRATOR ON SATURDAY, MAY 9, 2009 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF ROCKWALL, TEXAS, FOR THE ADOPTION OR REJECTION THEREOF, CERTAIN PROPOSED AMENDMENTS TO THE EXISTING CITY CHARTER; DESIGNATING THE PLACE AT WHICH SAID ELECTION IS TO BE HELD; APPOINTING THE OFFICERS OF SAID ELECTION; MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.

532 The motion passed by a vote of 5 ayes and 2 nays (Nielsen, Farris).

533
534 City Manager Couch indicated that there will need to be a Special City Council meeting
535 scheduled for Monday, March 9, 2009 at 6:00 p.m. in order for the 2nd reading of the
536 ordinance to take place in accordance with the timeframe outlined in the Election Code.
537 The understanding of the Council was that the meeting will only take place if there is a
538 contested race / if anyone files to run for office by 5:00 p.m. on Monday, March 9th. If no
539 one files, the meeting would be cancelled and there would be no Charter Election.

- 540
541 5. Discuss and consider approving amendments to Council Policies and
542 Procedures and take any action necessary.

543 City Manager Julie Couch briefly discussed certain amendments to the Council Policies
544 and Procedures.

545 After brief discussion, Councilmember Nielsen made a motion to approve the changes to
546 the Council Policies and Procedures as presented by Staff. Mayor Pro Tem Sevier
547 seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

- 548 6. Discuss and consider amendments to Chapter 6 of the Code of
549 Ordinances regarding minimum irrigation system requirements and take
550 any action necessary. (1st Reading)

551 Building Official and Director of Code Enforcement, Jeffrey Widmer, offered brief
552 background information on this item.

553
554 Councilmember Farris commented that he thoroughly reviewed this ordinance and spent
555 extensive time with Staff discussing this ordinance.

556
557 After some discussion, Councilmember Farris made a motion to approve the Ordinance
558 on 1st reading. Councilmember Nielsen seconded the motion. The ordinance was read
559 as follows:

560
561 CITY OF ROCKWALL
562 ORDINANCE NO. 09-13

563
564 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
565 ROCKWALL, TEXAS PROVIDING FOR ARTICLE XIV, IRRIGATION
566 CODE, IN CHAPTER 6 OF THE ROCKWALL CODE OF ORDINANCES
567 IN ORDER TO ESTABLISH THE MINIMUM STANDARDS FOR
568 INSTALLATION OF IRRIGATION SYSTEMS WITHIN THE
569 CORPORATE LIMITS OF THE CITY OF ROCKWALL; PROVIDING
570 FOR A CRIMINAL PENALTY, CLASS C MISDEMEANOR WITH A
571 FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
572 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE
573 DATE.

574
575 The motion passed by a vote of 7 ayes to 0 nays.

- 576
577 7. Discuss and consider approval of a resolution adopting the fee associated
578 with irrigation systems and take any action necessary.

579 Building Official and Director of Code Enforcement, Jeffrey Widmer, indicated that staff
580 is proposing increasing the fee because the staff time involved in the permit process will
581 almost triple as a result of the new irrigation-related requirements.

Councilmember Farris made a motion to approve the resolution adopting the fee increasing the fee from \$35 to \$75.

After some discussion, Councilmember Scott expressed that he is not in favor of the permit-related fee. General discussion took place related to user fees.

The motion failed by a vote of 3 ayes to 4 nays (Sweet, Russo, Scott and Sevier).

8. Discuss and consider an ordinance prohibiting Changeable Electronic Variable Message Signs (CEVMS) on off-site advertising signs within the corporate city limits and the extraterritorial jurisdiction (ETJ) of the City of Rockwall and take any action necessary. (2nd Reading)

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

CITY OF ROCKWALL
ORDINANCE 09-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, AMENDING ORDINANCE 84-61, AS PREVIOUSLY AMENDED BY ORDINANCE 85-45 AND ORDINANCE 00-10, PROHIBITING CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS IN THE CITY OF ROCKWALL AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

9. Discuss and consider fees associated with replacing mechanical items in residential homes and take any action necessary.

Mayor Cecil offered a motion to defer this item until budget review time. Councilmember Nielsen seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Consent Agenda item #5 was then addressed by the Council. (Discuss and consider amendments to our Animal Ordinance to include tethering prohibitions and take any action necessary (2nd Reading)).

Councilmember Scott indicated that he would like the ability for a dog to be tethered for more than 30 minutes. Mayor Cecil asked why this ordinance was brought before Council. Director of Animal Services Jeffrey Widmer indicated that it was partially brought forth to Council due to a staff desire to bring it forth and partially at the request of the Animal Advisory Committee. Councilmember Nielsen expressed that she believes the revised tethering ordinance being considered this evening is still too restrictive. After some discussion, City Manager Julie Couch suggested that the Council allow staff the opportunity to work on the issue a little more and bring it back before Council at a later date.

Consent Agenda Item #3 was then addressed by Council. (Discuss and consider extending the 2009 Concert by the Lake Series and take any action necessary.)

City Manager Julie Couch offered commentary on this item and suggested that this item be considered at the next Council meeting in two weeks. City Manager Couch indicated that part of what staff will evaluate over the next two weeks is whether or not some of the businesses at The Harbor would be willing to economically participate in extending the Concert Series. She also indicated that one option might be to fund extension of the Concert Series out of the Rec Development Fund. After some additional discussion, Council took no action on this item at this time.

Action was then taken on Item #2 related to approval of a Contract for Election Services with the Rockwall County Elections Administrator. Mayor Cecil made a motion to approve the contract. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 7 ayes to 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 Federal Stimulus Funding Opportunities
 - Lake Rockwall Estates Activity Report
 - Fire Department Monthly Report - January 2009
 - Parks and Recreation Monthly Report - January 2009
 - Finance Department Report - January 2009
 - Building Inspections Monthly Report - January

2. City Manager's Report

City Manager Couch indicated that she had intended to introduce Bethany Golden, the City's new Main Street Manager, but Bethany had to excuse herself from the meeting early. She reminded the Council that a reception for Ms. Golden has been planned for this Thursday at 5:30 p.m. at the Wedding Chapel near the downtown square.

Couch provided a brief update on roadways and associated projects in the City.

Couch indicated that the new Costco is scheduled to open in early April. Though TXDOT's contractor had previously indicated that it would be complete before Costco's grand opening, the interchange will not actually be completed until June.

Couch offered a brief update on the Federal stimulus funding and associated proposed projects from various municipalities. She indicated that an organization called the United States Conference of Mayors sent out a survey last fall asking for cities to indicate what projects they might propose for stimulus funding. Couch indicated that Rockwall is not a member of this organization and did not get a copy of this survey. She indicated that overall the projects that were submitted would go through a normal funding process. At this point, there is no identified mechanism for the City of Rockwall to submit for and potentially receive federal stimulus funding other than the normal, typical means of submitting projects for funding.

Mayor Pro Tem Sevier pointed out that the bid on Airport Road would go out in March with the bid being awarded in April and construction being complete by October. This is Phase I. The second phase would tentatively start in August of this year and end in

679 August of next year. Couch indicated that the city is still in design phase at this point
680 and negotiations to acquire right-of-way from property owners have not yet begun.
681

682 Mayor Cecil pointed out that Staff still needs to bring back a resolution for the City
683 Council to consider and send to Dallas related to Rockwall citizens who may be
684 interested in serving on a search and rescue task force for Lake Ray Hubbard. Couch
685 indicated that staff will soon bring back a resolution for Council to consider.
686

687 Mayor Cecil adjourned the public meeting into Executive Session at 10:20 p.m.
688

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

- 691
- 692 1. Deliberation regarding the purchase, exchange, lease, or value of real
693 property.
 - 694 2. Personnel Issues, including Board, Commission, and Committee
695 Appointments, and Related Matters.
 - 696 3. Commercial or financial information regarding business prospects that the
697 City seeks to have locate, stay, or expand in or near the territory of the
698 City of Rockwall and with which the Board is conducting economic
699 development negotiations.
 - 700 4. Pursuant to Section 551.071, consultation between the City's attorneys
701 and City Council where the duty of the City's attorneys to the City Council
702 under the Code of Professional Responsibility of the State Bar of Texas
703 clearly conflicts with the Open Meetings Act, regarding: legal issues
704 pertaining to annexation of territory, annexation agreements, and
705 development agreements pursuant to Tex. Loc. Gov't Code ch. 43.
- 706

707 X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
708

709 No action was taken as a result of Executive Session.
710

711 XI. ADJOURNMENT
712

713 Mayor Cecil adjourned the meeting at 11:10 p.m.
714

715 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
716 this 16th day of March, 2009.

717
718 ATTEST:

719 
720 Kristy Ashberry, City Secretary
721


William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, March 16, 2009

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, Margo Nielsen and Mark Russo. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council members Matt Scott and Glen Farris 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(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 and regarding County of Rockwall v. Turner.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

IV. ADJOURNMENT

Mayor Cecil adjourned Executive Session at 5:45 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 6th day of April, 2009.**

ATTEST:

Kristy Ashberry
Kristy Ashberry, City Secretary



William R. Cecil
William R. Cecil, Mayor

**MINUTES
ROCKWALL CITY COUNCIL**

Monday, March 16, 2009
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, Margo Nielsen and Mark Russo. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council members Matt Scott and Glen Farris were absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SWEET

Councilmember Sweet delivered the invocation and led the Pledge of Allegiance.

III. CONSENT AGENDA

1. Consider approval of the minutes from the March 2, 2009 City Council Meeting and take any action necessary.
2. Consider approval of an agreement with the Rockwall Economic Development Corporation for the construction and funding of the western extension of Discovery Boulevard and take any action necessary.
3. Consider bid award for Grounds Maintenance Service to Turf Scapes and take any action necessary.
4. Consider Bid Award for Contract Mowing Services to 3-D Mowing and take any action necessary.
5. Consider approval of the Emma Jane Emergency Warning Siren Relocation and take any action necessary.
6. Consider approval of an ordinance re-adopting the provisions of Ordinance 00-10 and take any action necessary. (2nd reading)
7. Consider the award of the construction contract for the Lakeside Village Water Line Project and take any action necessary.
8. Consider an ordinance establishing the speed limit within the Stoney Hollow Subdivision at 25 MPH and take any action necessary. (1st Reading)
9. Consider approval of an Ordinance cancelling the May 9, 2009 General Election and declaring unopposed candidates elected to office and take any action necessary. (1st reading)
10. Consider amendment the Chandlers Marina Contract to permit the sale of alcoholic beverages and take any action necessary.
11. Consider approval of resolutions related to the Annual Update of the Neighborhood Park Land Dedication Ordinance and take any action necessary.

- 90 12. Consider amendments to Chapter 6 of the Code of Ordinances regarding
91 minimum irrigation system requirements and take any action necessary.
92 (2nd Reading)
- 93 13. P2009-005 - Consider a request by Arturo Orsornio and Roberto Silva for
94 approval of a final plat of Lots 1-4, Block A, Orsornio Silva Addition, same
95 being a replat of the south 1/2 of Lot 812, all of Lots 813 and 814, and the
96 south 1/2 of Lot 815, Rockwall Lake Development No. 2 Addition (aka
97 Lake Rockwall Estates #2), being 0.50-acre overall and located along the
98 north side of County Line Road east of Eva Place and west of Valerie
99 Place, and take any action necessary.
- 100 14. P2009-006 - Consider a request from Roland Cobb of Prism Leasing,
101 Ltd., for approval of a final plat of Lot 1, Block A, Rockwall Car Wash
102 Addition, being 1.048-acres zoned (PD-46) Planned Development No. 46
103 district and located along the north side of SH 276 east of FM 549, and
104 take any action necessary.
- 105 15. P2009-007 - Consider a request by Leonard Reeves of Studio 13 Design
106 Group for approval of a replat of Lot 1, Block O, Stone Creek Phase 1
107 Addition, being 2.82-acres zoned (PD-70) Planned Development No. 70
108 district and designated for the Amenity Center site, located at 475
109 Featherstone Drive, and take any action necessary.
- 110 16. Consider the award of the construction contract for the Airport Water Line
111 Phase 2 Project and take any action necessary.

112
113 **Mayor Cecil made a motion to approve the entire Consent Agenda. Mayor Pro Tem**
114 **Sevier seconded the motion. The ordinances were read as follows:**

115
116 **CITY OF ROCKWALL**
117 **ORDINANCE NO. 09-12**
118

119 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
120 **ROCKWALL, TEXAS RE-ADOPTING THE PROVISIONS OF**
121 **ORDINANCE 00-10; CLARIFYING THAT ORDINANCE 00-10**
122 **AMENDED ORDINANCE 84-61; PROVIDING THAT OFF-SITE**
123 **ADVERTISING SIGNS ARE PROHIBITED WITHIN THE CITY LIMITS**
124 **OF THE CITY OF ROCKWALL AND WITHIN THE CITY'S**
125 **EXTRATERRITORIAL JURISDICTION (ETJ); PROVIDING A PENALTY**
126 **OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED**
127 **DOLLARS (\$500) AND A SEPARATE OFFENSE SHALL BE DEEMED**
128 **COMMITTED ON EACH DAY IN VIOLATION; PROVIDING A**
129 **SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE;**
130 **PROVIDING A COURT PROCEEDINGS CLAUSE; PROVIDING AN**
131 **EFFECTIVE DATE.**
132

133
134 **CITY OF ROCKWALL**
135 **ORDINANCE NO. _____**
136

137 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
138 **ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES,**
139 **ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE PRIMA**

140 FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE
141 PROVISIONS OF THE TRANSPORTION CODE, SECTION 545.356,
142 UPON THE ROADS DELINEATED ON THE ATTACHED EXHIBIT
143 WITHIN THE STONEY HOLLOW SUBDIVISION, OR PARTS
144 THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF
145 ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT TO
146 EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200);
147 PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE
148 DATE.

149
150
151 CITY OF ROCKWALL, TEXAS
152 ORDINANCE NO. _____
153

154 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
155 ROCKWALL, TEXAS DECLARING UNOPPOSED CANDIDATES IN
156 THE MAY 9, 2009, GENERAL CITY ELECTION, ELECTED TO
157 OFFICE; CANCELLING THE ELECTION; PROVIDING A
158 SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
159

160
161 CITY OF ROCKWALL
162 ORDINANCE NO. 09-13
163

164 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
165 ROCKWALL, TEXAS PROVIDING FOR ARTICLE XIV, IRRIGATION
166 CODE, IN CHAPTER 6 OF THE ROCKWALL CODE OF ORDINANCES
167 IN ORDER TO ESTABLISH THE MINIMUM STANDARDS FOR
168 INSTALLATION OF IRRIGATION SYSTEMS WITHIN THE
169 CORPORATE LIMITS OF THE CITY OF ROCKWALL; PROVIDING
170 FOR A CRIMINAL PENALTY, CLASS C MISDEMEANOR WITH A
171 FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
172 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE
173 DATE.
174

175 The motion passed by a vote of 5 ayes and 2 absent (Farris, Scott).
176

177 IV. APPOINTMENTS
178

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

182 Planning & Zoning Chairman Bill Bricker was present and briefed the Council on actions
183 taken by the Planning & Zoning Commission related to items on tonight's agenda. No
184 action was taken on this item.
185

- 186 2. Appointment with Mike Rickman from NTMWD to discuss the status of
187 water projects and water outlook for 2009 and take any action necessary.

188 Mike Rickman was present and provided the Council with an update on the area water
189 supply levels. He indicated that the North TX Municipal Water District is in good shape
190 for meeting water demands this year and in years moving forward. He encouraged the
191 City to continue its water conservation efforts. After some discussion, no action was
192 taken on this item.

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

196 Mr. Weyandt indicated that his company is issuing a clean, unqualified opinion on the
197 city's financial audit for the past year. He indicated that there is about 150 days of
198 revenues in reserves. While he stated that this is a decrease over last years' 167 days of
199 reserves, it is still a very healthy reserve level. He indicated that this is the fifth and last
200 year that his firm will be auditing the city's financial records. He thanked City Manager
201 Julie Couch and Finance Director Mary Smith for their work on the city's audit and
202 financial record keeping. After some brief discussion, no action was taken on this item.
203

204 **V. PUBLIC HEARING ITEMS**

- 205
206 1. Z2009-002 - Hold a public hearing and consider approval of an ordinance
207 for a request by Tim Moore for approval of a zoning change from (SF-7)
208 Single Family Residential district to (C) Commercial district on a 0.25-acre
209 tract located at 901 South Goliad, same being described as Lot 1 and the
210 NW part of Block A, Canup Addition, and take any action necessary. (1st
211 reading)

212 Planning Director Robert LaCroix offered brief background information on this item. He
213 indicated that this is a vacant lot at this time and that a residence is no longer located on
214 this property. He further stated that this lot is the location that the Ice Train snow cone
215 stand may be located if Council approves the zoning change and the next item on
216 tonight's agenda. He stated that notices were sent out to adjacent property owners
217 notifying them of the potential zoning change and that no responses have been received
218 by the City at this time. Councilmember Nielsen asked what type of businesses could be
219 placed on this property in the future. Planning Director LaCroix indicated that the owner
220 is most in need of parking space to be placed on the site, but he also stated that a small
221 shop of some sort or a small office could be placed there.
222

223 Tim Moore
224 201 Meadowdale
225 Rockwall, TX
226

227 Mr. Moore indicated that he is asking to rezone the lot and may place a parking lot there
228 in the future.
229

230 Mayor Cecil opened the public hearing. There being no one to come forth and speak on
231 the public hearing, Mayor Cecil closed the public hearing. Councilmember Sweet made a
232 motion to approve Z2009-002. Councilmember Russo seconded the motion. The
233 ordinance was read as follows:

234 **CITY OF ROCKWALL**

235 **ORDINANCE NO. 09- 17**

236
237
238 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
239 **ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT**
240 **CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED**
241 **SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-7) SINGLE**
242 **FAMILY RESIDENTIAL DISTRICT TO (C) COMMERCIAL DISTRICT,**
243 **ON A TRACT OF LAND CONTAINING APPROXIMATELY 0.25-ACRE**

244 LOCATED AT 901 S. GOLIAD STREET AND MORE SPECIFICALLY
245 DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; PROVIDING FOR
246 A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
247 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
248 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
249 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
250

251 The motion passed by a vote of 5 ayes to 2 absent (Farris, Scott).
252

- 253 2. Z2009-003 - Hold a public hearing and consider approval of an ordinance
254 for a request by Ashley Byrd of The Ice Train for approval of a Specific
255 Use Permit (SUP) to allow for a temporary portable beverage service
256 facility within the (C) Commercial zoning district, on a 0.25-acre tract
257 located at 901 South Goliad, same being described as Lot 1 and the NW
258 part of Block A, Canup Addition, and take any action necessary. (1st
259 reading)

260 Mr. LaCroix offered brief background information on this item and indicated that there
261 will not be any access allowed off of SH-205. He further stated that two access points
262 will be placed off of Bourne Street. He indicated that the parking allotment will be similar
263 to that which the snow cone stand had at its previous site. Mr. LaCroix indicated that Mr.
264 Moore, the owner, is willing to rock the parking lot surface to minimize mud and debris
265 problems on the street.

266 Ashley Byrd
267 1200 Rabbit Ridge Road
268 Heath, TX
269

270 Mayor Cecil opened the public hearing. There being no one to come forward and speak,
271 Mayor Cecil closed the public hearing.

272 Councilmember Sweet made a motion to approve Z2009-003 with staff recommendations
273 and with the recommendations of the Planning & Zoning Commission. This includes
274 allowing this SUP to continue through the years moving forward unless or until any
275 complaints are received. Mayor Pro Tem Sevier seconded the motion. The ordinance
276 was read as follows:

277 CITY OF ROCKWALL
278 ORDINANCE NO. 09-
279

280 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
281 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
282 CODE, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC
283 USE PERMIT TO ALLOW A TEMPORARY PORTABLE BEVERAGE
284 SERVICE FACILITY ON A TRACT OF LAND KNOWN AS LOT 1 AND
285 THE NW PART OF BLOCK A, CANUP ADDITION, LOCATED AT 901
286 S. GOLIAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
287 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
288 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
289 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
290 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
291

292 The motion passed by a vote of 5 ayes to 2 absent (Farris, Scott).

- 293 3. Z2009-005 - Hold a public hearing and consider approval of an ordinance
294 for a request by Jed Dolson of Breezy Hill 405, Ltd., for approval of a
295 change in zoning from (Ag) Agricultural district to (PD) Planned
296 Development district, for property currently described as Tracts 7 and 7-1,
297 Abstract 187, J Strickland Survey, being 405.184-acres overall situated
298 along John King Blvd north of FM 552 and west of Breezy Hills Rd, and
299 take any action necessary. (1st reading)

300 Mr. LaCroix offered brief background information on this item and indicated that this
301 property was annexed in early 2008 after a ruling from the Supreme Court of Texas
302 following extensive litigation with the city. Mr. LaCroix indicated that there may be a
303 need for an additional school or schools in this area due to the influx of homes
304 associated with this PD. He further stated that there will likely be the need for additional
305 retail development, including an anchor store, likely a grocery store of some type. Mr.
306 LaCroix stated that if Council approves this zoning change and PD, the existing 212
307 agreement would become obsolete. Mr. LaCroix indicated that notices were sent out to
308 adjacent property owners and that at this point no responses have been received.
309

310 Jed Dolson
311 3838 Oak Lawn Avenue
312 Suite 1212
313 Dallas, TX
314

315 Mr. Dolson indicated that the original site plan presented two years ago proposed 2 units
316 per acres for a total of approximately 810 home sites. He further stated that this
317 particular site plan being presented tonight reduces that density to a total of 658 homes.
318 He indicated that if the school sites do not end up developing, the land would become
319 additional open space within the development.
320

321 Mayor Pro Tem Sevier asked about the exits onto Breezy Hill Lane. He asked about plans
322 to widen the farm road to at least two lane curb and gutter. Mr. LaCroix indicated that a
323 facilities agreement and a facilities plan would be forthcoming if the Council approves
324 this item this evening. Included in the facilities plan would be plans to expand and
325 improve the Breezy Hill Lane roadway. Sevier indicated that there may be the need for
326 the area to be lighted as well.
327

328 Mr. Dolson indicated that the two main points of ingress and egress would be FM 552
329 and John King Boulevard, rather than Breezy Hill Lane but that Breezy Hill Lane will be
330 widened nonetheless.
331

332 Mayor Cecil opened the public hearing.
333

334 Bruce Clark
335 (no address given)
336

337 Mr. Clark indicated he has some property that abuts the addition. He indicated that he
338 has lived on this property since 1973. He indicated that he is an urban planner by
339 profession. He stated that this plan is much better than the original plan, which he was
340 strongly opposed to. He indicated that he has general concerns about the additional
341 traffic that this development will create. Mr. Clark stated that he is very concerned about
342 the water runoff that will be generated into Thompson Creek as a result of this

development. He is very concerned about the hydrology problems that will result due to this development.

Christine Renner
401 Anacaid Road
Rockwall, TX

Ms. Renner expressed that she is generally dissatisfied that the development is going to be built. She likes living in a more rural area where there is lots of space and little retail development and traffic. She is not in favor of the additional retail development and is concerned about the added traffic and the added lights that will come. She is also concerned about the additional water demands that this development will place on already strained water supplies. She would like the Council to remove the retail portion of this development.

Dave Irick
401A Country Ridge Road
Rockwall, TX (county)

He indicated that his property backs up to Thompson Creek and that erosion has been a problem on his property due to the school that was built nearby. He has a pond on his property and is very concerned that the proposed development will contribute to him losing his pond due to the erosion.

Susan Watson
16 Pringle Lane
Rockwall, TX

She is excited about the Tom Thumb coming but does not think that additional retail is needed on FM 552. She is generally not in favor of the development.

Sarah Reeder
24 Pringle Lane

Ms. Reeder is primarily concerned about the added traffic congestion that will come as a result of the new development.

Susan Taylor
16 Kimberly Lane

She is not in favor of the retail development near Breezy Hill and FM-552 in addition to the Tom Thumb. She is okay with the housing portion but is strongly opposed to the retail.

Claudia Engle
341 Breezy Hill Lane

She does not want planned commercial development put in at this location.

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

Brief discussion then took place related to detention requirements and permeable pavement. Couch indicated that the developer will be responsible for doing an extensive drainage analysis before the development goes in.

Councilmember Nielsen expressed that she is concerned about the hydrology of the development and potential drainage problems. City Engineer Chuck Todd indicated that the hydrology and drainage aspects do not get looked at during this stage. However, these aspects do get carefully looked at during a later stage of the development. Mr. Todd indicated that drainage can begin to be looked at when preliminary site plans are submitted for review. Councilmember Nielsen indicated that lighting technology has improved substantially and that lights are shielded and directed downward much more so now than in the past.

Mr. LaCroix briefed the Council on the existing development agreement that resulted from the settlement agreement with the Caruth property owners.

The retail impact is a concern, and City Manager Couch indicated that staff can sit down with the developer and reevaluate the location of that retail development.

Mayor Cecil made a motion to table this item to the next regular City Council meeting on April 6, 2009. Councilmember Sweet seconded the motion. The motion passed by a vote of 5 ayes to 2 absent (Farris, Scott).

VI. ACTION ITEMS

1. Discuss and consider the allowance of mixed beverage late hours permits within the City of Rockwall and take any action necessary.

Couch indicated that should Council choose to allow late night hours, an ordinance would need to be drafted and brought back to the Council for consideration at the next meeting.

After some brief discussion, Councilmember Nielsen made a motion to not allow late night hours permits. Councilmember Sweet seconded the motion. The motion passed by a vote of 5 ayes to 2 absent (Farris, Scott).

2. Discuss and consider status of FY 08-09 budget and budget forecast for FY 09-10 and take any action necessary.

City Manager Julie Couch began discussion of this item. The appraisal district is anticipating, very preliminarily, that property taxes may come in at either a 1% increase or a flat revenue stream. However, there could prove to be a reduction in property tax revenue. It is hard to tell at this point. She indicated that she anticipates a reduction in building permit and construction fee revenues for next year. Regarding expenditures for next year, Couch indicated that the city will potentially have a difficult time keeping the 'status quo' for next year. After some additional, brief discussion, Mayor Cecil thanked staff for the thorough report and outlook.

- 442 3. Discuss and consider expanding the Concert by the Lake Series and take
443 any action necessary.

444 Councilmember Sweet clarified that this would cost \$30,800 and would be taken out of
445 the Rec Development Fund. Mayor Cecil indicated that he brought this item forward as a
446 Council effort with the desire to offer these additional concerts to the community during
447 a down time in the economy. He has no problem having the funding come out of the Rec
448 Development fund. Mayor Cecil stated that he did not expect financial help from any of
449 the restaurants or venues at The Harbor, though he would not be opposed to receiving
450 the financial help.

451 Director of Parks and Recreation, Brad Griggs, indicated that small capital projects and
452 consulting fees are typically paid for out of the Rec Development fund. He also clarified
453 the various places that the fees come from. Mr. Griggs indicated that spending the
454 \$30,800 out of the Rec Development fund would not negatively impact the overall fund
455 itself.

456 Councilmember Nielsen made a motion to approve extending the Concert Series as
457 recommended by Staff. Councilmember Russo seconded the second. The motion
458 passed by a vote of 5 ayes to 2 absent (Farris, Scott).

- 459
460 4. Discuss and consider the status of tree preservation efforts by NTMWD
461 during the Turtle Cove wastewater line construction and take any action
462 necessary.

463 City Manager Couch began discussion of this item. City Engineer Chuck Todd gave an
464 update on the efforts that the City and NTMWD has gone through in an attempt to save as
465 many trees as possible. Couch indicated that there may be a need to add additional
466 dollars to the project, though it is not known for sure at this time. No Council action was
467 taken on this item.

468
469 VII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
470 GOVERNMENT CODE TO DISCUSS:

- 471
472 1. Deliberation regarding the purchase, exchange, lease, or value of real
473 property.
474 2. Personnel Issues, including Board, Commission, and Committee
475 Appointments, and Related Matters.
476 3. Commercial or financial information regarding business prospects that the
477 City seeks to have locate, stay, or expand in or near the territory of the
478 City of Rockwall and with which the Board is conducting economic
479 development negotiations.
480 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
481 with attorney with regard to a matter that it is the duty of the attorney to
482 consult with the Council and falls under the attorney-client privilege and
483 regarding County of Rockwall v. Turner.

484
485 VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

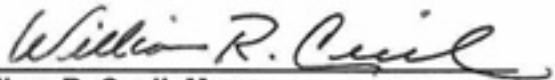
486
487 No action was taken as a result of Executive Session.

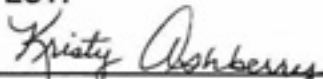
488
489 IX. ADJOURNMENT
490

491 Mayor Cecil adjourned the meeting at 8:51 p.m.
492

493 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
494 this 6th day of April, 2009.

495
496 ATTEST:


William R. Cecil, Mayor

497 
498 _____
499 Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

Thursday, March 26, 2009
5:00 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 5:16 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 was Assistant City Manager Rick Crowley. City Manager Julie Couch and City Attorney Pete Eckert were not present.

II. DISCUSS AND CONSIDER THE STATUS OF HB 1976, HB 1977, HJR 76 AND OTHER LEGISLATIVE MATTERS AND TAKE ANY ACTION NECESSARY.

Councilmember Scott indicated that Representative Solomons' proposed bill concerning homeowners associations is the bill that he is most concerned about. He would like one or two council members to attend the committee meeting in Austin related to the bill in order to convey the city's position concerning the bill.

Members of the Council generally spoke in favor of Rockwall council members going to Austin to testify in support of HB 1976. General discussion took place regarding some specific concerns related to the draft bill. Councilmember Scott agreed to highlight councilmember's specific concerns when he goes to Austin to testify on behalf of the City Council.

After some discussion, Councilmember Scott made a motion that the Council authorize himself to testify in Austin in favor of HB 1976 with the understanding that the following will be highlighted related to the bill:

- The City Council supports the bill.
- The City Council supports the legislature's efforts at reform.
- The City Council has the following concerns related to the bill:
 - The definition of "all documents that govern the rights, duties and responsibilities of the property owner's association" may be too broad;
 - That there needs to be some sort of a statute of limitations on the ability to file an injunction if a property owner's association has violated the DCCRs;
 - That there is disagreement about the 51% that is required to pass a special assessment, raise dues or amend the dedicatory instruments – this is too high and should be a lower number/percentage;
 - That they should explore other methods of tabulating votes, including on-line voting services or other less costly methods that are equally effective in ensuring the vote is appropriately tallied;
 - That the Council does not like the notion of taking away the proxy vote;
 - That interest should accrue for those allowed on an alternate payment schedule;

- That there should be a window in which the property owners association can file the dedicatory instruments described in this bill;
- That notice should be given in HOA communities as properties are being marketed.

Councilmember Farris seconded the motion.

Mayor Cecil expressed that the only way he can support the motion is if a disclaimer of concern is added to express that the bill is not balanced in that it has not evaluated any reform with regard to individuals against the association. He expressed that he believes that any bill should look at both sides of the issue and believes that this bill has not done so.

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

III. ADJOURNMENT

The meeting adjourned at 6:03 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 6th day of April, 2009.

ATTEST

Kristy Ashberry

Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Monday, April 06, 2009

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 David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Glen Farris. 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(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 legal services

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Actions taken during Executive Session are noted at the end of these meeting minutes.
(Please see below)

V. ADJOURNMENT

Executive Session was recessed at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 20th day of April, 2009.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary



William R. Cecil

William R. Cecil, Mayor

**MINUTES
ROCKWALL CITY COUNCIL**

**Monday, April 06, 2009
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 6:03 p.m. Present were Mayor Cecil, Mayor Pro Tem Cliff Sevier 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.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

Councilmember Nielsen delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Child Abuse Prevention & Awareness Month

Mayor Cecil read and presented the proclamation to the Executive Director of CASA, Lucille Bell.

2. Nate Oxford's Giving Back Day

Mayor Cecil read and presented the proclamation to Rhonda Mischler.

IV. OPEN FORUM

Pastor Joe Robbins was present and commended the City Council for a job well done this past year.

Ruth Peck, President of Music Fest
108 Lakedale Drive
Rockwall, TX

Ms. Peck thanked the Council for all they do and let them know that the annual Music Fest concert will be held at the First Methodist Church on April 26th.

Bill Bricker
505 Westway Drive
Rockwall, TX

He stated he was present to represent the builders in Park Place. He let the Council know that he plans to come forth at a later date with an appointment item to address the Council on possibly allowing builder signs in the community on the weekends.

V. CONSENT AGENDA

1. Consider approval of the minutes from the March 16, 2009 City Council meeting and take any action necessary.
2. Consider approval of the minutes from the March 26, 2009 Special City Council Meeting and take any action necessary.
3. Consider bid award for Jewel Park Playground Equipment and take any action necessary.
4. Consider award of building security for new fire stations 3 and 4 and take any action necessary.
5. Consider an **ordinance** establishing the speed limit at 25 MPH within the Stoney Hollow Subdivision and take any action necessary. (2nd reading).
6. Consider approval of an **ordinance** cancelling the May 9, 2009 General Election and declaring unopposed candidates elected to office and take any action necessary. (2nd reading)
7. Z2009-002 - Consider approval of an **ordinance** for a request by Tim Moore for approval of a zoning change from (SF-7) Single Family Residential district to (C) Commercial district on a 0.25-acre tract located at 901 South Goliad, same being described as Lot 1 and the NW part of Block A, Canup Addition, and take any action necessary. (2nd Reading)
8. Z2009-003 - Consider approval of an **ordinance** for a request by Ashley Byrd of The Ice Train for approval of a Specific Use Permit (SUP) to allow for a temporary portable beverage service facility within the (C) Commercial zoning district, on a 0.25-acre tract located at 901 South Goliad, same being described as Lot 1 and the NW part of Block A, Canup Addition, and take any action necessary. (2nd reading)
9. Consider the Local Project Advanced Funding Agreement with TXDOT for the landscape items, sidewalks and retaining wall aesthetic treatment for the John King Blvd. and IH-30 interchange and take any action necessary.
10. Consider approval of a Multiple Use Agreement with TXDOT for the relocation of the early warning siren at Emma Jane and SH-205 onto State property and take any action necessary.
11. Consider award of the construction contract for the Squabble Creek Interceptor Replacement and Rehabilitation- Phase 2 and the Lakeside Village Sanitary Sewer Rehabilitation Project, and take any action necessary.
12. Consider granting ONCOR a 10-foot utility easement in Fox Chase Park to provide underground power service to the street lights in Tubbs Road, and take any action necessary.
13. Consider approval of additional funding for the stamped concrete at the Alamo/Rusk and Alamo/Washington intersections for the SH-205 project and take any action necessary.

- 137 14. Consider renewal of the Interlocal Agreement with Rockwall County for
138 the inspection of new and existing septic systems within the City of
139 Rockwall, and take any action necessary.
- 140 15. Consider approval of a resolution to participate in the Dallas County
141 Purchasing Cooperative for street materials and other goods and services
142 and take any action necessary.

143
144 Councilmember Farris pulled items #1, 13, and 14 for discussion.
145

146 Councilmember Sweet made a motion to approve the remainder of the Consent Agenda
147 (#2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 15). Mayor Pro Tem Sevier seconded the motion.
148 The ordinances were read as follows:
149

150 CITY OF ROCKWALL
151 ORDINANCE NO. 09-15
152

153 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
154 ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES,
155 ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE PRIMA
156 FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE
157 PROVISIONS OF THE TRANSPORTATION CODE, SECTION 545.356,
158 UPON THE ROADS DELINEATED ON THE ATTACHED EXHIBIT
159 WITHIN THE STONEY HOLLOW SUBDIVISION, OR PARTS
160 THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF
161 ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT TO
162 EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200);
163 PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE
164 DATE.
165

166 CITY OF ROCKWALL, TEXAS
167 ORDINANCE NO. 09-16
168

169 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
170 ROCKWALL, TEXAS DECLARING UNOPPOSED CANDIDATES IN
171 THE MAY 9, 2009, GENERAL CITY ELECTION, ELECTED TO
172 OFFICE; CANCELLING THE ELECTION; PROVIDING A
173 SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
174

175 CITY OF ROCKWALL
176 ORDINANCE NO. 09-17
177

178 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
179 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
180 CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED
181 SO AS TO APPROVE A CHANGE IN ZONING FROM (SF-7) SINGLE
182 FAMILY RESIDENTIAL DISTRICT TO (C) COMMERCIAL DISTRICT,
183 ON A TRACT OF LAND CONTAINING APPROXIMATELY 0.25-ACRE
184 LOCATED AT 901 S. GOLIAD STREET AND MORE SPECIFICALLY
185 DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; PROVIDING FOR
186 A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
187 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
188 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
189 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 09 - 18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A TEMPORARY PORTABLE BEVERAGE SERVICE FACILITY ON A TRACT OF LAND KNOWN AS LOT 1 AND THE NW PART OF BLOCK A, CANUP ADDITION, LOCATED AT 901 S. GOLIAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

Regarding item #1, Councilmember Farris abstained from the vote because he was out of town. Councilmember Sweet made a motion to approve Consent Agenda item #1. Councilmember Russo seconded the motion. The motion passed by a vote of 5 ayes to 2 abstentions (Nielsen, Farris).

Regarding Consent agenda item #13, Councilmember Farris asked Staff why this item (according to the staff memo) was "previously overlooked." City Engineer Chuck Todd expressed that the original contract did not include these items. Mr. Farris asked why the City has to pay a 10% ENC TXDOT charge. Todd explained that the traffic lanes must remain open, requiring the project to be performed in four phases. He further indicated that the project was not originally bid in this manner.

Mayor Pro Tem Sevier asked where the money to pay for this item will come from. Todd expressed that it will come out of the Street Assessment Fund. Todd explained to Councilmember Nielsen that the project can still be done, and the stamped concrete can still be installed; however, lanes of traffic will have to be shut down in order to complete the installation if Council does not approve the extra funding this evening.

Couch explained that an original estimate was provided to the City to install the stamped concrete, and the estimate did not include phasing the project and leaving lanes open during installation. Couch further explained that this is a change order process, not a bidding process at this point. If Council chooses to change the direction of the project and not approve the funding for installation of the phased stamped concrete, then Staff can certainly contact TXDOT to discuss this with them. Assistant City Manager Rick Crowley explained that the 10% charge from TXDOT would be charged to the city regardless of whether this part of the project was approved early on or now. It is simply TXDOT's overhead charge of doing business. Couch explained that if the stamped concrete is not approved, the street(s) will not look as they were designed to look.

After some discussion, Councilmember Farris made a motion to approve Consent Agenda item #13. Mayor Cecil seconded the motion. The motion passed by a vote of 6 ayes to 1 nay (Nielsen).

Regarding Consent Agenda item #14, Councilmember Farris asked about the fee schedule associated with the interlocal agreement with Rockwall County. He asked if the entire \$500 fee that is charged goes to the County. Todd expressed that, yes, all \$500 goes directly to Rockwall County for performance of the inspection. Farris asked if the County has provided any information to the City as to how it arrives at charging the \$500 fee. Councilmember Farris made a motion to table this item. He would like the County to let the City know a breakdown of cost associated with how it arrives at charging the \$500 fee. Mayor Pro Tem Sevier seconded the motion to table the item. 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 present and offered brief information on actions taken by the Planning & Zoning Commission related to items on the Council agenda.

2. Appointment with Orleans on the Lake resident Vicky Coleman to hear concerns related to use of the private parking lot in her community and take any action necessary.

Mayor Cecil made a motion to not hear the item unless Ms. Coleman makes another request to come before Council at a later date. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

3. Appointment with Roger Hamm from Speed Fab Crete for an update on the Fire Stations #3 and #4 construction project and take any action necessary.

Roger Hamm
9852 Highland Prairie
Forney, TX

Mr. Hamm explained that at site #3, the phone line was lowered into the ground, which slowed down the project. All the concrete finally got poured, though it had been delayed three times due to rain. All plumbing and electrical work under the floor has begun. The 'go vertical' meeting is happening tomorrow morning at 11:00 a.m. At site #4, all the line stabilization has finished and about 90% of the concrete has been poured. All fire lines have been striped, and he has received 'go vertical' approval from the city. After all the steel erections are finished, several items can then be completed.

The schedule has been adjusted for a completion date of July 11th at this point because about 12 rain days had to be added.

VII. SITE PLANS / PLATS

1. P2008-036 – Discuss and consider a request by David Walls of Walls & Associates for approval of a preliminary plat for Flagstone Corners Addition, being 8.428-acres zoned (PD-54) Planned Development No. 54 district and (PD-60) Planned Development No. 60 district, and located at

the southeast corner of Ralph Hall Pkwy and Mims Rd, and take any action necessary.

Planning Director Robert LaCroix explained that this is the commercial portion of the Flagstone Corners Addition. The developer took plans to Planning & Zoning related to his plans for detention, and the Commission did not like his plans. The screening mechanism was considered by staff to include the vegetation buffer, not the retaining wall itself. The developer took the plan back and re-worked it in order to keep the tree vegetation buffer in place. A six-foot masonry fence is typically required by the City as well; however, Staff and the Planning & Zoning Commission does not believe that a masonry fence would be appropriate in this particular case. Instead, it has been proposed that an 8 foot wrought iron fence be installed by the developer as well as some additional vegetation. Therefore, the developer is asking for a variance to the 6 foot masonry fence requirement to instead allow for an 8 foot wrought iron fence, coupled with some additional landscaping to the already existing tree buffer. Mr. LaCroix indicated that this is not a public hearing. He further stated that the applicant is not present this evening due to an apparent confusion of dates.

Councilmember Nielsen asked if the quality of the vegetation is something that the City really desires to retain over the course of many years to come. Mr. LaCroix explained that some of the existing trees will likely not live over time; however, the landscaping buffer will still be required of the developer, and the commercial property owner will remain responsible for maintaining this landscape buffer over time. Mr. LaCroix explained that a number of new trees will have to be installed near where the detention area is being placed.

Councilmember Scott made a motion to approve P2008-036. Mayor Pro Tem Sevier seconded the motion.

Councilmember Farris asked if anything can be written into the landscape plan to require that if any of the existing trees or vegetation die over time, the developer will be responsible for replacing that which dies out with like bushes or trees. Mr. LaCroix indicated that this can be discussed with the developer if Council desires; however, he is not certain what it could be tied to since this is not a zoning case. It is a platting case, and once the property changes ownership, it will be difficult to require this over time from a legal standpoint.

Attorney Pete Eckert indicated that a landscape plan can be developed and brought forth for approval by Council during the final platting stage.

After some discussion, the motion passed by a vote of 7 ayes to 0 nays.

VIII. ACTION ITEMS

1. Discuss and consider a request from the Environmental Subcommittee for approval of an "Environmental Logo/Tagline" for the city's "green" initiatives and take any action necessary.

Mayor Cecil pointed out that Councilmember Farris, Mayor Pro Tem Sevier and himself are members of the Environmental Subcommittee.

Councilmember Farris made a motion to adopt the second version of the logo as the official "environmental" logo for the City (the one that does NOT have the aerial font). Mayor Cecil seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Staff member Rick Sherer explained that staff will set up downtown in May during the Founders Day Festival to promote the city's "green" initiative. Staff will be evaluating the possibility of getting this logo placed on grocery bags to hand out at Founders Day so that residents can use environmentally friendly bags instead of plastic bags provided at the grocery store.

2. Discuss and consider a policy for establishing hours for outdoor watering and take any action necessary.

Mayor Cecil expressed that he put this item on the agenda for discussion. Assistant City Manager Crowley indicated that the drought contingency and water conservation plans will soon be going to the Environmental Subcommittee for review and consideration. Staff member Rick Sherer indicated that staff will likely submit a plan recommending that no watering be allowed between the hours of 10 a.m. and 6 p.m. Mr. Sherer indicated that these and other associated recommendations will soon go to the Environmental Subcommittee, probably as soon as April 12th. After some discussion, no official action was taken by Council related to this item.

3. Z2009-005 - Consider approval of an ordinance for a request by Jed Dolson of Breezy Hill 405, Ltd., for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development district, for property currently described as Tracts 7 and 7-1, Abstract 187, J Strickland Survey, being 405.184-acres overall situated along John King Blvd north of FM 552 and west of Breezy Hills Rd, and take any action necessary. (1st reading)

Mayor Cecil indicated that Council held the first public hearing on this item already, but formal action on this item was tabled until this evening.

Mr. LaCroix offered brief background information on this item and indicated that access from the commercial area into Breezy Hill has been eliminated. A 50 foot buffer with 5 foot tall berm is also being proposed at this time. After additional brief description given by Mr. LaCroix, Mayor Cecil indicated that in order to take additional public input, an additional public hearing would have to be scheduled.

Councilmember Farris called upon Mr. Dolson to ask if his company has done any calculations on what amount of traffic he believes will be attracted as a result of the development. Mr. Dolson indicated that his company has not done any type of study of this sort at this time, but a TIA (traffic impact analysis) will be required as part of the development. Mr. Farris indicated that he is concerned about the traffic impact. He further indicated that he is comfortable with tabling this item but he is not prepared to take action on this item at this time.

Councilmember Farris made a motion to table this item. Mayor Cecil declared the motion 'dead' for lack of a second.

Councilmember Scott indicated that the plan being presented tonight is a result of settled litigation and a lot of compromise that has taken place between the city and the commercial developer. He expressed that he is not comfortable with tabling this item tonight.

Councilmember Scott made a motion to approve Z2009-005 as amended. Councilmember Nielsen seconded the motion.

Mayor Cecil pointed out that \$1.5 million is part of a county bond project to move road work forward on FM-552 which should help with traffic congestion.

Mayor Pro Tem Sevier asked about the drainage concerns that have been expressed. City Engineer Chuck Todd indicated that the developer will have to do a flood and a drainage study as part of each phase of the project before the development actually goes in. These studies will be carefully reviewed by Staff at that time.

City Manager Julie Couch indicated that the relatively soon widening of FM-552 and the new bypass will provide for good conditions to carry a lot of traffic in this area.

Councilmember Russo expressed that he is in support of this revised concept plan as presented.

After some additional, brief discussion, the ordinance was read, on first reading, as follows:

CITY OF ROCKWALL
ORDINANCE NO. 09-

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, SO AS TO CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-74) PLANNED DEVELOPMENT NO. 74 DISTRICT ON A 405.184-ACRE TRACT OF LAND SITUATED IN THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, T. R. BAILEY SURVEY, ABSTRACT NO. 30 AND THE J. SIMMONS SURVEY, ABSTRACT NO. 190, AND MORE FULLY 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 by a vote of 7 ayes to 0 nays.

4. Discuss and consider possible amendments to the city's noise regulations and take any action necessary.

Director of Code Enforcement Jeffrey Widmer offered brief background information on this item and indicated that the city hired a consultant to evaluate the city's existing ordinance and regulations in order to make recommendations on possible amendments to those regulations. He indicated that the consultant is present tonight to address the Council and answer any questions the Council may have related to these regulations.

Councilmember Nielsen asked for an update on the case at Chandler's Landing. Mr. Widmer indicated that this case did go to court and that the property owner who complained did end up winning the case. Mr. Widmer indicated that most of the existing residential A/C units in the city are currently not in compliance with the city's existing ordinance today. He further indicated that staff is proposing an exclusion for residential A/C units to allow them to run at 74 decibels, which would be measured from the

property line. Some brief discussion took place related to noise associated with dirt bikes and other moving noise nuisances.

Greg Hooten with AECOM, formally TCB, was present and briefed the Council on the consultant's study and associated recommendations. Mayor Pro Tem Sevier asked City Attorney Pete Eckert if the recommendations associated with commercial A/C units is legally acceptable. Mr. Eckert indicated that he does believe the recommendations are reasonable. Mr. Widmer indicated that it is very common to have different decibel level requirements based on differing zoning areas within a city. The consultant indicated that their recommendations allow for a more enforceable code overall.

Mayor Cecil directed staff to take the consultant's noise-related recommendations and bring back an ordinance for the Council to consider at the next regular Council meeting.

5. A2008-005 - Discuss and consider approval of a resolution authorizing the Mayor to enter into a boundary agreement with the City of McLendon-Chisholm, Texas, and take any action necessary.

Mr. LaCroix indicated that staff is recommending approval of a boundary agreement with McLendon Chisholm to establish a formal city boundary line. City Manager Couch indicated that McLendon Chisholm has approved the agreement at this time. Councilmember Farris made a motion to approve the resolution and associated boundary agreement. Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

6. Discuss and consider approval of an agreement authorizing the City of McLendon Chisholm access to the regional sanitary wastewater system and take any action necessary.

City Manager Julie Couch indicated that this item has been under discussion with the City of McLendon Chisholm for some time now. She offered brief background information on this item and pointed out that the City of Rockwall is limiting the flow allowed to the City of McLendon Chisholm based on their projected growth of a population of 17,000 people. She further indicated that this agreement can be renegotiated in the future if needed. Councilmember Scott expressed concern about this agreement possibly enabling McLendon Chisholm to haphazardly grow very rapidly, sooner than a 20 year projected build out. He further explained that he is concerned about the city growing too rapidly because of the potential negative impacts on the school district and the overall community as a whole. Couch indicated that she believes McLendon Chisholm is more in favor of lower density development within their city limits.

After additional brief discussion, Mayor Cecil made a motion to approve the agreement as presented by staff. Councilmember Russo seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

7. A2009-002 - 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 106.90-acres along FM 550 south of SH 276, and contiguous to the existing City Limits line, and take any action necessary. (1st reading)

Planning Director Robert LaCroix explained that this is a voluntary annexation with the Zollner property owners. All required procedures have been followed including sending out notices to adjacent property owners and publishing notices in the newspapers. Included with the annexation is the associated service plan. Staff is recommending approval of this annexation on first reading this evening.

Councilmember Sweet made a motion to approve A2009-002. 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 106.90 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.

8. MIS2009-003 - Discuss the current screening and buffering requirements between single family residential and other zoning districts, and take any action necessary.

Planning Director Robert LaCroix briefed the Council on the current screening and buffering requirements of the city. After much discussion, Councilmember Scott recommended that staff go back and reevaluate the screening requirements associated with strictly multi-family zoning and bring back recommendations to the Council at a later date. No formal action was taken on this item.

9. Discuss and consider Hotel/Motel Tax Subcommittee recommendations regarding funding goals and take any action necessary.

Councilmember Nielsen indicated that the subcommittee is asking Council to reevaluate its philosophy that an event has to be venues within the City of Rockwall itself in order to receive hotel/motel tax funding. Ms. Nielsen explained that a request for the Council to reconsider its position did come from the Hubbard Chamber Music Series event, which is held in Heath, yet does put 'heads in beds' and generate sales tax within the City of Rockwall itself.

Councilmember Scott made a motion to approve the subcommittee's recommendations, specifying that the event should take place in the City of Rockwall; however, consideration will be given to other events held outside of the City if the event specifically brings economic benefit to the City of Rockwall and fits the other specified requirements. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

- 531 10. Discuss and consider Budget Reserves Subcommittee recommendations
532 and take any action necessary.

533 Councilmember Nielsen briefed the Council on its recommendations. City Manager
534 Couch pointed out that consultant fees have been paid for out of reserves in the past, on
535 occasion. This recommendation will change the ability to do so.

536 Mayor Pro Tem Sevier asked for clarification on where the city is currently on its
537 reserves. Finance Director Mary Smith stated that the City currently has a reserve of 4
538 months and 28 days. Once the fire station money is deducted from reserves and final
539 sales tax numbers come in (if they come in as projected), the city will sit at 3 months and
540 22 days of reserves.

541 Councilmember Sweet generally expressed that he is not in favor of placing more
542 restrictions on Council's ability to use discretion in approving the funding of one time
543 expenditures out of reserves. General discussion took place related to councilmember's
544 comfort level associated with the city's reserve fund balance / number of days of reserve
545 funding. Councilmember Farris expressed that he will not support the subcommittee's
546 recommendations because he believes that limiting the council's discretion is not a good
547 idea.

548 After some discussion, Councilmember Scott made a motion to adopt a portion of the
549 subcommittee's recommendation to maintain no less than 3 months of recurring
550 operating funds.

551 Councilmember Nielsen expressed that the city's current financial policy is already to
552 have 3 months in reserves as a minimum, an ideal reserve of 5 months and a high end
553 reserve of 7 months. Therefore, if the Council is satisfied with this policy, no changes
554 are warranted as related to the city's reserves policy and no motion is needed.

555 Councilmember Scott indicated that he is proposing, as part of his motion, to do away
556 with the ideal reserve of 5 months and the 'high end' reserve of 7 months. He feels as
557 though the policy of having 3 months reserves is still financially responsible. Couch
558 clarified that the policy does not allow for reserves to be used for recurring expenses.

559 Councilmember Scott made a motion to amend his original motion by specifying that the
560 targeted fund balance should be maintained at a minimum of 3 months; the reserve fund
561 will not be used to fund on-going operations; fund balances above 3.5 months may be
562 transferred to designated capital improvement projects such as roads, fire stations, etc.
563 if needed. Councilmember Sweet seconded the motion. Mayor Cecil clarified that this
564 motion does away with the 5 and 7 month requirements.

565 The motion passed by a vote of 6 ayes to 1 nay (Russo).

566 City Manager Couch indicated that staff will bring back appropriate policy changes to
567 Council for formal approval.

- 568 11. Discuss and consider authorizing staff to proceed with review and action
569 regarding dangerous buildings and other related matters in Lake Rockwall
570 Estates and take any action necessary.

571 Councilmember Scott made a motion for staff to bring back to the Council a list of the
572 most dangerous, uninhabited structures in LRE and a plan for removal of those
573 structures, including associated cost, for the Council to consider. Councilmember Sweet
574 seconded the motion.

Building Official Jeffrey Widmer indicated that city staff has been working in the LRE area for the last twenty months or so. The city's five basic nuisance ordinances have been being enforced in the LRE area over the course of this period of time. The city's property maintenance code has just recently been extended into the LRE area since it has been annexed. As a result, the city's number of property maintenance violations has increased significantly.

After some discussion, Councilmember Sweet asked what the LRE Subcommittee is doing at this time. Councilmember Scott, a member of that subcommittee, indicated that at this time the subcommittee is trying to figure out what will be allowed as the overall area develops, including plans for zoning requirements. It is also trying to determine what is and is not going to be considered as an 'existing business.'

After much discussion, the motion passed by a vote of 7 ayes to 0 nays.

Councilmember Sweet then made a motion to eliminate the LRE subcommittee. Mayor Cecil did not allow this motion to continue because it is not an action item on tonight's agenda and therefore cannot be considered by Council at this time. Mayor Cecil requested that Councilmember Sweet place this item on the next council agenda for consideration. Councilmember Sweet then withdrew his motion.

12. Discuss and consider a compromise plan for the property owners adjacent to the take line property on Shoal Creek and take any action necessary.

Councilmember Scott proposed that the city consider a written agreement with adjacent property owners which would specify that the city will not actively develop that portion of the park directly located behind property owner's homes.

Councilmember Scott made a motion that the takeline properties behind Shoal Creek remain in the city's proposed lakeside park plan; that the properties will still not be eligible to sublease; that the Council will put forth a resolution for approval that when the lakeside park develops, the portion of the park located immediately adjacent to the residential properties will not be actively developed by the City and will stay in its natural state the way it is today. Councilmember Russo seconded the motion.

Councilmember Farris expressed that since this will be considered a change to the park plan, he believes it should first go before the Park Board for consideration before it comes to the Council for consideration. He further expressed that several of the existing property owners have their homes for sale, and he is not in support of negotiating with homeowners whose homes are currently for sale.

Councilmember Scott expressed that he is not in favor of sending this back to the Park Board for evaluation because the issue has been ongoing for an extended period of time at this point and he believes it needs to be resolved.

Mayor Cecil expressed that he will not support the motion because the Council has already considered this issue in the past and he believes that it would need to go back to the Park Board first if it were to be reconsidered by the Council.

Mayor Pro Tem Sevier expressed that he believes this item should go before the Park Board for evaluation first.

After some additional discussion, the motion passed by a vote of 4 ayes to 3 nays (Cecil, Sevier, Farris).

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

1. Departmental Reports
 - Revenue report - non-residential fees for city parks and recreation programs
 - Update on grant projects at the Rockwall Municipal Airport
 - Quarterly Report from Rockwall County Committee on Aging
 - Quarterly Report from Kaufman Area Rural Transportation
 - Building Inspections Monthly Report - February
 - Building Inspections Monthly Report - March
 - Finance Department Monthly Report - February
 - Parks and Recreation Monthly Reports - February
 - Police Department Monthly Report - February
 - Fire Department Monthly Reports - February
2. City Manager's Report

City Manager Couch pointed out that both exit ramps near COSTCO have been opened by TXDOT and the Grand Opening of COSTCO is set for April 8th.

The meeting was recessed into Executive Session at 10:45 p.m.

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(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 legal services

XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Nielsen left the meeting during executive session and was no longer present. Councilmember Sweet made a motion to authorize the City Attorney to move forward as outlined related to the lease at the Shores Golf Course. The motion was seconded by Councilmember Scott and passed unanimously of those present (6 for, 1 absent (Nielsen)).

671 Mayor Cecil made a motion to reappoint Bill Lofland to an additional term on the North
672 Texas Municipal Water District Board. The motion was seconded by Councilmember
673 Scott and passed unanimously of those present (6 for, 1 absent (Nielsen)).
674

675 XII. ADJOURNMENT
676

677 Mayor Cecil adjourned the meeting at 11:45 p.m.
678

679 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
680 this 20th day of April, 2009.

681
682 ATTEST,

683 *Kristy Ashberry*
684
685 _____
Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, April 13, 2009
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 6:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Cliff Sevier 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 was 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. 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.
3. 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

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Cecil called the meeting back to order at 7:30 p.m. The Council took no action as a result of Executive Session.

IV. ADJOURNMENT

Mayor Cecil adjourned the meeting at 7:31 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 20th day of April, 2009.

ATTEST:

Kristy Ashberry
Kristy Ashberry, City Secretary



William R. Cecil
William R. Cecil, Mayor

**MINUTES
ROCKWALL CITY COUNCIL**

Monday, April 20, 2009
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, Margo Nielsen, Mark Russo and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council Member Matt Scott was 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(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

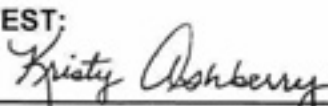
Mayor Cecil made a motion to proceed with the acquisition of Parcels 6, 9 and 27 for John King Boulevard as outlined by staff. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).

IV. ADJOURNMENT

Mayor Cecil adjourned Executive Session at 5:45 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
this 4th day of May, 2009.**

ATTEST:


Kristy Ashberry, City Secretary




William R. Cecil, Mayor

**MINUTES
ROCKWALL CITY COUNCIL**

Monday, April 20, 2009
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, Margo Nielsen, Mark Russo and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council Member Matt Scott was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR CECIL

Mayor Cecil delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Motorcycle Safety & Awareness Month

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

2. Happy Birthday Rockwall Month

Mayor Cecil read and presented the proclamation to Parks Director, Brad Griggs.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the April 6, 2009 City Council meeting and take any action necessary.
2. Consider approval of the minutes from the April 13, 2009 Special City Council meeting and take any action necessary.
3. Consider the award of the Airport Road Phase 1 Reconstruction Project and take any action necessary.
4. Consider award of the 700 Service Area Water Line Bid and take any action necessary.
5. Consider the agreement with ONCOR for the installation of street lights on Summer Lee Drive and Tubbs Road, adjacent to the hospital, and take any action necessary.
6. Consider adoption of an **ordinance** amending Section 18-5 of the Code of Ordinances pertaining to the City's noise regulations and take any action necessary (1st reading).
7. Consider a resolution of necessity for the Airport Road Expansion Project/Keene property and take any action necessary.
8. Z2009-005 - Consider approval of an **ordinance** for a request by Jed Dolson of Breezy Hill 405, Ltd., for approval of a change in zoning from

(Ag) Agricultural district to (PD) Planned Development district, for property currently described as Tracts 7 and 7-1, Abstract 187, J Strickland Survey, being 405.184-acres overall situated along John King Blvd north of FM 552 and west of Breezy Hills Rd, and take any action necessary. (2nd reading)

9. Consider approval of a facilities agreement in conjunction with the request by Breezy Hill 405, Ltd. for approval of a Planned Development district, and take any action necessary.

10. A2009-002 - 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 106.90-acres along FM 550 south of SH 276, and contiguous to the existing City Limits line, and take any action necessary. (2nd reading)

11. P2009-008 - Discuss and consider a request by Todd Winters of Engineering Concepts and Design for approval of a replat of Lots 3, 4, 13 and 15, Rainbow Acres Addition (proposed to be named Maverick Ranch Addition), being 9.695-acres zoned (C) Commercial district and located along the west side of Ranch Trail northeast of Horizon Road (FM 3097), and take any action necessary.

12. P2009-009 - Discuss and consider a request by Brandon Cox of Pogue Engineering for approval of a final plat of Stone Creek Retail Addition, being 23.8284-acres zoned (PD-70) Planned Development No. 70 district and located at the southeast corner of SH 205 and FM 552, and take any action necessary.

13. Consider approval of a facilities agreement for Lots 1-6, Block A, Stone Creek Retail Addition, and take any action necessary.

Councilmember Sweet made a motion to approve the entire Consent Agenda. Mayor Pro Tem Sevier seconded the motion. The ordinances were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 09-__**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS REPEALING SECTION 18-5 OF CHAPTER 18, ARTICLE I OF THE CODE OF ORDINANCES; PROVIDING FOR A NEW SECTION 18-5 "NOISE," AS HEREIN AFTER SET OUT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$500 AND THAT EACH DAY IN VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 09 - 19**

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

144 HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM
145 (AG) AGRICULTURAL DISTRICT TO (PD-74) PLANNED
146 DEVELOPMENT NO. 74 DISTRICT ON A 405.184-ACRE TRACT OF
147 LAND SITUATED IN THE J. STRICKLAND SURVEY, ABSTRACT NO.
148 187, T. R. BAILEY SURVEY, ABSTRACT NO. 30 AND THE J.
149 SIMMONS SURVEY, ABSTRACT NO. 190, AND MORE FULLY
150 DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL
151 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
152 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
153 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
154 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
155 EFFECTIVE DATE.

156
157
158 CITY OF ROCKWALL, TEXAS
159 ORDINANCE NO. 09-20
160

161 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
162 ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF
163 CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS
164 AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF
165 106.90 ACRES OF LAND, WHICH SAID TERRITORY LIES
166 ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS
167 OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN
168 EFFECTIVE DATE.

169
170 The motion passed by a vote of 6 ayes to 1 absent (Scott).

171
172 V. APPOINTMENTS
173

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

177 Planning & Zoning Chairman, Bill Bricker, was present and briefed the Council on
178 actions taken by the Commission related to items on this Council agenda. No action was
179 taken by Council on this item.

- 180 2. Appointment with Ray Turco of Turco and Associates to give a
181 presentation on the results of the 2008 Citizen Survey and take any
182 action necessary.

183 Ray Turco was present and provided the Council with an overview of the 2008 Citizen
184 Survey, including the methodology behind the survey, the process used and the results.

185
186 Councilmember Sweet asked about the response rate experienced and the cost of
187 administering the citizen survey. Mr. Turco indicated that mail surveys are not typically
188 used by municipalities but are instead more commonly used by school districts. He
189 indicated that some surveys experience a slightly larger response rate while others
190 receive a lesser response rate. City Manager Couch indicated that the cost of
191 conducting and tabulating the survey was somewhere between \$8,000 - \$10,000. Mr.
192 Turco indicated that a phone survey would cost somewhere between \$12,000 - \$15,000 to
193 complete and would result in completion of 400 phone interviews.
194

Councilmember Russo asked for additional information on certain responses received. Brief, general discussion took place related to a few of these questions and associated responses.

Assistant City Manager Rick Crowley indicated that additional, write-in responses received on various questions will be forwarded to council members for their information and review soon.

General discussion took place related to the advantages and disadvantages of conducting mail surveys versus telephone surveys.

No formal action was taken by the Council related to this agenda item.

VI. PUBLIC HEARING ITEMS

1. Z2009-006 - Hold a public hearing and consider approval of an ordinance for a request by Mike Pittman, Jr. for approval of a Specific Use Permit (SUP) to allow for an accessory building exceeding the maximum size requirement of 225-sf (proposed 314-sf) and not meeting the exterior materials requirements, on his property known as Block 105A-1, B F Boydston Addition and located at 401 S. Clark Street, being approximately 0.74-acre zoned (SF-7) Single Family Residential district and situated within the Old Town Rockwall Historic District, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided brief background information on this item. He indicated that construction began on the accessory building in late 2008, though Mr. Pittman did not obtain a building permit at that time. Mr. LaCroix indicated that Mr. Pittman's accessory building does not match the building materials on his home as is required by the city's zoning requirements. Notices were mailed out to 23 property owners within the required 200 feet located adjacent to the home. The City received 1 response in favor of the structure and 1 response in opposition to the structure. Mr. LaCroix indicated that the Planning & Zoning Commission denied the request to allow the accessory building. As a result, the request is now being presented to the Council for consideration. Approval of the request will require a super majority vote of the Council, which basically means that all 6 Council members present this evening would have to vote in favor of the request in order for approval to be granted.

Michael Nordsy, an attorney representing Mr. and Mrs. Pittman, was present and showed several pictures of the accessory building to the Council. He indicated that the Pittman's built the accessory building to be similar to historic, round barns built in the late 1880's and early 1900's. He further provided the Council with information related to neighbors immediately adjacent to the Pittman's home who have expressed that they are not opposed to the accessory building.

Councilmember Farris asked if barns are allowed in residential areas within the City. Mr. LaCroix indicated that accessory buildings can look like a barn as long as they match the façade of the home on the property and do not exceed a certain square footage. Mr. LaCroix indicated that the City did issue citations to the property owner while the structure was being constructed, but the Pittman's continued with construction despite

244 having received the citations. Staff indicated that citations were issued in September of
245 2008 because no building permit was obtained prior to construction of the building.

246
247 Mayor Pro Tem Sevier asked how many notices were sent out to property owners
248 adjacent to the Pittman's home. Mr. LaCroix indicated that 23 notices were sent out and
249 two responses were received. He further expressed concern that construction of the
250 building continued despite no building permit being obtained and citations being issued
251 by the City.

252
253 Mr. Pittman indicated that he was issued 3 citations by the city and had problems
254 obtaining a fence permit. He stated that the building is about 314 square feet in diameter
255 and took about 3 or 4 weekends to construct.

256
257 Councilmember Nielsen asked if the structure is built to code. Building Official Jeffrey
258 Widmer indicated that it is a non-conventional construction and it is uncertain if the
259 building is structurally safe or not. The City issued 3 citations to Mr. Pittman for not
260 obtaining a permit on 3 different building projects - a pergola that was being built, a
261 fence that was being built, and the accessory building that was being built.

262
263 Mr. Nordsy indicated that Mr. Pittman is willing to reduce the size of the structure and is
264 willing to have a structural engineer look at and sign off on the soundness of the
265 structure as well.

266
267 Mayor Cecil then opened the public hearing. There being no one to come forth and
268 address the Council on this item, Mayor Cecil then closed the public hearing.

269
270 Councilmember Farris made a motion to deny the SUP request. Mayor Pro Tem Sevier
271 seconded the motion. The motion to deny passed by a vote of 6 ayes to 1 absent (Scott).

272 273 VII. ACTION ITEMS

- 274
275 1. Discuss and consider a report from the Environmental Subcommittee
276 regarding tree preservation regulations in the City of Rockwall and take
277 any action necessary.

278 Planning Director Robert LaCroix indicated that staff recently met with the Environmental
279 Subcommittee to discuss tree preservation. He indicated that the subcommittee began
280 by looking at the city's comprehensive plan and zoning density requirements. He
281 indicated that the city requires 20% open space requirements in planned development
282 districts. He spoke about the city's Tree Preservation Ordinance, including the various
283 amendments to this ordinance over time. He offered general information on tree
284 mitigation as it pertains to new subdivision and commercial developments within the city
285 since 2000.

286
287 Councilmember Farris encouraged consideration of using tree mitigation funds to
288 enhance landscaping in various areas throughout the city.

289
290 Councilmember Nielsen commented that there has been significant progress in trying to
291 preserve trees. She expressed concern about some subdivisions where trees are 'clear
292 cut' in almost the entire subdivision. She encouraged finding a way for developers to
293 keep 30+ year old trees in tact even if it costs the developer more money.

294
295 After brief discussion, no formal action was taken by Council related to this agenda item.
296

- 297 2. Discuss and consider a request by Mr. Andy Qualls for approval of a
298 setback variance for his new monument sign located at 1020 Ralph Hall
299 Parkway, and take any action necessary.

300 Building Official and Director of Code Enforcement Jeffrey Widmer indicated that the
301 applicant is asking that the sign be placed closer than 10 feet from the property line.

302 Melissa (no last name given), who indicated that she works for the landscaping
303 contractor and is representing Mr. Qualls, was present to address the Council on the
304 setback variance request.

305 Mayor Pro Tem Sevier made a motion to approve the variance request as presented.
306 Councilmember Russo seconded the motion.

307 Councilmember Farris asked staff about the setback requirements and asked if the sign
308 would be located in the visibility triangle. Mr. Widmer indicated that the sign would not
309 be located in the visibility triangle.

310 After some additional, brief discussion, the motion passed by a vote of 6 ayes to 1
311 absent (Scott).

- 312 3. Discuss and consider marketing Rockwall to the Texas Film Commission
313 for possible film and television opportunities and take any action
314 necessary.

315 This item was addressed after items 4, 5 and 6 were discussed.

316 City Manager Julie Couch began discussion of this item and indicated that in order to
317 become a certified city, staff would have to complete a day long training, develop a film
318 policy and bring in a site locator to help develop a portfolio of location shots within the
319 city that might be of interest to various film companies. She indicated that allowing
320 filming in Rockwall could generate revenue within the city by creating jobs and
321 generating hotel/motel taxes. Couch recommended that the city, at the very least,
322 consider creating a policy related to filming within the city.

323 Councilmember Russo made a motion to move forward with directing staff to do more
324 research and bring back additional recommendations for Council consideration.
325 Councilmember Sweet seconded the motion. The motion passed by a vote of 5 ayes to
326 2 absent (Nielsen, Scott).

- 327 4. Discuss and consider the proposed White Road improvements and take
328 any action necessary.

329 Chuck Todd, City Engineer, indicated that staff did evaluate roadway design alternatives
330 in an effort to mitigate the loss of trees during roadway construction. As a result, staff is
331 recommending that the City revert back to the original design alignment, which will only
332 impact one row of trees on one side of the roadway versus impacting rows of trees on
333 both sides of the roadway.

334 Councilmember Farris made a motion to approve the original design alignment of White
335 Road as originally presented by Staff. Councilmember Russo seconded the motion.
336 After some additional, brief discussion, the motion passed by a vote of 6 ayes to 1
337 absent (Scott).

- 338 5. MIS2009-004 - Discuss and consider a request by John Wardell of
339 Lakepointe Church for approval of a special exception in accordance with
340 Article II, Section 8.5 of the Unified Development Code, specifically to
341 allow for the construction of a single-family home on Lots 1331 and 1332,
342 Rockwall Lake Estates #2 Addition, which is zoned (Ag) Agricultural
343 district and located at 496 Nicole, and take any action necessary.

344 Planning Director Robert LaCroix offered background information on this item. He stated
345 that the address actually contains two different lots, though only one address is being
346 utilized. The applicant has agreed to properly plat the lots as two different lots with two
347 different addresses, which can be administratively done by staff.

348 John Wardell
349 880 Ivy Lane
350 Rockwall, TX
351

352 Mr. Wardell indicated that the family for whom the home will be built was a victim of a
353 house fire in which they lost their home. He indicated that the church will either require
354 the family to obtain conventional financing for the home being built or will perhaps carry
355 the note itself. It was indicated that the existing septic system that is in place will be
356 utilized and will be brought up to code.
357

358 Mr. LaCroix indicated that included with this request is that the Council consider waiving
359 the roadway improvement and sidewalk improvement requirements for the applicant.
360

361 Councilmember Sweet made a motion to approve MIS2009-004 as presented. Mayor
362 Cecil seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).
363

- 364 6. Discuss and consider recommendations from the Lake Rockwall Estates
365 Subcommittee on the future proposed zoning for the Lake Rockwall
366 Estates area and the potential schedule and procedures for conducting
367 public hearings during the zoning process.

368 Planning Director Robert LaCroix briefly explained the subcommittee's general
369 recommendations for zoning in Lake Rockwall Estates. He indicated that staff would like
370 to hold a town hall meeting in LRE to inform the residents in the area of the new
371 proposed zoning and to receive input from those residents. He stated that the first
372 public hearing would be scheduled in late June with the Council public hearing occurring
373 on the second council meeting in July. Mr. LaCroix stated that he understands this is a
374 long process but believes that more opportunities for public education and input are
375 important. He indicated that 5,000 square feet is the minimum lot size being proposed
376 for the single family area in LRE. He spoke about recommended façade requirements on
377 structures in the single family zoned areas. He also briefly mentioned recommendations
378 for zero lot line homes, duplexes, tri-plexes, four-plexes and townhomes. General
379 discussion took place related to the requirements associated with allowing manufactured
380 homes and regarding owner occupied versus rental properties.
381

382 Mayor Cecil made a motion to refer this issue back to the subcommittee, requesting that
383 each individual council member provide written feedback and comments to the
384 subcommittee for consideration. Councilmember Nielsen seconded the motion.
385

386 After additional, brief discussion, the motion passed by a vote of 6 ayes to 1 absent
387 (Scott).
388

389 After this vote, Councilmember Nielsen left the meeting (at 9:28 p.m.). Mayor Cecil then
390 moved to Action Item #3 for discussion.
391

- 392 7. Discuss and consider revisions to the budget reserves section of the
393 City's Financial Policies and take any action necessary.

394 City Manager Couch briefly indicated that staff has revised the policy as directed by
395 Council and is presenting the revised policy for Council approval at this time.

396 Councilmember Sweet made a motion to approve the revisions to the policy as presented
397 by staff. Mayor Pro Tem Sevier seconded the motion. The motion passed by a vote of 5
398 ayes to 2 absent (Nielsen, Scott).

- 399 8. Discuss and consider approval of a Resolution adopting an Identity Theft
400 Prevention program pursuant to the Federal Trade Commission's Red
401 Flag Rules which implements Section 114 of the Fair and Accurate Credit
402 Transactions Act of 2003 and take any action necessary.

403 City Manager Couch indicated that this is a federal requirement and further stated that
404 Finance Director Mary Smith and Human Resources Director Cheryl Dunlop have
405 developed the required policies for approval by the Council at this time. This program
406 includes creation and implementation of policies that will help the city identify 'red flags'
407 as related to possible identity theft of citizen information and of employee information.
408

409 Councilmember Sweet made a motion to approve the program and associated policies.
410 Mayor Cecil seconded the motion. The motion passed by a vote of 5 ayes to 2 absent
411 (Nielsen, Scott).
412

413 Mayor Cecil adjourned the meeting at 9:45 p.m., indicating that Council would not
414 reconvene into Executive Session.
415

416 **VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
417 **GOVERNMENT CODE TO DISCUSS:**
418

- 419 1. Deliberation regarding the purchase, exchange, lease, or value of real
420 property.
- 421 2. Personnel Issues, including Board, Commission, and Committee
422 Appointments, and Related Matters.
- 423 3. Commercial or financial information regarding business prospects that the
424 City seeks to have locate, stay, or expand in or near the territory of the
425 City of Rockwall and with which the Board is conducting economic
426 development negotiations.
- 427 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
428 with attorney with regard to a matter that it is the duty of the attorney to
429 consult with the Council and falls under the attorney-client privilege.
430
431
432

433 IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

434 Council did not convene in Executive Session after the close of the public meeting.

436
437 X. ADJOURNMENT

438
439 Mayor Cecil adjourned the meeting at 9:45 p.m.

440
441
442 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, Texas,
443 this 4th day of May, 2009.

444
445 ATTEST:

446 Kristy Ashberry
447
448 Kristy Ashberry, City Secretary

William R. Cecil
William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Monday, May 04, 2009

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, 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. 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 legal services

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

IV. ADJOURNMENT

Mayor Cecil adjourned Executive Session at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 18th day of May, 2009.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, May 04, 2009

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 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 MARK RUSSO

Council member Russo delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Rockwall Water Polo Champions Week

Andres Rodriguez, the coach of the Rockwall Tridents Water Polo Team, and Rockwall resident Jim Hummingbird came forth and said a few words about the team. Mayor Cecil read and presented the proclamation to the water polo team. The Rockwall Tridents team members then presented Mayor Cecil with a framed photograph of their team.

2. Safe Boating Week

Jerry Rice, member of the U.S. Coast Guard Auxiliary, was present and said a few words. Mayor Cecil then read and presented the proclamation to Mr. Rice.

3. TRAPS Gold Medal Award

Mayor Cecil briefly spoke about the Texas Recreation and Parks Society's (TRAPS) Outstanding Parks & Recreation Management Gold Medal Award. Rockwall Parks Director Brad Griggs presented the award to the Mayor & City Council.

IV. OPEN FORUM

**Pastor Joe Robbins
805 Peter's Colony**

Pastor Robbins expressed that he is concerned about the Gloria Williams community pool.

V. CONSENT AGENDA

1. Consider approval of the minutes from the April 20, 2009 regular City Council meeting and take any action necessary.

2. Consider adoption of an **ordinance** amending Section 18-5 of the Code of Ordinances pertaining to the City's noise regulations and take any action necessary. (2nd Reading)
3. Consider award of contract for the SCADA radio communication system upgrade and take any action necessary.
4. Consider award of the construction contract for the Service Center parking lot improvements and take any action necessary.
5. Consider award of the Fannin Street Light Installation contract and take any action necessary.

Councilmember Scott pulled Consent Agenda item #1 in order to abstain from the vote since he was absent from that particular council meeting.

Councilmember Sweet made a motion to approve the remainder of the consent agenda items (#2, 3, 4, and 5). Councilmember Farris seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 09-21**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS REPEALING SECTION 18-5 OF CHAPTER 18, ARTICLE I OF THE CODE OF ORDINANCES; PROVIDING FOR A NEW SECTION 18-5 "NOISE," AS HEREIN AFTER SET OUT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$500 AND THAT EACH DAY IN VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING AN EFFECTIVE DATE.

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

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 (Scott).

VI. APPOINTMENTS

1. Appointment with Roger Hamm with Speed Fab Crete to provide an update on the Fire Stations #3 and #4 construction project and take any action necessary.

Roger Hamm with Speed Fab Crete was present and gave an update on construction progress at Fire Stations #3 and #4. He indicated that Station #4 is running 1-2 weeks behind Station #3, but both are somewhat behind due to rain delays. Mr. Hamm indicated that July 20th is the current expected completion date for both stations.

VII. ACTION ITEMS

1. Discuss Youth Volunteer Program for Animal Adoption Center and take any action necessary.

Councilmember Scott indicated that he placed this item on the agenda for additional discussion. He expressed that he is satisfied with the way in which staff has amended the program guidelines, especially the part that allows Animal Services staff the ability to

utilize discretion when assigning youth to various duties associated with the volunteer program.

Councilmember Scott made a motion to ratify the program guidelines as amended and presented by Staff. Mayor Cecil seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider approval of an ordinance related to the City's Service Regulations and take any action necessary. (1st reading)

Assistant City Manager Rick Crowley indicated that this ordinance is part of the water conservation program plan, which will be presented in full hopefully at the next council meeting.

Mayor Cecil indicated that this item is coming forth at the request of the Council subcommittee as well.

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

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 09-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF
THE CITY OF ROCKWALL IN CHAPTER 26, ARTICLE V, DIVISION 2,
SERVICE REGULATIONS; PROVIDING FOR A FINE NOT TO
EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR
EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE.

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

3. Discuss and consider a recommendation from the Naming and Citizen Awards Council Subcommittee for the dedication of Fire Stations #3 and #4 and take any action necessary.

Director of Internal Operations Joey Boyd indicated that the Naming Subcommittee has recommended that Stations #3 and #4 be dedicated to Paul Craig Merritt Senior and Benny Shaw. Councilmember Sweet recognized Councilmember Scott and Russo for their contributions and service on this council subcommittee. Councilmember Sweet pointed out several of the contributions and accomplishments that both Mr. Merritt and Mr. Shaw made during their service to the fire department and to the Rockwall community as a whole.

Mayor Pro Tem Sevier briefly spoke and generally concurred with the subcommittee's recommendations.

Councilmember Scott offered kind words of recognition for both Mr. Merritt and Mr. Shaw. He further suggested that each of the fire stations include a commemorative plaque to recognize each of these individuals. He included with that suggestion the idea that each of the plaques contains an image of each of the men.

Chief Mark Poindexter clarified that these stations would not be named after these two individuals but that the stations would be 'dedicated to' these two individuals. He further

186 stated that the only station that has been *named* after a firefighter is the city's "Memorial
187 Fire Station," which is named after Benny Gracie who gave his life in the line of duty.

188 Councilmember Nielsen made a motion that Fire Station #3 be dedicated to Benny Shaw
189 and that Fire Station #4 be dedicated to Paul Craig Merritt. Mayor Cecil seconded the
190 motion. The motion passed by a vote of 7 ayes to 0 nays.

- 191
- 192 4. FF2009-001 - Discuss and consider a request by Alma Hernandez for
193 approval of a front yard fence on her property at 815 Throckmorton
194 Street, which is zoned (SF-7) Single Family Residential district and known
195 as part of Lot 4, Block K, Sanger Addition, and take any action necessary.

196 Planning Manager Michael Hampton offered brief background information on this item.
197 He indicated that staff is recommending approval of this item subject to Ms. Hernandez
198 obtaining the proper fencing permit.

199 Councilmember Sweet made a motion to approve FF2009-001. Mayor Pro Tem Sevier
200 seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

- 201
- 202 5. Discuss and consider a resolution amending the Lakeside Park Master
203 Plan and take any action necessary.

204 Councilmember Scott made a motion to approve the resolution with the following
205 amendments:

206 To add an additional section, "Section 3," to read as follows:

207 "The purpose of this resolution is to inform future councils that the current council
208 discussed and eventually agreed to leave the takeline property adjacent to those homes
209 on Shoal Creek in the proposed lakeside park but to leave such property in its natural,
210 undeveloped state."

211 Councilmember Nielsen seconded the motion.

212 Councilmember Farris then indicated that he has problems with Section 1 of the
213 resolution. He would like to amend Section 1 to read as follows:

214 "That the City Council of Rockwall hereby amends the Lakeside Park Master Plan to
215 leave the area between Shoal Creek and the waters edge in a natural, undeveloped state
216 but still in the park plan for use by its citizens."

217 Councilmember Scott amended his motion to also incorporate Councilmember Farris'
218 modified language. Councilmember Nielsen amended her second as well.

219 Mayor Cecil commented that he does not support the motion and does not believe it is in
220 the city's best interest.

221 The amended motion passed by a vote of 4 ayes to 3 nays (Cecil, Sevier, Farris).

- 222
- 223 6. Discuss and consider amending the 2008-2009 FY Budget for mandatory
224 changes to Gloria Williams Pool and take any action necessary.

225 Parks Director Brad Griggs indicated that a new federal law recently passed requires
226 municipal pools to install certain entrapment drain protection mechanisms, which are
227 quite costly. He indicated that the retrofitting will cost about \$22,000 to complete and is

legally mandated as of December 2008. Mr. Griggs explained in greater detail what all is involved in retrofitting the pools as far as the construction is concerned.

Councilmember Nielsen made a motion to authorize up to \$22,000 from the General Fund Reserves to bring the Gloria Williams Pool into compliance with the new federal law and to repair the trip hazards and sharp edges on the deck.

Mayor Pro Tem Sevier seconded the motion.

Councilmember Scott asked how many people used the Gloria Williams pool last year. Parks Director Brad Griggs indicated that the attendance at the Gloria Williams pool was just under 400 people last year. Brief discussion then took place related to admission charged, number of residents who utilize the two city pools, costs associated with staffing the pools and cost associated with retrofitting the pools to come into compliance. Mr. Griggs further indicated that the Harry Myers Park Pool experienced about 10,000 visitors last year.

Councilmember Russo pointed out that he believes one of the reasons the Gloria Williams Pool does not get as much use is due to the fact that there is not a lot of public parking area available. He also expressed that he believes this particular pool has a lot of history behind it and does serve a purpose in the community, especially for the Southside neighborhood.

Some additional discussion took place related to the different ways in which each of the city's pools was originally constructed and the ways in which they have been retrofitted since they were built.

Councilmember Farris indicated that he believes it is the right thing to do to continue subsidizing use of both pools and to move forward with appropriate retrofitting measures to allow both pools to remain open in the upcoming summer season.

Councilmember Nielsen stated that this is an area of town that does not have very many amenities. She expressed that this pool does serve the neighborhood in which it is located and that the 391 who utilized the pool last year is a fairly good attendance number based on the very small size of the area / neighborhood in which it is located.

Mayor Pro Tem Sevier indicated that he does not feel comfortable taking away amenities from the community when the weak economy may prohibit residents from going outside of the community to enjoy vacations and whatnot during the summer months.

Councilmember Russo asked if there is any grant funding that might be available to help offset the cost associated with retrofitting the pool. Mr. Griggs indicated that he does not believe there is any grant money available to do so at this time.

Councilmember Sweet indicated that he believes the future opening of the new natatorium may affect decisions associated with both pools because attendance at both pools may end up drastically declining.

After some additional discussion, the motion passed by a vote of 7 ayes to 0 nays.

7. Discuss and consider renewal of the interlocal agreement with Rockwall County for the septic system inspection and permitting program and take any action necessary.

City Manager Julie Couch indicated that Council had asked staff to look at this program more carefully and come back to the Council. The staff has done some cost and fee

analysis associated with contracting out this program. She indicated that staff recommends moving forward with renewing this interlocal agreement.

Councilmember Farris made a motion to approve the interlocal agreement. Mayor Pro Tem Sevier seconded the motion. After some additional, brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

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 - March
 - Police Department Monthly and Quarterly reports
 - Finance Department Report - March
 - Parks and Recreation Monthly Reports - March
 - Fire Department Monthly Reports - March

2. City Manager's Report

City Manager Couch indicated that it is anticipated that about 150 residential building permits will be issued by year end. She also indicated that staff will be developing the budget proposal over the course of the next several months. She encouraged the Council to think about a possible budget work session date for mid-June. Couch stated that Rockwall County should be receiving preliminary appraisal estimates for next year within the next several weeks.

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.
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.

X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council did not re-convene into Executive Session following the Council meeting.

320
321
322 XI. ADJOURNMENT
323

324 Mayor Cecil adjourned the meeting at 7:19 p.m.

325
326 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
327 this 18th day of May, 2009.

328
329 ATTEST:

330 *Kristy Ashberry*
331 _____
332 Kristy Ashberry, City Secretary

William R. Cecil
William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, May 18, 2009
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

The Mayor and City Council did not convene in 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

The Mayor and City Council did not convene in Executive Session, and no action was taken.

V. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 1st day of June, 2009.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, May 18, 2009
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 6:00 p.m. Present were Mayor Cecil, Mayor Pro Tem Cliff Sevier, Council members David Sweet, Matt Scott, Mark Russo and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council member Margo Nielsen was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SEVIER

Council Member Scott delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Police Appreciation Week

IV. CONSENT AGENDA

1. Consider approval of the minutes from the May 4, 2009 regular City Council meeting and take any action necessary.
2. Consider approval of an **ordinance** related to the city's Service Regulations and take any action necessary. **(2nd reading)**
3. Consider approval of the Local Project Advance Funding Agreement (LPAFA) with TXDOT for the FM-740 Project, FM-3097 to Heath City Limits, and take any action necessary.
4. Consider award of bid for the alerting system at Fire Stations #3 and #4 and take any action necessary.

Mayor Cecil made a motion to approve the entire Consent Agenda. Councilmember Farris seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 09-22**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 26, ARTICLE V, DIVISION 2, SERVICE REGULATIONS; PROVIDING FOR A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE.

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

89 V. APPOINTMENTS

- 90
- 91 1. Appointment with the Planning and Zoning Chairman to discuss and
- 92 answer any questions regarding cases on the agenda and related issues
- 93 and take any action necessary.
- 94 2. Appointment with Mr. Sam Buffington to hear concerns related to the
- 95 Gloria Williams Pool and take any action necessary.

96

97 VI. PUBLIC HEARING ITEMS

98

- 99 1. Z2009-007 - Hold a public hearing and consider approval of an
- 100 **ordinance** for a city-initiated request to amend the Unified Development
- 101 Code (Ord. No. 04-38), specifically Article V. District Development
- 102 Standards; Article VII. Environmental Performance; Article VIII.
- 103 Landscape Standards; and Article IX. Tree Preservation, and take any
- 104 action necessary. **(1st Reading)**

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

106 Mayor Cecil opened the public hearing and then made a motion to continue the public

107 hearing until the June 1, 2009 council meeting. Councilmember Scott seconded the

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

109

110

111 Mayor Cecil then made a motion to table all remaining items on this City Council agenda

112 until the June 1, 2009 City Council meeting. Mayor Pro Tem Sevier seconded the motion.

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

114

115 VII. ACTION ITEMS

116

- 117 1. Hear update from the Environmental Subcommittee regarding the City's
- 118 departmental Green Action Plans and take any action necessary.
- 119 2. MIS2009-006 - Discuss and consider a request by Larry Gray for
- 120 approval of a special exception in accordance with Article II, Section 8.5
- 121 of the Unified Development Code, specifically to allow for the construction
- 122 of a manufactured home on Lots 851 and 852, Rockwall Lake Estates #2
- 123 Addition, which is zoned (Ag) Agricultural district and located at 1435
- 124 Donald, and take any action necessary.
- 125 3. Discuss and consider adoption of an ordinance related to the City's water
- 126 conservation plan and take any action necessary.
- 127 4. Discuss and consider dates and times for upcoming Council work
- 128 sessions and the Council/Staff Retreat and take any action necessary.
- 129 5. Hold work session on Lake Rockwall Estates (LRE)
- 130 (1) Discuss and consider continuation of the LRE Subcommittee and
- 131 take any action necessary.
- 132 (2) Discuss and consider zoning and related matters in LRE and take
- 133 any action necessary.

(3) Discuss and consider demolition of dangerous structures in LRE, including associated funding, and take any action necessary.

6. Discuss and consider approval of a Certificate of Convenience & Necessity (CCN) Transfer Agreement with RCH Water Supply Corporation and take any action necessary.

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: 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.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Mayor and City Council did not convene in Executive Session, and no action was taken.


X. ADJOURNMENT

Mayor Cecil adjourned the public meeting at 6:08 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 1st day of June, 2009.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL

Monday, June 01, 2009
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, Mayor Pro Tem Cliff Sevier and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Glen Farris. Also present were City Attorney Pete Eckert and City Manager Julie Couch. Mayor Cecil immediately recessed the public 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.
 - a. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation related to (1) platting; (2) Strother v. City; (3) Speed Fab Crete design & build contract provisions
 - b. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a legal matter for which it is the ethical duty of the attorney to advise the City Council regarding the law governing development exactions and subdivision plats.
5. Deliberation pursuant to Section 551.074 regarding the duties of public officers-Mayor Pro-Tem

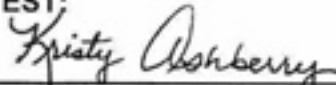
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See end of meeting Executive Session item for action taken during Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 15th day of June, 2009.

ATTEST:


Kristy Ashberry, City Secretary




William R. Cecil, Mayor

**MINUTES
ROCKWALL CITY COUNCIL**

Monday, June 01, 2009

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 David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Glen Farris. Also present were City Attorney Pete Eckert and City Manager Julie Couch.

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. SWEARING IN OF NEWLY ELECTED CITY COUNCIL MEMBERS

Judge Brett Hall was present and administered the Oath of Office for officials newly elected to office including Mayor Bill Cecil and Council Members David Sweet, Glen Farris and Matt Scott.

IV. OPEN FORUM

Pastor Joe Robbins

He thanked the City Council for the repair of the Southside swimming pool and explained that the pool and the park are the heart of the Southside community. He explained that a few years ago Parks Director Brad Griggs came to speak to the community about replacing the Southside Pool with a spray ground. This idea, he explained, was voted down by the community. He expressed that the \$20,000 to repair the pool was a investment worthwhile and appreciated by the community.

**Harold Snyder
1519 Murphy Drive
Rockwall, TX 75087**

He explained that he received a letter from the City after requesting permission to replace a fence. Mayor Cecil asked Mr. Snyder to please get with the City Secretary to request an appointment item with the Council to hear his concerns related to this fence issue. Mr. Snyder agreed to do so.

V. CONSENT AGENDA

1. Consider approval of the minutes from the May 18, 2009 regular City Council meeting and take any action necessary.
2. Consider a Resolution supporting the installation of an Automated Weather Observing System at the Rockwall Municipal Airport using

TXDOT Aviation grant funds; authorizing the City Manager to execute agreements with TXDOT Aviation and take any action necessary.

3. Consider an agreement with M/A Com to perform frequency reconfiguration of the City's radio system interoperability equipment and take any action necessary.

4. Consider award of the construction contract for the Brockway Branch Improvements and take any action necessary.

5. Consider a Resolution authorizing continued participation with the Steering Committee of Cities Served by Oncor and take any action necessary.

Councilmember Nielsen asked to pull Consent Agenda item #1 to abstain from the vote since she was not present at the May 18, 2009 Council Meeting.

Councilmember Sweet made a motion to approve the remaining consent agenda items. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Councilmember Scott then made a motion to approve Consent Agenda item #1. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes with 1 abstention (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 was present and offered brief commentary to the Council related to actions that the P&Z Commission previously took on items on tonight's City Council agenda. No action was taken on this item.

2. Appointment with Roger Hamm from Speed Fab Crete for an update on the Fire Stations #3 and #4 construction project and take any action necessary.

Mr. Roger Hamm was present and provided the City Council with a verbal update on construction progress at Fire Stations #3 and #4 as well as upcoming work that is anticipated to take place in the month of June. He stated that the anticipated completion date for both stations is July 20th at this point.

VII. PUBLIC HEARING ITEMS

1. Z2009-007 - Continue a public hearing and consider approval of an ordinance for a city-initiated request to amend the Unified Development Code (Ord. No. 04-38), specifically Article V. District Development Standards; Article VII. Environmental Performance; Article VIII. Landscape Standards; and Article IX. Tree Preservation, and take any action necessary. (1st Reading)

142 Planning Director Robert LaCroix explained that staff is proposing amending the UDC in
143 order to bring the UDC into alignment with recent updates to the city's noise ordinance.

144
145 Mayor Cecil opened the continuation of the public hearing. There being no one to come
146 forth and speak on the public hearing item, Mayor Cecil then closed the public hearing.
147 Councilmember Sweet made a motion to approve Z2009-007. Councilmember Nielsen
148 seconded the motion. Nielsen asked Mr. Griggs, Parks Director, if the city currently has
149 money in its tree fund. Griggs stated that there is currently no money available in the
150 city's tree mitigation fund. Brief discussion took place related to how money is raised for
151 the tree fund and how the funds are spent. The ordinance was read as follows:

152
153 CITY OF ROCKWALL

154
155 ORDINANCE NO. 09-

156
157 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
158 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
159 CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS
160 HERETOFORE AMENDED BY AMENDING ARTICLE V. DISTRICT
161 DEVELOPMENT STANDARDS; ARTICLE VII. ENVIRONMENTAL
162 PERFORMANCE; ARTICLE VIII. LANDSCAPE STANDARDS; AND
163 ARTICLE IX. TREE PRESERVATION; PROVIDING FOR A PENALTY
164 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
165 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
166 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
167 AND PROVIDING FOR AN EFFECTIVE DATE.

168
169 The motion passed by a vote of 7 ayes to 0 nays.

170
171 VIII. ACTION ITEMS

- 172
173 1. MIS2009-005 - Discuss and consider a request by Julie Fort of
174 Strasburger & Price, LLP for approval of a special exception to Section
175 24-16 of the Subdivision Regulations of the City of Rockwall, specifically
176 for a waiver to the street improvement requirements for Springer Road as
177 it relates to the 3.99-acre property located at the southeast corner of FM
178 549 and Springer Road, which is zoned (PD-46) Planned Development
179 No. 46 district and described as Tract 2-9, Abstract 186, J. A. Ramsey
180 Survey, and take any action necessary.

181 Planning Director Robert LaCroix offered brief background information on this item. He
182 explained the location of this property, which is the corner of Springer Road and FM-549.
183 He stated that the applicant is asking for a waiver to the required road construction costs
184 and/or associated escrow account. He stated that the applicant believes that the fees
185 required to build the road are in excess of the value of the property, which is creating a
186 hardship on him and is making it difficult to sell the property. This is why the applicant
187 is requesting a special exception from the City Council at this time.

188 Julie Fort
189 2801 Network Boulevard, #600
190 Frisco, TX 75034
191

Ms. Fort, attorney who is representing the owner, Mr. Ronnie Hamilton, was present to address the Council. She explained that Mr. Hamilton has hired an engineer to assist him in working with city staff. She explained that she would like the Council to consider tabling this item to allow the engineer that has been hired an opportunity to work with staff to help develop some additional information before the Council makes a decision on this item.

Councilmember Scott made a motion to table this item to allow the applicant and his engineer additional time to work with city staff on this issue. Councilmember Russo seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

2. MIS2009-006 - Discuss and consider a request by Larry Gray for approval of a special exception in accordance with Article II, Section 8.5 of the Unified Development Code, specifically to allow for the construction of a manufactured home on Lots 851 and 852, Rockwall Lake Estates #2 Addition, which is zoned (Ag) Agricultural district and located at 1435 Donald, and take any action necessary.

Mr. LaCroix explained that Mr. Gray is submitting a request for a special exception in order to construct a home in this area of Lake Rockwall Estates. The applicant has an existing manufactured home on the property, which is in need of a lot of repair. The applicant, LaCroix explained, would like to bring in a new manufactured home onto this property rather than make the costly repairs that are necessary on the existing home at this time. Mr. LaCroix explained what the city's current development standards require as related to the façade of the structure, including exterior stone requirements and other requirements associated with required building materials and required roof pitch. Mr. LaCroix explained that the P&Z Commission did approve the request, but included with its approval a requirement that the applicant still comply with the city's 80% stone/masonry requirement. Mr. LaCroix explained that the applicant is also requesting a waiver to the street improvement and sidewalk requirements from the City's subdivision ordinance. After some additional discussion related to the city's exterior material requirements, Councilmember Scott then asked if the Council could please recess the public meeting to convene in Executive Session in order to consult with the city attorney. At 6:52 p.m., Mayor Cecil recessed the public meeting into Executive Session.

At 7:27 p.m., Council came out of Executive Session, and Mayor Cecil called the public meeting back to order.

Mr. Gray explained that he lives with his mother, and they would like to purchase a new manufactured home because their existing home is in poor condition.

David Smiley with American Homes (1900 E IH-30 Rockwall, TX) was present to address the Council on Mr. Gray's behalf. Councilmember Farris asked Mr. Smiley to explain the foundation associated with the home, which he did. He explained that the home and the foundation are FHA approved. Some discussion took place related to the differences between modular homes, manufactured homes and mobile homes.

Mr. Gray explained that he is not building a 'stick built' home because it would cost him too much money to build. He has only been pre-approved for about \$87,900, and a 'stick built' home would cost him over \$100,000 to build.

Councilmember Scott asked if hardy plank can be painted. Mr. Smiley explained that it can be painted, and it is lower maintenance than what would be associated with wood.

Councilmember Nielsen asked if Mr. Smiley has ever sold manufactured homes and then added stone to the exterior. Mr. Smiley explained that he has never done a stone exterior upgrade on a manufactured home because of the weight associated with adding stone. He further explained to Councilmember Nielsen that there is a 50 year warranty on the hardy plank associated with the manufactured home. He also indicated that the life expectancy of this particular home is 25-30 years.

Mayor Pro Tem Sevier made a motion to approve the SUP for MIS2009-006 including the hardy paneling plus a hardy panel skirting. Councilmember Farris seconded the motion.

Councilmember Farris asked Mr. LaCroix if the city would be inspecting the foundation on this manufactured home. Mr. LaCroix stated that it would be inspected and would be signed off on by an engineer.

City Attorney Pete Eckert asked if the Council would please take a five minute break to discuss possibly adding some additional language into the motion that has been set forth and seconded. The Council then recessed for approximately five minutes.

Mr. Eckert asked that Mayor Pro Tem consider adding the following findings of the Council to his motion in connection with MIS2009-006

- (1) that the proposed manufactured home in this case represents an upgrade of the existing structure currently located at 1435 Donald Drive;
- (2) that the goal in the area where the structure is to be located is to promulgate owner-occupied houses, and that this exception encourages such owner occupancy;
- (3) that the exception being considered by the City Council this evening does not adversely affect the health, safety or general welfare of the public or its inhabitants
- (4) that such special exception does not substantially weaken the general purposes of the zoning district in which it is located or which may hereafter be established by this council

Mayor Pro Tem Sevier modified his motion to include the above bulleted findings suggested by City Attorney Eckert. Mr. Sevier also clarified that his motion does include a waiver of the road upgrade requirements. Councilmember Farris amended his second to the motion.

At the suggestion of Councilmember Russo, Mayor Pro Tem Sevier also amended his motion to stipulate that shutters be included in the home. Councilmember Farris amended his second to include shutters on the home as well.

Councilmember Sweet expressed that he is concerned about the life expectancy of this manufactured home only being 25-30 years. Mr. Smiley explained that the home could last many more years, depending on how well it is maintained.

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

- 292 3. Discuss and Consider Architectural Fees with Speed Fab Crete for the
293 Fire Stations #3 and #4 project and take any action necessary.

294 David Bloxom
295 2741 River Forest Drive
296 Fort Worth, Texas
297

298 Mr. Bloxom with Speed Fab Crete was present to address the City Council on this item
299 and explained that he made a mistake. This mistake was explained in the written
300 information that was provided to Council. Mr. Bloxom further explained that the mistake
301 amounts to about \$133,100.
302

303 After some additional discussion, Councilmember Nielsen made a motion to have Mr.
304 Bloxom work with city staff to bring back a more firm dollar figure for Council to consider
305 in the near future. Councilmember Farris seconded the motion. The motion passed by a
306 vote of 7 ayes to 0 nays.
307

- 308 4. Discuss and consider adoption of an ordinance related to the City's Water
309 Conservation Plan and take any action necessary.

310 Rick Sherer explained that this plan is required by the State of Texas and will have to be
311 submitted to the state for its review and approval. He further stated that the plan will
312 have to be reviewed and updated once every five years. He gave a very brief overview of
313 the general provisions associated with the proposed Water Conservation Plan.

314 Councilmember Farris offered general comments related to "evapo transpiration
315 controllers." General discussion also took place related to rain and freeze sensor
316 systems and the possibility of the city providing an incentive associated with such
317 systems.

318 Assistant City Manager explained that rain/freeze sensors are currently required on new
319 sprinkler systems in the city. Mr. Crowley expressed that the Council could approve the
320 plan this evening if it desires to do so and can then address the possibility of requiring
321 rain/freeze sensors and a possible subsidy by passing an ordinance at a later date.

322 Councilmember Scott expressed that he is not in favor of retroactively requiring that
323 those with sprinkler systems be required to have rain/freeze sensors. He also indicated
324 that he is not in favor of telling residents who over seed for winter rye that they cannot
325 maintain that grass in the 'off months.'

326 Councilmember Scott made a motion to adopt the recommendations of the
327 subcommittee as presented with the following exceptions:

- 328 (1) No required retrofitting of anything and (2) removing the prohibition of planting and
329 watering 'cool season' grasses such as rye grass in the 'off months'

330 Councilmember Sweet seconded the motion.

331 After some additional discussion, Councilmember Scott modified his motion to reflect
332 that residents can neither plant nor water 'cool weather' grasses if at the time they are
333 planting/watering, there exists a "Stage 3 or higher" drought condition. Councilmember
334 Sweet seconded the modified motion.

335 The ordinance was read as follows:
336

CITY OF ROCKWALL

ORDINANCE NO. 09-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING A WATER CONSERVATION PLAN TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER CONSERVATION PLAN; PROVIDING FOR A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE.

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

5. Hear update from the Environmental Subcommittee regarding the City's departmental Green Action Plans and take any action necessary.

Rick Sherer explained that the city has reduced water consumption by 7%, reduced electric bills citywide by 9% and increased recycling by 75% since implementation of its green initiatives. After some additional, brief discussion, Council took no action on this item.

6. Discuss and consider existing development standards for the city's Industrial Zoning Districts and take any action necessary.

City Manager Couch explained that the city council had a joint retreat with the REDC board last month. Part of this retreat discussion included development standards in industrial areas throughout the city. Couch then offered some brief discussion related to the council possibly considering adjustments to development standards in the city's industrial areas. Planning Director Robert LaCroix then offered brief background discussion on this item, including existing development standards currently in place in industrial zoning districts. He then offered comments on the various options that the City Council may want to consider with industrial districts moving forward.

Councilmember Farris asked Mr. LaCroix what percentage of the buildings in the park have received variances associated with the city's architectural standards. LaCroix indicated that probably about 75% of them have received variances over the course of the last 9 years since he has worked for the city.

Some discussion took place related to the city modifying its requirements for temporary buildings at the park.

Councilmember Sweet made a motion to move forward with the staff recommended option to "add a statement to the General Industrial District Standards under the construction materials section as follows: *There may, however, be other ways of achieving the desired results, or there may be circumstances where it may be beneficial to grant variances to particular standards.* Exceptions to this, including allowing concrete tilt-up walls may be permitted on a case by case basis by the Council upon submission and approval of elevation drawings of the subject structure, and material samples." Councilmember Russo seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

- 386 7. Discuss and consider dates and times for upcoming City Council work
387 sessions and the Council/Staff Retreat and take any action necessary.

388 City Manager Couch asked if Council Members have any issues with the proposed dates.
389 No opposition to the dates was posed by any council member. It was indicated that
390 Council and Staff will move forward with the meeting dates/times specified within the
391 memo provided by staff.

- 392
393 8. Hold work session on Lake Rockwall Estates (LRE)

- 394 (a) Discuss and consider continuation of the LRE Subcommittee and
395 take any action necessary.

396 Mayor Pro Tem Sevier generally indicated that he is not in favor of continuing the LRE
397 Subcommittee. Instead, he would like to place confidence in city staff members to move
398 forward and do their jobs as related to the recently annexed area of Lake Rockwall
399 Estates.

400 Councilmember Scott expressed that he is not in favor of holding a lot of additional
401 council work sessions to address issues associated with LRE. He explained that
402 subcommittees were created in order to avoid having to do this.

403 Mayor Cecil made a motion to do away with the LRE subcommittee. He then expressed
404 that he would like an action item placed on the next Council agenda for the City Council
405 to discuss all subcommittees moving forward. Councilmember Scott seconded the
406 motion. After some additional, brief discussion, the motion passed by a vote of 7 ayes to
407 0 nays.

- 408 (b) Discuss and consider zoning and related matters in LRE and take any
409 action necessary.

410 Couch began discussion of this item and indicated that "Planned development zoning"
411 would likely be most appropriate for this area. Planning Director Robert LaCroix then
412 offered explanation of the proposed Planned Development District as related to the
413 various areas of LRE.

414 Discussion took place related to square footage of homes and various building materials
415 as well as type of housing and density that could be considered for LRE.

416 After some additional discussion, Councilmember Nielsen made a motion to approve the
417 draft zoning 'as is' with the addition of some anti monotony provisions. Councilmember
418 Scott seconded the motion. The motion passed by a vote of 4 ayes to 3 nays (Sweet,
419 Russo, Sevier).

- 420 (c) Discuss and consider demolition of dangerous structures in LRE,
421 including associated funding, and take any action necessary.

422 Building Official Jeffrey Widmer began discussion of this item. Widmer explained that
423 the numbers put forth in the staff memo are strictly rough estimates. No bids have been
424 received on the demolitions at this time. Councilmember Sweet expressed that he does
425 not wish to spend any funding in addition to the \$25,000 that has already been allocated
426 in the budget this year.

427 Councilmember Scott made a motion to proceed with the attached list of condemnations
428 and move forward as these demos come up until the cost reaches the \$25,000 mark. He
429 included in the motion that if any of the structures are currently occupied with a valid

tenant or resident, they will get removed from the demolition list and instead be moved to a 'repair' status with the city. He would also like some type of analysis from the City Attorney on how the city can recoup the costs associated with these demolitions. Mayor Cecil seconded the motion.

9. Discuss and consider approval of a Certificate of Convenience & Necessity (CCN) Transfer Agreement with the RCH Water Supply Corporation and take any action necessary.

Finance Director Mary Smith explained that the city has been negotiating with RCH in order to obtain rights to serve certain areas currently served by RCH.

Councilmember Nielsen made a motion to authorize the City Manager to move forward with executing an agreement in an amount not to exceed \$144,342.76. Councilmember Russo seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

10. Discuss and consider status of homeowner's association (HOA) legislation reform efforts and take any action necessary.

This item was tabled until the June 15th City Council meeting.

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

1. Departmental Reports
City Manager's Report - June 1, 2009
Building Inspections Monthly Report - April
Finance Department Monthly Report - April
Fire Department Monthly Reports - April
Parks and Recreation Monthly Report - April
Police Department Monthly Report - April

2. City Manager's Report

Neither discussion nor action took place related to the City Manager and staff reports.

Mayor Cecil recessed the public meeting into Executive Session at 11:20 p.m.

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. a. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation related to (1) platting; (2) Strother v. City; (3) Speed Fab Crete design & build contract provisions

b. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a legal matter for which it is the ethical duty of the attorney to advise the City Council regarding the law governing development exactions and subdivision plats.

5. Deliberation pursuant to Section 551.074 regarding the duties of public officers-Mayor Pro-Tem

XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Sevier made a motion to appoint David Sweet as Mayor Pro Tem. Mayor Cecil seconded this motion, which passed by a vote of 5 ayes with 1 abstention (Sweet) and 1 being absent (Nielsen left the meeting during Executive Session, prior to this action being taken).

XII. ADJOURNMENT

Mayor Cecil adjourned the meeting at 11:45 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 15th day of June, 2009.**

ATTEST:

Kristy Ashberry
Kristy Ashberry, City Secretary

William R. Cecil
William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, June 08, 2009
5:30 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 5:40 p.m. Present were Mayor Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember 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. 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.
3. 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 legal services.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION.

No action was taken as a result of Executive Session.

IV. CONSIDER APPROVAL OF RESOLUTIONS ASSOCIATED WITH RIGHT-OF-WAY ACQUISITIONS ON THE WHITE ROAD EXPANSION PROJECT AND TAKE ANY ACTION NECESSARY.

Mayor Cecil made a motion to approve Resolution #09-18 related to the Duhon ROW acquisition. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

Mayor Cecil made a motion to approve Resolution #09-19 related to the Himmelreich ROW acquisition. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

V. HOLD BUDGET WORK SESSION AND TAKE ANY ACTION NECESSARY.

Finance Director Mary Smith expressed that the appraisal district has indicated property valuation for this year to be \$3,073,000,000 before protests. This is a 1.73% increase over last year's valuation. The deadline for those wishing to protest their valuation is June 15th. She also indicated that valuation for The Harbor development is \$102,000,000 before protest. The effective rate for next year will be 51.01 cents, which is also the rollback rate for next year. Some discussion took place related to debt service estimates

49 and senior exemptions. City Manager Julie Couch indicated that her goal is to maintain
50 the tax rate at 50.31 cents for next year. She further stated that she is not proposing any
51 market increase for employee salaries this year and that merit increases will try to be
52 maintained. Sales tax increase for next year is anticipated to be about 2%. Additional
53 cost associated with employee health benefits is expected next year. General discussion
54 took place related to reserves and user fees charged by the city for certain services. The
55 City Manager recommended not cutting user fees.

56
57 After some discussion, Mayor Cecil made a motion to leave user fees alone, 'as is.'
58 Councilmember Nielsen seconded the motion. The motion failed by a vote of 3 ayes, 3
59 nays (Russo, Sweet, and Scott) and 1 absent (Sevier).
60

61 VI. HOLD WORK SESSION TO DISCUSS ISSUES ASSOCIATED WITH LAKE ROCKWALL ESTATES,
62 INCLUDING CODE ENFORCEMENT, AND TAKE ANY ACTION NECESSARY.
63

64 Assistant City Manager Rick Crowley indicated that development of a strategic plan for
65 Lake Rockwall Estates is currently in the works by city staff. Crowley expressed that
66 acquisition of water and sewer service utilities to serve the LRE area will be very costly
67 to the city and will require legal counsel and advice from an accountant. These
68 professionals will aid the city in determining the estimated value of these utility systems
69 and help the city decide how much it may be willing to pay in order to serve the area.
70 Crowley further indicated that, based on the city charter, it is anticipated that Aqua
71 Source's next rate increase will have to come before the City Council for review.
72

73 Crowley then discussed code enforcement and building inspection priorities for Lake
74 Rockwall Estates including things such as addressing dangerous building and
75 demolition efforts; trash, junk, debris; high weeds and grass; major property
76 maintenance code issues and associated improvements. General discussion took place
77 related to bulk trash pick-up in the area as well as housing and zoning.
78

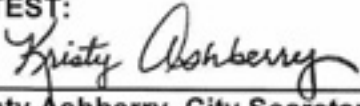
79 No action was taken on this item.
80

81 VII. ADJOURNMENT
82

83 Mayor Cecil adjourned the meeting at 9:25 p.m.
84
85

86 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
87 this 15th day of June, 2009.

88
89 ATTEST:

90 
91 Kristy Ashberry, City Secretary
92




William R. Cecil, Mayor

**MINUTES
ROCKWALL CITY COUNCIL**

Monday, June 15, 2009

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. and immediately adjourned into Executive Session. Present were Mayor Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Farris was absent from the meeting. Mayor Cecil immediately recessed 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

IV. PRE-COUNCIL DINNER

V. ADJOURNMENT

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 6th day of July, 2009.**

ATTEST:


Kristy Ashberry, City Secretary


William R. Cecil, Mayor



MINUTES ROCKWALL CITY COUNCIL

**Monday, June 15, 2009
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 David Sweet and Council Members Margo Nielsen, Mark Russo, and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Farris was absent from the meeting. Matt Scott was not present at the beginning of the public meeting, as he left after the conclusion of the pre-meeting Executive Session.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FARRIS

Mayor Pro Tem Sweet delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Juneteenth
2. United States Army Day
3. American Taekwondo Association Day

Mayor Cecil read and presented the proclamation for U.S. Army Day to Council Member Cliff Sevier.

Mayor Cecil read and presented the proclamation for American Taekwondo Association (ATA) Day to members of the ATA.

Mayor Cecil then read and presented the proclamation for Juneteenth to Pastor Joe Robbins.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the June 1, 2009 regular City Council meeting and take any action necessary.
2. Consider approval of the minutes from the June 8, 2009 Special City Council meeting and take any action necessary.
3. Consider a Resolution supporting the installation of an Automated Weather Observing System at the Rockwall Municipal Airport using TXDOT Aviation grant funds; authorizing the City Manager to execute agreements with TXDOT Aviation and take any action necessary.
4. Consider the Engineering Services Agreement with Birkhoff, Hendricks & Conway for the reconstruction of the Chandlers Deep Lift Station and take any action necessary.

5. Z2009-007 - Consider approval of an **ordinance** for a city-initiated request to amend the Unified Development Code (Ord. No. 04-38), specifically Article V. District Development Standards; Article VII. Environmental Performance; Article VIII. Landscape Standards; and Article IX. Tree Preservation, and take any action necessary. (2nd Reading)

Mayor Pro Tem Sweet pulled item #3 for discussion. Councilmember Sevier pulled item #2 for discussion.

Mayor Pro Tem Sweet then made a motion to approve the remaining consent agenda items (# 1, 4 and 5). Councilmember Russo seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 09-23

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. DISTRICT DEVELOPMENT STANDARDS; ARTICLE VII. ENVIRONMENTAL PERFORMANCE; ARTICLE VIII. LANDSCAPE STANDARDS; AND ARTICLE IX. TREE PRESERVATION; 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 5 ayes to 2 absent (Farris, Scott).

Councilmember Nielsen made a motion to approve #2. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 4 ayes, 1 abstention (Sevier) and 2 absent (Farris, Scott).

Mayor Pro Tem Sweet asked for an explanation of the Automated Weather Observing System (AWOS). Internal Operations Director Joey Boyd gave a brief description of the functionality and purpose of this system. Mayor Pro Tem Sweet then made a motion to approve item #3. Councilmember Russo seconded the motion. The motion passed by a vote of 5 ayes to 2 absent (Farris, 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 Commissioner Bill Bricker was present and offered comments on actions taken by the Commission related to items on tonight's City Council agenda. No action was taken on this item.

2. Appointment with Waterstone Estates resident Harold Snyder to hear concerns related to construction of a fence in the drainage easement and associated matters and take any action necessary.

Harold Snyder
1519 Murphy Drive
Rockwall, TX

Mr. Snyder was present to raise a concern related to a letter he received from City Engineer Chuck Todd regarding building a fence in a drainage easement behind his home and future replacement of the fence. He expressed that he does not believe he should be required to sign a letter from the City, which would stipulate that he will be financially responsible for replacement of the fence if any drainage easement work is needed and removal of the fence is required in association with the work.

City Attorney Pete Eckert indicated that Mr. Snyder does not have to sign the letter, but the letter does not circumvent the rights of the city, including the rights expressed in the Waterstone Estates Plat language.

City Engineer Chuck Todd offered some additional explanation related to the issue.

Mayor Cecil asked Mr. Snyder what additional action, if any, he is seeking from the City staff and council. He expressed that he would like the ability to pick up his fence permit without having to sign the letter. City Attorney Pete Eckert and Chuck Todd indicated that Mr. Snyder will be able to do so without any trouble.

Assistant City Manager Rick Crowley indicated that the City will continue to issue this type of letter to homeowners in the future as needed. Mr. Snyder suggested that staff consider including any relevant plat language along with letters that are sent out to other homeowners in the future.

No action was taken by the Council related to this item.

VI. PUBLIC HEARING ITEMS

1. Z2009-009 - Hold a public hearing and consider approval of an **ordinance** for a request by Randall Edmiston of Randall Ross Design Build for approval of a Specific Use Permit (SUP) to allow for a detached garage/accessory structure exceeding the maximum height requirement of 15-ft (proposed 18-ft) and not meeting the exterior materials requirements, on the property located at 3815 Pinebluff, which is zoned (SF-10) Single Family Residential district and known as Lot 1, Block E, Timber Creek Estates, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix offered brief background information on this item. He indicated that notices were sent out to adjacent property owners, but no responses have been received back by the City at this time. LaCroix indicated that the addition is intended to be a 'mother-in-law' suite and that it cannot be utilized at any point in time as a rental property. The applicant was not present during this portion of the meeting; however, he had been present at the very start of the meeting. The Mayor opened the public hearing.

After brief discussion, Mayor Cecil then made a motion to continue the public hearing until the next Council meeting if the applicant does not show up this evening. Councilmember Russo seconded the motion. The motion passed by a vote of 5 ayes to 2 absent (Farris, Scott).

2. Z2009-010 - Hold a public hearing and consider approval of an ordinance for a request by Lynette Coughlin for approval of a zoning change from (NS) Neighborhood Services district to (GR) General Retail district on a tract known as Block 80A, B F Boydston Addition, being approximately 0.74-acre and located at 603 South Goliad, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix offered background information on this item. He explained that the Planning & Zoning commission recommended approval of this item. Notices were sent out to adjacent property owners, and one response was received back in favor of the re-zoning request.

Fire Chief Poindexter explained that if the applicant installed any type of on-site cooking devices, a fire suppression system would need to be installed.

Lynette Coughlin
2360 Shorecrest Drive

Councilmember Scott re-joined the meeting at this point at 7:00 p.m.

Ms. Coughlin indicated that there will not be any on-site cooking. Only outside catering will be permitted. She offered some explanation related to the type of services that will be offered by her company if the zoning change is approved by the Council.

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

Councilmember Nielsen made a motion to approve zoning change Z2009-010 from "NS" to "GR". Councilmember Russo seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 09-

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 (NS) NEIGHBORHOOD SERVICES DISTRICT TO (GR) GENERAL RETAIL DISTRICT, ON A TRACT OF LAND CONTAINING APPROXIMATELY 0.74-ACRE AND KNOWN AS BLOCK 80A, B F BOYDSTON ADDITION, LOCATED AT 603 SOUTH GOLIAD; 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 to 1 absent (Farris).

3. Z2009-011 - Hold a public hearing and consider approval of an ordinance for a request from Ricardo and Immaculate "Macky" Refuerzo of Rockwall Adult Day Services for approval of a Specific Use Permit (SUP) to allow for a Daycare on a 2.0-acre tract zoned (Ag) Agricultural district and described as Lot 1, DeWoody Addition, located at 3011 North Goliad (immediately north of the Children's Lighthouse daycare that is under construction), and take any action necessary. (1st Reading)

Planning Director Robert LaCroix offered background information on this item. Notices were sent out to adjacent property owners, and five responses were received back in opposition to this SUP request. LaCroix explained the various things that would be required of the applicant as related to site plan submittal and appropriate uses of the property. Two registered nurses will be involved in staffing this facility, which will be open to the elderly and some mentally challenged patrons.

Macky Refuerzo and her husband were present to address the Council on this SUP request. Mrs. Refuerzo offered a description of an 'adult daycare.' She explained that there are medical and social adult daycares, and that this proposed facility will include both types of patrons. She explained that the facility will offer a transportation service, which will limit concerns associated with possible additional traffic congestion. She explained that the facility will be open 7:00 a.m. – 7:00 p.m., will include 30 patrons and will have a staff ratio of 6:1.

Councilmember Scott asked the applicants to explain their experience level with nursing and the elderly, which they did. Councilmember Nielsen then had brief discussion with the applicants related to the demographics and expected need for this type of facility in Rockwall.

If commercial cooking is performed, Fire Chief Mark Poindexter explained that the applicants will need to install a fire suppression system within the facility.

The applicants explained that a physician will have to approve a potential person to go into an adult daycare facility and that no patients with signs of dementia will be accepted into the facility.

Mayor Cecil opened the public hearing for Z2009-011. Four individuals indicated a desire to speak during the public hearing.

Steve Horner
1838 Oak Bend Drive

Mr. Horner asked if the applicants will be allowed to add onto the property (add square footage). LaCroix indicated that Council can add a condition to approval to disallow adding onto the structure if it desires to do so. Some discussion took place related to the landscaping and treescaping on the property. He asked if any restrictions can be added to the SUP to minimize lighting. Mr. LaCroix indicated that lighting limitations can be added to the SUP.

Mr. & Mrs. Janice Clark
(no address provided)

She indicated that they own the property just north of the property in question and have a 4,000 square foot home on their property. Mr. Clark expressed that he does not feel this business belongs in a residential neighborhood. He feels that approval of the SUP will diminish his property value.

Ben Weible
215 Trout Street
Rockwall, TX 75032

Mr. Weible asked who owns the property. LaCroix indicated that it is currently owned by the Woody Estate, but the applicant is considering purchasing the property. Mr. Weible generally expressed that the property owner should have the right to use his/her property as he/she sees fit. He also generally expressed that that he believes the facility will likely be appropriately regulated by the DADS Agency. He does not believe the Council should limit 'free enterprise' or get involved with review and approval of business plans.

Mr. John White
1929 South Lakeshore
Rockwall, TX

He generally expressed that he does not believe others should be concerned about the property's proximity to medical facilities. He also does not believe that lighting will be a concern since the facility will close daily at 7:00 p.m.

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

Mayor Pro Tem Sweet expressed that he believes that concerns related to the location and proximity to a medical facility are valid. He also expressed that the residents who are not in favor of the SUP being approved also have valid concerns. He indicated that he will not support approval of the SUP.

Councilmember Scott expressed that he believes there is a need for this type of facility; however, he does not believe that this is an appropriate location for this type of facility. He is concerned about putting 30+ people in a 2,500 square foot home. He expressed that he is not in support of approving this SUP.

Councilmember Scott made a motion to deny the SUP request associated with Z2009-011. Mayor Pro Tem Sweet seconded the motion. Mayor Cecil expressed that he will not support the SUP approval based on the location but that he does believe this type of facility is much needed in the community. The motion passed by a vote of 6 ayes to 1 absent (Farris).

VII. ACTION ITEMS

1. Discuss and consider hotel/motel tax subcommittee recommendation regarding supplemental funding request from Hubbard Chamber Music Series and take any action necessary.

Finance Director Mary Smith spoke and indicated that the original request was for \$5,000 to prepare for a 'young musicians' competition. An extra \$2,000 is being requested to supplement the first request. Smith indicated that revenues are slow this year and one hotel in town is having great financial difficulty and has filed bankruptcy. However, she does believe money is available to fund this particular request if the Council desires to do so.

After some brief discussion, Councilmember Sevier made a motion to approve the \$2,000 request. Councilmember Russo seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Farris).

2. Discuss and consider the status of current Council subcommittees and take any action necessary.

Mayor Cecil began discussion of this item and indicated that staff has provided some information on current sub-committees and their status.

City Manager Julie Couch provided brief comments related to this item and indicated that some of these sub-committees are currently involved with some deep discussions and projects. If the Council chooses to do away with those sub-committees, the work of those sub-committees will have to be taken on by the full Council.

General discussion took place among Council members related to the various sub-committees, including their purpose, their lifespan and their future necessity.

Councilmember Nielsen made a motion that each sub-committee meet on its own over the next couple of weeks to discuss amongst itself the necessity of keeping the sub-committee active or dissolving it and then reporting back to Council for further action. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Farris).

3. Discuss and consider proposals for engineering and planning studies related to the development of Planned Development District 32 and take any action necessary.

City Manager Julie Couch offered background information and comments related to this item. She indicated that the Council has some options to consider and decisions to make as it moves forward with development of PD-32. Planning Director Robert LaCroix offered comments related to decisions that must be made by Council before moving forward.

David Myers and Scott Johnson from Kimley Horne and Associates were present. Mr. Talley from Talley and Associates was also present.

After brief discussion, Councilmember Nielsen made a motion to approve \$112,000 for the development of the form based code and the preliminary grading plan in addition to \$55,742 for additional engineering studies, the latter coming out of street assessment funds and water and sewer funds, and the latter coming out of general operating funds and to amend the General Operating Budget to include the \$112,000 expenditure. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Farris).

4. Discuss and consider status of homeowner's association (HOA) legislation reform efforts and take any action necessary.

Councilmember Scott offered information related to the disposition of various proposed bills associated with HOA reform at the TX Legislature. No action was taken by Council on this item.

Mayor Cecil then recessed the public meeting into Executive Session at 9:07 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 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.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

David Sweet made a motion to appoint Councilmember Margo Nielsen to replace Councilmember Cliff Sevier on the County of Rockwall Emergency Services Corporation. Councilmember Matt Scott seconded the motion. The motion passed unanimously of those present (Nielsen abstained / Farris was absent).


David Sweet made a motion that the City exercise its termination options under the license agreement with BLD USA with the stipulation that options for the future recreation facility continue to be explored by staff. The motion was seconded by Councilmember Matt Scott. The motion passed unanimously (Farris was absent).

X. ADJOURNMENT

The meeting adjourned at 10:15 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6th day of July, 2009.

ATTEST:



Kristy Ashberry, City Secretary


William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Monday, July 06, 2009

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 David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public 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 legal services

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See Executive Session held at end of meeting for action taken.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 20th day of July, 2009.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, July 06, 2009
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 David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM SWEET

Mayor Pro Tem David Sweet delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Rockwall University Graduation Recognition

Mayor Cecil spoke briefly about the Rockwall University Program, which was started in the year 2002. He congratulated seven graduates of the program, including Donna Allen, Tim Duke, Lisa Coppler, David Gonzales, Cliff Griffin, John Shannon, and Seven Carpenter. Each graduate had an opportunity to speak, and Mayor Cecil presented them with a certificate and a small monetary check.

IV. OPEN FORUM

Pastor Joe Robbins
St. Paul's Church
805 Peters Colony

He thanked the Council for repairing the pool and for supporting the Juneteenth Celebration

Harold Eavenson
1330 Shores Circle
Rockwall, TX

He explained that he is here on behalf of the Shores Country Club. He asked the City Council to consider scheduling a public hearing to hear public comment related to the Shores Golf Course.

V. CONSENT AGENDA

- 1.** Consider approval of the minutes from the June 15, 2009 regular City Council meeting and take any action necessary.
- 2.** Consider Change Order Number 7 for the John King Blvd. Project, from FM-1141 to Quail Run, and take any action necessary.

- 93 3. Consider the Engineering Services Agreement Amendment for the
94 Squabble Creek Lift Station and Forcemain Project for design of the
95 replacement of the sub-standard asphalt section of Quail Run, from
96 Memorial Drive to John King Blvd., due to the proposed sanitary sewer
97 construction and take any action necessary.
- 98 4. P2009-012 - Consider a request by Brandon Davidson of Corwin
99 Engineering, Inc. for approval of a final plat for the Right-of-Way
100 dedication of the eastern extension of Featherstone Road, located
101 between Deverson Drive and John King Blvd., being 2.382-acres zoned
102 (PD-70) Planned Development No. 70 District, and take any action
103 necessary.
- 104 5. P2009-013 - Consider a request by Tek Dayalji of the Pastem
105 Corporation, for approval of a replat, of Lot 8, Block A, Rockwall Towne
106 Center Phase 4 Addition, being a 1.74-acre tract zoned (C) Commercial
107 and situated on Vigor Way (private street) between IH-30 and Ridge Rd,
108 and take any action necessary.
- 109 6. Z2009-010 - Consider approval of an ordinance for a request by Lynette
110 Coughlin for approval of a zoning change from (NS) Neighborhood
111 Services district to (GR) General Retail district on a tract known as Block
112 80A, B F Boydston Addition, being approximately 0.74-acre and located
113 at 603 South Goliad, and take any action necessary.(2nd Reading)
- 114 7. Discuss and consider adoption of an ordinance related to the City's Water
115 Conservation Plan and take any action necessary.(2nd Reading)

116 Councilmember Farris pulled Consent Agenda item #1 for discussion. Councilmember
117 Scott pulled Consent Agenda item #5 for discussion. Councilmember Farris then made a
118 motion to approve the remainder of the agenda (#2, 3, 4, 6 and 7). Councilmember Scott
119 seconded the motion. The ordinances were read as follows:

120
121 CITY OF ROCKWALL
122 ORDINANCE NO. 09-24
123

124 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
125 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS
126 PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (NS)
127 NEIGHBORHOOD SERVICES DISTRICT TO (GR) GENERAL RETAIL DISTRICT, ON
128 A TRACT OF LAND CONTAINING APPROXIMATELY 0.74-ACRE AND KNOWN AS
129 BLOCK 80A, B F BOYDSTON ADDITION, LOCATED AT 603 SOUTH GOLIAD;
130 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
131 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
132 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING
133 FOR AN EFFECTIVE DATE.

134
135 CITY OF ROCKWALL
136 ORDINANCE NO. 09-25
137

138 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
139 ADOPTING A WATER CONSERVATION PLAN TO PROMOTE RESPONSIBLE USE
140 OF WATER AND TO PROVIDE FOR PENALTIES AND/OR DISCONNECTION OF
141 WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER
142 CONSERVATION PLAN; PROVIDING FOR A FINE NOT TO EXCEED THE SUM OF
143 TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR AN
144 EFFECTIVE DATE.
145

Councilmember Farris indicated that he will abstain from approval of the minutes on Consent Agenda #1 because he was absent from that particular meeting. Councilmember Scott then made a motion to approve Consent Agenda item #1. Councilmember Sevier seconded the motion. The motion passed by a vote of 6 ayes to 1 abstention (Farris).

Councilmember Nielsen made a motion to approve P2009-013 for the Comfort Inn and Suites. Councilmember Farris seconded the motion. The motion passed by a vote of 4 ayes to 2 nays (Scott, Sweet).

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.

No discussion took place related to this item, and no council action was taken.

2. Appointment with Bill Bricker to discuss amending the sign ordinance related to directional signs for new homes for sale and take any action necessary.

Bill Bricker
505 Westway Drive
Rockwall, Texas

Mr. Bricker brought forth a sample sign related to the type of sign he would like the City Council to consider related to new homes being constructed and for sale in Rockwall. He would like the Council to consider allowing these directional signs in an effort to support home builders in Rockwall, specifically subdivisions that are building new homes that are for sale. He does not propose these signs be allowed for individual builders, but rather for the subdivisions. He would like these signs to direct drivers to the subdivisions themselves, not specifically to builders, and would like the signs to be allowed Friday through Sunday. He is proposing the Council allow three or four signs per subdivision (not per builder).

Councilmember Scott made a motion to direct staff to work on a revision to the city's existing sign ordinance to bring forth for Council consideration. Councilmember Sevier seconded the motion.

Councilmember Farris expressed that he likes limiting the number of signs per subdivision. He also likes the quality of Bricker's sample sign (a metal sign, rather than paper).

Councilmember Nielsen expressed that some developers are constructing 'in fill' housing in existing subdivisions in Rockwall. She asked if these developers would be eligible to have some signs to direct potential buyers to their subdivision. Bricker indicated that, yes, signage would be allowed in any subdivision where new homes are being constructed and currently available within the City.

After additional, brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

- 195
196 3. Appointment with Roger Hamm of Speed Fab Crete for an update on the
197 Fire Stations #3 and #4 project and take any action necessary.

198 Roger Hamm
199 9852 Highland Prairie
200 Forney, TX
201

202 Mr. Hamm was present and offered an update on construction progress at Fire Stations
203 #3 and #4. He indicated that fire station #3 will likely be completed at the end of July, and
204 fire station #4 is expected to be complete on or about August 14. No action was taken by
205 Council related to this item.
206

207 VII. PUBLIC HEARING ITEMS
208

- 209 1. Z2009-009 - Continue a public hearing and consider approval of an
210 ordinance for a request by Randall Edmiston of Randall Ross Design
211 Build for approval of a Specific Use Permit (SUP) to allow for a detached
212 garage/accessory structure exceeding the maximum height requirement
213 of 15-ft, on the property located at 3815 Pinebluff, which is zoned (SF-10)
214 Single Family Residential district and known as Lot 1, Block E, Timber
215 Creek Estates, and take any action necessary. (1st Reading)

216 Planning Director Robert LaCroix offered brief background information on this item. He
217 is asking for a height variance on this accessory structure. Notices were mailed out to
218 those within 200 feet of this address, as required by law. No responses have been
219 received to date. LaCroix stated that the Planning & Zoning Commission did approve
220 this SUP by a vote of 7 to 0.
221

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

224 Randall Edmiston
225 5222 Alcod Street
226 Dallas, TX
227

228 Mr. Edmiston indicated that he is the builder and is doing this project for the homeowner.
229

230 Mayor Pro Tem Sweet made a motion to approve Z2009-009. Councilmember Scott
231 seconded the motion. The ordinance was read as follows:

232 CITY OF ROCKWALL
233 ORDINANCE NO. 09-
234

235 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
236 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY
237 OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT
238 A SPECIFIC USE PERMIT WITHIN THE (SF-10) SINGLE-FAMILY
239 RESIDENTIAL DISTRICT ALLOWING FOR A DETACHED GARAGE /
240 ACCESSORY BUILDING EXCEEDING THE MAXIMUM HEIGHT
241 REQUIREMENT OF 15-FT, ON A TRACT LOCATED AT 3815 PINEBLUFF,
242 BEING LOT 1, BLOCK E, TIMBER CREEK ESTATES; PROVIDING FOR
243 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
244 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
245 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. FF2009-002 - Hold a public hearing and consider a request from Nick Lixaudais for approval of a front yard fence, including a variance to the maximum height requirement of 48-inches (proposed 60-inches), at the property located at 2705 Rolling Meadows Drive, being Lot 3, Rolling Meadows Estates, zoned (SF-E/4.0) Single Family Estate district, and take any action necessary.

Planning Director Robert LaCroix offered brief background information on this item. LaCroix indicated that notices were mailed out to property owners located within 200 feet of the property in question. One response was received back in favor of the front yard fence.

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 Scott made a motion to approve FF2009-002. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

3. Hold a Public Hearing regarding the issuance of a tax exempt note and related loan agreement by the Milford Higher Education Facilities Corporation for the benefit of Heritage Christian Academy and take any action necessary.

Finance Director Mary Smith indicated that HCA intends to issue debt through Milford Higher Education Facilities Corporation. This Corporation assists private school with issuing debt at a lower interest rate. The city will have no obligation related to the debt, but state law stipulates that the city must hold a public hearing and pass a resolution in order for them to proceed with the debt issuance.

**Jeff Matyre
302 Meadowdale Drive
President, Board of Trustees at HCA**

He explained that the schools are consolidating two loans in an effort to save money and are refinancing them at a much lower rate.

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.

Mayor Cecil then moved to Action Item #5 for discussion and action by Council.

Action Item #5 was discussed after this item (see below).

VIII. ACTION ITEMS

1. Discuss and consider the method of tracking executive sessions of the city council and take any action necessary.

Councilmember Sevier expressed concern that only a very brief synopsis is available related to actions taken as a result of Executive Sessions. Sevier expressed that he would like the Council to consider audio recording Executive Sessions. He understands that having these sessions typed would be expensive, but he expressed that audio recordings would be helpful so that they can be referenced if needed.

City Attorney Pete Eckert stated that by statute, the Council can either keep a certified agenda or it can chose to audio record the sessions verbatim. Either one can only be released pursuant to the order of a District Judge.

City Manager Julie Couch stated that audio recording equipment is not currently available in the Council Conference Room. This expense would need to be evaluated and considered.

Councilmember Farris asked how the privacy of these audio recordings could be ensured. Couch stated that taking notes is not a viable option, because doing so is an interpretation of what attendees are saying. She indicated that certified agendas are the current means for recording what happens in Executive Session, and they are very, very brief, simply reflecting what was discussed in a very broad sense and the actions taken as a result of Executive Session.

Councilmember Scott indicated that he does not desire to have Executive Sessions audio recorded. He would be in favor of having someone take general notes during Executive Session, but he does not believe it is a good idea to audio record them for fear they would be reproduced.

After some additional discussion, Councilmember Farris made a motion to direct staff to evaluate this issue including exploration of what other cities are doing to record Executive Sessions and how they ensure the safety and confidentiality of what is documented during those sessions. Councilmember Russo seconded the motion. The motion passed by a vote of 6 ayes to 1 nay (Scott).

Mayor Cecil then brought forth Action Item #3 for discussion and consideration by Council.

2. Discuss status of event parking at the Harbor and take any action necessary.

Action Item #2 was discussed after the Public Hearing items and immediately following Action Item #5. City Manager Julie Couch indicated that Concerts by the Lake are averaging 4,500 attendees per week this season. Vacant, unimproved space is currently being utilized as well as parking availability on either side of Summer Lee Drive. When all spaces are added up, about 1,500 public spaces are available (not including parking the private areas of The Harbor). Lakepointe Church is willing to discuss with the City the possibility of utilizing the church for parking space and shuttling event goers from the church to The Harbor. KART, the city's public transportation provider, can provide buses to shuttle attendees from Lakepointe Church to The Harbor; however, this option will not allow for very timely transport, and not many attendees can be shuttled in a small amount of time. Four KART buses could move about 160 people in one hour and will result in a cost of about \$9,600 for the remaining concerts this season.

Mr. Rob Whittle was present and stated that there is a parking issue that needs to be addressed in order to help the merchants' business during Concert nights.

General discussion took place related to the parking concerns and available options for alleviating parking slots for retail customers visiting The Harbor.

339 Mr. Whittle indicated that about seven of the businesses on concert nights do
340 extraordinarily well as a direct result of the Concerts by the Lake. He further stated that
341 four of the businesses get dramatically hurt because of the concerts due to the lack of
342 close parking for potential patrons. Whittle indicated that Cinemark Theater is drastically
343 affected on Concert nights. He further stated that in an ideal situation, all on-site private
344 parking would be for use by tenants and their customers/patrons.

345 Couch indicated that signs have been displayed showing "event parking" and "non-
346 event parking" during the last two Concerts by the Lake. She believes that this signage
347 as well as utilization of parking space along Summer Lee Drive has helped the parking
348 issue to some degree. She also stated that the city does currently have an agreement to
349 utilize the old Kroger parking lot for event parking.

350 Mr. Whittle suggested the City consider moving Concerts to Tuesday nights rather than
351 Thursday nights next season.

352 Councilmember Sevier expressed that the City has put in a lot of monetary investment in
353 the Concerts by the Lake already. He suggested that concert goers may need to pick up
354 some of the cost associated with off-site parking.

355 Parks Director Brad Griggs indicated that nine to eleven seasonal staff is being utilized
356 as parking attendants to direct concert goers to appropriate parking spaces. These
357 seasonal, part-time staff has been directing parking for the last 2 weeks. Mr. Whittle
358 indicated that the steps the city has taken in the last two weeks have made a significantly
359 great improvement to the parking problem.

360 Mayor Pro Tem Sweet made a motion to instruct staff to begin the process of evaluating
361 moving the Concerts from Thursday to Tuesday nights next season. Councilmember
362 Scott seconded the motion.

363 Councilmember Farris asked if the valet company is currently asking its customers if
364 they are visiting to watch the Concert or to visit a retailer or merchant business. Mr.
365 Whittle indicated that he does not believe the valet company is currently asking this type
366 of question of its customers. After some brief discussion, Councilmember Farris
367 indicated that he is not willing to ask staff to move concerts to Tuesday nights instead of
368 Thursday nights.

369 Councilmember Russo asked if retailers and restaurants could consider sponsoring
370 buses to move patrons and concert goers on Concert nights. Mr. Whittle indicated that
371 he will speak to tenants about this possibility.

372 Councilmember Farris asked if financial considerations, including sales tax impacts and
373 analysis can be included in staff's evaluation of holding concerts on Tuesday nights
374 versus Thursday nights.

375 Councilmember Scott asked if the possibility of adding a parking garage somewhere in
376 The Harbor area can be evaluated as part of this parking analysis performed by staff. He
377 indicated that he knows this will not be a feasible option this year or next year, but he
378 believes it could possibly be financially feasible, if necessary, three years from now.

379 Mayor Pro Tem made a motion to direct staff to begin the process of evaluating moving
380 Concerts by the Lake from Thursday to Tuesday nights next year; evaluate the impact
381 this would have on Thursday evening restaurant business; and evaluate the costs
382 associated with possibly adding a parking structure at The Harbor. Councilmember
383 Scott seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

- 384 3. Discuss and consider recommendations from the Youth Advisory Council
385 amending the City's scooter ordinance and take any action necessary.

386 Councilmember Farris briefed the Council on recommendations issued by the City's
387 Youth Advisory Council related to the city's existing motorized scooter ordinance.

388 Mayor Cecil suggested that the Council accept this report and take it under advisement
389 at this time. No action was taken by Council on this item.

- 390 4. Discuss and consider the status of current Council subcommittees and
391 take any action necessary.

392 City Manager Couch offered brief background information on this item. Councilmember
393 Scott stated that he believes some Council members do not trust the processes involved
394 with sub-committees in general. He believes that the sub-committees should either be
395 kept, as a whole, or eliminated entirely. He does not believe it would be appropriate to
396 pick and choose which ones should be eliminated and which ones should stay.

397 Councilmember Nielsen expressed that she does believe that it may be appropriate to
398 'sunset' some subcommittees which have completed their work at this time. She spoke
399 briefly about the "facilities subcommittee," for example, and believes that its work may
400 be 'done' for the time being.

401 Mayor Pro Tem Sweet generally indicated that he believes it is appropriate to evaluate
402 keeping or doing away with subcommittees on an individual, case-by-case basis as
403 Councilmember Nielsen suggested. He offered comments related to the various
404 subcommittees and the relative completion of their work at this time.

405 Councilmember Farris expressed that dissolving subcommittees entirely would result in
406 a large, additional time commitment from all seven council members.

407 Councilmember Nielsen expressed that she generally trusts and believes in the sub-
408 committee process.

409 Mayor Cecil expressed that he believes it would be very difficult to do away with the sub-
410 committee process entirely.

411 City Manager Couch expressed that adding additional topics to existing regular Council
412 meetings in order to address the work that would otherwise be performed by sub-
413 committees would be necessary. She does not believe that this is a very feasible option.
414 If the items are not addressed at regular meetings, at least one additional work session
415 would need to be added during each month.

416 Mayor Cecil expressed that good, substantial management of the subcommittee process
417 is important, including development of a charter for each subcommittee, defining
418 reporting mechanisms for the sub-committees and defining the conclusion and possible
419 elimination of a sub-committee once its work is complete. He expressed that he believes
420 staff will need to step up and do a little better job to this end if the Council should decide
421 to keep sub-committees in place.

422 Mayor Cecil suggested that the Council go through the list of each sub-committee and
423 individually consider keeping it or eliminating it.

424 After some discussion related to the Airport Subcommittee, which is currently a
425 'standing' sub-committee, Mayor Cecil made a motion to retain the Airport
426 Subcommittee. Councilmember Russo seconded the motion. The motion passed by a
427 vote of 4 ayes to 3 nays (Sweet, Scott, Sevier)

428 Mayor Cecil made a motion to retain the Hotel/Motel Sub-Committee. Councilmember
429 Nielsen seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

430 Councilmember Nielsen made a motion to eliminate the Facilities Sub-Committee at this
431 time. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 6
432 ayes to 1 nay (Scott).

433 Councilmember Scott made a motion to eliminate the Sports Sub-Committee.
434 Councilmember Sevier seconded the motion, which passed by a vote of 7 ayes to 0 nays.

435 Mayor Cecil offered brief comments, and then Mayor Pro Tem Sweet made a motion to
436 eliminate the C3 Subcommittee. Councilmember Russo seconded the motion, which
437 passed by a vote of 7 ayes to 0 nays.

438 Regarding the Conservation Sub-committee, which is an 'ad-hoc' sub-committee, Mayor
439 Cecil made a motion to retain this sub-committee. Councilmember Farris seconded the
440 motion, which passed by a vote of 6 ayes to 1 against (Sevier).

441 Related to The Shores sub-committee, Councilmember Scott made a motion to eliminate
442 this sub-committee. Mayor Pro Tem Sweet seconded the motion, which passed by a vote
443 of 7 ayes to 0 nays.

444 Regarding the PD-32 sub-committee, Councilmember Scott made a motion to retain this
445 sub-committee. Councilmember Farris seconded the motion, which passed by a vote of
446 7 ayes to 0 nays.

447 In regards to the HOA sub-committee, Councilmember Scott made a motion to retain this
448 sub-committee. Councilmember Russo seconded the motion, which passed by a vote of
449 7 ayes to 0 nays.

450 Related to the Audit/Finance Committee Councilmember Sevier made a motion to retain
451 the sub-committee. Mayor Cecil seconded the motion, which passed unanimously (7
452 ayes to 0 nays).

453 Regarding the Facilities Naming sub-committee, Councilmember Russo made a motion
454 to retain the sub-committee. Councilmember Scott seconded the motion. After some
455 discussion, the motion passed by a vote of 7 ayes to 0 nays.

456 5. Discuss and consider adoption of a resolution approving the issuance of a
457 tax exempt note and related loan agreement by the Milford Higher
458 Education Facilities Corporation for the benefit of Heritage Christian
459 Academy and take any action necessary.

460 Councilmember Farris made a motion to adopt the resolution approving the issuance of
461 the tax exempt note and related loan agreement. Councilmember Sevier seconded the
462 motion. The motion passed by a vote of 7 ayes to 0 nays.

463 Mayor Cecil then addressed Action Item #2 (see above).

464 6. Discuss and consider approval of a resolution directing publication of a
465 notice of intent to issue Certificates of Obligation, resolving other matters
466 relating to the subject and take any action necessary.

467 Finance Director Mary Smith indicated that GO bonds will be issued to finish up
468 construction of the by-pass and to start some additional road projects. After some
469 additional, brief explanation by Smith, Councilmember Nielsen made a motion to direct
470 staff to publish the notice of intent to issue the Certificates of Obligation.

Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

7. Discuss and consider approval of an agreement related to the Rockwall Citizen Police Academy Alumni Association (CPAAA) utilizing three retired departmental vehicles during their volunteer efforts on behalf of the City of Rockwall and take any action necessary.

Police Chief Mark Moeller explained that the CPAAA would like the Council to consider authorizing three vehicles to be taken out of the upcoming city auction so that these vehicles can be used for patrol purposes by the Citizens on Patrol group. This would involve the Council approving an agreement between the City and the CPAAA to allow retaining and using these vehicles.

Councilmember Sevier made a motion to approve the agreement between the CPAAA and the City related to use of the vehicles. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

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

1. Departmental Reports
 - Fire Department Monthly Reports - May 2009
 - Quarterly Report from Kaufman Area Rural Transportation.
 - Quarterly Report for Rockwall County Committee on Aging
 - Parks and Recreation Monthly Reports
 - May 2009 Monthly Building Report
 - Finance Department monthly report
 - Police Department Monthly Report
 - Police - Volunteer Vehicles
 - Police - TPCA Recognition Program

2. City Manager's Report

City Manager Couch indicated that she will get her report sent out to Council later this week.

Regarding placing an electronic sign on IH-30 in order to hopefully eliminate use of banners, Couch stated that TXDOT will not allow the City to place an electronic sign on top of the existing "Rockwall, Texas" sign on the corner of IH-30 and Ridge Road because doing so would not meet their existing standards.

Couch then briefly spoke about the current state of sales tax revenues within the City. She indicated that a slight increase in sales tax revenue has been experienced as of June. She stated that the City is on track to meet sales tax projections for the year at this time.

Mayor Cecil asked Chief Poindexter for additional explanation related to some reported response times that were reported as 'overages.' Poindexter explained that he is unable to answer Mayor Cecil's question at this time. Some additional, brief discussion took place related to the Fire Department's monthly report(s).

Some general discussion took place related to sales tax revenue projections as well as budget-related projections.

Staff indicated that reports related to the Code Enforcement Department and Lake Rockwall Estates will be sent out to the Council soon.

Council recessed into Executive Session at 9:18 p.m.

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, regarding: legal issues pertaining to annexation of territory, annexation agreements, and development agreements pursuant to Tex. Loc. Gov't Code ch. 43.

XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Scott made a motion to make the following board/commission appointments:

Board/Commission	Person Appointed	Re-Appt. or New Appt.?	Person Appt. is replacing who?	2 yr Term to Expire
Architectural Review Board	Ray Harton	Re-appointment	n/a	Aug. 2011
Architectural Review Board	Clark Staggs	Re-appointment	n/a	Aug. 2011
Architectural Review Board	Bill Hibbard	Re-appointment	n/a	Aug. 2011
Architectural Review Board	John Arbogast	Re-appointment	n/a	Aug. 2011
Board of Adjustments	C.F. Pratt	Re-appointment	n/a	Aug. 2011
Board of Adjustments	Ted Sansom	Re-appointment	n/a	Aug. 2011
Board of Adjustments	Larry Ewing	New appointment	Glen Carr	Aug. 2011
Building & Standards Commission	Glen Carr	New appointment	Larry Ewing	Aug. 2011
Building & Standards Commission	David Butler	New appointment	Kristen Minth	Aug. 2011

Board/Commission	Person Appointed	Re-Appt. or New Appt.?	Person Appt. is replacing who?	2 yr Term to Expire
Building & Standards Commission	Kenneth Szolosi	Re-appointment	n/a	Aug. 2011
Historic Preservation Advisory Board	Ron Harper	Re-appointment	n/a	Aug. 2011
Historic Preservation Advisory Board	Dr. Jeff West	Re-appointment	n/a	Aug. 2011
Parks & Recreation Board	Pam Kitkoski	Re-appointment	n/a	Aug. 2011
Parks & Recreation Board	Chandra Karlen	Re-appointment	n/a	Aug. 2011
Parks & Recreation Board	Glenn Varner	Re-appointment	n/a	Aug. 2011
Planning & Zoning Commission	Tony Hayes	New appointment	Earl Milner	Aug. 2011
Planning & Zoning Commission	Mark Stubbs	New appointment	Bill Bricker	Aug. 2011
Planning & Zoning Commission	Kristen Minth	New appointment	Dennis Lowry	Aug. 2011
Planning & Zoning Commission	Connie Jackson	New appointment	Lynn Davis	Aug. 2011
City Health Official	David Lensch	Re-appointment	n/a	Aug. 2011
Animal Adoption Center / Shelter Advisory Committee	David Loftis	Re-appointment	n/a	Aug. 2011
Animal Adoption Center / Shelter Advisory Committee	Sandra Solomon	Re-appointment	n/a	Aug. 2011
Construction Advisory & Appeals Board	Kevin Johnson (Civil Engineer)	New appointment	n/a	Aug. 2011

The motion to make the above listed appointments was seconded by Mayor Pro Tem David Sweet. The motion passed by a vote of 7 ayes to 0 nays.

XII. ADJOURNMENT

Mayor Cecil adjourned the meeting at 10:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 20th day of July, 2009.

ATTEST:

Kristy Ashberry, City Secretary

William R. Cecil
William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, July 20, 2009
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 David Sweet and Council Members Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council Member Matt Scott was 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(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 and regarding lease of land from Shuler Development.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 3rd day of August, 2009.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, July 20, 2009
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 David Sweet and Council Members Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council Member Matt Scott was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

Council Member Nielsen delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. NFPA Safe Community Proclamation

Mayor Cecil read and presented the proclamation to Public Education Coordinator, Tony Santoro, from the Rockwall Fire Department as well as Fire Marshal Ariana Hargrove.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the July 6, 2009 regular City Council meeting and take any action necessary.
2. Z2009-009 - Consider approval of an **ordinance** for a request by Randall Edmiston of Randall Ross Design Build for approval of a Specific Use Permit (SUP) to allow for a detached garage/accessory structure exceeding the maximum height requirement of 15-ft (proposed 18-ft) and not meeting the exterior materials requirements, on the property located at 3815 Pinebluff, which is zoned (SF-10) Single Family Residential district and known as Lot 1, Block E, Timber Creek Estates, and take any action necessary. (2nd Reading)
3. Consider award of bid for Fire Apparatus Equipment and take any action necessary.
4. Consider approval of a Resolution authorizing continued participation with the Atmos Cities Steering Committee and take any action necessary.

Councilmember Nielsen made a motion to approve all of the Consent Agenda Items (#1, 2, 3 and 4). Mayor Pro Tem Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 09-26

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 A DETACHED GARAGE / ACCESSORY BUILDING EXCEEDING THE MAXIMUM HEIGHT REQUIREMENT OF 15-FT, ON A TRACT LOCATED AT 3815 PINEBLUFF, BEING LOT 1, BLOCK E, TIMBER CREEK ESTATES; 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 to 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 not present to address the Council on this item. No action was taken by Council related to this item.

VI. PUBLIC HEARING ITEMS

1. P2009-014 - Hold a public hearing and consider a request by Chad Hudson for approval of a residential replat of Lots 1-3, Block A, Independence Pass Addition, being 1.47-acres zoned (PD-8) Planned Development No. 8 district and situated along the west side of FM 740 (Ridge Rd) and at the south terminus of Independence Place, and take any action necessary.

Planning Director Robert LaCroix offered brief background information on this item. A representative for Chad Hudson was present to answer any questions of the Council. LaCroix indicated that notices were sent out in accordance with state law.

Applicant's Representative

Harold Fetty
6770 FM 1565
Royse City, Texas

Mayor Cecil opened the Public Hearing. There being no one to come forth and address the Council related to this item, Mayor Cecil then closed the Public Hearing.

Councilmember Farris made a motion to approve P2009-014. Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).

2. Z2009-013 - Hold a public hearing and consider approval of an ordinance for a request by Renda Songer for approval of a Specific Use Permit (SUP) to allow for a "Hair Salon" within (PD-50) Planned Development No. 50 district on Lot 1, Block A, Henry Addition, being

0.17-acre and located at 907 N. Goliad, and take any action necessary.
(1st Reading)

Planning Director Robert LaCroix provided brief background information on this item. He indicated that the property owner is Misty Phillips and that Renda Songer is the tenant at this location. He explained that this particular use requires an SUP due to the area in which it is located within the city. Parking, lighting, hours of operation, possible screening requirements, etcetera all have to be evaluated by the city through the SUP process. LaCroix indicated that this particular site would be limited to a one chair hair salon with one small office area within the building.

Henry Phillips
2008 South Lakeshore

Mr. Phillips stated that the tenant will limit the hair salon to a one chair salon. If at any point, the tenant wishes to expand, he will come forth to address possible expansion of the parking lot.

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 Z2009-13 with the stipulation that one chair only be allowed. Mayor Pro Tem Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 09-_____

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) ALLOWING FOR A HAIR SALON WITHIN (PD-50) PLANNED DEVELOPMENT NO. 50 DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 1, BLOCK A, HENRY ADDITION AND LOCATED AT 907 NORTH GOLIAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes to 1 absent (Scott).

3. Z2009-014 - Hold a public hearing and consider approval of an ordinance for a request by David and Barbara Powell for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically the installation of solar panels on the roof of their home located at 606 Shoreview, being Lot 2, Block D, Stonebridge Meadows #1 Addition and zoned (SF-10) Single Family Residential district, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix offered background information on this item. Notices were sent out to 21 property owners within 200 feet of the property. Two responses have been received back in favor, and one was received back in opposition of granting the SUP.

Councilmember Farris asked why the panels are limited to twenty-two. Mr. LaCroix indicated that it is limited to 22 panels because that is all the applicant is requesting at this time. If the applicant desires to add more panels in the future, he would need to request that the SUP be amended and seek Council approval.

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

David Powell
606 Shoreview
Rockwall, TX

Mr. Powell requested approval of the SUP. He stated that 22 panels are all he can put on his roof at this time. He indicated that the installation will be in coordination with Oncor.

Councilmember Farris made a motion to approve Z2009-014. Councilmember Nielsen seconded the motion.

Mr. Powell indicated that the original system was \$32,000, but Oncor and SRE are providing a rebate and there will be a tax credit. The cost amounts to about \$5,000.00 and it will be paid for within about five years.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 09-

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" WITHIN THE (SF-10) SINGLE FAMILY RESIDENTIAL DISTRICT, SPECIFICALLY THE INSTALLATION OF SOLAR PANELS ON THE ROOF OF A HOME LOCATED AT 606 SHOREVIEW, BEING LOT 2, BLOCK D, STONEBRIDGE MEADOWS #1 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 to 1 absent (Scott).

VII. ACTION ITEMS

Mayor Cecil made a motion to defer items #1 and #6 to the next regular Council meeting since Councilmember Scott was not present at this meeting. Councilmember Farris seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).

1. Discuss and consider current provisions of the fence ordinance related to permit requirements and take any action necessary.

This item was deferred to the August 2, 2009 City Council meeting.

2. Discuss and consider approval of an ordinance adopting the City's Drought Contingency and Water Emergency Response Plan and take any action necessary. (1st reading)

Assistant City Manager Rick Crowley offered brief background information on this item. Brief discussion took place related to planting and watering of cool weather grasses.

After some brief discussion, Councilmember Farris made a motion that the prohibition associated with cool weather grasses be specified in the plan as Stage 2 rather than Stage 3. Councilmember Sevier seconded the motion. The motion passed by a vote of 5 ayes, 1 nay (Russo) and 1 absent (Scott).

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

CITY OF ROCKWALL
ORDINANCE NO. 09-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING ORDINANCE NO. 06-16 AND ORDINANCE NO. 07-17 BOTH IN THEIR ENTIRETY; AMENDING ORDINANCE NO. 09-25 AS DESCRIBED HEREIN TO DELETE REFERENCES TO DROUGHT CONTINGENCY PLAN MEASURES; ESTABLISHING AND ADOPTING THE DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN. PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes to 1 absent (Scott).

3. Discuss the extension of Development Agreements between the City and certain property owners, entered into in accordance with Chapters 43 and 212 of the Texas Local Government Code, relative to the previous annexation of 162.88-acres (Ord. 08-66) generally located along the south side of Clem Road, east of FM 1141 and west of FM 549, and take any action necessary.

Planning Director Robert LaCroix offered background information on this item. LaCroix explained that the property owner is asking for a one year extension at this time. After some brief discussion, Councilmember Farris made a motion to extend a one year 212 Development Agreement to the property owner. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).

4. Discuss the extension of Development Agreements between the City and certain property owners, entered into in accordance with Chapters 43 and 212 of the Texas Local Government Code, relative to the previous annexation of 1496.66-acres (Ord. 08-65) generally located along the south side of SH 276 and west of FM 550, and take any action necessary.

Planning Director Robert LaCroix offered background information on this item. One of the requests was submitted to the city three-four weeks late due to the fact that he had not opened his mail in quite some time.

Councilmember Farris made a motion to approve the extensions, including Mr. Wylie's request which was submitted late. Councilmember Sevier seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).

5. Discuss and consider holding a public forum related to the Shores Country Club and take any action necessary.

City Manager Julie Couch expressed that this agenda item was requested by Councilmember Scott and Mayor Pro Tem Sweet.

Mayor Pro Tem Sweet suggested that the Council consider scheduling a public forum to receive feedback related to the Shores Country Club and Golf Course. Mayor Cecil asked City Attorney Pete Eckert which should be scheduled – a public forum or a town hall meeting. Eckert indicated that referring to it as a 'town hall meeting' would be most appropriate.

General discussion took place related to possible dialogue that could take place between the Council and the public at a town hall meeting of this type.

Mayor Cecil made a motion to schedule a Town Hall Meeting specifically related to The Shores Golf Course, with the rules of engagement related to the Town Hall Meeting being outlined by the Council prior to the meeting. Councilmember Russo seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).

City Manager Couch indicated that it would take about six weeks to advertise it in the water bill. Therefore, a September date would be most appropriate. A meeting independent of a regular Council meeting will be scheduled, and Couch will e-mail the Council with some possible dates.

6. Discuss and consider regulations related to parking on unimproved surfaces and take any action necessary.

This item was deferred to the next regular Council meeting on August 3, 2009.

7. Discuss and consider approval of a special one day event being proposed by the Rockwall Main Street Program ("Rockwall Rib Rub") for September 12th, 2009 and take any action necessary.

Bethany Golden, Main Street Program Manager, offered background information on this item. She stated that it will be an all day event from 8:00 a.m. until 8:00 p.m. the day of Saturday, September 12. She indicated that they are hoping 500 to 1,000 people will attend the event. Golden indicated that the event will be funded partially out of Main Street Funds and partially through sponsorships. She stated that the restaurants she has spoken with are excited about the opportunity to promote themselves and may be willing to participate by being sponsors of the event. Registration fees will be charged (\$50), and all of the funds raised will go into the pot for awards, which will be given at the end of the event.

Councilmember Farris made a motion to approve the one day event, including approval of the street closures. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).

8. Discuss and consider approval of a proposal from the Rockwall Main Street Program to create the City of Rockwall/Community Bank Façade & Sign Reimbursement Grant Program, and discuss the current Main Street Program activity, and take any action necessary.

Bethany Golden, Main Street Program Manager, offered a brief explanation of the program. Community Bank is partnering with the Main Street Program on this particular program. The City originally budgeted \$5,000, and with Community Bank's assistance, the budget has been raised to \$10,000. She explained that once the funds are utilized, she will come back to Council, most likely next year, to request approval of the program for an additional year.

LaCroix clarified that those located on the Main Street district map (different than the downtown zone) will be eligible for this grant program.

Councilmember Farris made a motion to approve the Rockwall/Community Bank Façade and Sign Reimbursement Grant Program. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).

Ms. Golden then offered a general update on activities related to the city's Main Street Program. Brief discussion took place related to current renovations occurring at The Hall Building on the square. Councilmember Russo asked if the Main Street Program can consider placing plaques in the various building that will show a brief history of the building. Ms. Golden indicated that she can take this idea back to the Main Street Advisory Board to consider coordinating and researching a program such as this.

The Council took no action related to Ms. Golden's activity update.

9. Discuss and consider amending the city's sign ordinance to add and allow "Weekend Development Directional Signs" and take any action necessary. (1st Reading)

Mayor Pro Tem Sweet made a motion to postpone this item until the August 3, 2009 regular City Council Meeting. Councilmember Sevier seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Scott).

10. Discuss and consider broadcasting of City Council meetings and take any action necessary.

Mayor Pro Tem Sweet stated that he placed this item on the agenda in order to get some general feedback from Council related to broadcasting of Council meetings via the website (streaming video) and on cable channels. City Manager Couch indicated that most cities broadcast meetings after the fact rather than 'live.' The cost several years ago to do this was about \$85,000 for items such as cameras and editing equipment. The video of the meeting could be shown on the city's cable channel. Only Charter Cable has a public access cable station available at this time. The AT&T Uverse cable provider here locally does not currently have a public access television station available in its channel line up. General discussion took place related to the technology that might be needed to video stream the Council meetings on the city's website.

Councilmember Farris made a motion to direct Council to have staff research what other cities are doing as far as broadcasting Council meetings, including the associated costs. Mayor Pro Tem Sweet seconded the motion. City Manager Couch encouraged Council to consider discussing this item in more depth during the upcoming budget discussions. The motion passed by a vote of 6 ayes to 1 absent (Scott).

11. Discuss and consider methods to promote city's recognition by Family Circle Magazine as one of the Top 10 Cities to Raise Families in and take any action necessary.

Mayor Cecil suggested possible promotion of this designation in the Dallas Business Journal among other venues. Mayor Pro Tem Sweet suggested that city staff place

384 something in the city's water bill, in the "Mayor's Letter," on the city's website, on the
385 Chamber's website and on the REDC website. Councilmember Sevier suggested that the
386 school district also consider adding this designation to their website as well.

387 Councilmember Russo requested staff to draft a letter and possible proclamation to
388 thank Family Circle Magazine for their designation of Rockwall in their recent publication.

389 Councilmember Farris indicated that the Rockwall Chamber will be promoting this
390 designation heavily. He also stated that he has received many "Google alerts" letting
391 him know of the recent designation by Family Circle Magazine.

392 Couch indicated that staff will be doing many of the things that Council has suggested in
393 the way of advertising this designation on the various websites and in the city's water
394 bill.

395 No formal action was taken related to this item.

- 396 12. Hear update on use of overflow city parking lot at The Harbor and take
397 any action necessary.

398 Residents in the Lago Vista neighborhood have expressed some concern about the city's
399 overflow parking lot being utilized as an 'after hours' venue for kids wanting to hang out.
400 Homeowners seem generally concerned about noise and kids driving too fast in and
401 around the parking lot area. Couch indicated that only four complaints or phone calls of
402 concern have been received by the City at this time. No illegal activity has been reported
403 or observed in the parking lot over the last couple of weeks since the Police Department
404 has been keeping a watchful eye on the parking lot and surrounding area. The Council
405 may wish to consider hours of operation for the public parking lot if it desires to attempt
406 to control kids hanging out in this lot.

407
408 General discussion took place related to stipulating hours of operation on the parking
409 lot.

410
411 Councilmember Nielsen generally expressed that she feels if this area is regulated, the
412 kids will likely find a different area in the city to congregate. Couch indicated that she
413 personally has spoken with two residents who are concerned about this issue.

414
415 Mayor Pro Tem Sweet expressed that he believes this issue may resolve itself when
416 school goes back in session. He suggested the Council take the issue under advisement
417 at this time and re-visit the issue in about a month.

418
419 Couch suggested allowing staff to continue to monitor this issue over the coming weeks.
420 She also stated that she believes the two residents she has spoken with will likely want
421 to come before the Council to speak about their concerns at the next meeting if Council
422 does not take any action on this issue this evening. Council generally expressed that
423 they would like staff to continue monitoring the situation closely.

424
425 Mayor Cecil asked if any curfew violations are occurring. Police Chief Moeller stated that
426 no violations of the curfew have been observed and no tickets have been written related
427 to the teen curfew at this time.

428
429 No formal action was taken by Council at this time.

430
431 Mayor Cecil adjourned the meeting at 8:34 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 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 and regarding lease of land from Shuler Development.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

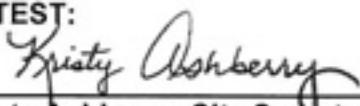
X. ADJOURNMENT

The meeting adjourned at 8:34 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 3rd day of August, 2009.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL

Monday, August 03, 2009

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 William Cecil, Mayor Pro Tem David Sweet and Council Members Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council Members Matt Scott and Glen Farris 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, regarding: request for proposed amendments to the Compromise Settlement Agreement and Mutual Release of Claims by and among the Estate of W.W. Caruth Jr., the Estate of Mabel P. Caruth, and the Skorborg Corporation, and the City of Rockwall.


III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 17th day of August, 2009.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, August 03, 2009
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 William Cecil, Mayor Pro Tem David Sweet and Council Members Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council Members Matt Scott and Glen Farris were absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR CECIL

Mayor Cecil delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Special presentation by Pete Eckert and Bob Cotti to the City of Rockwall

Former City Council member, Bob Cotti, and City Attorney, Pete Eckert, offered brief commentary related to the USS Rockwall, a Navy ship name for Rockwall County, then the smallest county in the nation, that served during World War II. Cotti and Eckert then presented a framed photograph of the USS Rockwall to the Rockwall City Council and to Mayor John Ratcliff of the City of Heath and City Administrator Ed Thatcher of the City of Heath.

2. Texas/Oklahoma Kiwanis Week

Mayor Cecil offered brief commentary related to the Rockwall County Kiwanis Club, including its dedication to the "Angel League" Program. The current president of the Rockwall County Kiwanis Club also offered brief commentary on the club and its involvement with the Angel League, a baseball league for children with special needs. The president then commented on the annual convention of Kiwanis club members from throughout Texas and Oklahoma which will take place this week at The Hilton Bella Harbor. Mayor Cecil then read and presented a proclamation to the local Kiwanis Club. Council Member Sevier offered brief thanks to the local Kiwanis Club for its efforts related to the Angel League.

IV. OPEN FORUM

Mayor Cecil opened the floor for those who wish to speak during Open Forum.

Glen Walker
237 Clem Road
Rockwall, TX 75087

Mr. Walker expressed that he would like to appeal to the Council acceptance of a request for extension of his existing 212 Agreement at 237 Clem Road. Planning Director Robert LaCroix explained that Mr. Walker will need to speak to the City Secretary to request to be placed on the Council Agenda as an appointment item for the August 17th regular City Council meeting.

V. CONSENT AGENDA

1. Consider approval of the minutes from the July 20, 2009 regular City Council meeting and take any action necessary.
2. Consider approval of a resolution requesting TxDOT to release a portion of FM-549 to the City of Rockwall and take any action necessary.
3. Consider approval of street light agreements with ONCOR for the installation of street lights at various intersections on the John King Boulevard and take any action necessary.
4. Consider award of the construction contract for the White Road and Ranch Trail Reconstruction Project and take any action necessary.
5. Consider approval of an ordinance adopting the City's Drought Contingency and Water Emergency Response Plan and take any action necessary. (2nd reading)
6. Consider award of the construction contract for the Clark Street Light Project and take any action necessary.
7. Z2009-013 - Consider approval of an ordinance for a request by Renda Songer for approval of a Specific Use Permit (SUP) to allow for a "Hair Salon" within (PD-50) Planned Development No. 50 district on Lot 1, Block A, Henry Addition, being 0.17-acre and located at 907 N. Goliad, and take any action necessary. (2nd Reading)
8. Z2009-014 - Consider approval of an ordinance for a request by David and Barbara Powell for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically the installation of solar panels on the roof of their home located at 606 Shoreview, being Lot 2, Block D, Stonebridge Meadows #1 Addition and zoned (SF-10) Single Family Residential district, and take any action necessary. (2nd Reading)
9. Consider authorizing the City Manager to engage Rutledge, Crain & Company PC as the firm to conduct the City's audit for the fiscal year ending September 30, 2009 and take any action necessary.

Mayor Pro Tem Sweet made a motion to approve the entire consent agenda (items #1 - #9). Councilmember Sevier seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 09-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING ORDINANCE NO. 06-16 AND ORDINANCE NO. 07-17 BOTH IN THEIR ENTIRETY; AMENDING

ORDINANCE NO. 09-25 AS DESCRIBED HEREIN TO DELETE REFERENCES TO DROUGHT CONTINGENCY PLAN MEASURES; ESTABLISHING AND ADOPTING THE DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN. PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

CITY OF ROCKWALL

ORDINANCE NO. 09-28

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) ALLOWING FOR A HAIR SALON WITHIN (PD-50) PLANNED DEVELOPMENT NO. 50 DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 1, BLOCK A, HENRY ADDITION AND LOCATED AT 907 NORTH GOLIAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL

ORDINANCE NO. 09-27

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" WITHIN THE (SF-10) SINGLE FAMILY RESIDENTIAL DISTRICT, SPECIFICALLY THE INSTALLATION OF SOLAR PANELS ON THE ROOF OF A HOME LOCATED AT 606 SHOREVIEW, BEING LOT 2, BLOCK D, STONEBRIDGE MEADOWS #1 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 5 ayes to 2 absent (Farris, Scott).

197 VI. APPOINTMENTS

- 198 1. Appointment with Planning and Zoning Commission Chairman to discuss
199 and consider recommendations from the Commission concerning
200 Planned Development (PD) Review, and take any action necessary.

201 Former Planning & Zoning Chairman (recently termed out), Bill Bricker, was present and
202 offered commentary on Planned Developments within the City. He offered
203 recommendations on behalf of the Planning & Zoning Commission as related to two PD
204 Districts within the City. Councilmember Nielsen thanked Mr. Bricker for his service on
205 the Planning & Zoning Commission during the last four years. Councilmember Sevier
206 asked Mr. Bricker for clarification on where the PD-14 is specifically located within the
207 city. He also thanked Mr. Bricker for his service on the P&Z Commission for the last four
208 years.

209
210 Planning Director Robert LaCroix offered additional background information on this item.
211 He explained that staff recommends the entire PD-14 be rezoned entirely to a Commercial
212 District. Related to PD-35, LaCroix explained, staff recommends (TX Appliance) that this
213 area be rezoned to Commercial. LaCroix explained that

214
215 Councilmember Nielsen made a motion to initiate a zoning change for PD-14 and PD-35.
216 Councilmember Sevier seconded the motion. The motion passed by a vote of 5 ayes to 2
217 absent (Farris, Scott).

- 218
219 2. Appointment with Richard Mills to discuss a request for an extension of a
220 Development Agreement entered into accordance with Chapters 43 and
221 212 of the Texas Local Government Code, relative to the previous
222 annexation of 1496.66-acres (Ord. 08-65) generally located along the
223 south side of SH 276 and west of FM 550, and take any action necessary.

224 Mayor Cecil addressed Appointment Item #3 prior to this appointment item (#2)

225
226 Mr. Richard Mills was present and explained that he would like to receive another year
227 extension on his 212 Agreement with the City of Rockwall. Planning Director Robert
228 LaCroix indicated that Mr. Mills had missed the deadline for submitting his request;
229 however, it is up to the Council on whether or not they chose to grant the extension to
230 Mr. Mills.

231
232 After brief discussion, Councilmember Russo made a motion to grant a one year
233 extension on Mr. Mills' existing 212 Agreement. Councilmember Nielsen seconded the
234 motion. The motion passed by a vote of 5 ayes to 2 absent (Farris, Scott).

- 235
236 3. Appointment with Roger Hamm of Speed Fab Crete to give an update on
237 the Fire Stations #3 and #4 construction project and take any action
238 necessary.

239 Roger Hamm with Speed Fab Crete was present and indicated that Station #3 has been
240 issued a temporary certificate of occupancy, and it has been turned over to the Fire
241 Department. It is open and ready to be occupied. Fire Station #4 is still not complete and
242 has been delayed from August 14th to August 21st for the anticipated completion date.
243 This is due to rain weather delays that occurred last week within the City. Council took
244 no action related to this item.

VII. ACTION ITEMS

Mayor Cecil made a motion to defer Action Items #6, #8 and #9 to the next regular City Council Meeting due to two council members being absent from this evening's meeting. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 5 ayes to 2 absent (Farris, Scott).

1. Discuss and consider approval of an adjustment to the contract with Speed Fab Crete for construction of Fire Stations #3 and #4 and take any action necessary.

Assistant City Manager Rick Crowley offered introductory remarks related to this item. Fire Chief Mark Poindexter then briefed the Council on this item. He indicated that Station #3 is currently staffed and began running fire calls this morning. He then offered brief information on the current construction status of the two stations. Poindexter explained that three pieces of fire equipment are currently in Station #3 and more equipment will be placed in the station once the construction 'punch list' of outstanding items is complete. Shannon Raymond from the city's Finance Department provided a financial update on the two projects and indicated that it is anticipated that the \$333,000 of contingency funds are not expected to be spent and will likely be returned to the city's reserves.

Crowley explained the architectural fees involved with the two fire stations. Due to an error, these fees were not included in the original 'guaranteed maximum price.' He indicated that staff recommends approval of additional funds to the existing contract with Speed Fab Crete to cover all reasonable costs associated with the architectural fees on the two stations.

Councilmember Nielsen made a motion to recognize \$133,100.00 in fees paid as part of preconstruction services and that one-half of the \$72,500.00, which equates to \$36,250.00, included in the GMP (guaranteed maximum price) be authorized for payment. Mayor Cecil seconded the motion. Some additional discussion and explanation took place related to the architectural fees on the two fire stations and the associated mistake related to the 'guaranteed maximum price.' Councilmember Sevier provided commentary related to the city not hiring a construction project manager on construction of Fire Station #3 and #4. After some additional discussion, the motion passed by a vote of 5 ayes to 2 absent (Farris, Scott).

2. Discuss and consider an Ordinance authorizing the issuance and sale of City of Rockwall, Texas, General Obligation Refunding and Improvement Bonds, Series 2009; levying an annual ad valorem tax for the payment of said bonds; approving the official statement; calling outstanding obligations for redemption; providing an effective date; and enacting other provisions relating to the subject. (1st reading, no action will be taken)

Finance Director Mary Smith offered commentary and brief background information on this item. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2009; LEVYING AN ANNUAL AD

295 VALOREM TAX FOR THE PAYMENT OF SAID BONDS; APPROVING
296 THE OFFICIAL STATEMENT; CALLING OUTSTANDING
297 OBLIGATIONS FOR REDEMPTION; PROVIDING AN EFFECTIVE
298 DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE
299 SUBJECT
300

301 No action was taken by Council on this item.

- 302 3. Discuss and consider an Ordinance authorizing the issuance and sale of
303 City of Rockwall, Texas, Combination Tax and Limited Surplus Revenue
304 Certificates of Obligation, Series 2009; levying an annual ad valorem tax
305 and providing for the security for and payment of said certificates;
306 approving the official statement; providing an effective date; and enacting
307 other provisions relating to the subject. (1st reading, no action will be
308 taken)

309 Finance Director Mary Smith offered commentary and brief background information on
310 this item. The ordinance was read as follows:

311 CITY OF ROCKWALL

312
313 ORDINANCE NO. _____
314

315 AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY
316 OF ROCKWALL, TEXAS, COMBINATION TAX AND LIMITED
317 SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES
318 2009; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING
319 FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES;
320 APPROVING THE OFFICIAL STATEMENT; PROVIDING AN
321 EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS
322 RELATING TO THE SUBJECT
323

324 No action was taken by Council on this item.

- 325 4. Discuss and consider recommendations from the Council Naming Sub-
326 Committee related to dedication plaques for Fire Stations #3 and #4,
327 including associated costs, and take any action necessary.

328 Internal Operations Director Joey Boyd provided brief background information on this
329 item. He described the plaques that are being recommended by the Council Naming
330 Sub-Committee to be placed at the new fire stations, including the associated costs of
331 these plaques.

332 Councilmember Nielsen made a motion to approve the four plaques that have been
333 recommended at a cost of \$8,452.80. Councilmember Sevier seconded the motion.
334 Councilmember Russo pointed out the Councilmember Scott's name should appear on
335 the plaques as "Matthew R. Scott" rather than "Matt Scott." The motion passed by a vote
336 of 5 ayes to 2 absent (Farris, Scott).

- 337 5. Discuss and consider reallocation of budgeted project funds and use of
338 proceeds from the sale of contractual obligations for certain equipment at
339 Fire Stations #3 and #4 and take any action necessary.

340 Fire Chief Mark Poindexter provided information on this item and explained the
341 equipment that is currently needed at the two new fire stations and the reasoning behind
342 these needs and this request of Council. After some additional discussion related to the

vehicle exhaust systems and/or ventilation systems at the fire stations, Councilmember Nielsen made a motion to authorize up to \$136,000.00 for two bunker gear washers, two bunker gear dryers, and two SCBA filling machines (one of each at each new station). Councilmember Sevier seconded the motion. The motion passed by a vote of 5 ayes to 2 absent (Farris, Scott).

6. Discuss and consider the current status of the HOA sub-committee and take any action necessary.

This item was deferred to the August 17, 2009 regular City Council meeting.

7. Discuss and consider a grand opening event date for Fire Stations 3 & 4 and take any action necessary.

Fire Chief Mark Poindexter expressed that October 3 and October 17 are the two possible dates that staff would like the Council to consider for grand opening events at Fire Stations #3 and #4. It is proposed that the grand opening/dedication event for Station #3 be held in the morning time and that Fire Station #4 ceremony be held in the afternoon on the same day/date.

This year's Open House will be held at the new Fire Station #4 on October 10, 2009. City Manager Julie Couch indicated that staff will e-mail out possible dates to Council Members to receive feedback on what date would be best so that all Council Members can be present at the grand opening/dedication ceremonies.

No action was taken on this item at this time.

8. Discuss and consider current provisions of the fence ordinance related to permit requirements and take any action necessary.

This item was deferred to the August 17, 2009 regular City Council meeting.

9. Discuss and consider regulations related to parking on unimproved surfaces and take any action necessary.

This item was deferred to the August 17, 2009 regular City Council meeting.

10. Discuss and consider amending the city's sign ordinance to add and allow "Weekend Development Directional Signs" and take any action necessary. (1st Reading)

Building Official Jeffrey Widmer provided brief background information on this item. Mayor Pro Tem Sweet suggested consideration of a 'sunset' ordinance that might be put in place to 'test' the effectiveness of the ordinance.

Mayor Pro Tem Sweet made a motion to approve the ordinance as presented by staff with the addition of a 'sunset' clause allowing a six month period of time to 'test' the ordinance and then evaluate its effectiveness at that time. The motion passed by a vote of 5 ayes to 2 absent (Farris, Scott).

11. Discuss and consider approval of a program for designation as a Film Friendly City and the approval of the Rockwall Guide to Filming, Taping, and Photographing and take any action necessary.

Councilmember Russo offered brief commentary related to this item. City Manager Julie Couch introduced Russell Blessing, the current management intern, serving with the city this summer. She explained that Blessing developed the policy and associated recommendations from staff related to this item.

Blessing then spoke and explained the steps the city needs to take in order to become designated as a "Film Friendly City" with the Texas Film Commission. He explained that he utilized the City of Kerrville's guide as a template for creating Rockwall's guide, which is currently before the Council tonight for consideration and approval. He offered brief commentary related to the fee schedule associated with this program.

Councilmember Nielsen expressed some concern related to the fee schedule associated with this program. She expressed that allowing a film company to lease The Harbor, for example, to film for a day at a cost of \$500 is not reasonable. She would like a provision added to the fee schedule to clarify that fees charged for areas already 'for rent' by the city and associated costs already established in other city guidelines, be included in the fee schedule and program guidelines.

Mayor Cecil made a motion to approve Action Item #11 with the modification expressed by Councilmember Nielsen (that a provision be added to the proposed fee schedule to clarify that fees charged for areas already 'for rent' by the city and associated costs already established in other city guidelines, be included in the fee schedule and program guidelines and that the appropriate, established rental fees be charged in these instances).

Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 5 ayes to 2 absent (Farris, Scott).

12. Discuss and consider an Ordinance approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy regarding the company's rate review mechanism and take any action necessary (1st Reading).

Internal Operations Director Joey Boyd offered brief background information on this item. Mayor Cecil made a motion to approve the ordinance as presented. Councilmember Sevier seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 09-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC" OR "STEERING COMMITTEE") AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") REGARDING THE COMPANY'S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; 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;

435 AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE
436 COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.
437

438 The motion passed by a vote of 5 ayes to 2 absent (Farris, Scott).
439

440 **VIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
441 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
442

- 443 1. Departmental Reports
444 Finance Department Monthly Report - June 2009
445 Police Department Monthly and Quarterly Reports
446 Parks and Recreation Monthly Reports - June 2009
447 Building Inspections Monthly Report - June 2009
448 Fire Department Monthly Reports - June 2009
- 449 2. City Manager's Report
450

451 Couch offered an update on street lights recently installed along Fannin Street. She also
452 expressed that staff is still working with the railroad commission to obtain permitting to
453 do the at grade railroad crossing on John King Boulevard. Construction on the next
454 phase of John King is anticipated to begin within the next sixty days. A groundbreaking
455 event will be scheduled when the weather becomes cooler. A second groundbreaking
456 event will also be scheduled for FM-740. Utility relocations related to the construction on
457 FM-740 will begin in the near future, and actual road construction is anticipated to begin
458 mid-Spring.
459

460 Couch indicated that an update on outsourcing of the fire alarm permit gathering will be
461 placed on the August 17th Council agenda for deliberation and possible action at the
462 request of Councilmember Russo.
463

464 Finance Director Mary Smith indicated that applications for hotel/motel funding were due
465 today, and the sub-committee will need to begin meeting to evaluate these applications
466 in the near future.
467

468 Councilmember Nielsen expressed concern about the number of police calls associated
469 with The Harbor development. Police Chief Mark Moeller indicated that the number of
470 calls has increased but that it is a cyclical situation that is anticipated to reduce after the
471 summer months are over.
472

473 Mayor Cecil asked for clarification on the sale of water. Smith offered brief commentary
474 on this concern and indicated that the city is expected to meet budget on revenues
475 generated from the sale of water this year.
476

477 Cecil also asked for clarification on rentals at The Harbor. It does not appear as though
478 The Harbor is being rented out as frequently as it has been in the past. Parks Director
479 Brad Griggs indicated that his staff is currently working on some promotional material
480 associated with rental of The Harbor. This promotional material will be forwarded to
481 wedding planners and other event planners in the area once it is complete. Griggs
482 indicated that the rates being charged at the facility are in line with and are competitive
483 when compared to other venues in the region such as The Dallas Arboretum.
484

485 Mayor Cecil adjourned the meeting at 8:12 p.m. The Council did not reconvene in
486 Executive Session following the regular City Council meeting.
487

488 IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
489 GOVERNMENT CODE TO DISCUSS:
490

- 491 1. Deliberation regarding the purchase, exchange, lease, or value of real property.
- 492 2. Personnel Issues, including Board, Commission, and Committee Appointments, and
493 Related Matters.
- 494 3. Commercial or financial information regarding business prospects that the City seeks to
495 have locate, stay, or expand in or near the territory of the City of Rockwall and with which
496 the Board is conducting economic development negotiations.
- 497 4. Pursuant to Section 551.071, consultation between the City's attorneys and City Council
498 where the duty of the City's attorneys to the City Council under the Code of Professional
499 Responsibility of the State Bar of Texas clearly conflicts with the Open Meetings Act,
500 regarding: request for proposed amendments to the Compromise Settlement Agreement
501 and Mutual Release of Claims by and among the Estate of W.W. Caruth Jr., the Estate of
502 Mabel P. Caruth, and the Skorburg Corporation, and the City of Rockwall.

503 X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
504

505 The Council did not reconvene in Executive Session following the regular City Council
506 meeting.
507

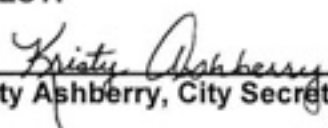
508 XI. ADJOURNMENT
509

510 Mayor Cecil adjourned the meeting at 8:12 p.m.
511

512 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
513 this 17th day of August, 2009.

514
515 ATTEST:


William R. Cecil, Mayor

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517 
518 Kristy Ashberry, City Secretary



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AGENDA
ROCKWALL CITY COUNCIL

Friday, August 14, 2009

7:30 a.m. Budget Work Session

City Courts Building, 205 W. Rusk Rockwall, Texas 75087

1. CALL TO ORDER

The meeting was called to order at 7:30 a.m. Councilmembers Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris were present. Also present were City Manager Julie Couch and Finance Director, Mary Smith, along with department heads and other staff. Mayor Cecil arrived to the meeting at 9:30 a.m., and Mayor Pro Tem David Sweet arrived to the meeting at 11:15 a.m.

2. BREAKFAST

Staff began discussion of the proposed budget with the Council during breakfast.

3. HOLD BUDGET WORK SESSION AND TAKE ANY ACTION NECESSARY.

City Manager Julie Couch and Finance Director Mary Smith provided general information on anticipated revenues and expenditures for the upcoming fiscal year, explaining that sales taxes are projected to be 'flat' for the upcoming year. Couch indicated that she asked department directors to refrain from proposing additional programs or staffing this year in their departmental budgets.

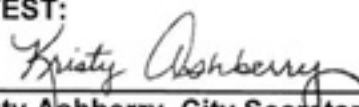
After additional, general discussion, the Council took no formal action related to the budget at this time.

4. ADJOURNMENT

The meeting was adjourned at 3:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
TEXAS, this 7th day of December, 2009.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



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**MINUTES
ROCKWALL CITY COUNCIL**

Monday, August 17, 2009

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 William Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. 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, regarding: (1) request for proposed amendments to the Compromise Settlement Agreement and Mutual Release of Claims by and among the Estate of W.W. Caruth Jr., the Estate of Mabel P. Caruth, and the Skorburg Corporation, and the City of Rockwall.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

IV. ADJOURNMENT

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 8th day of September, 2009.**

William R. Cecil

William R. Cecil, Mayor

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, August 17, 2009

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 William Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER RUSSO

Councilmember Russo delivered the invocation and led the Pledge of Allegiance.

Mayor Cecil adjusted the Council Agenda to address Action Item #2 first (see below for details of this particular item).

III. CONSENT AGENDA

1. Consider approval of the minutes from the August 3, 2009 regular City Council Meeting and take any action necessary.
2. Consider the Engineering Services Agreement with PBS&J for the Water Line Replacement Project and take any action necessary.
3. Consider a facility agreement with Quail Run Partners, Ltd. (Stacy Standridge) for the Quail Run Medical Center and take any action necessary.
4. Discuss and consider amending the city's sign ordinance to add and allow "Weekend Development Directional Signs" and take any action necessary. (2nd Reading)
5. P2009-015 - Discuss and consider a request by Austin J. Bedford of AJ Bedford Group, Inc., for approval of a replat of Lots 5 and 6, Block 1, Rockwall Centre Corners Addition, being 3.734-acres zoned (C) Commercial district and situated at the southeast corner of SH 205 and IH-30, and take any action necessary.
6. P2009-016 - Discuss and consider a request by Adam Crump of Douphrate & Associates, Inc., for approval of a replat of Lot 1, Block A, Quail Run Retail Addition, being 11.2825-acres zoned (PD-5) Planned Development No. 5 district and situated along the east side of SH 205 (North Goliad), south of Quail Run Road and north of Memorial Drive, and take any action necessary.
7. P2009-017 - Discuss and consider a request by Todd Wintters of Engineering Concepts & Design for approval of a replat of Lots 4 and 5, Block A, Presbyterian Hospital of Rockwall Addition, being 2.253-acres zoned (PD-9) Planned Development No. 9 District and situated along the

southwest side of FM 3097 (Horizon Road) north of Tubbs Road, and take any action necessary.

8. Consider approval of an addendum to the ETJ agreement with the Cities of Garland, Wylie, Nevada and Lavon and take any action necessary.

Councilmember Farris pulled item #1 because he was absent from the August 3, 2009 City Council meeting and needed to abstain from the vote. Councilmember Scott pulled item #8 for discussion and indicated the need to abstain from the vote on item #1 as well because of being absent. Councilmember Farris then made a motion to approve the remaining Consent Agenda items (#2, 3, 4, 5, 6, and 7). Councilmember Scott seconded the motion. The ordinance for Consent Agenda item #4 was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 09-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE SIGN CODE 84-61 TO PROVIDE FOR WEEKEND DEVELOPMENT DIRECTIONAL SIGNS; PROVIDING A SUNSET PROVISION; PROVIDING FOR REGULATIONS; PROVIDING A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) AND THAT EACH DAY IN VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

Mayor Cecil made a motion to approve Consent Agenda item #1. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 5 ayes with 2 abstentions (Scott, Farris).

Regarding Consent Agenda item #8, Councilmember Scott expressed that he is not in favor of this agreement. Councilmember Sevier made a motion to approve the addendum to the ETJ agreement. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 against (Scott).

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.

Michael Hunter, the newly appointed chairman of the P&Z Commission, came forth to address the Council and offered brief comments related to how the commission voted on various items on tonight's Council agenda.

- 141 2. Appointment with Rockwall resident Ann Allen to hear concerns related to
142 the 2006 National Flood Insurance Rate Map for the City of Rockwall and
143 take any action necessary.

144 **Ann Allen**
145 **in Chandler's Landing Subdivision**
146 **5612 Cambria Drive**
147 **Rockwall, TX**

148
149 **Ms. Allen explained that she refinanced her home in June of this year and was informed**
150 **by her loan officer that her property is located in a flood plain. She explained that she**
151 **was told she would have to purchase flood insurance in order to satisfy FEMA's**
152 **requirement. She explained that she hired an engineer at a cost of \$748 to have an**
153 **elevation survey of her property performed, which was a requirement for obtaining flood**
154 **insurance. The survey showed that she is not located in a flood plain, and she received**
155 **an elevation certificate stating such; however, the most recent FEMA maps still indicate**
156 **that she is located in a flood plain.**

157
158 **Councilmember Scott called on City Engineer Chuck Todd to explain this issue to the**
159 **Council. Todd explained that a Master Drainage Study has been conducted within the**
160 **city over the course of the last few years. Todd stated that the September 2008 maps are**
161 **the current FEMA maps. On these updated maps, a lot more homes within the City are**
162 **now located in a floodplain. Todd explained that Mrs. Allen's yard is located in a**
163 **floodplain; however, the home itself is not located in a floodplain. He expressed that her**
164 **elevation certificate should be sufficient evidence for Mrs. Allen to present to her**
165 **insurance company in order to avoid having to purchase flood insurance on her home.**

166
167 **Mrs. Allen explained that this issue has cost her a little more than \$2,000 out of pocket**
168 **cost at this point.**

169
170 **Further discussion took place related to what measures the City is currently taking in**
171 **order to determine what homes are affected by the new flood plain data and inform**
172 **residents that they are now located in a floodplain.**

173
174 **Mayor Cecil requested that City Engineer Chuck Todd provide a schedule for informing**
175 **residents within the City whose properties have potentially been affected by the new**
176 **FEMA floodplain maps. Todd expressed that he will bring forth a schedule at the next**
177 **City Council meeting.**

178
179 **No formal action was taken related to this item.**

- 180
181 3. Appointment with David Medanich, First Southwest Company regarding
182 the sale of bonds and to discuss and consider an Ordinance authorizing
183 the issuance and sale of City of Rockwall, Texas, General Obligation
184 Refunding and Improvement Bonds, Series 2009; levying an annual ad
185 valorem tax for the payment of said bonds; approving the official
186 statement; calling outstanding obligations for redemption; providing an
187 effective date; enacting other provisions relating to the subject and take
188 any action necessary. (2nd reading)

189 **David Medanich and Leroy Grawunder were present to address the Council on this item.**
190 **After an explanation from Mr. Medanich, Mayor Cecil made a motion to move forward**

with approval of the ordinance. Councilmember Farris seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 09-32

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2009; LEVYING AN ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; CALLING OUTSTANDING OBLIGATIONS FOR REDEMPTION; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

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

4. Appointment with David Medanich, First Southwest Company regarding the sale of bonds and discuss and consider an Ordinance authorizing the issuance and sale of City of Rockwall, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2009; 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. (2nd reading)

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

CITY OF ROCKWALL
ORDINANCE NO. 09-33

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2009; 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 7 ayes to 0 nays.

5. Appointment with Glen D. Walker to discuss a request for an extension of a Development Agreement entered into accordance with Chapters 43 and 212 of the Texas Local Government Code, relative to the previous annexation of 162.88-acres (Ord. 08-66) generally located along the south side of Clem Rd west of FM 549 and east of FM 1141, and take any action necessary.

Mr. Walker's son was present on behalf of his father to ask for an extension for the property located at 237 Clem Road in Rockwall.

Councilmember Russo made a motion to approve the extension of the 212 Development Agreement for a period of one year. Councilmember Sevier seconded the motion. The motion passed by a vote of 6 ayes to 1 nay (Scott).

V. PUBLIC HEARING ITEMS

1. Z2009-015 - Hold a public hearing and consider approval of an ordinance for a request by Heritage Christian Academy for approval of a Specific Use Permit (SUP) to allow for "Private School Temporary Education Buildings" within the (MF-14) Multi-Family Residential district on Lot 1, Block A, Heritage Christian Academy Addition, being 6.64-acres and located at 1408 South Goliad, and take any action necessary. (1st Reading)

Mayor Cecil addressed Action Item #1 prior to addressing this Public Hearing item.

Planning Director Robert LaCroix offered brief background information on this item. The Planning & Zoning Commission and staff have recommended approval of this SUP for a period of three years. The owners have also been asked to place additional skirting around the structures and to meet fire code requirements. Notices were sent out to property owners within 200 feet. One response was received back in favor of granting the SUP.

Ron Taylor
Head Master of Heritage Christian Academy
213 Lakeview Drive
Rockwall, TX

Mr. Taylor indicated that skirting on the facility has already begun and will be completed before school begins this Thursday. He indicated that the school is currently not financially capable of constructing the new building that is needed; however, the school hopes to be able to do so within the next few years.

Fire Chief Mark Poindexter indicated that if they do not have an occupant load of more than 49 people, they are not required by the fire code to have more than one exit. He further indicated that the Fire Department does perform an annual inspection on these temporary portable buildings. He indicated that they are required to have fire alarms and meet fire lane and distance requirements relative to fire hydrants.

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

Mayor Pro Tem made a motion to approve the SUP for a one year timeframe rather than the three year timeframe recommended by the P&Z Commission and staff. Councilmember Farris seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 09-

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) ALLOWING FOR THREE (3) "PRIVATE SCHOOL TEMPORARY EDUCATION BUILDINGS" WITHIN THE (MF-14) MULTI-FAMILY RESIDENTIAL DISTRICT ON LOT 1, BLOCK A, HERITAGE

CHRISTIAN ACADEMY ADDITION, LOCATED AT 1408 SOUTH GOLIAD;
PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
(\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
EFFECTIVE DATE.

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

VI. ACTION ITEMS

1. Discuss and consider a Show Cause Hearing regarding a dangerous structure located at 112 Chris Drive, and take any action necessary.

This agenda item was addressed prior to the Public Hearing item listed above.

Building Official Jeffrey Widmer offered background information on this item. Mr. Widmer explained that the property owner is aware of the proposed demolition of his property, and he does not object to the demolition.

Mayor Pro Tem Sweet made a motion to approve demolition of the property at 112 Chris Drive within ninety days. The motion was seconded by Councilmember Scott.

General discussion then took place related to the city's requirements associated with a temporary fence to secure properties on which dangerous structures exist.

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

2. Discuss and consider approval of an Interlocal Agreement with Rockwall County regarding Municipal Judge Services for "Labor Day 2009 No Refusal Weekend" and take any action necessary.

Kenda Culpepper, Rockwall County Criminal District Attorney, came forth and provided an explanation of this item. After some discussion, Councilmember Scott made a motion to approve the interlocal agreement. Councilmember Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

The Consent Agenda was addressed at this point in the meeting (see above).

3. Discuss and consider approval of a contract between the City of Rockwall and Harris Corporation for the addition of a 3rd site to the City's Public Safety Radio System and take any action necessary.

Internal Operations Director Joey Boyd provided background information on this item. The City Attorney and the city's communication consultant have reviewed the contract, and staff is recommending approval of the contract.

Councilmember Nielsen made a motion to authorize the City Manager to execute the contract with Harris Corporation with the provision that the new tower be a disguised mono pole tower. Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

- 340 4. Discuss and consider the current status of the HOA sub-committee and
341 take any action necessary.

342 Mayor Cecil offered commentary related to this item and then made a motion for the
343 Council subcommittee to complete its review of the draft HOA bylaws in collaboration
344 with the Citizen appointed committee and report to the Council with its findings within
345 the next 15 to 30 days. Mayor Cecil included in his motion that the citizen committee and
346 Council subcommittee would then be dissolved. Councilmember Sevier seconded the
347 motion.
348

349 After some additional discussion, the motion passed by a vote of 7 ayes to 0 nays.
350

351 Councilmember Scott then made a motion that once the current citizen and council
352 subcommittee is dissolved, a second sub-committee consisting of Council Members
353 Scott, Russo & Sweet then be appointed to examine best practices and procedures of
354 current HOAs and to look at ways to encourage and implement those procedures in
355 future HOAs that are created as a part of the sub-division ordinance regulations and
356 platting process and that the new sub-committee contain an HOA citizen committee
357 consisting of Brad Taylor, Jennifer Jeffus, Carl Sherman, Jim Hummingbird, Bruce
358 Payton, Bob Amick, and Kristen Minth. Councilmember Farris seconded the motion.
359 After some additional discussion, the motion passed by a vote of 7 ayes to 0 nays.
360

- 361 5. Discuss and consider current provisions of the fence ordinance related to
362 permit requirements and take any action necessary.

363 Councilmember Scott began discussion of this item and expressed that there may be
364 some unnecessary vagueness in our current ordinance as related to pulling a permit on
365 fence construction and fence repair. Scott asked that our city attorney review the current
366 ordinance and see if it can be made more clear related to when a permit is required to be
367 pulled for fence work and when it is not necessary to pull a permit for fence work.
368

369 Councilmember Russo made a motion to direct staff to evaluate the current fence
370 ordinance, specifically looking at what amount of repair work triggers the necessity to
371 pull a permit for fence work. Councilmember Scott seconded the motion. The motion
372 passed by a vote of 7 ayes to 0 nays.
373

- 374 6. Discuss and consider regulations related to parking on unimproved
375 surfaces and take any action necessary.

376 Councilmember Scott offered commentary related to this item. He indicated that if there
377 is an existing, paved or dirt driveway and/or garage, he would like residents to utilize it
378 rather than parking on their front or back lawn.
379

380 Assistant City Manager Rick Crowley asked what the Council would like residents to do if
381 for example they have room in the driveway for only 3 cars, yet they have a need to park
382 4 vehicles. After some general discussion, Councilmember Scott indicated that he would
383 encourage Code Enforcement officers to use discretion in these instances.
384

385 Councilmember Scott made a motion to instruct staff to draft an ordinance related to
386 residential parking on unimproved surfaces, taking into account the comments of the
387 City Council tonight and taking into account the circumstances in Lake Rockwall Estates

and bring it back to the Council for discussion and consideration at a future date. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Mayor Cecil recessed the meeting into Executive Session at 9:12 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, 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: (1) request for proposed amendments to the Compromise Settlement Agreement and Mutual Release of Claims by and among the Estate of W.W. Caruth Jr., the Estate of Mabel P. Caruth, and the Skoburg Corporation, and the City of Rockwall.

VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

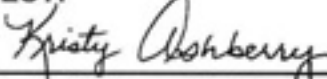
No action was taken as a result of Executive Session.

IX. ADJOURNMENT

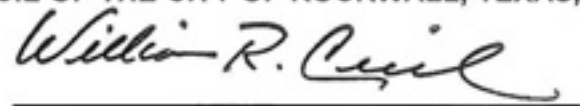
The meeting adjourned at 10:10 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 8th day of September, 2009.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Tuesday, September 08, 2009
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 David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. 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, including: (1) request for proposed amendments to the Compromise Settlement Agreement and Mutual Release of Claims by and among the Estate of W.W. Caruth Jr., the Estate of Mabel P. Caruth, and the Skorborg Corporation, and the City of Rockwall.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Sweet made a motion to approve the lease agreement with Murphy Building LTD with the understanding that the revised final contract will be brought before the Council in two weeks for consideration. Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 21st day of September, 2009.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Tuesday, September 08, 2009
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 6:01 p.m. Present were Mayor Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SEVIER

Councilmember Sevier delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. National Alcohol and Drug Addiction Recovery Month
2. National Preparedness Month

Mayor Cecil read and presented the proclamation for National Preparedness Month to City Secretary Kristy Ashberry who also serves as the city's Emergency Management Coordinator.

Mayor Cecil then read and presented the proclamation for National Alcohol and Drug Addiction Recovery Month to Police Chief Mark Moeller.

IV. OPEN FORUM

There being no one to come forth and address the Council during public forum, Mayor Cecil then closed the Open Forum.

V. CONSENT AGENDA

1. Consider approval of the minutes from the August 17, 2009 regular City Council meeting and take any action necessary.
2. Z2009-015 - Consider approval of an **ordinance** for a request by Heritage Christian Academy for approval of a Specific Use Permit (SUP) to allow for "Private School Temporary Education Buildings" within the (MF-14) Multi-Family Residential district on Lot 1, Block A, Heritage Christian Academy Addition, being 6.64-acres and located at 1408 South Goliad, and take any action necessary. (2nd Reading)
3. Consider approval of a contract between the City of Rockwall and Verizon Wireless to construct a communication tower at the Southside Water Yard and take any action necessary.
4. Consider award of the Squabble Creek Sanitary Sewer Line and Manhole Repair Project construction contract and take any action necessary.

- 95 5. Consider award of the construction bid associated with the FM-740 Water
96 and Waste Water Relocation Project and take any action necessary.
- 97 6. Consider award of the construction bid associated with the Squabble
98 Creek Force Main and Gravity Line Project, Section 2, and take any
99 action necessary.
- 100 7. Consider adoption of an **ordinance** changing the speed limit on SH-205
101 from Ralph Hall, south, to FM-549 and take any action necessary (1st
102 reading).
- 103 8. Consider adoption of an **ordinance** changing the speed limit on SH-276
104 between SH-205 and Rochelle Road and take any action necessary (1st
105 reading).

106 Councilmember Farris pulled item #7 for discussion and offered a motion to approve the
107 remaining Consent Agenda items (#1, 2, 3, 4, 5, 6, and 8). Councilmember Scott
108 seconded the motion. The ordinances were read as follows:

109
110 CITY OF ROCKWALL

111
112 ORDINANCE NO. 09-34

113
114 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
115 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
116 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
117 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)
118 ALLOWING FOR THREE (3) "PRIVATE SCHOOL TEMPORARY
119 EDUCATION BUILDINGS" WITHIN THE (MF-14) MULTI-FAMILY
120 RESIDENTIAL DISTRICT ON LOT 1, BLOCK A, HERITAGE
121 CHRISTIAN ACADEMY ADDITION, LOCATED AT 1408 SOUTH
122 GOLIAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR
123 A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
124 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
125 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
126 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

127
128 CITY OF ROCKWALL, TEXAS

129
130 ORDINANCE NO. _____

131
132 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
133 ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES,
134 ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE PRIMA
135 FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE
136 PROVISIONS OF THE TRANSPORTATION CODE, SECTION 545.356,
137 UPON SH-276, FROM SH-205, EAST, TO ROCHELLE RD., WITHIN
138 THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS;
139 PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF
140 TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY
141 CLAUSE; PROVIDING AN EFFECTIVE DATE.

142
143 The motion passed by a vote of 7 ayes to 0 nays.

144
145 Councilmember Farris expressed concern about changing this speed limit. Couch
146 explained that TXDOT conducted a speed analysis along the route, and this is what

TXDOT has recommended. Farris made a motion to recommend to TXDOT that the speed limit be kept at 45 miles per hour from Ralph Hall parkway to just south of Fieldstone Drive and then 55 mph thereafter. Councilmember Scott expressed that he does not agree with Farris' recommendation and believes that the speed limit should be 55 mph along this stretch. Councilmember Sevier seconded the motion. The motion failed by a vote of 2 ayes to 5 nays (Sweet, Scott, Nielsen, Cecil, Russo).

Councilmember Sweet made a motion to approve the ordinance as presented. Councilmember Scott 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, 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 SH-205, RALPH HALL PARKWAY, SOUTH, TO FM-549 (SOUTH CITY LIMITS), 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 5 ayes to 2 nays (Sevier, Farris).

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.

Michael Hunter, Planning and Zoning Chairman, was present and offered brief comments to the Council related to the Public Hearing item on tonight's city council agenda.

No action was taken by Council related to this item.

2. Appointment with resident Leonard Spinelli to hear concerns related to the Park at Fox Chase and take any action necessary.

Leonard Spinelli
800 Trumpeter Way
Rockwall, TX

Mr. Spinelli read a letter from his neighbor, Raymond Seymore, which expressed concern related to parking adjacent to the Park at Fox Chase. Spinelli also read a letter from an HOA board member of the Fox Chase HOA expressing similar concerns.

Mr. Spinelli expressed that the parking is an eyesore and that he is concerned about the safety of children using the park. Mr. Spinelli further expressed that a couple of years ago, he took his concerns to the Mayor and to the Park Board. The Park Board indicated at that time that a parking lot was not needed, though there could be a need for one in

197 the future. Mr. Spinelli shared some photographs with Council members, expressing that
198 the parking at Fox Chase Park has increased greatly and now causes an eyesore.
199 Spinelli indicated that every afternoon during the week and on the weekends, the parking
200 is excessive and quite crowded. In addition, lack of sidewalks and the large number of
201 parked cars causes a safety concern for pedestrians and for drivers in the neighborhood.
202 Mr. Spinelli then offered a series of suggestions for how this situation could be
203 improved.

204
205 Mayor Pro Tem Sweet indicated that the Council made a motion at the beginning of
206 tonight's Council meeting to authorize the city manager to enter into a development
207 agreement with Murphy Building LTD to build a temporary parking lot at the Fox Chase
208 Park within 90-120 days. This will result in about 20 temporary parking slots. Sweet
209 further indicated that he would like the City to attempt to make sports organizations and
210 little leagues aware of various places throughout the city that they can utilize for practice
211 space and game space.

212
213 Councilmember Sevier expressed that this neighborhood park has become a city park in
214 many ways and that it has become very successful. He then offered various
215 recommendations for improving the situation at the park.

216
217 Councilmember Scott made a motion to (1) install "no parking signs" from Summer Lee
218 to Secret Cove on both sides of Tubbs Road; (2) send this issue to the Park Board to
219 examine the concept of neighborhood parks to address this problem ahead of time going
220 forward, (3) to ask the Park Board to evaluate how this problem can be addressed now in
221 other existing neighborhood parks; and (4) evaluate a uniform closing time (hours of
222 operation) for parks throughout the city, especially those that are not lit at night.
223 Councilmember Russo seconded the motion.

224
225 Parks Director Brad Griggs indicated that city parks are open 6:00 a.m. to 10:00 p.m.
226 citywide and that these hours are set by Ordinance.

227
228 The motion then passed unanimously (7 ayes to 0 nays).

229
230 Mayor Cecil indicated that he will call for a break at this point and will then address
231 Public Hearing item #2 followed by Public Hearing item #1 thereafter.

232 233 VII. PUBLIC HEARING ITEMS

- 234
235 1. Hold a public hearing to receive comments on the proposed fiscal year
236 2010 budget.

237 Public Hearing Item #2 was addressed prior to this item.

238
239 Finance Director Mary Smith indicated that the city has advertised this public hearing to
240 gain input from residents related to the proposed FY10 budget.

241
242 Mayor Cecil then opened the Public Hearing to take public input. There being no one to
243 come forth and speak on this item, Mayor Cecil then closed the public hearing. No action
244 was taken related to this item.
245

2. Z2009-008 - Hold a public hearing and consider approval of an ordinance for a City-initiated request for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 329.53-acres known as "Lake Rockwall Estates," located along the south side of Tubbs Road, east side of Horizon Road (FM 3097), and on the north side of County Line Road, and take any action necessary. (1st Reading)

Mayor Cecil offered information to those present related to how the public hearing will be conducted. He also indicated that the purpose of this particular public hearing is to hear commentary related specifically to the zoning of Lake Rockwall Estates (LRE). Planning Director Robert LaCroix then began the discussion by offering background information related to this item. He explained that the area was automatically zoned "Agricultural" when it was annexed into the City. It is now time to establish more specific zoning in LRE. He expressed that LRE has been divided into 3 different areas for the purpose of establishing zoning. LaCroix stated that Single Family Residential zoning is being proposed for LRE at this time and that no commercial zoning is being proposed for this PD. LaCroix indicated that city staff has identified potential businesses in the area that would be considered legal non-conforming uses (will be "Grandfathered") once the zoning is established for the area. LaCroix then offered information related to the requirements associated with minimum lot sizes, set backs, and masonry requirements. He also offered information related to proposed fence requirements for LRE. The Planning & Zoning Commission has recommended that chain link fences be allowed along the side and rear property lines. LaCroix then shared information related to the proposed minimum standards for replacement of manufactured homes. He expressed that staff recommends consideration of allowing additional housing types including zero lot lines, duplexes, triplexes, fourplexes and townhome/single-family attached homes with approval of a Specific Use Permit (SUP) issued by the City Council. Notices were mailed out to property owners within 200 feet of the proposed PD. At the time this report was written, within the PD, 41 responses were received back "in favor" of the zoning change and 10 responses were received back expressing they are "opposed" to the zoning change. Outside of the property but within 200 feet of the proposed PD, 6 notices were returned 'in favor' and 0 were returned 'in opposition.' LaCroix then offered a history of the various meetings, work sessions and public hearings that have taken place related to the proposed zoning of LRE.

Mayor Cecil then moved to open the Public Hearing to receive comments from those present.

Joan Stanley
298 Wayne Drive

Ms. Stanley indicated that she moved to LRE in 1969. In general, she expressed that she is not in favor of multifamily housing in the LRE neighborhood. She indicated that allowing multifamily developments would bring more crime and fire related concerns. She encouraged the Council to vote 'no' to multifamily housing in LRE.

Jim Shields
3212 Cantura Drive
Mesquite, TX 75181

Mr. Shields indicated that his property is located in "Area 2," which is mostly mobile homes. Mr. Shields indicated that he is renting his mobile home to a tenant who has lived there since 1986. He asked if there will be any 'special assessments' such as those associated with putting in driveways. Planning Director Robert LaCroix indicated that no assessments are being proposed by the city at this time.

Mary Garza
482 Eva Place
"Area 2" in LRE

Ms. Garza expressed that she was in favor of the City annexing LRE. However, she expressed that she is not favor of allowing multifamily housing in LRE and would like the Council to only allow single family housing in the area.

Debbie Adams
485 Eva Place

Ms. Adams expressed that she believes the mobile homes in the area are dilapidated and need to be removed or renovated. In general, she expressed that she is not in favor of allowing multifamily housing in LRE. She is only in favor of single family housing.

Marilyn Hays
303 Tubbs Road
"Area 1"

Ms. Hays indicated that she resides in the housing side of LRE and that she moved to the area from New York City. She expressed that she would like the city to only allow single family housing in the area.

Maria Gallegos
552 Russell Drive

Ms. Gallegos moved to LRE nine years ago. She expressed that she would like only single family housing in the area. She believes that multifamily housing would result in more cars and more people living in one unit.

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

Councilmember Scott expressed that there has been a lot of misinformation going around about this process, including some people stating that there is a 'push' for multifamily housing in Lake Rockwall Estates. Scott then offered some general background information related to the history of annexation of the area and to the Council's desires regarding multifamily and single family development in LRE. Scott indicated that he is personally not in favor of multifamily zoning; however, he may be willing to vote for multifamily zoning in LRE if it is needed and wanted by those who reside there. Scott indicated that he has clearly heard that multifamily zoning is not wanted in LRE.

Councilmember Scott made a motion to approve Z2009-008 with all staff recommendations and P&Z recommendations and with no multifamily components to the

347 zoning. After some additional, brief comments, Mayor Pro Tem Sweet seconded the
348 motion.

349
350 Councilmember Russo then offered commentary, indicating that he is in support of the
351 LRE area and wants the best for all LRE residents, residents who are now part of the City
352 of Rockwall.

353
354 Councilmember Sevier thanked Margo Nielsen for taking him on a tour to look at
355 multifamily housing throughout the City of Rockwall. Sevier indicated that Nielsen
356 wanted to show him areas of the city where multifamily units fit very well and make
357 sense. Sevier then asked staff for some general clarification related to the recommended
358 masonry requirements.

359
360 Councilmember Farris then offered brief commentary and expressed that he is in support
361 of the motion.

362
363 The ordinance was read as follows:

364
365 CITY OF ROCKWALL

366
367 ORDINANCE NO. ____

368
369 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
370 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
371 CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED
372 SO AS TO APPROVE A CHANGE IN ZONING FROM (AG)
373 AGRICULTURAL DISTRICT TO (PD-75) PLANNED DEVELOPMENT
374 DISTRICT NO. 75, ON A TRACT OF LAND CONTAINING
375 APPROXIMATELY 329.53-ACRE AND KNOWN AS LAKE
376 ROCKWALL ESTATES, LOCATED ALONG THE SOUTH SIDE OF
377 TUBBS ROAD, EAST SIDE OF HORIZON ROAD (FM 3097) AND
378 NORTH SIDE OF COUNTY LINE ROAD ACRES AND MORE
379 SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING
380 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
381 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
382 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
383 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

384
385
386 The motion passed by a vote of 7 ayes to 0 nays.

387
388 The Mayor then addressed Public Hearing item #1.

389
390 VIII. ACTION ITEMS

- 391
392 1. Discuss and consider approval of a setback variance request for a new
393 monument sign to be located at 1005 Ralph Hall Parkway and take any
394 action necessary.

395 Building Official Jeffrey Widmer provided background information related to this item.
396 He described the monument sign and the proposed location of the sign.
397

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

2. Discuss and consider status of after hours usage of the city owned parking lot at The Harbor and take any action necessary.

Mayor Cecil indicated that Councilmember Sevier placed this item on the agenda for discussion. Sevier indicated that he has visited with residents in the area, including one resident who has made repeated complaints related to the noise and other disturbances in the parking lot. Sevier indicated that this resident videotaped things happening in the parking lot over a period of two to three weeks. Sevier expressed that residents have concerns related to the noise, traffic, and inappropriate actions of those using the parking lot. Sevier suggested that the City post a sign designating hours of operation for this parking lot. He suggested that if the Hilton is hosting a big event and needs use of the parking lot for overflow purposes, perhaps a placard could be issued by the hotel that could be placed in the windshield of cars utilizing the lot for overflow parking.

Councilmember Sevier made a motion to instruct staff to bring back suggested hours of operation for the parking lot in the form of an ordinance for the Council to consider. Councilmember Scott seconded the motion. After some additional discussion, the motion passed by a vote of 7 ayes to 0 nays.

IX. 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 - July
 - Finance Monthly Report - July
 - Fire Department Monthly Report - July
 - Lake Rockwall Estates Monthly Report
 - Parks and Recreation Monthly Reports - July
 - Police Report - Status of Senate Bill 55 related to cell phone use in school zones
 - Police Department Monthly Report - July
2. City Manager's Report
 - Update on floodplain mapping

City Manager Julie Couch offered an update on Senate Bill 55 related to the prohibition of hand held cell phone usage in school zones. Couch indicated that the city does plan to post signs prohibiting hand held cell phone usage in school zones and will begin enforcing this law very soon.

Regarding flood plan notices, City Engineer Chuck Todd indicated that the city will be sending notices in the next week or two to those residents who were previously located in the flood plain as well as those who have been recently added to the flood plain.

Sevier asked for clarification related to the city staff meeting with a quadplex owner in Lake Rockwall Estates tomorrow. Building Official Jeffrey Widmer provided clarification, expressing the nature of the conversation that city staff plans to have tomorrow with the person constructing this structure. City Attorney Pete Eckert indicated that since the structure was already under construction prior to annexation and prior to the zoning

447 becoming effective, the owner/developer can go ahead and finish out the structure as a
448 multiplex structure. Some additional, general discussion then ensued related to
449 finishing construction of this particular multifamily structure, including concerns that it
450 is located in a flood plain.

451
452 Councilmember Farris expressed that he has heard that the deeds, covenants and
453 restrictions in Lake Rockwall Estates do not allow multifamily housing. Couch indicated
454 that enforcement of deed restrictions is a civil matter, not a local matter and that the City
455 does not enforce deed restrictions. Planning Director Robert LaCroix offered
456 commentary related to this issue, indicating that the deed restrictions in LRE do in fact
457 indicate that single family development is/was the desired development in the area.
458 LaCroix expressed that the deed restrictions have possibly been amended several times
459 and that the map associated with the deed restrictions is missing in the documentation
460 LaCroix was reading at the time.

461
462 Regarding a possible sanitary sewer overflow ordinance, Couch indicated that this would
463 give the city authority to regulate and enforce this issue at the local level rather than
464 strictly depending on the state for such enforcement. It was stated that this issue would
465 be coming before the Council for consideration in the near future.

466
467 At 9:00 p.m. Mayor Cecil recessed the meeting into Executive Session.

468
469 X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
470 GOVERNMENT CODE TO DISCUSS:

- 471
472 1. Deliberation regarding the purchase, exchange, lease, or value of real
473 property.
- 474 2. Personnel Issues, including Board, Commission, and Committee
475 Appointments, and Related Matters.
- 476 3. Commercial or financial information regarding business prospects that the
477 City seeks to have locate, stay, or expand in or near the territory of the
478 City of Rockwall and with which the Board is conducting economic
479 development negotiations.
- 480 4. Pursuant to Section 551.071, consultation between the City's attorneys
481 and City Council where the duty of the City's attorneys to the City Council
482 under the Code of Professional Responsibility of the State Bar of Texas
483 clearly conflicts with the Open Meetings Act, including: (1) request for
484 proposed amendments to the Compromise Settlement Agreement and
485 Mutual Release of Claims by and among the Estate of W.W. Caruth Jr.,
486 the Estate of Mabel P. Caruth, and the Skoburg Corporation, and the
487 City of Rockwall.

488 XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

489
490 No action was taken by Council as a result of the end of meeting Executive Session.

496 XII. ADJOURNMENT

497
498 Mayor Cecil adjourned the meeting at 9:45 p.m.
499

500
501
502
503 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
504 this 21st day of September, 2009.

505
506
507
508
509 ATTEST:

510 *Kristy Ashberry*
511 _____
512 Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, September 21, 2009
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. and immediately recessed the meeting into Executive Session. Present were Mayor Bill Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier 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:

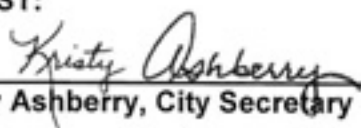
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand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

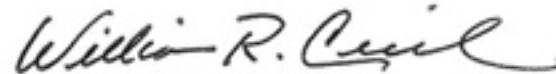
No action was taken as a result of Executive Session.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 5th day of October, 2009.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, September 21, 2009
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 David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SEVIER

Councilmember Sevier delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Constitution Week

Mayor Cecil read and presented the proclamation to representatives of the local chapter of the Daughters of the American Revolution.

IV. CONSENT AGENDA

- 1.** Consider approval of the minutes from the September 8, 2009 regular City Council meeting and take any action necessary.
- 2.** Consider authorizing the City Manager to execute a contract with New World Systems for public safety software upgrade and approval of a Resolution for lease purchase financing and take any action necessary.
- 3.** Consider authorizing the City Manager to renew the contractual agreement for employee health benefit broker services with Brinson Benefits Services, Inc., and take any action necessary.
- 4.** Discuss and consider approval of a lease agreement with Murphy Building, Ltd. for temporary parking adjacent to the Park at Fox Chase and take any action necessary.
- 5.** Consider adoption of an **ordinance** changing the speed limit on SH-205 from Ralph Hall, south, to FM-549 and take any action necessary (**2nd reading**)
- 6.** Consider adoption of an **ordinance** changing the speed limit on SH-276 between SH-205 and Rochelle Road and take any action necessary (**2nd reading**)
- 7.** Z2009-008 - Consider approval of an **ordinance** for a City-initiated request for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 329.53-acres known as "Lake Rockwall Estates," located along the south side of Tubbs Road,

88 east side of Horizon Road (FM 3097), and north side of County Line
89 Road, and take any action necessary. (2nd Reading)

- 90 8. Discuss and consider the purchase of the traffic signal poles and arms for
91 the Market Center and Ralph Hall Parkway traffic signal project and take
92 any action necessary.
- 93 9. Discuss and consider the award of the construction contract for the
94 Market Center and Ralph Hall Parkway Traffic Signal Project and take
95 any action necessary.
- 96 10. Consider a resolution of necessity for the Mahr Parcel for the extension of
97 Shadydale Lane and take any action necessary.
- 98 11. P2009-020 - Discuss and consider a request by Robert Howman of Glenn
99 Engineering for approval of a final plat of Lot 1, Block 1, Herman E. Utley
100 Middle School Addition, being 41.649-acres zoned (Ag) Agriculture district
101 and located on the east side of T.L. Townsend at the intersection of
102 Yellowjacket Lane, and take any action necessary.

103
104 Councilmember Sevier pulled items #8, 9 and 11 for further discussion and then offered a
105 motion to approve the remaining Consent Agenda Items (#1, 2, 3, 4, 5, 6, 7, and 10).
106 Mayor Pro Tem Sweet seconded the motion. The ordinances were read as follows:

107
108 CITY OF ROCKWALL, TEXAS
109 ORDINANCE NO. 09-35
110

111 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
112 TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI
113 OPERATION, DIVISION 7 BY ALTERING THE PRIMA FACIE SPEED
114 LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF
115 THE TRANSPORTATION CODE, SECTION 545.356, UPON SH-205, RALPH
116 HALL PARKWAY, SOUTH, TO FM-549 (SOUTH CITY LIMITS), WITHIN
117 THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS;
118 PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF
119 TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY
120 CLAUSE; PROVIDING AN EFFECTIVE DATE.

121
122 CITY OF ROCKWALL, TEXAS
123 ORDINANCE NO. 09-36
124

125 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
126 TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI
127 OPERATION, DIVISION 7 BY ALTERING THE PRIMA FACIE SPEED LIMITS
128 ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE
129 TRANSPORTATION CODE, SECTION 545.356, UPON SH-276, FROM SH-205,
130 EAST, TO ROCHELLE RD., WITHIN THE CORPORATE LIMITS OF THE
131 CITY OF ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT
132 TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200); PROVIDING
133 A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.
134
135
136
137
138

CITY OF ROCKWALL
ORDINANCE NO. 09-37

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-75) PLANNED DEVELOPMENT DISTRICT NO. 75, ON A TRACT OF LAND CONTAINING APPROXIMATELY 329.53-ACRE AND KNOWN AS LAKE ROCKWALL ESTATES, LOCATED ALONG THE SOUTH SIDE OF TUBBS ROAD, EAST SIDE OF HORIZON ROAD (FM 3097) AND NORTH SIDE OF COUNTY LINE ROAD 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 to 0 nays.

Regarding Consent Agenda item #8, Councilmember Sevier asked for clarification regarding the delivery time of the traffic signals. City Engineer Chuck Todd stated that he believes the vendor can get the materials within six weeks, rather than eight weeks.

Regarding Consent Agenda item #9, Todd indicated that this item is specifically related to the award of a contract to actually perform the traffic signal installation.

Regarding Consent Agenda item #11, Councilmember Sevier asked for clarification on what the Council is being asked to approve. Couch stated that the Council is being asked to approve the final plat. Planning Director Robert LaCroix offered clarifying comments related to this item.

Councilmember Sevier then made a motion to approve Consent Agenda items #8, 9 and 11. Councilmember Farris 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.

Michael Hunter, Planning and Zoning Commission Chairman, was present and provided an update to Council related to how the Commission voted related to items on tonight's Council agenda. The Council took no action related to this item.

2. Appointment with Julie Fort of Strasburger & Price, LLP to discuss and consider approval of a special exception to Section 24-16 of the Subdivision Regulations of the City of Rockwall, specifically for a waiver to the street improvement requirements for Springer Road as it relates to the 3.99-acre property located at the southeast corner of FM 549 and Springer Road, which is zoned (PD-46) Planned Development No. 46

district and described as Tract 2-9, Abstract 186, J. A. Ramsey Survey,
and take any action necessary.

Ms. Julie Fort
2801 Network Blvd.
Frisco, TX

Ms. Fort explained that this item was previously before Council for consideration; however, it was tabled by the City Council in order to allow the applicant to hire an engineer and evaluate the issue further. Ms. Fort explained that an engineer was hired by her client and did meet with City staff related to this request for a special exception. Ms. Fort offered commentary related to her client's request including reasons why she believes an unnecessary hardship exists related to the street improvement requirements of the City. Ms. Fort asked the Council to consider that an unnecessary hardship exists for her client and consider granting this special exception.

Councilmember Farris asked for clarification of the owner's name. Ms. Fort responded that the owner's name is Ronald Hamilton.

After additional, brief discussion, Councilmember Farris made a motion to deny the request for a special exception. Councilmember Sevier seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Appointment with Mike Heffler from the Law Enforcement Support Committee to announce the upcoming 2009 Behind the Badge Appreciation Dinner and take any action necessary.

Mike Heffler
744 Primrose Lane
Rockwall, TX

John Smith and Diane Nutt were also present to represent the Law Enforcement Support Committee. Mr. Heffler indicated that this year's dinner will be held at Southern Junction on October 25 from 5:00 p.m. to 8:00 p.m. He explained that this committee is a non-profit organization that supports law enforcement officials countywide. The Council took no official action related to this item.

4. Appointment with members of the city's C3 development process team to hear project presentation and take any action necessary.

Assistant City Manager Rick Crowley offered opening comments related to this item. Fire Marshal Ariana Hargrove then delivered a presentation summarizing this C3 team's project. After some discussion between council members and Mrs. Hargrove, Mr. Crowley then offered brief closing comments related to the team's project. City Manager Julie Couch also offered brief comments, thanking the C3 team for its work on this project.

The Council took no official action related to this item.

238 **VI. PUBLIC HEARING ITEMS**

- 239
- 240 1. P2009-018 - Hold a public hearing and consider a request by Jon Heinley
- 241 for approval of a residential replat of Lot 15, Block D, Lake Ridge Park
- 242 Addition, being 0.42-acre zoned (SF-10) Single Family Residential district
- 243 and located at 1926 South Lakeshore Drive, specifically to replat the
- 244 existing drainage and utility easement in the rear of the property, and take
- 245 any action necessary.

246 **Planning Director Robert LaCroix offered brief background information on this item,**

247 **explaining that the applicant is requesting approval of a residential replat. LaCroix**

248 **indicated that notices were sent out within 200 feet of the property. Two responses were**

249 **received back in favor of granting the request.**

250 **John Heinley**

251 **1926 South Lakeshore**

252 **Rockwall, Texas**

253

254 **John Heinley and his wife were present at the meeting. Mr. Heinley offered brief**

255 **comments related to this request.**

256

257 **Mayor Cecil then opened the public hearing. There being no one to come forth and**

258 **speak on the public hearing item, Mayor Cecil then closed the public hearing.**

259

260 **Councilmember Scott then made a motion to approve the replat as requested. Mayor Pro**

261 **Tem Sweet then seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

262

- 263 2. Z2009-016 - Hold a public hearing and consider approval of an
- 264 **ordinance** for a City-initiated request for a change in zoning from (PD-14)
- 265 Planned Development No. 14 District to (C) Commercial district, for
- 266 approximately 56.78-acres comprised of Lot 1, Block C and Lots 5, 6 and
- 267 9, Block A, Rockwall Business Park East Addition, generally located
- 268 south of IH-30, west of SH 205 and along the north and south sides of
- 269 Ralph Hall Pkwy, and take any action necessary. **(1st Reading)**

270 **Planning Director Robert LaCroix offered background information on this item. Notices**

271 **were mailed out to property owners within 200 feet of the property. One notice was**

272 **received back in favor of the zoning change, and 5 notices were received back in**

273 **opposition to the request. After brief comments, Councilmember Scott requested that**

274 **the Council recess into Executive Session for a few minutes to consult with the City**

275 **attorney.**

276

277 **Mayor Cecil called the meeting back to order and asked Mr. LaCroix to explain the PD**

278 **review process to the Council, which he did. LaCroix clarified that this zoning would**

279 **allow the property owner to request an SUP for development of a hotel/motel at this site**

280 **in the future if desired.**

281

282 **Mayor Cecil opened the public hearing. There being no one to come forth and address**

283 **the Council on this item, Mayor Cecil then closed the public hearing.**

284

285 **Councilmember Scott made a motion to approve Z2009-016. Mayor Cecil seconded the**

286 **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 AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (PD-14) PLANNED DEVELOPMENT NO. 14 DISTRICT TO (C) COMMERCIAL DISTRICT, ON A TRACT OF LAND CONTAINING APPROXIMATELY 56.8-ACRES AND COMPRISED OF LOTS 5, 6 AND 9, BLOCK A, AND LOT 1, BLOCK C, OF THE ROCKWALL BUSINESS PARK EAST ADDITION, 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 to 0 nays.

3. Z2009-017 - Hold a public hearing and consider approval of an ordinance for a City-initiated request for a change in zoning from (PD-35) Planned Development No. 35 District to (LI) Light Industrial district, for a 2.343-acre property known as Tract 15-1, Abstract 99, A. Hanna Survey, and located at 1535 IH-30, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided background information on this item. He indicated that notices were sent out to adjacent property owners within 200 feet. No responses have been received back at this time.

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

Mayor Pro Tem Sweet made a motion to approve Z2009-017. Councilmember Sevier 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 AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (PD-35) PLANNED DEVELOPMENT NO. 35 DISTRICT TO (LI) LIGHT INDUSTRIAL DISTRICT, ON A TRACT OF LAND CONTAINING 2.343-ACRES AND KNOWN AS TRACT 15-1, ABSTRACT 99, A. HANNA SURVEY, AND LOCATED AT 1535 IH-30; 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. Z2009-018 - Hold a public hearing and consider approval of an ordinance for a request by Jed Dolson of Stone Creek Balance, Ltd, for

proposed amendments to (PD-70) Planned Development No. 70 District (Ord. 07-13), being 395-acres overall and generally known as the Stone Creek development, located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run Rd, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided background information on this item. He indicated that notices were sent out to adjacent property owners within 200 feet, and one response was received back in opposition to this request.

Mr. Jed Dolson
3838 Oak Lawn Avenue
Dallas, Texas

Mr. Dolson was present to provide comments related this request. He explained that the number of lots is not being increased. He also pointed out some of the changes that have been made to the site proposal over time since it was originally submitted. He then made a brief presentation to the Council explaining his current proposed amendments.

Mayor Cecil opened the public hearing.

Nell Welborn
810 Lake Meadows Circle
Rockwall, TX 75087

Mrs. Welborn asked if alleyways are still included in the City's development standards. Mr. LaCroix indicated that they are still a part of the city's development standards. Welborn generally expressed that she would like this development to include alleyways rather than front entry driveways / garages. She stated that she believes homes with rear entryways and alleyways hold their value better over time and are more aesthetically pleasing.

There being no one else to come forth and speak related to this item, Mayor Cecil then closed the public hearing.

Mayor Pro Tem Sweet made a motion to approve Z2009-018. Councilmember Farris seconded the motion. After additional, brief discussion, 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) AND ORDINANCE NO. 07-13, OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND THE PD CONCEPT PLAN AND PD DEVELOPMENT STANDARDS FOR (PD-70) PLANNED DEVELOPMENT NO. 70 DISTRICT, BEING 395.075-ACRES OVERALL SITUATED IN THE W.T. DEWEESE SURVEY, ABSTRACT NO. 71 AND THE S. KING 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. Z2009-019 - Hold a public hearing and consider approval of an ordinance for a request by Dwayne Zinn of Cross Engineering Consultants for approval of a Specific Use Permit (SUP) to allow for "Automotive Repair, Minor" within (PD-49) Planned Development No. 49 District, specifically a 4,922-sf Christian Brothers Automotive on Lot 2, Block A, Wal-Mart Rockwall Addition, being 1.003-acres and situated along the north side of SH 66 (W Rusk) east of North Lakeshore Dr, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided background information on this item, indicating that the applicant has provided a great deal of detail related to this proposed development. LaCroix indicated that many of the trees, especially at the entryway, will remain on site. However, he also expressed that some trees on the site will need to be removed and mitigated under the city's tree mitigation requirements. LaCroix pointed out that the bays of this automotive business will not face towards the street. Notices were mailed out property owners within 200 feet. LaCroix stated that two notices were received back in favor of the SUP, and one notice was received back in opposition to this SUP. LaCroix indicated that no outside storage would be allowed, nor would the business be allowed to provide tire changing services. He further stated that the Planning & Zoning Commission recommended approval of this SUP by a vote of 4 ayes and 2 nays.

Councilmember Farris asked questions relative to a letter he received from a resident, Mr. Bob Carol. He specifically asked if existing developments are required to replace trees that die. LaCroix generally indicated that, yes, they are required to do so.

Robert Van
Represents Christian Brothers Automotive

Mr. Van was present and provided the Council with an architectural rendering of the building they would like to place on the site if the Council approves the SUP. He explained that it is a 100% masonry building. He explained that the business mostly focuses on 'light automotive' repairs such as replacing belts and hoses. He explained that sometimes tires may need to be taken off and put back on during the normal course of business, especially when brake work is needed. However, the focus of their business is not tire changing.

After some additional description from Mr. Van, Mr. Farris asked what an average year of sales amounts to. Mr. Van indicated that it is estimated to be about \$1 million per year on average. Mr. Van also indicated that most cars will come in during the day and will leave the same day, so overnight storage of a lot of vehicles is not anticipated. Mr. Van indicated that no monument sign will be requested since the name of the business will appear on the building itself. General discussion took place related to the proposed trash receptacle area as well as to the types of services that the company provides to its customers.

440 Mayor Cecil opened the public hearing.

441
442 Russell Phelps
443 214 Alta Vista
444 Rockwall, Texas
445

446 Mr. Phelps generally expressed that he is opposed to this project because he believes
447 the business does not fit well at this particular location. He encouraged the Council to
448 not approve this item.
449

450 Bob Carol
451 206 Alta Vista Drive
452 Rockwall, Texas
453

454 Mr. Carol came forth and indicated that he believes he does live within 200 feet of this
455 proposed business. Planning Director, Mr. LaCroix, indicated that Mr. Carol in fact does
456 not live within 200 feet of the proposed business; however, his letter of opposition was
457 passed along to the City Council and was included in their council packet for review. Mr.
458 Carol then provided some photographs of the existing Walmart/Starbucks strip shopping
459 center for the Council to consider as well as photographs of other Christian Brothers
460 stores in the metroplex. He generally expressed that he is opposed to this business
461 being placed at this location and encouraged Council to deny this request.
462

463 There being no one else to come forth and speak, Mayor Cecil then closed the public
464 hearing.
465

466 Mayor Pro Tem Sweet made a motion to deny Z2009-019. Councilmember Scott
467 seconded the motion.
468

469 Councilmember Sevier then offered comments, generally expressing that he is not
470 opposed to this proposed business at this specific location.
471

472 Councilmember Russo offered commentary related to preservation of the trees and
473 expressed that if this SUP is not approved tonight, he fears another business that is not
474 as good as this one may be proposed at a later date.
475

476 Mayor Cecil indicated that he is not in favor of this business in this particular location,
477 though he would welcome the business in an alternative location.
478

479 Councilmember Farris generally expressed that he is not opposed to granting this SUP.
480 He believes this is a good use of this particular property.
481

482 Mayor Cecil then clarified that the motion on the floor is to deny the SUP, and he called
483 for the vote. The motion failed by a vote of 3 ayes to 4 nays (Nielsen, Russo, Sevier and
484 Farris).
485

486 Councilmember Farris made a motion to approve Z2009-019 with the condition that no
487 monument signs be allowed for this business. Councilmember Nielsen seconded the
488 motion. The motion passed by a vote of 4 ayes to 3 nays (Sweet, Scott, Cecil).
489

Since the ordinance was not read before the vote was taken, Mayor Cecil asked that the ordinance be read into the record. The ordinance was then 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 AN "AUTO REPAIR GARAGE, MINOR" ON A 1.003-ACRE TRACT OF LAND KNOWN AS LOT 2, BLOCK A, WAL-MART ROCKWALL 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 vote was re-taken, and the motion passed by a vote of 4 ayes to 3 nays (Sweet, Scott, Cecil).

VII. ACTION ITEMS

Mayor Cecil reordered the Action Items portion of the agenda to address items #10, 11, and 6 first. He then addressed the remaining Action Items in order beginning with #1.

1. Consider approval of adjustments to employee benefit leave policies in accordance with Texas Local Government Code Sec. 142.0013(b), and take any action necessary.

City Manager Julie Couch provided opening comments related to this item. Director of Administrative Services (HR), Cheryl Dunlop, then offered additional information related to this item, including specific requirements associated with recent passage of this law. She offered comments related to how staff proposes to come into compliance with these new state mandated requirements. General discussion then took place related to which employees these changes would affect within the organization.

After much discussion, Councilmember Scott expressed a desire to consider tabling this item until a future date to allow the Council additional time to evaluate the issue before taking action on this item.

After additional discussion, Mayor Cecil made a motion to move this discussion item to the upcoming Council/Staff Retreat agenda in November, with an Action Item being placed on a subsequent Council meeting agenda in late November for formal action by the Council. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Council took a short break. Action Item #5 was then addressed by Council.

2. Discuss and consider approval of an ordinance regulating the use of the city owned parking lot(s) at The Harbor and take any action necessary.
(1st reading)

This item was addressed after Action Item #13. City Manager Julie Couch offered background information on this item.

Mayor Cecil made a motion to adopt the ordinance. Councilmember Sevier seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO 09- 41

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL TEXAS AMENDING THE CODE OF ORDINANCES IN CHAPTER 19 PARKS AND RECRETATION, ARTICLE IV, "THE HARBOR PUBLIC AREA" TO PROVIDE FOR ADDITIONAL PROVISIONS IN SECTION 19.50 "THE HARBOR PUBLIC AREA GUIDELINES;" 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 to 0 nays.

3. Discuss and consider approval of a resolution revising the City's Street Assessment Policy and take any action necessary.

This item was addressed after Action Item #2. Assistant City Manager Rick Crowley offered brief background information on this item. Crowley explained that this resolution would stipulate that there would be no future assessments for curb and gutter improvements in residential areas. He further asked the Council whether or not it would like to assess for sidewalks in residential areas and if it would like to have special provisions made for non-profits and churches.

After some additional discussion, Councilmember Scott made a motion to approve the resolution (policy) eliminating assessments for residential curb, gutter & sidewalks in any existing residential area, whether they have them currently or not, and allowing for assessments in new residential areas and in commercial areas. Councilmember Nielsen seconded the motion. After additional discussion, the motion passed by a vote of 7 ayes to 0 nays.

4. Hear update on the process for construction improvements at the Harbor Boat Docks and take any action necessary.

Parks Director Brad Griggs explained that requests for proposals (RFPs) were mailed out by the City, with only one company returning a response to the RFP. Griggs explained that a six month design/build process is anticipated. He further expressed that in order to have the boat docks open by next spring, a decision to move forward needs to occur very soon.

Councilmember Farris then made a motion to direct staff to proceed. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Mayor Cecil adjourned the meeting at this point (11:31 p.m.).

5. Discuss and consider adoption of a resolution setting water and wastewater rates and charges to be effective January 1, 2010 and take any action necessary.

Finance Director Mary Smith offered brief background information on this item.

584 Mayor Cecil then made a motion to adopt the resolution as presented. Councilmember
585 Farris seconded the motion. Councilmember Scott expressed that he does not believe
586 the conservation rate is set appropriately for larger families, so he will not be supporting
587 the motion tonight. Councilmember Sweet expressed that he will not support it either.

588 The motion failed by a vote of 3 ayes to 4 nays (Sevier, Russo, Sweet, and Scott).

589 Councilmember Scott made a motion to adopt the rates with an adjustment to the
590 resolution stating that the conservation rate be raised from 12,000 gallons to 15,000
591 gallons. Councilmember Nielsen seconded the motion. After additional discussion, the
592 motion failed by a vote of 3 ayes to 4 nays (Sweet, Cecil, Russo, Farris).

- 593 6. Discuss and consider code enforcement policies regarding trailers and
594 RV's within Lake Rockwall Estates and take any action necessary.

595 Code Enforcement Director Jeffrey Widmer provided background information on this
596 item. He indicated that approximately 150 properties in LRE contained trailers or RVs
597 when the area was surveyed prior to annexation. Widmer suggested that the Council
598 consider giving residents in the newly annexed area a period of one year to come into
599 compliance with the city's ordinance related to these items.

600 Councilmember Sevier generally expressed that he wished the City had more actively
601 communicated this type of ordinance to residents in the LRE area prior to annexing
602 them.

603 Councilmember Farris generally expressed that he is in favor of allowing the residents a
604 one year period of time to come into compliance with this particular ordinance.

605 Sweet expressed that a one year period is too long, in his opinion, to allow residents time
606 to become compliant with the ordinance requirements.

607 Councilmember Nielsen expressed that she believes a one year timeframe is a
608 reasonable amount of time.

609 Widmer pointed out that existing city residents were given a 90 day time period to come
610 into compliance with the ordinance when it was originally passed.

611 Mayor Cecil made a motion to delay implementation of this city ordinance in the LRE
612 area for a period of 180 days, with the understanding that all LRE residents have to be in
613 compliance with the ordinance at the 180 day mark. At the suggestion of the City
614 Attorney, Pete Eckert, Mayor Cecil amended his motion to require that LRE residents
615 come into compliance with the ordinance by April 1, 2010. Mayor Pro Tem Sweet
616 seconded the motion. After some additional discussion, the motion passed by a vote of
617 7 ayes to 0 nays.

618 Action Item #1 was then addressed by Council.

- 619
620 7. Discuss and consider approval of an ordinance adopting the amended
621 budget for fiscal year 2009 and take any action necessary.

622
623 Councilmember Scott made a motion to approve the ordinance adopting the amended
624 budget for fiscal year 2009. Councilmember Farris seconded the motion. The ordinance
325 was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 09-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009; PROVIDING FOR AN EFFECTIVE DATE.

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

8. Discuss and consider a) Ratification of the property tax revenue increase reflected in the fiscal year 2010 budget and take any action necessary; b) Approval of an **ordinance** adopting the budget for fiscal year 2010 and take any action necessary.

On behalf of the Council, Finance Director Mary Smith read the following into the record: "This budget will raise more total property taxes than last year's budget by \$549,864 and of that amount \$651,514 is tax revenue to be raised from new property added to the tax roll this year." Councilmember Scott then made a motion to ratify the property tax revenue increase reflected in the fiscal year 2010 budget. Councilmember Nielsen seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Councilmember Scott then made a motion to approve the Ordinance adopting the FY 2010 budget. Councilmember Farris seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 09-39

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, 2009, THROUGH SEPTEMBER 30, 2010; 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.

9. Discuss and consider approval of an **ordinance** levying ad valorem taxes for the tax year 2009 and take any action necessary.

Councilmember Scott made a motion to approve the ordinance levying the ad valorem taxes for the 2009 tax year. Councilmember Russo seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 09-40

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2009 AT A RATE OF \$.5031 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS

674 OF THE CITY AS OF JANUARY 1, 2009 TO PROVIDE
375 REVENUES FOR THE PAYMENT OF CURRENT EXPENSES
376 AND TO PROVIDE AN INTEREST AND SINKING FUND ON
677 ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR
678 DUE AND DELINQUENT DATES, TOGETHER WITH
679 PENALTIES AND INTEREST; APPROVING THE 2009 TAX
680 ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER
681 SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

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

683 Action Item #12 was then addressed by Council.

- 684 10. Discuss and consider the Rockwall Economic Development Corporation
685 budget for fiscal year 2010 and amended budget for fiscal year 2009 and
686 take any action necessary.

687 Councilmember Farris made a motion to approve the FY 2010 budget for the Economic
688 Development Corporation as presented. Mayor Pro Tem Sweet seconded the motion.
689 The motion passed by a vote of 7 ayes to 0 nays.

- 690 11. Discuss and consider the Rockwall Technology Park Association budget
691 for fiscal year 2010 and amended budget for fiscal year 2009 and take
692 any action necessary.

693 Mayor Pro Tem Sweet made a motion to approve the FY 2010 budget for the Rockwall
694 Technology Park. Councilmember Farris seconded the motion. The motion passed by a
695 vote of 7 ayes to 0 nays.

- 696 12. Discuss and consider the Hotel/Motel Subcommittee recommendations
697 for funding in fiscal year 2010 and take any action necessary.

698 Finance Director Mary Smith provided brief background information on this item.
699 Councilmember Scott then asked members of the Council sub-committee to provide
700 clarification related to the funding recommendations. Councilmember Nielsen clarified
701 that the funding recommendations were largely arrived at based on the
702 organizations/events that put the most 'heads in beds' in local hotels.

703 After some discussion, Councilmember Farris made a motion to approve the hotel/motel
704 funding for fiscal year 2010. Councilmember Russo seconded the motion. The motion
705 passed by a vote of 7 ayes to 0 nays.

- 706 13. Discuss status of the Special Council Meeting on September 29, 2009
707 and take any action necessary.

708 Councilmember Farris expressed that due to pending changes in the lease, he made a
709 motion to postpone this meeting and directed staff to post appropriate notice of
710 postponement to inform the public as deemed necessary. Farris further stated that this
711 motion is being brought forward by him and is not associated with the citizens who
712 originally brought forth this request to Council. Councilmember Scott seconded the
713 motion and clarified that this request for postponement is desired by the whole council,
714 not just Councilmember Farris. The motion passed by a vote of 7 ayes to 0 nays.

715
716 Mayor Cecil then addressed Action Item #2 on the Council agenda.
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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: 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.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council did not re-convene into Executive Session following the public portion of the Council meeting. No action was taken by Council on 09-21-09 as a result of Executive Session.

X. ADJOURNMENT

The meeting was adjourned at 11:31 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 5th day of October, 2009.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Monday, October 05, 2009

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. and immediately recessed into Executive Session. Present were Mayor Bill Cecil, Mayor Pro Tem David Sweet and Council Members Matt Scott, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Nielsen was absent from the meeting.

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 legal services and regarding Fannin Street Project.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Please see the end of meeting Executive Session item below for actions taken as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 19th day of October, 2009.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, October 05, 2009

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 David Sweet and Council Members Matt Scott, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Nielsen was absent from the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCIL MEMBER FARRIS

Councilmember Farris delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Fire Prevention Month

Mayor Cecil read and presented the proclamation to Fire Marshal Ariana Hargrove.

IV. OPEN FORUM

Mayor Cecil asked if anyone would like to come forward to address the Council during Open Forum.

**Pastor Joe Robbins
805 Peters Colony
Rockwall, TX 75087**

Pastor Robbins expressed general concern about the city's cemetery.

There being no one else to come forth and address the Council, Mayor Cecil then closed the Open Forum portion of the meeting.

V. CONSENT AGENDA

- 1. Consider approval of the minutes from the September 21, 2009 regular City Council meeting and take any action necessary.**
- 2. Consider approval of a wholesale water supply contract with RCH Water Supply Corporation and take any action necessary.**
- 3. Consider authorizing the City Manager to enter into an interlocal agreement with the Rockwall Central Appraisal District for collection services for the 2009-2010 collection year and take any action necessary.**
- 4. Consider approval of the purchase of SCBA Fill Stations for Fire Stations 3 and 4 and take any action necessary.**

- 93 5. Consider approval of Change Order Number 6 for the John King Blvd.
94 project from IH-30 to SH-66 and take any action necessary.
- 95 6. Z2009-016 - Consider approval of an **ordinance** for a City-initiated
96 request for a change in zoning from (PD-14) Planned Development No.
97 14 District to (C) Commercial district, for approximately 56.78-acres
98 comprised of Lot 1, Block C and Lots 5, 6 and 9, Block A, Rockwall
99 Business Park East Addition, generally located south of IH-30, west of SH
100 205 and along the north and south sides of Ralph Hall Pkwy, and take
101 any action necessary. **(2nd Reading)**
- 102 7. Z2009-017 - Consider approval of an **ordinance** for a City-initiated
103 request for a change in zoning from (PD-35) Planned Development No.
104 35 District to (LI) Light Industrial district, for a 2.343-acre property known
105 as Tract 15-1, Abstract 99, A. Hanna Survey, and located at 1535 IH-30,
106 and take any action necessary. **(2nd Reading)**
- 107 8. Z2009-018 - Consider approval of an **ordinance** for a request by Jed
108 Dolson of Stone Creek Balance, Ltd, for proposed amendments to (PD-
109 70) Planned Development No. 70 District (Ord. 07-13), being 395-acres
110 overall and generally known as the Stone Creek development, located
111 along the east side of SH 205, south side of FM 552, west side of Hayes
112 Rd and north side of Quail Run Rd, and take any action necessary. **(2nd**
113 **Reading)**
- 114 9. Z2009-019 - Consider approval of an **ordinance** for a request by Dwayne
115 Zinn of Cross Engineering Consultants for approval of a Specific Use
116 Permit (SUP) to allow for "Automotive Repair, Minor" within (PD-49)
117 Planned Development No. 49 District, specifically a 4,922-sf Christian
118 Brothers Automotive on Lot 2, Block A, Wal-Mart Rockwall Addition, being
119 1.003-acres and situated along the north side of SH 66 (W Rusk) east of
120 North Lakeshore Dr, and take any action necessary. **(2nd Reading)**
- 121 10. Consider approval of an **ordinance** regulating the use of the city owned
122 parking lot(s) at The Harbor and take any action necessary. **(2nd**
123 **reading)**
- 124 11. Consider an amendment to the ground lease agreement between T-
125 Mobile and the City of Rockwall to establish a fee for sublease of ground
126 space and take any action necessary.

127 Councilmember Farris pulled item #9 for further discussion. Councilmember Sevier
128 pulled items #5 and #11 for further discussion. Mayor Pro Tem Sweet then made a
129 motion to approve the remaining Consent Agenda Items (1, 2, 3, 4, 6, 7, 8, and 10).
130 Councilmember Sevier seconded the motion. Mayor Cecil then expressed that he
131 received a request to table Item #8 until the next Council meeting, and he requested that
132 Mayor Pro Tem Sweet consider amending his motion. Mayor Pro Tem Sweet then
133 amended his motion to allow the Mayor to pull item #8 for discussion and approve the
134 remaining Consent Agenda Items (#1, 2, 3, 4, 6, 7, and 10). Councilmember Sevier
135 seconded the amended motion. The ordinances were read as follows:
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CITY OF ROCKWALL
ORDINANCE NO. 09-42

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 (PD-14) PLANNED DEVELOPMENT NO. 14 DISTRICT TO (C) COMMERCIAL DISTRICT, ON A TRACT OF LAND CONTAINING APPROXIMATELY 56.8-ACRES AND COMPRISED OF LOTS 5, 6 AND 9, BLOCK A, AND LOT 1, BLOCK C, OF THE ROCKWALL BUSINESS PARK EAST ADDITION, 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. 09-43

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 (PD-35) PLANNED DEVELOPMENT NO. 35 DISTRICT TO (LI) LIGHT INDUSTRIAL DISTRICT, ON A TRACT OF LAND CONTAINING 2.343-ACRES AND KNOWN AS TRACT 15-1, ABSTRACT 99, A. HANNA SURVEY, AND LOCATED AT 1535 IH-30; 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 09- 41

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL TEXAS AMENDING THE CODE OF ORDINANCES IN CHAPTER 19 PARKS AND RECRETATION, ARTICLE IV, "THE HARBOR PUBLIC AREA" TO PROVIDE FOR ADDITIONAL PROVISIONS IN SECTION 19.50 "THE HARBOR PUBLIC AREA GUIDELINES;" 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 6 ayes to 1 absent (Nielsen).

Regarding Consent Agenda item #5, Councilmember Sevier asked for clarification related to how the change order will be funded. City Manager Julie Couch indicated it would be paid out of bond funds. Councilmember Sevier then made a motion to approve Consent Agenda Items #5 and #11. Mayor Pro Tem Sweet seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Nielsen).

Regarding Consent Agenda Item #8, Mayor Cecil expressed that Stone Creek has requested that the item be tabled until the next Council meeting. Mayor Cecil then made a motion to table the item until the next City Council meeting. Councilmember Russo seconded the motion, which passed by a vote of 6 ayes to 1 absent (Nielsen).

Regarding Consent Agenda Item #9, Councilmember Farris made a motion to table the item at the request of the applicant until all seven Council members are present to vote

on the item. Mayor Cecil seconded the motion, which failed by a vote of 3 ayes to 3 nays (Sweet, Scott, Russo) with 1 absent (Nielsen).

Mayor Pro Tem Sweet then made a motion to deny Consent Agenda item #9. Councilmember Russo seconded the motion. Councilmember Farris expressed concern about continuing on with the vote pertaining to denying the SUP request on this item in light of the fact that the applicant has requested the item to be tabled until the next Council meeting and in light of the fact that one council member is absent from tonight's meeting. He further expressed that he will not support the motion denying the SUP request. General conversation took place related to some Council members supporting the SUP at the last Council meeting but expressing they will deny the SUP request upon second reading this evening. After additional discussion, the motion passed by a vote of 5 ayes, 1 against (Farris) and 1 absent (Nielsen).

VI. APPOINTMENTS

1. Appointment with members of the City's C3 fire department recruitment team to hear project presentation and take any action necessary.

Fire Chief Mark Poindexter offered brief, introductory remarks related to this item. City staff member Kathleen Lappen then presented the C3 team's findings and recommendations related to fire department recruitment project.

Mayor Cecil thanked the C3 team for its presentation and work on this project. Mayor Pro Tem Sweet and Councilmember Sevier expressed thanks for this team's work and effort as did City Manager Julie Couch.

No action was taken by Council related to this item.

2. Appointment with Rockwall County Emergency Management Coordinator Joe DeLane to hear update on the H1N1 flu and programs and activities related to Emergency Management and take any action necessary.

Mayor Cecil acknowledged that Councilmember Scott stepped out of the room during the previous agenda item and was not present during a portion of Mr. DeLane's presentation.

Mr. DeLane provided an update to the City Council related to H1N1 flu activity and numbers of infected persons last season. He explained that the Department of State Health Services (DSHS) is no longer requiring that numbers of infected persons be reported to the State, so it is unknown how many have been infected with the H1N1 flu this season. He provided an update on when the new H1N1 flu vaccine is expected to be released to the public and what members of the public will be able to receive that flu vaccine.

Councilmember Scott returned to the meeting at this point.

Mr. DeLane then provided an update to the Council related to other Emergency Management related activities, including upcoming training and exercises and mandated National Incident Management System (NIMS) training requirements the status of this training. He indicated that the county emergency management office has participated in a number of public education events over the course of the last several months to one year.

Councilmember Scott asked if the H1N1 flu is any different than the regular flu. DeLane indicated that it does not appear to be any more severe than the annual flu in terms of the symptoms and how one feels when infected and recovering. DeLane pointed out that in the coming years, additional flu related concerns may arise and/or intensify.

DeLane stated that as of last week, 816 samples had been sent off to the Dallas County Health Department for testing, and only about 1/3 of those samples sent off were confirmed as the H1N1 flu.

Mayor Cecil pointed out that the Center for Disease Control is no longer collecting data on the numbers of people infected with the H1N1 flu. DeLane confirmed that this is true and added again that the Texas Department of State Health Services is not collecting this information for the state any longer either. DeLane encouraged the Council and members of the public to visit www.texasflu.org to read additional information on the H1N1 flu and keep up with the latest developments.

The Council took no formal action related to this item.

3. Appointment with Dennis Wilson with Townscape, Inc. to discuss the John King Boulevard Design Concept Plan and take any action necessary.

Planning Director Robert LaCroix offered brief background information on this item, indicating that staff has been working with Townscapes for several months to develop the Concept Plan being presented to the City Council tonight.

Dennis Wilson was present to offer information on this item, including conceptual drawings and design concepts, access policies and implementation strategies.

Jim Richards with Townscapes, Inc. then came forth to offer information related to the project's design concepts and methodology behind them, including presentation of a series of conceptual drawings.

A representative from Kimley Horne & Associates then came forth to offer information related to access points along the roadway.

Dennis Wilson offered general comments related to the plan proposal. He expressed that the information that has been presented this evening represents a long term vision that will likely not be completed until the area along the roadway has developed over time.

City Manager Couch expressed that once the Council approves a design concept plan, staff can then focus on options associated with moving forward with implementation of the plan. Couch indicated that this topic will likely be a discussion item at the Council retreat in November if the Council chooses to move forward with approval of the concept plan. Couch indicated that staff will bring all of this information back to the Council at a later date with appropriate implementation documents for consideration and official action by Council.

After additional discussion, Council took no action related to this item.

299 Mayor Cecil then called for a brief meeting break. (8:16 p.m.) He called the meeting back
300 to session at 8:31 p.m.

301
302 VII. SITE PLANS / PLATS

- 303
304 1. FF2009-003 - Discuss and consider a request by Clyde Dickey for
305 approval of a front yard fence on his property at 207 Stonebridge, which
306 is zoned (SF-10) Single Family Residential district and known as Lot 22,
307 Block A, Stonebridge Meadows #5, and take any action necessary.

308 Planning Director Robert LaCroix offered background information on this item, including
309 the type of fence that is being proposed, its height and where the fence is proposed to be
310 placed by the property owner.

311 Mr. Dickey came forth to clarify where he would like to place the fence. LaCroix offered
312 additional information to clarify what it is that Mr. Dickey is requesting related to the front
313 yard fence. LaCroix indicated that Mr. Dickey has already received a permit to extend his
314 existing back yard fence down a portion of his driveway between his driveway and the
315 neighbor's driveway. He is now asking for permission to extend the fence even further
316 down his property line towards the entryway of the driveway. Mr. Dickey indicated that
317 he is making this request due to privacy concerns between his property and the
318 neighbor's property.

319 Mayor Pro Tem Sweet offered a motion to deny the request for approval of the front yard
320 fence. Councilmember Scott seconded the motion. After additional discussion, Sweet
321 amended his motion to table this item and place it on the next Council agenda for
322 consideration due to a desire for the Council to hear from the adjoining neighbor. Scott
323 seconded the amended motion. After additional discussion, the motion passed by a vote
324 of 6 ayes to 1 absent (Nielsen).

325 It was agreed that this item would be placed on the November 2nd Council Agenda for
326 further discussion and consideration because Mr. Dickey will not be in town for the next
327 regular Council meeting, which is scheduled for October 19th.

- 328 2. MIS2009-008 - Discuss and consider a request by David Smith for
329 approval of a variance in accordance with (PD-50) Planned Development
330 No. 50 District (Ord. 07-29), specifically to allow for the construction of a
331 parking facility in the front yard area on the property located at 702 N.
332 Goliad, and take any action necessary.

333 Planning Director Robert LaCroix offered background information related to this item.
334 LaCroix indicated that the parking, if approved by Council, would be temporary and
335 would be gravel. He also clarified additional conditions that staff recommends related to
336 this variance request if it is approved. LaCroix indicated that the property owner would
337 have to get approval from TXDOT in order to construct this particular parking facility
338 even if the Council approves it this evening.

339
340 Mr. Smith was present and offered comments related to his variance request, including
341 his concerns associated with safety of the current parking conditions at this property.

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343 Councilmember Scott made a motion to approve the variance request in accordance with
344 staff recommendations. Mayor Pro Tem Sweet seconded the motion. After additional
345 discussion and clarification of Mr. Smith's request, the motion passed by a vote of 5
346 ayes, 1 nay (Sevier) and 1 absent (Nielsen).

VIII. ACTION ITEMS

1. Discuss and consider authorizing the City Attorney and Staff to initiate assessment proceedings associated with various street improvement projects and take any action necessary.

Assistant City Manager Rick Crowley offered background information on this item. After additional discussion and clarification by staff and the city attorney, Council took no formal action related to this item.

2. Discuss and consider adoption of a resolution setting water and wastewater rates and charges to be effective January 1, 2010 and take any action necessary.

Mayor Pro Tem Sweet made a motion for Council to reconsider this item from the last meeting. Mayor Cecil seconded the motion. The motion passed by a vote of 5 ayes, 1 against (Sevier) and 1 absent (Nielsen).

Mayor Cecil then clarified that the rate being recommended by Staff is based on projects that have already been approved by Council in the past, and the amount anticipated to be collected under this proposed rate would go towards covering the cost of those projects. Mayor Cecil then made a motion to approve the rate increase as recommended by staff. Councilmember Farris seconded the motion.

Scott expressed that he believes the conservation rate being proposed is too low, so he will not support the motion on the floor. Councilmember Farris then offered commentary in support of the motion. Mayor Pro Tem Sweet then clarified his understanding that staff is proposing this rate in order to pay off debt on projects that were already approved in the past. Farris expressed that he is in favor of the rate being proposed by staff at this time because he believes it supports water conservation efforts.

Mayor Cecil commented that the conservation rate recommended by the North Texas Municipal Water District is 12,000 gallons.

Couch stated that the conservation rate and associated resolution must be decided upon by Council in time for a January 1, 2010 implementation date.

Couch suggested that a rate increase and a rate structure could be addressed as separate items by Council if there is a desire to do so.

Mayor Cecil withdrew his original motion and then made a motion to table the item until the next Council meeting. Councilmember Farris withdrew his original 'second' and seconded the Mayor's revised motion. After additional comments, the motion passed by a vote of 6 ayes to 1 absent (Nielsen).

3. Discuss and consider approval of a resolution establishing bylaws for the City of Rockwall Youth Advisory Council and take any action necessary.

Councilmember Farris offered background information on this item, clarifying some of the changes being proposed to the bylaws at this time and the reasons behind these suggested changes. Mayor Pro Tem Sweet offered thanks to Councilmember Farris and City Secretary Kristy Ashberry for their recruiting efforts this year related to the program, specifically the recruiting done at Rockwall High School.

Councilmember Scott expressed that he would like the YAC appointments to be approved by the Council after interviews have been conducted.

Councilmember Russo expressed that he would like appointed members to either live in our city or attend a RISD school. He would also like an end-of-year written evaluation included in the bylaws. He also desires to have 'registered voters of Rockwall County' placed back in the bylaws as a requirement for YAC members who are 18 years of age or older.

Sweet expressed that he would like the YAC Council liaison, city manager and city secretary to conduct interviews; however, he would like the recommended selection of members brought forth to Council for review and approval. He expressed he would like members to be limited to Rockwall residents only.

Councilmember Scott expressed that he too would like students to be residents of the City of Rockwall in the future.

After additional discussion, staff as instructed to revise the bylaws based on direction given by Council this evening and to bring them back to the Council for consideration and approval at the next Council meeting.

No formal action was taken by Council related to this item.

IX. 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 - August 2009
 - Parks Monthly Report - August 2009
 - Harbor Monthly Report - August 2009
 - Finance Monthly Report - August 2009
 - Internal Operations Department Monthly Report
 - Lake Rockwall Estates Monthly Report
 - Police Department Monthly Report - August 2009
 - Fire Department Monthly Reports - August 2009

2. City Manager's Report

City Manager Couch offered updates to the Council related to roadwork within the city and other ongoing projects, including progress on the at grade railroad crossing on John King Blvd. that the city's been waiting on.

Councilmember Sevier asked what the hazardous materials violation in Lake Rockwall Estates was last month. Couch clarified that it was a sanitary sewer overflow.

Couch stated that the "no parking" signs were recently erected on the streets adjacent to the Park at Fox Chase.

The Council took no formal action related to monthly reports.

Mayor Cecil then recessed the public meeting into Executive Session at 10:35 p.m.

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(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 legal services and regarding Fannin Street Project.

XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Sweet made a motion to re-appoint Mayor Bill Cecil to represent the City of Rockwall on the County of Rockwall Emergency Services Corporation Board with a term to expire in June of 2011. Councilmember Scott seconded the motion, which passed by a vote of 5 ayes, 1 abstention (Cecil) and 1 absent (Nielsen).

Mayor Pro Tem Sweet made a motion to approve a settlement agreement between the City of Rockwall and Rockwall Bypass Limited for the acquisition of right-of-way in the amount of \$250,000 for the John King Boulevard for a parcel of land generally located on the southwest corner of John King Boulevard and SH-276. Councilmember Scott seconded the motion, which passed by a vote of 6 ayes to 1 absent (Nielsen).

XII. ADJOURNMENT

Mayor Cecil adjourned the meeting at 11:20 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 19th day of October, 2009.

ATTEST:



Kristy Ashberry, City Secretary


William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, October 19, 2009
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, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council Member Mark Russo was 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. Deliberation regarding the purchase, exchange, lease, or value of real property and regarding IRI Lease.
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.

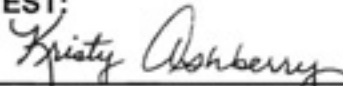
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See the end of meeting Executive Session item below for actions taken as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 2nd day of November, 2009.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, October 19, 2009
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 David Sweet and Council Members Matt Scott, Margo Nielsen, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council Member Mark Russo was absent from the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM SWEET

Mayor Pro Tem Sweet delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Red Ribbon Week

Mayor Cecil indicated that staff would forward this proclamation to RISD this week. No action was taken related to this item.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the October 5, 2009 regular City Council meeting and take any action necessary.
2. Z2009-018 - Consider approval of an **ordinance** for a request by Jed Dolson of Stone Creek Balance, Ltd, for proposed amendments to (PD-70) Planned Development No. 70 District (Ord. 07-13), being 395-acres overall and generally known as the Stone Creek development, located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run Rd, and take any action necessary. **(2nd Reading)**
3. Discuss and consider a facilities agreement for 1001 N. Goliad and take any action necessary.

Councilmember Nielsen removed item #1 for further discussion. Councilmember Farris pulled item #3 for further discussion. Mayor Cecil then made a motion to approve Consent Agenda item #2. Councilmember Farris seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 09-44**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS, AMENDING THE UNIFIED
DEVELOPMENT CODE (ORD. NO. 04-38) AND ORDINANCE
NO. 07-13, OF THE CITY OF ROCKWALL, AS HERETOFORE**

93 AMENDED, SO AS TO AMEND THE PD CONCEPT PLAN AND
94 PD DEVELOPMENT STANDARDS FOR (PD-70) PLANNED
95 DEVELOPMENT NO. 70 DISTRICT, BEING 395.075-ACRES
96 OVERALL SITUATED IN THE W.T. DEWEESE SURVEY,
97 ABSTRACT NO. 71 AND THE S. KING SURVEY, AND MORE
98 SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED
99 HEREIN; PROVIDING FOR SPECIAL CONDITIONS;
100 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE
101 SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
102 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
103 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
104 EFFECTIVE DATE.
105

106 The motion passed by a vote of 6 ayes to 1 absent (Russo).
107

108 Mayor Cecil then made a motion to approve Consent Agenda item #1 with the
109 understanding that Councilmember Nielsen will abstain due to her absence from the
110 October 5th meeting. Mayor Pro Tem Sweet seconded the motion. The motion passed by
111 a vote of 5 ayes, 1 abstention (Nielsen) and 1 absent (Russo).
112

113 After brief discussion, Councilmember Farris made a motion to approve Consent Agenda
114 item #3. Councilmember Sevier seconded the motion. The motion passed by a vote of 6
115 ayes to 1 absent (Russo).
116

117 V. APPOINTMENTS 118

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

122 Michael Hunter was presented and provided the Council with an update of Planning &
123 Zoning Commission recommendations related to items on tonight's City Council agenda.
124 Council took no action related to this item.

- 125 2. Appointment with members of Rockwall Citizens Police Academy Alumni
126 Association and Citizens on Patrol to hear update related to use of retired
127 law enforcement vehicles and take any action necessary.

128 Giant Aryani was present and indicated that some of the city's retired vehicles are going
129 to be re-used by Citizens on Patrol during volunteer neighborhood and business watch
130 patrol throughout the City. He explained the graphic design displayed on the volunteer
131 cars. Aryani further indicated that since its inception in January of 1998, 13,362
132 volunteer hours have been worked by members of Citizens on Patrol, which equates to
133 \$277,929.60 worth of work. The volunteers then presented a symbolic check to the City
134 as representation of the amount of money the volunteers have saved the city in man
135 hours and salary through their volunteer service.
136

137 The Citizens Police Academy Alumni Association also presented a check in the amount
138 of \$10,000.
139

140 Mayor Cecil and Police Chief Mark Moeller offered some general comments and thanked
141 the volunteers for their efforts. The Council took no formal action related to this item.

142
143 **VI. PUBLIC HEARING ITEMS**
144

- 145 1. Z2009-021 - Hold a public hearing and consider approval of an
146 ordinance for a request by Robert Soukup of Panama Solar
147 Technologies for approval of a Specific Use Permit (SUP) to allow for a
148 "Utility Installation, Other Than Listed," specifically the installation of solar
149 panels on the roof of a home located at 748 Black Oak Lane, being Lot
150 13, Block E, Flagstone Estates Addition and zoned (PD-54) Planned
151 Development No. 54 district, and take any action necessary. (1st
152 Reading)

153 Planning Director Robert LaCroix offered brief background information on this item,
154 indicating that the Planning & Zoning commission recommended approval of this item by
155 a vote of 7 to 0.

156
157 The applicant, Mr. Soukup, was present and offered brief comments related to his
158 request.

159
160 Mayor Cecil opened the public hearing. There being no one to come forth and speak at
161 the public hearing, Mayor Cecil then closed the public hearing.

162
163 After brief discussion, Councilmember Farris made a motion to approve the SUP. Mayor
164 Pro Tem Sweet seconded the motion. The ordinance was read as follows:

165
166 CITY OF ROCKWALL
167 ORDINANCE NO. _____
168

169 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
170 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
171 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
172 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO
173 ALLOW FOR A "UTILITY INSTALLATION, OTHER THAN LISTED"
174 WITHIN THE (PD-54) PLANNED DEVELOPMENT NO. 54 DISTRICT,
175 SPECIFICALLY THE INSTALLATION OF SOLAR PANELS ON THE
176 ROOF OF A HOME LOCATED AT 748 BLACK OAK LANE, BEING
177 LOT 13, BLOCK E, FLAGSTONE ESTATES ADDITION; PROVIDING
178 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE
179 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
180 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
181 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
182 PROVIDING FOR AN EFFECTIVE DATE.
183

184 The motion passed by a vote of 6 ayes to 1 absent (Russo).
185

186 **VII. ACTION ITEMS**
187

- 188 1. Consider authorizing the City Manager to execute Phase 1 of a contract
189 with Bellingham Marine for design/build services for the boat docks at the
190 Harbor, and take any action necessary.
191

192 Parks Director Brad Griggs offered brief background information on this item, indicating
193 that Phase 1 of the project is strictly associated with the design of the boat docks. He
194 explained that there is a guaranteed maximum price associated with this Phase 1
195 contract in the amount of \$35,700.

196 Councilmember Scott made a motion to authorize the City Manager to execute Phase 1 of
197 the contract with Bellingham Marine, including granting the fire-related waiver.
198 Councilmember Farris seconded the motion, which passed by a vote of 6 ayes to 1
199 absent (Russo).

- 200 2. Discuss and consider approval of the Texas Forest Service Grant and
201 additional funds needed to purchase a new brush truck, and take any
202 action necessary.

203 Fire Chief Mark Poindexter provided brief background information related to this item.

204 Councilmember Nielsen made a motion to authorize staff to move forward with the
205 purchase of a brush truck, utilizing \$78,000 in grant funding as well as \$28,000 worth
206 savings on a previously purchased ladder truck and \$14,000 worth of savings from loose
207 equipment purchased for the ladder truck for a total purchase amount on the new brush
208 truck not to exceed \$120,000. Councilmember Scott seconded the motion. The motion
209 passed by a vote of 6 ayes to 1 absent (Russo).

- 210 3. Discuss and consider adoption of a resolution setting water and
211 wastewater rates and charges to be effective January 1, 2010 and take
212 any action necessary.

213 Mayor Cecil made a motion to table this item until the next City Council meeting until
214 Councilmember Russo can be present. Councilmember Nielsen seconded the motion.
215 The motion passed by a vote of 6 ayes to 1 absent (Russo).

216 Councilmember Scott left the meeting at this point.

- 217 4. Hold Show Cause Hearings to discuss and consider demolition of
218 dangerous buildings located at 247 Russell, Lot 1289 Russell and 418
219 Evans in Lake Rockwall Estates, and take any action necessary.

220 Building Official Jeffrey Widmer began discussion of this item indicating that staff
221 recommends approval of these demolitions. Mayor Pro Tem Sweet asked if any of the
222 structures are occupied currently. Mr. Widmer indicated that none of them is currently
223 occupied. Widmer further indicated that certified letters were sent to the current listed
224 property owners. Notices were also left on the doors of the structures and were also
225 posted in the local newspapers. However, the City has not heard back from any of these
226 property owners at this time. Widmer explains that liens will be placed on the properties
227 to try and recover the cost of the demolitions once the properties sell.

228 Widmer asked if either of the property owners is in the audience tonight. The following
229 names were called: Noe Moreno, owner of the property at 247 Russell as well as Lot
230 1289 Russell and Kenneth Kilgore care of Dick Aikman, owner of 418 Evans. Mayor Cecil
231 indicated that no one in the audience was responsive.

232 Councilmember Nielsen made a motion to instruct staff to demolish these structures due
233 to them being considered by the city as "dangerous buildings" and that liens be placed
234 against these properties in order to recoup the cost of these demolitions when the
235 properties sell. Mayor Pro Tem Sweet seconded the motion. After some additional
236 discussion, the motion passed by a vote of 5 ayes to 2 absent (Russo and Scott).

- 237 5. Discuss and consider approval of a resolution establishing bylaws for the
238 City of Rockwall Youth Advisory Council and take any action necessary.

239 City Manager Julie Couch began discussion of this item, indicating that staff has made
240 changes to the resolution as requested by Council at the last meeting.

241
242 General discussion took place related to the number of YAC members that the city will
243 accept into the program.

244
245 Mayor Pro Tem Sweet then made a motion to approve the bylaws as presented in the
246 resolution. Councilmember Nielsen seconded the motion. The motion passed by a vote
247 of 5 ayes to 2 absent (Russo and Scott).

248
249 Mayor Cecil recessed the public meeting into Executive Session at 6:57 p.m.

250
251 **VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
252 **GOVERNMENT CODE TO DISCUSS:**

- 253
254 1. Deliberation regarding the purchase, exchange, lease, or value of real
255 property and regarding IRI Lease.
- 256 2. Personnel Issues, including Board, Commission, and Committee
257 Appointments, and Related Matters.
- 258 3. Commercial or financial information regarding business prospects that the
259 City seeks to have locate, stay, or expand in or near the territory of the
260 City of Rockwall and with which the Board is conducting economic
261 development negotiations.
- 262 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
263 with attorney with regard to a matter that it is the duty of the attorney to
264 consult with the Council and falls under the attorney-client privilege.

265
266 **IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

267
268 Mayor Pro Tem Sweet made a motion to approve an amendment to the Shores Golf Club
269 concession agreement. The motion was seconded by Councilmember Farris and
270 approved unanimously of those present (5 ayes to 2 absent (Russo and Scott)).

271
272 Mayor Pro Tem Sweet made a motion to approve an agreement finalizing the consulting
273 agreement and the licensing agreement with Big League Dreams, with the provision that
274 the City Manager has the authority to negotiate the payment schedule under the
275 consulting agreement. Councilmember Nielsen seconded the motion which was
276 approved unanimously of those present (5 ayes to 2 absent (Russo and Scott)).

277
278 Mayor Pro Tem Sweet made a motion to appoint Don Williams to the architect position on
279 the Historic Advisory Board with a term to expire in August 2011. Councilmember Farris
280 seconded the motion which passed unanimously of those present (5 ayes to 2 absent
281 (Russo and Scott)).

285 Mayor Pro Tem Sweet made a motion to appoint Joseph Barnes to the interested citizen
286 position on the Historic Advisory Board with a term to expire in August
287 2011. Councilmember Farris seconded the motion which passed unanimously of those
288 present (5 ayes to 2 absent (Russo and Scott)).
289

290 X. ADJOURNMENT

291
292 Mayor Cecil adjourned the meeting at 8:00 p.m.
293
294

295 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
296 this 2nd day of November, 2009.

297
298 ATTEST:

299 Kristy Ashberry
300
301 Kristy Ashberry, City Secretary

William R. Cecil
William R. Cecil, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Monday, November 02, 2009

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, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. 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(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 legal services

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See the end of meeting Executive Session below for actions taken.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 16th day of November, 2009.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, November 02, 2009

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 David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

Councilmember Nielsen delivered the invocation and led the Pledge of Allegiance.

III. OPEN FORUM

Mayor Cecil asked if anyone in the audience would like to speak to the Council during Open Forum.

Karen Willis
24 Shadydale Lane
Rockwall, Texas

Ms. Willis indicated that she and many of her neighbors would like to petition the City Council to not follow through with reconstruction of the roadway. She would like it to remain a cul-de-sac.

Judy Snyder
25 Shadydale Lane
Rockwall, Texas

Ms. Snyder generally expressed that she is not in favor of the reconstruction of Shadydale Lane either. She also asked that staff clarify whether Shadydale is spelled as one word or two.

No one else came forth to speak, so Mayor Cecil closed the Public Hearing.

Mayor Cecil then reordered the Council agenda items in order to address Action Item #4 first, prior to any other items on the agenda.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the October 19, 2009 regular City Council meeting and take any action necessary.
2. Consider approval of an **ordinance** authorizing the City to make current service and prior service contributions to the City's account in the municipal accumulation fund of the Texas Municipal Retirement System

at the actuarially determined rate of total employee compensation and take any action necessary. **(1st reading)**

3. Consider approval of the purchase of Police Pursuit Vehicles and take any action necessary.

4. Consider approval of the bid award for the construction of the Shadydale Roadway Improvement Project and take any action necessary.

5. Consider the award of the bid for the FM-740 Utility Relocation Construction Project to the second low bidder and annul the previous bid award and take any action necessary.

6. Z2009-021 - Consider approval of an **ordinance** for a request by Robert Soukup of Panama Solar Technologies for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically the installation of solar panels on the roof of a home located at 748 Black Oak Lane, being Lot 13, Block E, Flagstone Estates Addition and zoned (PD-54) Planned Development No. 54 district, and take any action necessary. **(2nd Reading)**

Councilmember Sevier pulled items #2, #3, #4 and #5 for further discussion. Mayor Cecil then indicated that each item on the Consent Agenda would be handled individually, one by one.

Mayor Pro Tem Sweet made a motion to approve Consent Agenda item #1, recognizing that Councilmember Russo would be abstaining from the vote on these minutes due to his absence at that particular Council meeting. Mayor Cecil seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Russo).

Consent Agenda item #2 was then addressed. Councilmember Sevier asked staff for a brief explanation of the city's current situation related to this item. Administrative Services Director Cheryl Dunlop then provided the Council with clarifying information related to this item. After brief discussion, Mayor Cecil then made a motion to approve this item and associated ordinance. Councilmember Russo seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 09-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ELECTING FOR THE CITY TO MAKE *CURRENT SERVICE AND PRIOR SERVICE CONTRIBUTIONS* TO THE CITY'S ACCOUNT IN THE MUNICIPAL ACCUMULATION FUND OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM AT THE ACTUARIALLY DETERMINED RATE OF TOTAL EMPLOYEE COMPENSATION; PROVIDING AN EFFECTIVE DATE.

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

Regarding Consent Agenda item #3, Councilmember Sevier asked for clarifying information related to the figures presented by staff on this item. Finance Director Mary Smith offered clarifying comments. Sevier then made a motion to approve Consent

Agenda item #3. Mayor Cecil seconded the motion, which passed by a vote of 7a yes to 0 nays.

Related to Consent Agenda item #4, Mayor Cecil acknowledged that the City has received a petition from residents on Shadydale Lane expressing that they do not wish this reconstruction project to continue. Councilmember Sevier clarified that this project was approved by voters in a bond proposition in 2005. Mayor Cecil clarified that the bond was for 'miscellaneous road connections,' not necessarily specifically for the connection associated with the Shadydale Lane construction project. Councilmember Sevier made a motion to approve Consent Agenda item #4. Councilmember Farris seconded the motion.

Councilmember Scott then expressed that opening up this cul-de-sac has been planned since the 1980s. Although the voter approved bond did not specifically refer to the Shadydale Lane project, part of the reason for the city presenting the bond proposition was for the Shadydale Lane project. He generally expressed that he understands the residents not wanting to open up their cul-de-sac; however, he believes it is the right thing to do since it has always been designed this way.

After additional, brief discussion, the motion then passed by a vote of 7 ayes to 0 nays.

Regarding Consent Agenda item #5, Mayor Cecil asked City Engineer Chuck Todd to clarify the schedule associated with this project. Todd clarified that the contract is for a 5 month construction period. He expressed that some construction time will be lost due to the upcoming holidays. Cecil expressed concern about getting the utilities relocated in a timely manner in order to move forward with other parts of this project. Todd stated that the contractor has 150 calendar days to complete the project and that rain days and holidays have to be factored in. He believes that this utility relocation project should be finished by April. Mayor Cecil made a motion to approve Consent Agenda item #5. Councilmember Sevier seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Cecil made a motion to approve the Ordinance for Consent Agenda item #5. Councilmember Farris seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 09-45

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" WITHIN THE (PD-54) PLANNED DEVELOPMENT NO. 54 DISTRICT, SPECIFICALLY THE INSTALLATION OF SOLAR PANELS ON THE ROOF OF A HOME LOCATED AT 748 BLACK OAK LANE, BEING LOT 13, BLOCK E, FLAGSTONE 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.

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

192
193 **V. APPOINTMENTS**

- 194
195 1. Appointment with the Planning and Zoning Chairman to discuss and
196 answer any questions regarding cases on the agenda and related issues
197 and take any action necessary.

198 **Planning & Zoning Commission Chair Michael Hunter offered brief comments regarding**
199 **items on tonight's agenda. The Council took no action related to this item.**
200

- 201 2. Appointment with Omega Hawkins, General Manager of Kaufman Area
202 Rural Transportation, to give an annual report and request funding for the
203 2009-2010 budget year and take any action necessary.

204 **Omega Hawkins was present and provided an update to the City Council related to**
205 **ridership data for KART and the services that KART provides to the community. She**
206 **also offered comments related to possible new services that KART may offer in the**
207 **future. She expressed that seventeen new vehicles are going to be added soon because**
208 **ridership demand is so high. She also stated that new hybrid vehicles will be part of this**
209 **growing fleet of vehicles.**

210 **Councilmember Nielsen pointed out that Omega Hawkins just celebrated 30 years of**
211 **service with the KART organization. After additional brief discussion, Councilmember**
212 **Nielsen made a motion to approve the \$20,000 allocated to KART for this fiscal year.**
213 **Councilmember Scott asked Ms. Hawkins for clarification related to what other entities**
214 **give monetarily to KART each year. Ms. Hawkins expressed that the City of Terrell and**
215 **Rockwall County funds \$10,000 annually. She further stated that the City of Forney has**
216 **not addressed her funding request this year, and last year they did not fund KART at all.**
217 **Ms. Hawkins stated that Kaufman County did not include funding for KART in its budget**
218 **this year. The City of Kaufman did include funding in its budget this year; however, she**
219 **is not sure of the amount that will be granted. Mayor Cecil then seconded the motion.**
220 **After additional, general discussion, Councilmember Sweet expressed that he is not**
221 **going to support the motion on the floor this evening. Councilmember Scott expressed**
222 **that before he can support the motion to approve the requested funding, he would like to**
223 **see and review additional information.**

224 **The motion then passed by a vote of 5 ayes to 2 nays (Sweet, Scott).**

- 225 3. MIS2009-007 - Appointment with Felix Marquez to discuss and consider
226 approval of a special exception in accordance with (PD-75) Planned
227 Development No. 75 district (Ord. 09-37), specifically to allow for an
228 addition with 100% cementaceous siding to a non-conforming structure
229 on the property located at 142 Russell, currently described as Lot 1224,
230 Rockwall Lake Estates #2, and take any action necessary.

231 **Planning & Zoning Manager Michael Hampton provided brief background information**
232 **related to this item, indicating that this structure is currently considered to be a non-**
233 **conforming structure by the City. Hampton offered clarifying comments to explain how**
234 **and why the structure is currently 'non-conforming' under the city's current ordinance.**
235 **He also expressed that the city's current ordinance does allow for the Council to grant**
236 **special exceptions such as the one being requested this evening by Mr. Marquez.**
237 **Hampton indicated that the P&Z Commission did recommend approval of this special**
238 **exception by a vote of 5 ayes to 1 nay (with 1 absent).**

239
240 Councilmember Nielsen asked Mr. Hampton about the age of the original structure, to
241 which Hampton expressed that he is unsure how old it is, nor does he know how long the
242 structure has been located in Lake Rockwall Estates.

243
244 Mr. Marquez
245 142 Russell
246 Rockwall, Texas
247

248 Mr. Marquez indicated that he purchased this manufactured home about eight months
249 ago. He stated that part of the structure is on concrete blocks and some is on piers. He
250 would like to make all of it into a pier foundation. He expressed that he currently has six
251 kids between himself and his wife. The kids are currently living in 2 rooms, and he would
252 like to create a larger space to accommodate his family.
253

254 Councilmember Nielsen expressed that she has a concern related to how much value
255 this expansion will add, if any.
256

257 Councilmember Sevier expressed that LRE was made into a Planned Development
258 District by the City in order to clean up the area and make properties better. He generally
259 expressed concern about the Council granting this special exception unless it is required
260 that the applicant have a structural engineer work with him to ensure this structure will
261 be sound once it has been modified.
262

263 Mr. Marquez expressed that he plans to live in the property for about 5 years or less.
264

265 Councilmember Scott also generally expressed concern about granting this special
266 exception because he is not sure that granting this request will contribute to the goal of
267 making the housing situation in LRE better.
268

269 Councilmember Sweet also generally expressed that he has concern about granting this
270 special request as well.
271

272 Hampton expressed that the applicant will retain a structural engineer to approve his
273 plans for expansion; however, he would like to have Council approval before he spends
274 money on the engineer expenses. He also stated that the expansion on this structure
275 would meet all current building codes.
276

277 Councilmember Farris expressed that he has concerns about granting this exception,
278 and he would be interested in tabling the item for two weeks in order to evaluate the
279 request further.
280

281 Councilmember Nielsen expressed that she is concerned that adding onto the structure
282 would possibly not improve the value or the structure itself. It would only be added onto
283 and made larger.
284

285 Councilmember Nielsen made a motion to deny the request for a special exception.
286 Councilmember Scott seconded the motion. Mayor Pro Tem Sweet expressed that he
287 may not support the motion because he still has a desire to consider tabling the item for
288 two weeks in order to allow further information to be gathered related to this structure.

Councilmember Farris also generally expressed a desire to table the item. The motion to deny the special exception passed by a vote of 4 ayes to 3 nays (Sweet, Russo, Farris).

VI. PUBLIC HEARING ITEMS

1. A2009-003 (6:00 pm) - Hold a public hearing 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 20.06-acres described as Tracts 24 and 24-1, Abstract 72, W.M. Dalton Survey, situated along the south side of Clem Road and west of FM 549, and contiguous to the existing City Limits line. (1st Public Hearing)

Planning & Zoning Manager Michael Hampton provided background information on this item, explaining that the City of Rockwall annexed these tracts of land into the city last December. 212 Development Agreements were entered into between the City and the property owner at that time. He explained that the first reading of the ordinance associated with this annexation would be scheduled for December 7, and the second reading of the ordinance would be scheduled for December 21, 2009.

Mayor Cecil opened the public hearing, though no one came forth to speak related to this item. Mayor Cecil then closed the public hearing, and the Council took no action related to this item.

2. A2009-004 (6:00 pm) - Hold a public hearing 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 66.38-acres described as Tracts 4-1 and 4-3, Abstract 22, J.H. Bailey Survey, and Tract 1-5, Abstract 182, J.H. Robnett Survey, and contiguous to the existing City Limits line. (1st Public Hearing)

Planning & Zoning Manager Michael Hampton indicated that these two property owners have been unresponsive to the city's offer to extend the 212 development agreements for an additional one year term. Since the property owners have been unresponsive, it is now considered to be a voluntary annexation. He further explained that the two readings of the ordinance are to take place in December of 2009.

Mayor Cecil opened the public hearing, but no one came forth to speak on this item. Mayor Cecil then closed the public hearing, and the Council took no action related to this item.

3. A2009-005 (6:00 pm) - Hold a public hearing 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 288.80-acres located along the north side of SH 66 east of FM 1141 and west of FM 549, and contiguous to the existing City Limits line. (1st Public Hearing)

Planning & Zoning Manager Michael Hampton indicated that in 2007, the City entered into a 212 agreement with property owners in this area. One 212 agreement was signed by multiple property owners at that time. The Rest Haven property was annexed into the City at that time as was the rock/stone company adjacent to Rest Haven. Notices and copies of the service plan have been sent out to property owners in this area. The 1st

reading of the ordinance associated with this annexation would occur in December of 2009, and the 2nd reading of the ordinance would be scheduled for January 4, 2009.

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. The Council took no action related to this item.

4. A2009-003 (6:30 pm) - Hold a public hearing 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 20.06-acres described as Tracts 24 and 24-1, Abstract 72, W.M. Dalton Survey, situated along the south side of Clem Road and west of FM 549, and contiguous to the existing City Limits line. (2nd Public Hearing)

Mayor Cecil opened the public hearing on this item. There being no one to come forth and speak, Mayor Cecil then closed the public hearing. The Council took no action related to this item.

5. A2009-004 (6:30 pm) - Hold a public hearing 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 66.38-acres described as Tracts 4-1 and 4-3, Abstract 22, J.H. Bailey Survey, and Tract 1-5, Abstract 182, J.H. Robnett Survey, and contiguous to the existing City Limits line. (2nd Public Hearing)

Mayor Cecil opened the public hearing on this item. There being no one to come forth and speak, Mayor Cecil then closed the public hearing. The Council took no action related to this item.

6. A2009-005 (6:30 pm) - Hold a public hearing 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 288.80-acres located along the north side of SH 66 east of FM 1141 and west of FM 549, and contiguous to the existing City Limits line. (2nd Public Hearing)

Mayor Cecil opened the public hearing on this item. There being no one to come forth and speak, Mayor Cecil then closed the public hearing. The Council took no action related to this item.

VII. ACTION ITEMS

1. Discuss and consider layout and cost options for the parking lot at the Park at Fox Chase and take any action necessary.

City Manager Julie Couch began discussion of this item, indicating that staff is now bringing forth a plan for design of this parking lot for Council approval. She explained that funding for this parking lot is coming out of reserve funds. She further indicated that staff is recommending approval to construct 22 parking spaces.

Councilmember Scott then made a motion to instruct staff to proceed with construction of 22 parking spaces on a temporary asphalt parking lot. Councilmember Sweet seconded the motion. Parks Director Brad Griggs indicated that staff hopes to have the parking lot completed by early December of this year. The motion passed by a vote of 7 ayes to 0 nays.

- 381 2. Discuss and consider approval of a resolution accepting and supporting
382 the Energy Efficiency and Conservation Block Grant Program and take
383 any action necessary.

384 Rick Sherer, the City's Building Inspections Supervisor/Water and Wastewater Manager,
385 offered brief background information on this item, indicating that the grant is a no match
386 grant that requires the city to front the money first and then be fully reimbursed by the
387 grant program for money spent.

388 After brief discussion, Councilmember Russo made a motion to approve the resolution.
389 Councilmember Scott seconded the motion. The motion passed by a vote of 7 ayes to 0
390 nays.

- 391 3. Discuss and consider participation in the Texas Round-up Health &
392 Fitness Initiative by establishing a "GetFitTexas" program within the City
393 of Rockwall and by becoming a "Fit City" and take any action necessary.

394 Councilmember Russo began discussion of this item, indicating that the program's
395 purpose is to promote fitness throughout the city and could include participation by both
396 city staff and residents. Russo explained that there is no cost associated with this
397 program and he would like the Council to consider implementing the program and
398 working towards becoming a "Fit City" in the State of Texas.

399 Councilmember Nielsen made a motion to approve moving forward with participation in
400 the "Get Fit Texas" program with the understanding that the contract associated with
401 participation in this program will be amended to reflect the venue as Rockwall County
402 rather than Travis County and with the understanding that staff will carefully evaluate the
403 contract and participation in the program to see what impacts it will have on the city, if
404 any. Councilmember Sevier seconded the motion. The motion passed by a vote of 7
405 ayes to 0 nays.

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

- 407 4. Discuss and consider adoption of a resolution setting water and
408 wastewater rates and charges to be effective January 1, 2010 and take
409 any action necessary

410 Mayor Cecil made a motion to approve the resolution and associated rates as presented
411 by staff. Councilmember Farris seconded the motion.

412
413 Councilmember Scott clarified that the motion on the floor is to approve a resolution
414 setting the conservation rate at 12,000 gallons. Scott pointed out that many of the
415 growing, medium sized cities have conservation rates that are set higher than 12,000
416 gallons. He does not believe it is a feasible rate for families of four to meet during the
417 summer months due to watering lawns. He generally expressed that he would like to set
418 the conservation rate at 15,000 gallons instead of 12,000 gallons. Therefore, he will not
419 be supporting the motion.

420
421 The motion then passed by a vote of 5 ayes to 2 nays (Scott, Sweet).

422
423 VIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
424 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

- 425
426 1. Departmental Reports
427 Building Inspections Monthly Report - September 2009

Finance Department Monthly Report - September 2009
Fire Department Monthly Reports - September 2009
The Harbor Monthly Report - September 2009
Internal Operations Department Monthly Report - October 2009
Police Department Monthly and Quarterly Reports - September 2009
Recreation Monthly Report - September 2009

2. City Manager's Report

City Manager and Departmental Reports were not discussed, and no actions were taken related to these items.

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.
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.

X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Sweet made a motion to approve the right of way acquisition related to Discovery Road as recommended by staff. Councilmember Scott seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Sweet made a motion to approve the right of way acquisition related to Airport Road as recommended by staff. Councilmember Scott seconded the motion, which passed by a vote of 6 ayes to 1 abstention (Cecil).

Mayor Pro Tem Sweet made a motion to approve the settlement agreement with the contractor for Fannin Street in the amount of \$29,000.00. Councilmember Farris seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Sweet made a motion to appoint Dr. Kurt Avery to the "interested citizen" position on the Animal Adoption Center and Shelter Advisory Committee with a term to expire in August of 2011. Councilmember Farris seconded the motion, which passed by a vote of 7 ayes to 0 nays.

476 Mayor Pro Tem Sweet made a motion to appoint Deidra Roe to the Main Street Advisory
477 Board with a term to expire in January of 2012. Councilmember Farris seconded the
478 motion, which passed by a vote of 7 ayes to 0 nays.

479
480 Mayor Pro Tem Sweet made a motion to appoint Clint Brooks to the Construction
481 Advisory Board to the "interested citizen" position, replacing Connie Jackson.
482 Councilmember Farris seconded the motion, which passed by a vote of 7 ayes to 0 nays.

483
484 Mayor Pro Tem Sweet made a motion to reappoint Franklin Smith to the Construction
485 Advisory and Appeals Board to serve in the "Electrical Contractor" position with a new
486 three year term to expire in October of 2012. Councilmember Sevier seconded the
487 motion, which passed by a vote of 7 ayes to 0 nays.

488
489 Mayor Pro Tem Sweet made a motion to extend the terms for persons serving on the
490 Main Street Advisory Board whose terms expire in 2010 for an additional two years, with
491 new terms to expire in 2012. This includes board members Pat Coble, SuLaine Callaway
492 and Chris Cameron. Councilmember Sevier seconded the motion, which passed by a
493 vote of 7 ayes to 0 nays.

494
495 XI. ADJOURNMENT

496
497 Mayor Cecil adjourned the meeting at 8:12 p.m. The Council did not reconvene into
498 Executive Session at the end of the public meeting.

499
500 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
501 this 16th day of November, 2009.

502
503 ATTEST:

504 Kristy Ashberry
505 Kristy Ashberry, City Secretary
506
507

William R. Cecil
William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, November 16, 2009
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, Mayor Pro Tem David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. 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(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

The Council took no action as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 7th day of December, 2009.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, November 16, 2009

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 David Sweet and Council Members Matt Scott, Margo Nielsen, Mark Russo, Cliff Sevier and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

Members of the Rockwall Youth Advisory Council were also present to 'shadow' Council Members and Staff during this Council meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR BILL CECIL

Mayor Bill Cecil delivered the invocation and led the Pledge of Allegiance.

III. CONSENT AGENDA

1. Consider approval of the minutes from the November 2, 2009 regular City Council meeting and take any action necessary.
2. Consider adoption of a resolution repealing Resolution 09-26 and discontinuing the streets and sidewalks assessment program and take any action necessary.
3. Consider approval of an ordinance amending employee holiday, vacation and sick leave benefit policies, and take any action necessary (1st Reading).
4. Consider approval of the purchase of radio equipment for the SCADA radio communication migration and take any action necessary.
5. P2009-021 - Discuss and consider a request by Mike Allen of Allen & Ridinger Consulting, Inc., for approval of a replat of Lot 2, Block 1, Horizon Village Addition, being 2.181-acres zoned (C) Commercial district and situated north of Ralph Hall Pkwy and east of FM 3097 (Horizon Rd), and take any action necessary.
6. Consider approval of an ordinance authorizing the City to make current service and prior service contributions to the City's account in the municipal accumulation fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation and take any action necessary.(2nd Reading)

Mayor Pro Tem Sweet made a motion to approve the entire Consent Agenda. Councilmember Scott 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 ORDINANCE NO. 04-42, "EXHIBIT A", POLICIES #702, #703 AND #704; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 09-46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ELECTING FOR THE CITY TO MAKE *CURRENT SERVICE AND PRIOR SERVICE CONTRIBUTIONS* TO THE CITY'S ACCOUNT IN THE MUNICIPAL ACCUMULATION FUND OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM AT THE ACTUARIALLY DETERMINED RATE OF TOTAL EMPLOYEE COMPENSATION; PROVIDING AN EFFECTIVE DATE.

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

Mayor Cecil then addressed Action Item #6 on the agenda.

IV. APPOINTMENTS

1. Appointment with Margie VerHagen, Executive Director of Rockwall County Committee on Aging, to give an annual report for 2009 and request funding for the FY 2009-2010 budget year and take any action necessary.

Margie VerHagen was present to address the Council on this item. She explained the purpose of the Rockwall County Committee on Aging (RCCOA) and thanked the Council for their support of the organization over the years. She then offered a brief explanation of the programs offered through her organization as well as statistics related to numbers of residents helped through these programs and number of volunteer hours provided.

Ms. VerHagen then asked the Council to consider granting the organization \$21,500 in funding for this fiscal year, an increase of \$1500 over last year due to an increase in the cost of funding the Meals on Wheels Program.

Councilmember Scott asked for clarification related to what funding the RCCOA organization receives from other entities within Rockwall County. VerHagen clarified that Rockwall County funds the organization in the amount of \$20,000. The City of Heath funds \$2,500, and the City of Royse City is funding \$8,000 for the elderly and homebound in their city this year.

Mayor Pro Tem Sweet made a motion to approve the funding request in the amount of \$21,500. Councilmember Nielsen seconded the motion, which, after additional discussion, passed by a vote of 7 ayes to 0 nays.

Councilmember Scott left the meeting at this point.

2. Appointment with members of the Rockwall Youth Advisory Council (YAC) to hear project ideas for the 2009-2010 school year and take any action necessary.

Councilmember Farris provided opening remarks related to this item, explaining the purpose of the Rockwall Youth Advisory Council. Farris introduced Rockwall High School Assistant Principal, Ray Harton, and Brandy Meyers, a teacher, both YAC liaisons with Rockwall High School. Mr. Harton also introduced Shanon Zais, teacher at Rockwall Heath High School, who is also a YAC liaison. Mayor Cecil then called upon YAC members Binh Hoang and John Falcon to come before the Council and present their project ideas for this school year. Hoang briefed the Council on YAC's ideas related to a possible project, including a "green" project and a "Live, Work, Play" project.

Councilmember Farris asked Hoang for clarification on which project YAC members would prefer to work on this school year. Hoang indicated that the "green" project is the preferred project that the YAC would like to work on this year.

Councilmember Nielsen made a motion to approve the "green" project for the YAC this year. Mayor Pro Tem Sweet seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

V. ACTION ITEMS

1. Discuss and consider approval of proposed bylaw changes for the Rockwall Economic Development Corporation and take any action necessary.

City Manager Julie Couch began discussion of this item, indicating that a number of changes are being proposed at this time. Mayor Pro Tem Sweet made a motion to approve the bylaw changes as presented. Councilmember Nielsen seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

2. Discuss and consider options for providing community signage, and take any action necessary.

Councilmember Sevier began discussion of this item, indicating that this item was brought before the Council a couple of years back. He indicated that this type of signage might help direct people to certain areas of the city, such as downtown and The Harbor. He explained that the city gains revenue from those who lease space on the signs, and the signs are maintained by the company that installs them. Sevier explained that he would like the council to consider asking staff to do additional research and bring back more detailed information for the Council to consider in the near future. Couch offered clarifying information related to this type of sign program. She explained that when this type of program came forth in the past, the Council generally expressed concern that adding this sign program would result in additional signage clutter within the city.

Mayor Pro Tem Sweet made a motion to direct staff to look into vendors who offer this type of sign program and bring back additional information to the Council for consideration in the future. Councilmember Farris seconded the motion, but expressed concern that these types of signs may not be desirable because they are not monument signs, leasing of space on the signs are controlled by the company who installs the signs, and they typically target only builders. Farris further expressed a desire for staff to bring forth additional information on a possible electronic sign placed somewhere in the City.

Councilmember Russo pointed out that the sign program offered by Clearview Kiosk does allow the city to maintain some space on the signs, allowing residents to be directed to certain areas of the City. He expressed some general concerns, for example, lighting of the signs (or lack thereof), that he would like staff to investigate and clarify.

Mayor Pro Tem Sweet generally expressed that he would like to see additional information on this program as well as electronic signage too.

3. Discuss and consider an amendment to chapter 5 of the Code of Ordinance "Animals" to add regulations regarding animal tethering and take any action necessary.

Jeffrey Widmer, Director of Animal Services, opened up discussion of this item, providing background information related to past tethering discussions with Council and clarifying some points related to the draft ordinance being presented to Council for consideration this evening. Councilmember Nielsen asked City Attorney Pete Eckert for some clarification on the draft ordinance. She generally expressed a desire for staff to make some minor adjustments to the ordinance, including writing the ordinance with 'exceptions' rather than 'affirmative defense' language.

Councilmember Farris made a motion to approve the ordinance with the understanding that a portion of it will be re-written to express 'exceptions' rather than 'affirmative defenses.' Councilmember Sevier seconded the motion, which, after some discussion, passed by a vote of 6 ayes to 1 absent (Scott).

Mayor Cecil asked that the motion be amended to require that Code Enforcement staff come back to Council in 6 months with a report on the status of enforcing this ordinance.

The amended motion, which was made by Farris and seconded by Sevier, then passed by a vote of 4 ayes to 2 nays (Russo, Sevier) and 1 absent (Scott).

The ordinance caption was not read into the record at this time; therefore, it will be placed on the next City Council agenda for "1st reading."

4. Discuss and consider additional methods of communicating with citizens about city-related news and events and take any action necessary.

Councilmember Glen Farris played a brief video to introduce the concept of "social media" to the City Council for discussion and then provided a brief PowerPoint presentation. He provided statistics and information related to social media websites such as Facebook, Twitter, and LinkedIn. Farris recommended exploring social media venues and determining which ones may be appropriate for Rockwall, appointing a designated media person to post items on social media sites and developing city policies and procedures for utilizing social media.

Councilmember Russo expressed that he would like Council meetings, live and unedited, provided on the City's website first, prior to the Council moving forward with participating in social media.

Farris encouraged Russo to not deny moving forward with participating in social media sites because finances currently restrict the city's ability to move forward with live, streaming council meetings on the city's website.

Councilmember Nielsen generally expressed support for moving towards participating in social media sites.

Mayor Pro Tem Sweet also generally expressed support for exploring social media for use by the City.

City Manager Julie Couch agreed to have staff evaluate social media sites in greater detail and evaluate a policy and procedures for posting information on those types of sites.

Mayor Pro Tem Sweet made a motion to direct staff to look into utilizing social media to communicate with citizens and bring back information and recommendations to the Council for consideration at a future Council meeting. Mayor Cecil seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

5. Discuss and consider expanding the distance requirement from 200 feet to 1,000 feet associated with notices issued to property owners by the city for zoning changes, and consider requiring sending such notices for requests for Special Use Permits and take any action necessary.

Mayor Cecil made a motion to table this item until the next Council meeting so that Councilmember Scott can be present for the discussion. Mayor Pro Tem Sweet seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

6. Discuss and consider a recommendation from the Naming and Citizen Awards Subcommittee to name the Rockwall Police Department's Community Service Office in honor of John Fitzwater and take any action necessary.

Mayor Cecil addressed this item first, immediately after the Consent Agenda. Councilmember Russo offered introductory remarks related to this item, including a recommendation that this item be approved by the Council. Mayor Pro Tem Sweet, Councilmember Scott and Councilmember Nielsen offered general comments, including expressing thanks for Mr. Fitzwater and all of his volunteer work in the community.

Councilmember Farris then made a motion to move forward with naming the Rockwall Police Department's Community Service Office in honor of John Fitzwater. Councilmember Sevier seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Appointment Item #1 was then addressed by the Council.

Mayor Cecil adjourned the public meeting at 7:47 p.m., and the Council did not reconvene back into Executive Session.

VI. 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.

277
278 VII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
279

280 The Council did not reconvene into Executive Session at the close of the public meeting,
281 and no action was taken.
282

283 VIII. ADJOURNMENT
284

285 The meeting was adjourned at 7:47 p.m.
286
287

288 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
289 this 7th day of December, 2009.

290
291 ATTEST:

292 Kristy Ashberry
293
294 Kristy Ashberry, City Secretary

William R. Cecil
William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

**Monday, December 21, 2009
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. and immediately recessed into Executive Session. Present were Mayor Bill Cecil, Mayor Pro Tem David Sweet and Councilmembers Matt Scott, Margo Nielsen, Mark Russo, and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember 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: 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

Mayor Pro Tem Sweet made a motion to approve the Rockwall Economic Development Corporation (REDC) transitional appointments as noted in the document dated November 3, 2009. The appointments that were made are as follows:

Bill Houser, Kevin Fowler and John Hohenschelt were each appointed for a one year term, which will expire in December of 2010. Tim McCallum, Roger Fraley and Carolyn Jackson were each appointed for a two year term, which will expire in December of 2011. John Floeter, Corky Randolph and Mike Lucas were each appointed for a three year term, which will expire in December of 2012.

Councilmember Scott seconded the motion, which passed by a vote of 6 ayes to 1 absent (Sevier).

Mayor Pro Tem Sweet made a motion to authorize the purchase of parcel 11-A in the amount of \$5,142, parcel 22 for the appraised value of \$10,845 and parcel 9 in the amount of \$10,137 for right-of-way land acquisition on Airport Road. Councilmember Farris seconded the motion, which passed by a vote of 6 ayes to 1 absent (Sevier).

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 19th day of January, 2010.

ATTEST:

Kristy Ashberry, City Secretary


William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL

Monday, December 21, 2009
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 David Sweet and Councilmembers Matt Scott, Margo Nielsen, Mark Russo, and Glen Farris. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Cliff Sevier was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SEVIER

Councilmember Sevier was not present. Therefore, Mayor Pro Tem Sweet delivered the invocation and led the Pledge of Allegiance.

III. CONSENT AGENDA

1. Consider approval of the minutes from the December 7, 2009 regular City Council meeting and take any action necessary.
2. A2009-003 - 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 20.06-acres described as Tracts 24 and 24-1, Abstract 72, W.M. Dalton Survey, situated along the south side of Clem Road and west of FM 549, and contiguous to the existing City Limits line. (2nd reading)
3. A2009-004 - 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 66.38-acres described as Tracts 4-1 and 4-3, Abstract 22, J.H. Bailey Survey, and Tract 1-5, Abstract 182, J.H. Robnett Survey, and contiguous to the existing City Limits line. (2nd reading)

4. Z2009-022 - Consider approval of an **ordinance** for a request by Janice Conover for approval of a change in zoning from (Ag) Agricultural district to (SF-E/2.0) Single Family Estate district, on a 5.62-acre property located at 421 Wallace Lane and currently described as Tract 8-6, Abstract 80, W. W. Ford Survey, and take any action necessary. (2nd reading)
5. Consider approval of an **ordinance** amending Chapter 5 of the Code of **Ordinance** "Animals" to add regulations regarding animal tethering and take any action necessary (2nd reading).
6. Discuss and consider the TXDOT Utility Agreement for the reimbursement of the engineering and construction costs for the relocation of the water and wastewater facilities within the IH-30 right-of-way and take any action necessary.
7. Consider approval of a resolution expressing support for and participation in the 2010 U.S. Census count and take any action necessary.

Councilmember Scott pulled items #1, 6 and 7 for further discussion. Councilmember Russo pulled item #5 for further discussion. Mayor Cecil then made a motion to approve the remaining Consent Agenda items (#2, 3, and 4). Councilmember Farris seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 09-48

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 20.06 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.

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 09-49

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 66.381 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.

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 09-50

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF

147 ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A
148 CHANGE IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (SF-E/2.0)
149 SINGLE FAMILY ESTATE DISTRICT, ON A 5.62-ACRE TRACT KNOWN AS
150 TRACT 8-6, ABSTRACT 80, W. W. FORD SURVEY AND LOCATED AT 421
151 H WALLACE LANE; PROVIDING FOR A PENALTY OF FINE NOT TO
152 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
153 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
154 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

155
156 The motion passed by a vote of 6 ayes to 1 absent (Sevier).

157 Regarding Consent #1, Scott was not present for portions of the meeting, so he
158 expressed that he would abstain from the vote. Mayor Pro Tem Sweet made a motion to
159 approve the minutes in Consent Agenda item #1. The motion was seconded by
160 Councilmember Farris. The motion passed by a vote of 5 ayes, 1 abstention (Scott) and 1
161 absent (Sevier).

162 Regarding Consent Agenda item #5, Councilmember Russo expressed that he will not
163 support this item. Councilmember Scott then made a motion to approve Consent
164 Agenda item #5. Mayor Pro Tem Sweet seconded the motion, which passed by a vote of
165 5 ayes, 1 against (Russo) and 1 absent (Sevier).

166
167 Councilmember Scott made a motion to approve Consent Agenda item #6. Mayor Cecil
168 seconded the motion, which passed by a vote of 6 ayes to 1 absent (Sevier).

169 Regarding Consent Agenda item #7, Councilmember Scott asked staff for some clarifying
170 information related to this resolution. City Manager Julie Couch provided clarifying
171 remarks associated with the Census and with the resolution before the Council for
172 consideration this evening. After brief discussion, Councilmember Scott made a motion
173 to approve Consent Agenda item #7. Councilmember Russo seconded the motion, which
174 passed by a vote of 6 ayes to 1 absent (Sevier).

175 176 IV. PUBLIC HEARING ITEMS

- 177
178 1. Z2009-023 - Note: Applicant has requested this Public Hearing be
179 "continued" to January 19, 2010 - Hold a public hearing and consider a
180 request by Jeremy Yee of CEI Engineering Associates for approval of a
181 Specific Use Permit (SUP) to allow for a "retail store with gasoline product
182 sales with more than 2 dispensers" within (PD-9) Planned Development
183 No. 9 district, in association with a 7-Eleven proposed to be located on
184 Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre
185 tract situated at the southwest corner of Horizon Rd and Tubbs Rd, and
186 take any action necessary.

187
188 Planning Director Robert LaCroix began discussion of this item by providing brief
189 background information. He indicated that the applicant has requested that this Public
190 Hearing be continued until January 19, 2010 to allow the Planning & Zoning Commission
191 to finish its work with this item. Mayor Cecil opened the Public Hearing for Z2009-023.
192 Mayor Cecil then made a motion to continue the public hearing until the January 19, 2010

Council meeting. Mayor Pro Tem Sweet seconded the motion, which passed by a vote of 6 ayes to 1 absent (Sevier).

V. ACTION ITEMS

1. Discuss and consider initiating updates to the City of Rockwall Comprehensive Plan, including the Future Land Use Plan, Thoroughfare Plan, Open Space Master Plan and Master Trail Plan, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this item. In general, he indicated that the multiple annexations and growth of the city over time necessitate the update of these plans. He indicated that staff has worked with Townscapes on some aspects of thoroughfare and land use planning in the past, and staff has also worked with Kimley Horne on some aspect of thoroughfare planning. Staff will continue to work with these companies on update of these items as well. LaCroix also suggested that the Council consider establishing an advisory committee to assist in the process of updating these plans. He also indicated that a proposed schedule has been included in the Council packet this evening for consideration.

Mayor Cecil expressed concern that the schedule does not allow an opportunity for the Council to be briefed on the work of the advisory committee or receive updates as the process moves forward.

Councilmember Nielsen expressed that she would like more citizen input rather than staff or Council input during the process, especially at the beginning stages of the process.

Mayor Cecil made a motion to accept the recommendations of staff related to the process of updating these plans with the following modifications:

That the advisory committee be appointed before any of the process begins and that members of the advisory committee will join in the charrette and that at least one Councilmember will serve on the advisory committee in order to keep the Council informed.

Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

2. Discuss and consider an ordinance granting a franchise to Oncor Electric Delivery Company LLC and take any action necessary.(1st Reading)

Finance Director Mary Smith indicated that the agreement being presented to Council tonight for consideration is a standard agreement and would run through November of the year 2030. The 4% franchise fee will be received by the City from Oncor on a quarterly basis rather than a semi annual basis as it has been in the past.

Councilmember Farris made a motion to approve the ordinance and associated franchise agreement. Councilmember Russo 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 GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF ROCKWALL, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

The motion passed by a vote of 6 ayes to 1 absent (Sevier).

3. Consider a resolution confirming Commitment of Support for Statewide Transportation Enhancement Program Grant Application, and take any action necessary.

Parks Director Brad Griggs provided brief background information related to this item. He indicated that this is part of the American Recovery & Reinvestment Act and that funding can be used for landscape enhancement projects along major roadways. He further indicated that the city must submit a letter of support indicating that the match associated with the grant is available and that the city supports the project. If funded, this grant will save the city more than \$150,000. City Manager Couch indicated that this grant addresses a small portion of landscaping on the John King Boulevard project and that it does not apply to anything other than landscaping.

Councilmember Russo made a motion to approve the resolution. Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

4. Discuss and consider expanding the distance requirement from 200 feet to 1,000 feet associated with notices issued to property owners by the city for zoning changes, and consider requiring sending such notices for requests for Special Use Permits and take any action necessary.

Because Councilmember Sevier was not present at the meeting, Mayor Cecil made a motion to table Action Item #4 until the next Council meeting so that all council members can be present for this discussion. Councilmember Scott seconded the motion. The motion passed by a vote of 6 ayes to 1 absent (Sevier).

VI. 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.

- 293 2. Personnel Issues, including Board, Commission, and Committee
294 Appointments, and Related Matters.
- 295 3. Commercial or financial information regarding business prospects that the
296 City seeks to have locate, stay, or expand in or near the territory of the
297 City of Rockwall and with which the Board is conducting economic
298 development negotiations.
- 299 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
300 with attorney with regard to a matter that it is the duty of the attorney to
301 consult with the Council and falls under the attorney-client privilege.

302 VII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
303

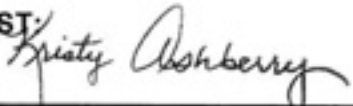
304 The Council did not convene into Executive Session at the close of the Public Meeting;
305 therefore, no action was taken as a result of Executive Session.
306

307 VIII. ADJOURNMENT
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309 The meeting adjourned at 6:30 p.m.
310

311 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
312 this 19th day of January, 2010.

313 
314 William R. Cecil, Mayor

315 ATTEST: 
316
317
318 Kristy Ashberry, City Secretary

