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**MINUTES  
ROCKWALL CITY COUNCIL**

April 5, 2004

6:00 p.m. Regular Meeting

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

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1. **CALL TO ORDER**

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Mayor Jones called the meeting to order at 6:02 p.m. Present were Mayor Ken Jones and Councilmembers Tim McCallum, Bob Cotti, Billy Morris, John King and Terry Raulston.  
[Council Place 2 is vacant]

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2. **INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR KEN JONES**

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Mayor Jones led the invocation and the Pledge of Allegiance.

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3. **PROCLAMATIONS**

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a. Sexual Assault Awareness Month in Rockwall

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Mayor Jones presented the proclamation to Sheri Fowler.

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b. Happy Birthday Rockwall Month

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Mayor Jones presented the proclamation to Brad Griggs.

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4. **PRESENTATION BY BRAD GRIGGS REGARDING SESQUICENTENNIAL DAY FESTIVAL**

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5. **PRESENTATION BY SHERI FOWLER ON THE HISTORY OF ROCKWALL**

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6. **OPEN FORUM**

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Chamber of Commerce President, Bob Wieneke, came forward and addressed the Council. Wieneke advised that the Chamber would be sponsoring a wooden nickel for the Sesquicentennial festival.

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7. **CONSENT AGENDA**

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a. Consider approval of the Minutes from the March 15, 2004, City Council Meeting and take any action necessary.

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b. Consider approval of the Minutes from the March 22, 2004, City Council Meeting and take any action necessary.

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c. Consider approval of an **Ordinance** establishing general authority for purchasing policies for the City and take any action necessary.  
**(2<sup>nd</sup> Reading)**

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d. Consider approval of an **Ordinance** for a request by Tom & Julie Wightman for a conditional use permit (CUP) to allow for an 864-sf accessory building not meeting the exterior materials requirements on

47 property zoned (SF-E/1.5) Single Family Estate district and located at  
48 1935 Sterling Court, being Lot 20, Block B, Sterling Farms Addition and  
49 take any action necessary. **(2<sup>nd</sup> Reading)**

50 e. Consider approval of an **Ordinance** for a request by Vicki Bradley for a  
51 conditional use permit (CUP) to allow for a temporary portable beverage  
52 service facility within the (C) Commercial zoning district, located at 568  
53 East I-30 and known as Lot 1, Block 1, Catfish Addition and take any  
54 action necessary. **(2<sup>nd</sup> Reading)**

55 f. Consider approval of an **Ordinance** for a request by Michael Johnston for  
56 an amendment to (PD-50) Planned Development No. 50 (Ord. No. 02-  
57 46), specifically to add "massage therapist" and "studio – art, photography  
58 or music" as permitted uses within the district and take any action  
59 necessary. **(2<sup>nd</sup> Reading)**

60 g. Consider approval of an **Ordinance** for a request from The Cambridge  
61 Companies, Inc., to rezone a portion of (PD-10) Planned Development  
62 No. 10, specifically a 29.868-acre tract known as a part of Tract 2,  
63 Abstract 65, J. Cadle Survey, and a 97.42-acre tract known as a part of  
64 Tract 3, Abstract 2, J.M. Allen Survey, to *amended* (PD-10) Planned  
65 Development No. 10, and to rezone a 10.0-acre tract known as the  
66 remaining part of Tract 3, Abstract 2, J.M. Allen Survey, from (GR)  
67 General Retail to *amended* (PD-10) Planned Development No. 10 and  
68 take any action necessary. **(2<sup>nd</sup> Reading)**

69 h. Consider approval of an **Ordinance** regulating the use of motor-assisted  
70 scooters and take any action necessary. **(2<sup>nd</sup> Reading)**

71 i. Consider approval of an **Ordinance** declaring unopposed candidates in  
72 the May 15, 2004, General Election elected to office and canceling the  
73 election and take any action necessary.

74 j. Consider approval of an **Ordinance** amending the Subdivision Ordinance  
75 to provide for the extension of the extra-territorial jurisdiction of the City  
76 over plats and subdivisions for a distance of two miles and take any  
77 action necessary. **(1<sup>st</sup> Reading)**

78 k. Consider approval of an **Ordinance** adopting the amended City map and  
79 take any action necessary. **(1<sup>st</sup> Reading)**

80 l. Consider approval of award of a bid to the lowest bidder for contract  
81 mowing services and take any action necessary.

82 m. Consider tabling approval of the Ordinance forming the Tax Increment  
83 Financing (TIF) zone (The Harbor Project) to April 19, 2004, and take any  
84 action necessary.

85 n. Consider approval of a Resolution opposing any school finance or tax  
86 system reforms that would negatively affect city revenues and economic  
87 development efforts and take any action necessary.

88 **Councilmember Terry Raulston requested that item 7a be pulled. Mayor Ken Jones**  
89 **requested that item 7d be pulled. Councilmember Tim McCallum requested that items 7f**  
90 **and 7g be pulled.**

91

92 **Councilmember Bob Cotti made a motion to approve items 7b, 7c, 7e, 7h, 7i, 7j, 7k, 7l, 7m**  
93 **and 7n and Councilmember Billy Morris seconded the motion. The ordinances were read**  
94 **as follows:**

95  
96 **AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, REPEALING ORDINANCE NO.**  
97 **01-45 AND ESTABLISHING GENERAL AUTHORITY FOR PURCHASING POLICIES FOR**  
98 **THE CITY; PROVIDING FOR AN EFFECTIVE DATE.**

99  
100 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
101 **AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF**  
102 **ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A**  
103 **CONDITIONAL USE PERMIT TO ALLOW A TEMPORARY PORTABLE BEVERAGE**  
104 **SERVICE FACILITY ON A TRACT OF LAND KNOWN AS LOT 1, BLOCK 1, CATFISH**  
105 **ADDITION, LOCATED AT 568 EAST I-30; PROVIDING FOR SPECIAL CONDITIONS;**  
106 **PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO**  
107 **THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**  
108 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR**  
109 **AN EFFECTIVE DATE.**

110  
111 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
112 **AMENDING THE CODE OF ORDINANCES IN CHAPTER 16 MOTOR VEHICLES AND**  
113 **TRAFFIC IN ARTICLE IV BICYCLES AND PLAY VEHICLES BY THE ADDITION OF SEC.**  
114 **16-76 PLACING RESTRICTIONS ON THE USE AND OPERATION OF MOTOR**  
115 **ASSISTED SCOOTERS BY LIMITING OR PROHIBITING THE OPERATION OF MOTOR**  
116 **ASSISTED SCOOTERS ON CERTAIN STREETS, HIGHWAYS, PATHS AND ALLEYS;**  
117 **PROVIDING FOR A PENALTY FOR ADULTS, PARENTS AND CHILDREN FOR THE**  
118 **USE OF A MOTOR ASSISTED SCOOTER IN A RESTRICTED OR PROHIBITED AREA;**  
119 **REQUIRING THAT CHILDREN WEAR A PROTECTIVE HELMET WHILE OPERATING**  
120 **OR RIDING A MOTOR ASSISTED SCOOTER; PROVIDING FOR A PENALTY FOR**  
121 **PARENTS AND CHILDREN FOR FAILURE OF CHILD TO WEAR A HELMET;**  
122 **PROVIDING A REPEALING, SEVERABILITY AND SAVINGS CLAUSES; PROVIDING**  
123 **FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING AN**  
124 **EFFECTIVE DATE.**

125  
126 **AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 15, 2004,**  
127 **GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELLING THE ELECTION;**  
128 **PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

129  
130 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
131 **PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF**  
132 **ROCKWALL, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING**  
133 **OF 23.02 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND**  
134 **ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS;**  
135 **PROVIDING FOR AN EFFECTIVE DATE.**

136  
137 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
138 **ADOPTING A NEW CITY MAP, INDICATING THE BOUNDARIES AND LIMITS OF THE**  
139 **CITY; DECLARING SUCH MAP TO BE THE OFFICIAL MAP OF THE CITY; PROVIDING**  
140 **AN EFFECTIVE DATE.**

141  
142 **The motion passed by a vote of 6 ayes and 0 nays.**

143  
144 **Councilmember Raulston stated that he had pulled item 7a because he was not in**  
145 **attendance at the meeting. Councilmember Morris then made a motion to approve item**  
146 **7a and Councilmember King seconded the motion. The motion passed by a vote of 5**  
147 **ayes and 1 abstain [Raulston].**

149 **Mayor Jones stated that he had originally opposed item 7d, but that it had come to his**  
150 **attention that that the barn will be horse friendly and horse healthy and he would support**  
151 **it. Mayor Jones then made a motion to approve item 7d and Councilmember Morris**  
152 **seconded the motion. The ordinance was read as follows:**

153  
154 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
155 **AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF**  
156 **ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A**  
157 **CONDITIONAL USE PERMIT FOR AN ACCESSORY BUILDING NOT MEETING THE**  
158 **EXTERIOR MATERIALS REQUIREMENTS WITHIN THE (SF-E/1.5) SINGLE-FAMILY**  
159 **ESTATE DISTRICT, ON A TRACT LOCATED AT 1935 STERLING COURT (LOT 20,**  
160 **BLOCK B, STERLING FARMS ADDITION); PROVIDING FOR SPECIAL CONDITIONS;**  
161 **PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO**  
162 **THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**  
163 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR**  
164 **AN EFFECTIVE DATE.**

165  
166 **The motion passed by a vote of 6 ayes and 0 nays.**

167  
168 **Councilmember McCallum stated that he pulled item 7f because he did not support it the**  
169 **last time and would not support it tonight. Councilmember Morris then made a motion to**  
170 **approve item 7f and Councilmember Cotti seconded the motion. The ordinance was read**  
171 **as follows:**

172  
173 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
174 **AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF**  
175 **ROCKWALL, AND ORDINANCE NO. 02-46, AS HERETOFORE AMENDED, SO AS TO**  
176 **AMEND (PD-50) PLANNED DEVELOPMENT DISTRICT NO. 50 TO ADD AS PERMITTED**  
177 **USES "STUDIO – ART, PHOTOGRAPHY OR MUSIC" AND "MASSAGE THERAPIST";**  
178 **CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE**  
179 **NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH**  
180 **OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER**  
181 **CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

182  
183 **The motion passed by a vote of 4 ayes and 2 nays [Jones and McCallum].**

184  
185 **Councilmember McCallum stated that he pulled item 7g because he did not support it the**  
186 **last time and would not support it tonight. Councilmember Morris then made a motion to**  
187 **approve item 7g and Councilmember Cotti seconded the motion. Mayor Jones stated**  
188 **that he was not in support of this item either. The ordinance was read as follows:**

189  
190 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
191 **AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF**  
192 **ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN**  
193 **ZONING FROM (PD-10) PLANNED DEVELOPMENT DISTRICT NO. 10 AND (GR)**  
194 **GENERAL RETAIL DISTRICT TO AMENDED (PD-10) PLANNED DEVELOPMENT**  
195 **DISTRICT NO. 10, ON TRACTS OF LAND TOTALING 137.269-ACRES AND MORE**  
196 **FULLY DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL**  
197 **CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF**  
198 **TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**  
199 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR**  
200 **AN EFFECTIVE DATE.**

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202 **The motion passed by a vote of 4 ayes and 2 nays [Jones and McCallum].**

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**8. APPOINTMENTS**

- a. Appointment with Roger L. Nielsen of the Rockwall Housing Development Corporation to update and advise the Council on the activity of the Corporation regarding a grant application and potential City participation and take any action necessary.

**Roger Nielsen of the Rockwall Housing Development Corporation (RHDC) discussed the status of the RHDC and the grant they would like for the City to participate in. Nielsen advised that the RHDC would not renew the HAP Contract with the Rockwall Housing Authority (RHA). Councilmember Cotti asked if the Meadows residents would continue to receive their subsidies and Nielsen stated that they would. Cotti stated that the grant would be an excellent opportunity to assist a number of families in need and asked whether City funds could be used for this purpose. City Attorney Pete Eckert stated that a Chapter 380 agreement would be required and the Council needed to pass a motion authorizing the City Manager to execute the agreement.**

**Councilmember McCallum asked Nielsen why the RHDC was not renewing its contract with the RHA. Nielsen stated it was more advantageous to the RHDC not to renew the contract. McCallum asked how it would affect the people and did not understand why the two organizations could not work together. Nielsen stated that only a housing authority can manage section 8 housing. This gives the RHDC the opportunity to look at new housing. McCallum stated that there is a huge need for help and that it does not seem like a positive influence for the two organizations and encouraged Nielsen to work with the RHA.**

**Councilmember Cotti made a motion to approve the expenditure of the \$9,000 requested by the RHDC and to authorize the City Manager to execute the Chapter 380 agreement in this regard. Councilmember Morris seconded the motion. Councilmember Raulston stated that he felt that this is a good move and that he would support it. The motion passed by a vote of 6 ayes and 0 nays.**

- b. Appointment with Rutledge Crain C.P.A.'s, the City auditors.

**The City auditor came forward and addressed the Council and stated that the City was in excellent shape and explained that this report was executed under the new GASBY guidelines. Councilmember Cotti stated that the City is in outstanding shape due to the way the City is managed. He thanked the auditor for the six years they have worked with the City and thanked Julie Couch and Mary Smith for their hard work.**

**Councilmember Raulston stated that the auditors had given us good service and that it was a great job by Mary Smith.**

**Councilmember Morris made a motion to accept the report and Councilmember McCallum seconded the motion. The motion passed by a vote of 6 ayes and 0 nays.**

- c. Appointment with Kelly Colbert regarding request for hotel/motel funds for Cystic Fibrosis Walk-A-Thon and take any action necessary.

**Kelly Colbert came forward and addressed the Council. Colbert stated that the funds would be used for advertising and that the event would take place on Mother's Day**

252 weekend. Councilmember Cotti advised that the motel/hotel funds follow strict  
253 requirements and requested confirmation of the direct effect this has on tourism. Ms.  
254 Colbert confirmed hotel usage last year and projected usage for 2004. Cotti stated that  
255 this year we had not been able to fund the full amount of anyone's request. Cotti stated  
256 that the Committee had recommended that she be given \$750.00 and recommended  
257 approval by the Council. Councilmember Morris made a motion to approve funding at  
258 \$750.00 and Councilmember Raulston seconded the motion. The motion passed by a  
259 vote of 6 ayes and 0 nays.

260  
261 d. Appointment with Fire Chief Mark Poindexter regarding results of ISO  
262 rating.

263 Fire Chief Mark Poindexter advised the Council that our ISO rating had been lowered  
264 from 5 to 3, which will be effective on July 1, 2004. Chief Poindexter stated that our goal  
265 is lower the ISO rating to a 2. Poindexter gave a short power point presentation on where  
266 the City needs improvement and showed a comparison of costs for the three major  
267 insurance companies and the difference the rating makes. Poindexter advised that the  
268 letter from the State Board regarding the ISO rating is available to all homeowners.

269  
270 Councilmember Raulston congratulated Chief Poindexter and his department on a great  
271 job.

272  
273 Councilmember Morris asked when our next rating would take place. Poindexter advised  
274 it would occur after we have our improvements in place.

275  
276 Councilmember Cotti asked if the rating affects the City and the county or just the City.  
277 Poindexter advised that it affects only the City.

278  
279 Councilmember McCallum told Poindexter that the Fire Department is outstanding.

280  
281 Chief Poindexter thanked the Council and Staff for their support and funding and  
282 listening to him talk about ISO and thanked Julie Couch and Rick Crowley for all their  
283 support.

284  
285 e. Appointment with Planning Director Robert LaCroix regarding  
286 amendments to the tree ordinance and take any action necessary.

287 Robert LaCroix, Planning Director, discussed the proposed changes to the tree  
288 ordinance, including dropping the caliper from 6" to 4". The tree ordinance will be  
289 included in the zoning ordinance, which is currently being amended. There will be a  
290 public hearing in May on the zoning code.

291  
292 Mayor Jones stated that he was in favor of dropping the caliper to 4".

293  
294 Julie Couch advised the Council that the tree preservation plan at The Harbor was  
295 successful -- approximately 66" of trees were removed by homeowners for transplanting.

296  
297 Councilmember Raulston stated that the revisions look good.

298  
299 Councilmember Cotti stated that he likes what he sees but asked if an arborist was  
300 needed to approve every transplant operation. LaCroix stated that this was for feature  
301 trees only.

302  
303 **Councilmember McCallum stated that he had gotten 11” of trees from The Harbor project**  
304 **– that he “practices what he preaches.” He agrees that a certified arborist is not needed**  
305 **for all transplanting. McCallum asked how much we currently had in the tree fund and**  
306 **Mary Smith advised that we have approximately \$16,000 in it.**

307  
308 **No action was necessary on this item.**

309  
310 **f. Appointment with Lakeside Church of Christ to discuss water line**  
311 **participation options for their new church site and take any action**  
312 **necessary.**

313 **Roy Garner of the Lakeside Church of Christ came forward to address the Council.**  
314 **Mr. Garner thanked the Council for their support and requested a temporary waiver on**  
315 **the water line requirement so the church could start construction.**

316  
317 **Mayor Jones asked Mr. Eckert if there would be any liability to the City if a waiver was**  
318 **allowed. Eckert advised that there would be no increased liability.**

319  
320 **Councilmember Morris asked how temporary was temporary. Julie Couch advised that it**  
321 **is on the CIP to construct a water line along I-30 from Townsend to FM-549 and that we**  
322 **intend to move forward with this project. Chuck Todd, City Engineer, advised that there**  
323 **is no schedule at this time. Morris asked if we can do this and protect our new ISO**  
324 **rating.**

325  
326 **Mr. Eckert stated that we should refer this matter back to Staff to work something out.**  
327 **Mr. Garner stated that the upfront cost is the problem.**

328  
329 **Councilmember Cotti stated that he could not support a waiver but could support an**  
330 **effort to work out a mutually agreeable solution.**

331  
332 **Councilmember McCallum asked Mr. Garner how many members they had. Garner**  
333 **stated that they approximately 500-700 members. McCallum stated that his concern is**  
334 **for the 525+ members who are there on Sunday – there is no price for compromising the**  
335 **safety of anyone. McCallum made a motion to send this back to Staff to work out a**  
336 **compromise and Councilmember Raulston seconded the motion. Julie Couch advised**  
337 **that this item would be on the agenda for the April 19, 2004 meeting. The motion passed**  
338 **by a vote of 6 ayes and 0 nays.**

339  
340 **g. Appointment with Stephen Straughan regarding KidZone and take any**  
341 **action necessary.**

342 **Stephen Straughan came forward to give a status update on the KidZone project and**  
343 **introduced Connie Taylor, the Kiwanis Club President, who has helped on the project.**  
344 **Straughan stated that they still need contributions. Councilmember McCallum told him**  
345 **that the same company who sponsored the 150<sup>th</sup> main stage, who he works for, should**  
346 **be contacted to see if they would be willing to make a contribution. Straughan stated**  
347 **that checks should be made payable to the City of Rockwall and mailed to c/o Breakfast**  
348 **Rotary, P. O. Box 1221, Rockwall, Texas 75087. Information on the project can be seen**  
349 **on their website – [www.kidzone.rockwall.org](http://www.kidzone.rockwall.org).**

350  
351

352 **9. PUBLIC HEARINGS**

353

- 354 a. **Z2004-007** -- Hold a public hearing and consider approval of an  
355 **Ordinance** for a request from Isaac Levy and Jose Rodriguez to rezone  
356 from (A) Agricultural to (SF-E/4) Single Family Estate a 10.0-acre tract  
357 known as Lot 4, The McLendon Companies Addition, located along the  
358 east side of FM549 south of Hwy 276 and take any action necessary.  
359 **(1<sup>st</sup> Reading)**

360

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

363

364 **Isaac Levy**  
365 **1791B FM-549**  
366 **Rockwall, Texas 75087**

367

368 **Mr. Levy stated he would like to build his home on the property and**  
369 **requested the Council's approval.**

370

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

373

374 **Councilmember Cotti made a motion to approve the request and Councilmember**  
375 **Raulston seconded the motion. The ordinance was read as follows:**

376

377 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
378 **AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF**  
379 **ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN**  
380 **ZONING FROM (A), AGRICULTURAL DISTRICT TO (SF-E/4.0), SINGLE FAMILY**  
381 **ESTATE DISTRICT, ON A TRACT OF LAND CONTAINING 10.00 ACRES AND KNOWN**  
382 **AS LOT 4, THE MCLENDON COMPANIES ADDITION; PROVIDING FOR SPECIAL**  
383 **CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF**  
384 **TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**  
385 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR**  
386 **AN EFFECTIVE DATE.**

387

388 **The motion passed by a vote of 6 ayes and 0 nays.**

389

- 390 b. Hold a public hearing and consider a City initiated request to annex land  
391 of approximately 320.44 acres (Area 1) situated south of County Line  
392 Road, east of FM 3097, north of E. Cullins Rd, and southwest of SH-205  
393 and take any action necessary.

394

395 **Robert LaCroix discussed the background of the proposed annexation and discussed**  
396 **the proposed service plan. LaCroix stated that this is the first public hearing and that no**  
397 **action was required tonight.**

398

399 **Mayor Jones opened the public hearing and the following persons came forward to**  
400 **address the Council: [All spoke against the annexation]**

401

402 **Patricia Wallace Luecke**  
403 **1110 Oakmont Drive**  
**Richardson, TX 75081**



404  
405           **J. O. Richey**  
406           **3057 FM-552**  
407           **Rockwall, TX 75087**  
408  
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410           **Bill Morton**  
411           **224 H. Wallace Lane**  
412           **Rockwall, TX 75032**  
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414           **Ken McMullen**  
415           **259 Ranch Trail**  
416           **Rockwall, TX 75032**  
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418           **Anne Wallace Morton**  
419           **224 H. Wallace Lane**  
420           **Rockwall, TX 75032**  
421  
422           **Mary Jean Wallace Ackert**  
423           **2241 Highwood**  
424           **Dallas, TX 75228**  
425  
426           **Russell Kelly**  
427           **3322 Lakeside Drive**  
428           **Rockwall, TX 75032**  
429  
430           **Sandra McMullen**  
431           **259 Ranch Trail**  
432           **Rockwall, TX 75032**  
433  
434           **Karen Pope**  
435           **626 East Cullins Road**  
436           **Rockwall, TX 75032**  
437  
438           **Greg Ward**  
439           **302 Ranch Trail**  
440           **Rockwall, TX 75032**  
441  
442           **J. C. Crabtree**  
443           **6052 S. FM-549**  
444           **Rockwall, TX 75032**  
445  
446           **Johnnie McCord Housley**  
447           **#4 Northridge Lane**  
448           **Rockwall, TX 75087**  
449  
450           **Tony Pope**  
451           **626 E. Cullins Road**  
452           **Rockwall, TX 75032**  
453  
454           **Mike Hogue**

455 Rockwall, TX 75032

456

457 There being no on further to address the Council, Mayor Jones closed the public hearing.  
458 No action was required or taken.

459

460 **10. ACTION ITEMS**

461

462 a. Discuss and consider approving an **Ordinance** regulating the use of  
463 skateboards, skates, scooters, etc. within the city limits and take any  
464 action necessary. **(1<sup>st</sup> Reading)**

465 **Councilmember Raulston made a motion to table this item for two weeks in order to**  
466 **revise the language regarding private business and Councilmember Cotti seconded the**  
467 **motion. The motion passed by a vote of 6 ayes and 0 nays.**

468

469 b. Discuss and consider approval of a sign variance request for the height of  
470 a pole sign for Carrabba's Italian Grill and take any action necessary.

471 **Jeffrey Widmer discussed the background of the request. Chris Edwards of Beacon**  
472 **Signs addressed the Council and asked for approval of a 10 ft. variance. Mr. Edwards**  
473 **showed the Council pictures of the site.**

474

475 **Councilmember Cotti asked Widmer how many times had the Council turned down**  
476 **similar variance requests. Widmer stated that he could remember it happening twice.**

477

478 **Councilmember Morris stated that he generally is against variances like this, but in this**  
479 **case he feels it is justified. The topo of the area makes it necessary and he is going to**  
480 **support the request.**

481

482 **Mayor Jones stated that he feels it sets a dangerous precedence.**

483

484 **Councilmember Raulston stated that he agreed with Councilmember Morris and made a**  
485 **motion to approve the request. Councilmembers McCallum and King stated that they**  
486 **could not support the request. Raulston stated that when a new business comes into**  
487 **Rockwall, he wants to see that business be successful.**

488

489 **Councilmember Cotti asked about the property next to the site – will that mean a 20 foot**  
490 **variance will be requested for the next sign?**

491

492 **Councilmember Morris stated that the signs are important and seconded Councilmember**  
493 **Raulston's motion.**

494

495 **Councilmember McCallum stated that he agreed that signs are very important, but brand**  
496 **is important too. He will not support the variance – there are other solutions. McCallum**  
497 **suggested that we look at using a highway marker to denote several of the restaurants**  
498 **opening in Rockwall.**

499

500 **Councilmember Raulston stated that for the next sign variance request, they did not have**  
501 **to approve it. It is a case by case basis. This is a very unique location.**

502

503 **The vote failed by a vote of 3 ayes [Raulston, King and Morris] and 3 nays [Jones, Cotti**  
504 **and McCallum].**

505  
506 c. Discuss and consider authorizing the City Manager to execute an  
507 agreement with Quorum Architects for architectural services in connection  
508 with the animal shelter and take any action necessary.

509 **Robert Hargrove, Director of Internal Operations, discussed the background of the**  
510 **request. Councilmember Cotti made a motion to approve the request. Councilmembers**  
511 **Morris and McCallum both wanted to know if it was a standard contract. Rick Crowley,**  
512 **Assistant City Manager, stated it was and that we had used this form before. Cotti**  
513 **advised that he had done some quick math based on a \$1.5 million project and stated**  
514 **that the Architect's fee would be \$22,000 for the design work. Mayor Jones seconded**  
515 **Cotti's motion and the motion passed by a vote of 6 ayes and 0 nays.**

516  
517 d. Discuss and consider authorizing the City Manager to execute an  
518 engineering contract with Turner Collie & Braden, Inc. for the construction  
519 of a 16" water line along the north side of I-30 and take any action  
520 necessary.

521 **Chuck Todd discussed the background of the request. Councilmember Raulston made a**  
522 **motion to approve the request and Councilmember Morris seconded the motion. The**  
523 **motion passed by a vote of 6 ayes and 0 nays.**

524  
525 e. Discuss and consider authorizing the City Manager to execute an  
526 Interlocal Agreement with the EMS Corporation for the provision of EMS  
527 Services to the City of Rockwall and take any action necessary.

528 **Julie Couch discussed the background of the agreement and stated it was a culmination**  
529 **of a year's work. All of the entities within the county and the County are involved. Mayor**  
530 **Jones made a motion to approve the request and Councilmember Raulston seconded the**  
531 **motion. The motion passed by a vote of 6 ayes and 0 nays.**

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

536  
537 a. Departmental Reports

538 **Robert Hargrove advised that the radio system completion date is January 2005.**

539  
540 b. City Manager's Report

541  
542 **There being no further business to come before the Council in regular session, Mayor**  
543 **Jones adjourned the meeting into Executive Session at 10:42 p.m.**

544  
545 **12. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074, AND 551.087 OF TEXAS**  
546 **GOVERNMENT CODE TO DISCUSS:**

547  
548 a. Land Acquisition for City Facilities and Park Land.

549 b. Personnel Issues, including Board, Commission, and Committee  
550 Appointments, and Related Matters.

551 c. Personnel Issues: Discuss filling vacancy on City Council.

552           d.     Commercial or financial information regarding business prospects that the  
553           City seeks to have locate, stay, or expand in or near the territory of the  
554           City of Rockwall and with which the Board is conducting economic  
555           development negotiations.

556           e.     Personnel Issues: City Manager evaluation.

557

558 **13.     TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

559

560 **Councilmember John King made a motion to appoint Stephen Straughan to fill the vacant**  
561 **position left by the resignation of Larry Dobbs (Place 2). Councilmember Bob Cotti**  
562 **seconded the motion and the motion passed by a vote of 6 ayes and 0 nays. Straughan**  
563 **will be sworn-in on April 19, 2004.**

564

565 **14.     ADJOURNMENT**

566

567 **There being no further business to come before the Council, Mayor Jones adjourned the**  
568 **meeting at 11:15 p.m.**

569

570

571

572

573

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

574 **ATTEST:**

575

576

577 **\_\_\_\_\_  
Dorothy Brooks, City Secretary**

578

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**MINUTES  
ROCKWALL CITY COUNCIL**

April 19, 2004  
6:00 p.m. Regular Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

8  
9

**1. CALL TO ORDER**

10 Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken  
11 Jones and Councilmembers Tim McCallum, Stephen Straughan, Bob Cotti, Billy  
12 Morris, John King and Terry Raulston,  
13

14  
15

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER BOB COTTI**

16 Councilmember Cotti led the invocation and Pledge of Allegiance.  
17

18  
19

**3. PROCLAMATIONS**

- 20 a. National Organ and Tissue Donor Awareness Week

21 The proclamation was presented by Mayor Jones to Fire Marshall Ariana Adair  
22 and Fire Chief Mark Poindexter.  
23

- 24 b. Rockwall Environmental Action Day

25 The proclamation was presented by Mayor Jones to Kay Roberson from the City's  
26 Utility Billing Department.  
27

28  
29

**4. SWEARING-IN OF STEPHEN STRAUGHAN TO FILL PLACE 2 VACANCY UNTIL  
JUNE 2004.**

30  
31 Stephen Straughan gave his Oath of Office before Dorothy Brooks, City  
32 Secretary.  
33

34  
35

**5. CONSENT ITEMS**

- 36 a. Consider approval of the Minutes of the April 5, 2004, City Council  
37 meeting and take any action necessary.

- 38 b. Consider approval of an **Ordinance** amending the Subdivision  
39 Ordinance to provide for the extension of the extra-territorial  
40 jurisdiction of the City over plats and subdivisions for a distance of  
41 two miles and take any action necessary. **(2<sup>nd</sup> Reading)**

- 42 c. Consider approval of an **Ordinance** adopting the amended City  
43 map and take any action necessary. **(2<sup>nd</sup> Reading)**

- 44 d. Consider tabling approval of the **Ordinance** forming the Tax  
45 Increment Financing (TIF) zone (The Harbor Project) until May 3,  
46 2004, and take any action necessary.
- 47 e. Consider approval of an **Ordinance** for a request from Isaac Levy  
48 and Jose Rodriguez to rezone from (A) Agricultural to (SF-E/4)  
49 Single Family Estate a 10.0-acre tract known as Lot 4, The  
50 McLendon Companies Addition, located along the east side of  
51 FM549 south of Hwy 276 and take any action necessary.  
52 **(2<sup>nd</sup> Reading)**
- 53 f. Consider approval of a request by John McKenzie of McKenzie  
54 Ventures, LLP, for a replat of Lot 2A, Block A, Braum's Addition,  
55 being a 1.141-acre tract zoned (GR) General Retail district and  
56 located along the west side of SH 205 (S. Goliad) north of  
57 Yellowjacket Lane and take any action necessary. The replat is  
58 intended to accommodate development of a Chicken Express  
59 restaurant.
- 60 g. Consider approval of a request by Allan Ross for approval of a  
61 preliminary plat of Lots 1 and 2, Block A, The Larsen School  
62 Addition, being a 10.11 acre tract zoned (PD-10) Planned  
63 Development district and designated for (C) Commercial uses,  
64 situated at the southeast corner of Townsend Dr and SH 276, and  
65 along the northwest side of the future realignment of SH 276 and  
66 take any action necessary.
- 67 h. Consider approval of a request by Mark Diaz of Casco Corp. for a  
68 replat of Lot 1R, Block A, O'Reilly Addition, being a 1.034-acre tract  
69 zoned (PD-1) Planned Development No. 1 and designated for  
70 General Retail uses, located on the east side of FM 740 (Ridge Rd)  
71 south of SH 205 (S. Goliad) and take any action necessary.
- 72 i. Consider approval of a request by Russell Bantau of Winkelmann &  
73 Associates for approval of a residential final plat of Lofland Farms  
74 Phase 5B, which includes 69 single-family lots on 30.235-acres on  
75 property zoned (PD-45) Planned Development District No. 45 and  
76 located along the west side of FM 549 south of SH 276 and take  
77 any action necessary.
- 78 j. Consider approval of a request by Allan Ross for approval of a site  
79 plan for The Larsen School, located on Lot 1, Block A, The Larsen  
80 School Addition, being a 2.18 acre tract zoned (PD-10) Planned  
81 Development district and designated for (C) Commercial uses,  
82 situated at the southeast corner of Townsend Dr and SH 276 and  
83 take any action necessary. The site is also located within the (SH  
84 276 OV) SH-276 Corridor Overlay district.
- 85 k. Consider approval of a request by John McKenzie of McKenzie  
86 Ventures, LLP, for site plan approval of a Chicken Express

87 restaurant located on Lot 2A, Block A, Braum's Addition, being a  
88 1.141-acre tract zoned (GR) General Retail district and situated  
89 within the (SH 205 OV) SH 205 Corridor Overlay district, located of  
90 the west side of SH 205 (S. Goliad) north of Yellowjacket Lane and  
91 take any action necessary.

92  
93 **Councilmember Stephen Straughan requested that item 5a be pulled.**  
94 **Councilmember Terry Raulston made a motion to approve the remaining items on**  
95 **the Consent Agenda and Councilmember Bob Cotti seconded the motion. The**  
96 **ordinances were read as follows:**

97  
98 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
99 **TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF**  
100 **ROCKWALL IN CHAPTER 24 SUBDIVISION REGULATIONS, SECTION 24-3**  
101 **JURISDICTION TO PROVIDE FOR THE EXTENSION OF THE CITY'S**  
102 **EXTRATERRITORIAL JURISDICTION TO TWO MILES; PROVIDING FOR A**  
103 **PENALTY OF A FINE NOT TO EXCEED TWO HUNDRED DOLLARS;**  
104 **PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

105  
106 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
107 **TEXAS, ADOPTING A NEW CITY MAP, INDICATING THE BOUNDARIES AND**  
108 **LIMITS OF THE CITY; DECLARING SUCH MAP TO BE THE OFFICIAL MAP OF**  
109 **THE CITY; PROVIDING AN EFFECTIVE DATE.**

110  
111 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
112 **TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE**  
113 **CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A**  
114 **CHANGE IN ZONING FROM (A), AGRICULTURAL DISTRICT TO (SF-E/4.0),**  
115 **SINGLE FAMILY ESTATE DISTRICT, ON A TRACT OF LAND CONTAINING**  
116 **10.00 ACRES AND KNOWN AS LOT 4, THE MCLENDON COMPANIES**  
117 **ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A**  
118 **PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND**  
119 **DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**  
120 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;**  
121 **PROVIDING FOR AN EFFECTIVE DATE.**

122  
123 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**

124  
125 **Councilmember Bob Cotti then made a motion to approve item 5a and**  
126 **Councilmember Terry Raulston seconded the motion. The motion passed by a**  
127 **vote of 6 ayes and 1 abstain [Straughan].**

## 128 129 **6. APPOINTMENTS**

- 130  
131 **a. Appointment with Planning and Zoning Chairman to discuss and**  
132 **answer any questions regarding cases on the agenda and related**  
133 **issues and take any necessary action.**

134 **Phillip Herbst, Planning and Zoning Chairman, discussed the planning and**  
135 **zoning items on the agenda. Councilmember Tim McCallum asked if there would**

136 be another chance for tree transplanting during the development of the Lofland  
137 Farms Phase 5B. Julie Couch, City Manager, stated that we will work with the  
138 developer on this.

139

## 140 7. PUBLIC HEARINGS / ANNEXATIONS

141

142 a. **Z2004-012** -- Hold a public hearing and consider approval of an  
143 **Ordinance** for a request by Gene Burkes to rezone 7.05 acres  
144 known as Tract 4, Abstract 124, J.H.B. Jones Survey, situated at  
145 the northwest corner of SH 205 (N. Goliad) and the future extension  
146 of N. Alamo Rd, from (SF-10) Single Family Residential district and  
147 (ZL-5) Zero Lot Line Residential district to (GR) General Retail  
148 district and take any action necessary. **(1<sup>st</sup> Reading)**

149 **Robert LaCroix, Planning Director, discussed the background of the request.**  
150 **This project will have to go through plat and site plan procedures and will require**  
151 **Architectural Review Board review. Convenience stores are specifically excluded**  
152 **from this project.**

153

154 **Councilmember Cotti asked if the terminology in the ordinance was sufficient to**  
155 **restrict any business from operating on a 24-hour basis and could we add**  
156 **language to such effect to the ordinance. LaCroix advised that we have not**  
157 **regulated business hours in the past. Cotti asked if there was any guarantee that**  
158 **a business wouldn't be open 24 hours and LaCroix advised there was not.**

159

160 **Mayor Ken Jones opened the public hearing and the following persons came**  
161 **forward to address the Council:**

162

163 **Gene Burkes (applicant) asked for approval of the project. Burkes advised that**  
164 **he has met with all the homeowners on the west side of the project and has also**  
165 **worked with Pulte Homes. Burkes advised that there would be 2-acres of**  
166 **greenbelt dedicated in the project and he has agreed that Alamo will run on the**  
167 **south side of the property.**

168

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

171

172 **Councilmember Tim McCallum thanked Mr. Burkes for his hard work. McCallum**  
173 **stated that he had talked to the homeowners in the area and they were satisfied**  
174 **with the changes. It is great that a developer and the Planning and Zoning**  
175 **Commission can come up with a good plan. McCallum then made a motion to**  
176 **approve the request. Councilmember Raulston asked if McCallum was including**  
177 **all of the Planning & Zoning Commission recommendations and McCallum stated**  
178 **yes. Raulston then seconded the motion. Mayor Jones stated that he planned to**  
179 **support the request. Councilmember Straughan stated that he was part of the**  
180 **Planning & Zoning when this was before them and he likes what he sees. The**  
181 **motion passed unanimously by a vote of 7 ayes and 0 nays.**



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192

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

193  
194  
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200

**Robert LaCroix discussed the background of the request. The accessory building is actually going to be a batting cage and the CUP is to allow for a roof height of 16'2" and a square foot of 1,287. The exterior of the building will match the house and lighting will be recessed in the roof so it will not bleed out. The owner will also net the entire building. With regard to noise, there will be landscaping put in to absorb noise. LaCroix advised the Council that this request would have to be approved by a ¾ majority vote.**

201  
202

**Mayor Jones opened the public hearing and the following persons came forward:**

203  
204  
205  
206

**Tom Seymore (Applicant) came forward and asked for approval of the building. The building will be 16 ½' tall by 78' long and will look similar to the pavilion in Myers Park – it will not look like a batting cage.**

207  
208  
209

**Councilmember Straughan stated that his concern was the noise. Seymore advised that the plants they are planning to put will take care of the problem.**

210  
211  
212

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

213  
214  
215  
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219

**Councilmember Raulston made a motion to approve the request and Councilmember Cotti seconded the motion. Councilmember Billy Morris stated that he is not in favor of this request – that he is concerned that they are not in compliance with the Homeowner Association rules. Councilmember McCallum stated that this project was in his neighborhood and that he would abstain from the vote. The ordinance was read as follows:**

220  
221  
222  
223  
224  
225  
226  
227  
228  
229

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT FOR AN ACCESSORY BUILDING EXCEEDING THE MAXIMUM PERMITTED HEIGHT AND THE MAXIMUM SIZE REQUIREMENT WITHIN THE (SF-E/1.5) SINGLE-FAMILY ESTATE DISTRICT, ON A TRACT LOCATED AT 2045 BROKEN LANCE (LOT 3, BLOCK B, THE OAKS OF BUFFALO WAY); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO**

230 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
231 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
232 PROVIDING FOR AN EFFECTIVE DATE.  
233

234 **The motion failed by a vote of 5 ayes, 1 nay (Morris), and 1 abstain (McCallum).**  
235

- 236 c. **Z2004-015** -- Hold a public hearing and consider approval of an  
237 **Ordinance** for a request by John McKenzie of McKenzie Ventures,  
238 LLP, for a conditional use permit (CUP) allowing for a drive-through  
239 window as an accessory to a restaurant (Chicken Express) on Lot  
240 2A, Block A, Braum's Addition, being a 1.141-acre tract zoned (GR)  
241 General Retail and located along the west side of SH 205 (S.  
242 Goliad) north of Yellowjacket Lane and take any action necessary.  
243 (1st Reading)

244 **Robert LaCroix discussed the background of this request. The CUP is for a drive**  
245 **thru with outside speakers, which will require screening.**  
246

247 **Mayor Jones opened the public hearing and the following persons came forward**  
248 **to address the Council:**  
249

250 **John McKenzie (Applicant) asked for approval of the request. McKenzie advised**  
251 **that the restaurant does 45% - 70% of its business via the drive thru, however,**  
252 **they usually have personal service – where they come out to the car and take the**  
253 **order.**  
254

255 **There being no one further to address the Council, Mayor Jones closed the public**  
256 **hearing.**  
257

258 **Councilmember Cotti made a motion to approve the request with Staff**  
259 **recommendations and Councilmember McCallum seconded the motion. The**  
260 **ordinance was read as follows:**  
261

262 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
263 TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE  
264 CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO  
265 GRANT A CONDITIONAL USE PERMIT TO ALLOW A DRIVE-THROUGH  
266 WINDOW AS AN ACCESSORY TO A RESTAURANT ON A TRACT OF LAND  
267 KNOWN AS LOT 2A, BLOCK A, BRAUM'S ADDITION; PROVIDING FOR  
268 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO  
269 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
270 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
271 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
272

273 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**  
274

- 275 d. **Z2004-016** -- Hold a public hearing and consider approval of an  
276 **Ordinance** for a request by Russell Phillips of Capstar Realty for  
277 approval of an amendment to (PD-54) Planned Development

278 District No. 54 (Ord. No. 02-52) to amend the concept plan to allow  
279 for 87 single-family residential lots on 51.51-acres and  
280 approximately 12.65-acres of office / retail uses and take any action  
281 necessary. (The subject property is located along the southeast  
282 side of Ralph Hall Pkwy and the northeast side of Mims Road) (1<sup>st</sup>  
283 Reading)

284 **Robert LaCroix discussed the background of the request.**

285  
286 **Mayor Jones opened the public hearing and the following persons came forward**  
287 **to address the Council:**

288  
289 **Russell Phillips (Applicant) requested approval of the request.**

290  
291 **There being no one further to address the Council, Mayor Jones closed the public**  
292 **hearing.**

293  
294 **Councilmember Cotti stated that he saw this project four years ago when he was**  
295 **on the Planning & Zoning Commission. This is a very attractive design.**

296  
297 **Councilmember Raulston thanked Dub Douphrate for his persistence on this**  
298 **project. This is a great plan and it is good to see a reduction in the number of**  
299 **residential lots. Raulston then made a motion to approve the request along with**  
300 **Planning & Zoning recommendations. Robert LaCroix advised that buildings**  
301 **over 36' would require a CUP and this would need to be added to the motion.**  
302 **Raulston restated his motion to include this language and Councilmember**  
303 **Straughan seconded the motion.**

304  
305 **Councilmember McCallum stated that this is a great development. It promotes**  
306 **quality business and will help relieve the tax burden on the residents. Mayor**  
307 **Jones thanked the applicant for saving the trees.**

308  
309 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**

310  
311 **e. A2004-001 -- Hold a public hearing and consider a City initiated**  
312 **request to annex land of approximately 320.44 acres generally**  
313 **located along a portion of FM 3097 and a portion of S FM 549,**  
314 **south of County Line Road, and north and west of E. Cullins Road.**  
315 **(2<sup>nd</sup> Public Hearing)**

316 **Robert LaCroix advised the Council that this was the second public hearing on**  
317 **the annexation of property to the south of the City. Mayor Jones opened the**  
318 **public hearing the following persons came forward to address the Council: [All**  
319 **of the following persons are against the annexation]**

320  
321 **Michael H. Wallace**  
322 **6271 Horizon Road**

323

324 **Russell Kelly**  
325 **3322 Lakeside Drive**

326  
327 **James D. Ackert**  
328 **2241 Highwood**  
329 **Dallas, Texas 75228**

330  
331 **Mary Jean Wallace Ackert**  
332 **2241 Highwood**  
333 **Dallas, Texas 75228**

334  
335 **Ernie Hughes**  
336 **Rockwall County**

337  
338 **Kurt Kahle**  
339 **5573 FM-3097**

340  
341 **Dwayne Mitchell**  
342 **Rowlett, TX**

343  
344 **Karen Pope**  
345 **626 East Cullins Road**

346  
347  
348 **There being no one further to address the Council, Mayor Jones closed the public**  
349 **hearing.**

350  
351 **f. A2004-002 -- Hold a public hearing and consider a City initiated**  
352 **request to annex land of approximately 270.92 acres generally**  
353 **located south of FM 552, west of FM 549, north of Clem Road, and**  
354 **contiguous to the existing City Limits line. (1<sup>st</sup> Public Hearing)**

355 **Robert LaCroix discussed the request and detailed the Service Plan for the area.**  
356 **Mayor Jones opened the public hearing the following persons came forward to**  
357 **address the Council: [All of the following persons are against the annexation]**

358  
359 **Joe Bell**  
360 **768 Clem Road**

361  
362 **Johnnie Housley**  
363 **#4 Northridge Lane**

364  
365 **J. C. Crabtree**  
366 **6052 S. FM-549**

367  
368 **John Mitchell**  
369 **2993 E. FM-552**

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**Pat Grady  
FM-552**

**Carol DeJarnett  
721 N. Country Lane**

**Richard Wincorn  
628 Moraine Way  
Heath, TX**

**[Stated he is the reason for the annexation. He stated there would be no metal buildings – it is not an industrial park.]**

**[All of the following persons are for the annexation]**

**Bill Adair**

**Lives across the road and is concerned. He is in favor of the annexation because it is the only way they can protect themselves from the industrial park proposed by Wincorn.**

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

- g. A2004-002 -- Hold a public hearing and consider a City initiated request to annex land of approximately 270.92 acres generally located south of FM 552, west of FM 549, north of Clem Road, and contiguous to the existing City Limits line. (2nd Public Hearing)**

**Mayor Jones opened the public hearing and the following persons came forward to address the Council: [All of the following persons are against the annexation]**

**Kim Hanna  
3 North Ridge Lane**

**J. O. Richey  
3057 FM-552**

**Kacey Cain  
2690 N. FM-549**

**Dr. Tim Hotzheimer  
2925 E. FM-552**

**W. T. Scurlock  
7 North Ridge Lane**

415 **Rodd Hanna**  
416 **3 North Ridge Lane**

417  
418 **Ray Harton**  
419 **3056 N. FM-549**

420  
421 **John R. Halliburton**  
422 **#7 Northcrest Circle**

423  
424 **Tamara Mitchell**  
425 **2993 E. FM-552**

426  
427 **Johnny Smith**  
428 **8 North Ridge Lane**

429  
430 **Kim Hanna**  
431 **3 North Ridge Lane**

432  
433  
434 **[All of the following persons are for the annexation]**

435  
436 **Anthony Gipson**  
437 **7 Crestview Circle**

438  
439 **Pam Miser**  
440 **Crestview Circle**

441  
442 **Larkin Jumper**  
443 **3 Crestview**

444  
445 **There being no one further to address the Council, Mayor Jones closed the public**  
446 **hearing.**

447  
448 **Councilmember McCallum stated that we crafted the northeast area annexation to**  
449 **act quickly based on the request by the property owners on Crestview. McCallum**  
450 **stated that we should proceed with the annexation, but only annex the area from**  
451 **North Country Lane (including the entire road) south to Clem Road. McCallum**  
452 **made a motion to have Staff bring back a revised map at the next meeting and**  
453 **Mayor Jones seconded the motion. Councilmember Raulston stated that he**  
454 **would vote for the re-evaluation of the annexation, but not necessarily the**  
455 **annexation. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

456

457 **8. SITE PLANS / PLATS**

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- a. **P2004-017** -- Discuss and consider a request by Russell Phillips of Capstar Realty for approval of a preliminary plat of Flagstone Creek Addition, being 87 single-family lots and 2 retail/office lots on 64.194-acres situated along the northeast side of Mims Rd southeast of Ralph Hall Pkwy. The subject tract is zoned (PD-54) Planned Development No. 54 (Ord. No. 02-52) and take any action necessary.

466 **Robert LaCroix discussed the background of the request. Councilmember Cotti**  
467 **made a motion to approve the request and Councilmember Morris seconded the**  
468 **motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

469

470 **9. ACTION ITEMS**

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- a. Discuss and consider approval of an **Ordinance** regulating the use of skateboards, skates, scooters, etc. within the city limits and take any action necessary. **(1<sup>st</sup> Reading)**

475 **Dorothy Brooks, City Secretary, city liaison for the Youth Advisory Council,**  
476 **advised the Council that the YAC had worked very hard on the project, including**  
477 **taking surveys of their peers. Marlene Tilsner, the school liaison for the YAC and**  
478 **Sabrina Rasor, a YAC member also addressed the Council. Councilmember**  
479 **Raulston thanked Chief Moeller and the YAC for their hard work and stated that**  
480 **he thought this was an excellent ordinance and big plus for the City. Raulston**  
481 **then made a motion to approve the ordinance. Councilmember Cotti seconded**  
482 **Raulston’s motion and stated that he seconded Raulston’s compliments and**  
483 **comments. Councilmember McCallum thanked Councilmember Raulston for**  
484 **bringing this matter forward last October. The motion passed unanimously by a**  
485 **vote of 7 ayes and 0 nays.**

486  
487  
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- b. Discuss and consider a proposal for provision of water services to Lakeside Church of Christ and take any action necessary.

489 **Julie Couch discussed the proposal from Lakeside Church of Christ for the**  
490 **provision of water services. Councilmember Cotti asked Couch if this is**  
491 **something she could be comfortable with. Couch advised the Council that the**  
492 **City would be paying the costs upfront and it is a deviation from what we have**  
493 **done in the past. Cotti advised that he does not feel comfortable with this**  
494 **proposal and would rather see us negotiate further. Couch advised that we**  
495 **would not do this for a profit-making business. Cotti stated that this must be**  
496 **viewed as a business venture and that he does not believe it is good business.**

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**Mayor Jones stated that he disagreed with Councilmember Cotti and made a motion to approve the proposal.**

501 Councilmember McCallum asked if we have done this before. Couch advised that  
502 we have waived fees and allowed churches to spread payments of fees over  
503 periods of time, but nothing like this. Mayor Jones stated that it was done for the  
504 Methodist Church for three years. Each church has been dealt with differently.  
505 McCallum stated that he was a business man, but also serves on the finance  
506 board of a church. McCallum stated that he needed more information on their  
507 cash flow position before he could approve the request. McCallum stated he  
508 wanted to help the church, but hesitates to use taxpayer's money.

509  
510 Couch advised that the facilities agreement that would be entered into would be  
511 filed as a lien on the property. We have done similar agreements, but the terms  
512 were only 3 or 5 years.

513  
514 Mayor Jones stated that this could cause more development in the area.  
515 Councilmember Morris stated that it puts the City in the position of loaning  
516 taxpayer's money at no interest. This proposal is a little strong and he cannot  
517 support it. Mayor Jones stated that he would restate his motion to provide for a 5  
518 year term.

519  
520 Councilmember Raulston stated that he agreed with Councilmember Morris and  
521 asked the City Attorney, Pete Eckert, if this would create a conflict for the City.  
522 Julie Couch stated that the funds are for a public water transmission line for  
523 public use. Raulston stated that he feels this would set a precedent that we don't  
524 want. Couch suggested that the matter be tabled until she could talk to the  
525 church.

526  
527 Councilmember Straughan asked if there was no interest because it is a church  
528 and asked about a 5-year balloon. Couch advised that this not truly "lending"  
529 because we are putting in a public water line.

530  
531 Mayor Jones stated that since there was no second for his motion, he would  
532 rescind it.

533  
534 Councilmember McCallum made a motion to table the matter until the next  
535 meeting to allow further discussion between Staff and the Church.  
536 Councilmember Cotti seconded the motion. The motion passed unanimously by  
537 a vote of 7 ayes and 0 nays.

538  
539 There being no further business to come before the Council in regular session,  
540 Mayor Jones adjourned the meeting into Executive Session at 9:41 p.m.

541  
542 **10. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074, AND**  
543 **551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- 544  
545 a. Land Acquisition for City Facilities and Park Land.



- 546           **b.**     Personnel Issues, including Board, Commission, and Committee  
547                     Appointments, and Related Matters.
- 548           **c.**     Commercial or financial information regarding business prospects  
549                     that the City seeks to have locate, stay, or expand in or near the  
550                     territory of the City of Rockwall and with which the Board is  
551                     conducting economic development negotiations.
- 552           **d.**     Personnel Issues: City Manager evaluation.

553   **11. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

554  
555   **Councilmember Cotti made a motion to approve the REDC contract for land**  
556   **acquisition and Councilmember McCallum seconded the motion. The motion**  
557   **passed unanimously by a vote of 7 ayes and 0 nays.**

558  
559   **Councilmember Raulston made a motion to appoint Glenn Smith to the Planning**  
560   **& Zoning Commission and Councilmember King seconded the motion. The**  
561   **motion passed unanimously by a vote of 7 ayes and 0 nays.**

562  
563   **Councilmember Cotti made a motion to reappoint Larry Parks to the North Texas**  
564   **Municipal Water District Board and Mayor Jones seconded the motion. The**  
565   **motion passed unanimously by a vote of 7 ayes and 0 nays.**

566

567   **12. ADJOURNMENT**

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569   **There being no further business to come before the Council, Mayor Jones**  
570   **adjourned the meeting at 11:15 p.m.**

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**Ken Jones, Mayor**

575   **ATTEST:**

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578   **\_\_\_\_\_  
Dorothy Brooks, City Secretary**

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