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**MINUTES
ROCKWALL CITY COUNCIL**

August 2, 2004

4:00 p.m. Executive Session and 6:00 p.m. Regular Session
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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4:00 p.m. Executive Session

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

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- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
 - b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
 - c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
 - d. Land acquisition – Acquisition of service area from Blackland Water Supply Corporation.

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Mayor Pro Tem McCallum called the meeting to order at 4:00 p.m. Present were Mayor Pro Tem Tim McCallum and Councilmembers Bob Cotti, Stephen Straughan, Bill Cecil, John King and Terry Raulston. Mayor Pro Tem McCallum then adjourned the meeting into Executive Session. Mayor Ken Jones joined the Executive Session a few minutes later.

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2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

The Executive Session was adjourned at 5:55 p.m.

6:00 p.m. Regular Meeting

1. **CALL TO ORDER**

Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil, John King and Terry Raulston.

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

3. **PROCLAMATIONS**

- a. National Night Out

48 Officer Jeff Welch accepted the proclamation on behalf of the Rockwall
49 Police Department.

50 Peg Pannell-Smith, representing The Blue Pegasus Foundation, presented
51 a Certificate of Appreciation to Officer Welch for the help and service given
52 by the Police Department and Citizens on Patrol during the "Cruise 'n
53 Blues" Festival.

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55 **4. OPEN FORUM**

56
57 The following persons came forward to address the Council during the Open Forum:

58
59 **Tony Rios**

60 **Rockwall Housing Authority**

61 Mr. Rios asked the Council to please be aware of the community needs –
62 don't overlook the south side due to development elsewhere. Rios stated
63 that the south side needed help with flooding on Davey Crockett and Ross.
64 Rios also requested that the City donate property on Ross so that a
65 community center could be built.

66
67 **Sam Buffington**

68 **509 Bourn Avenue**

69 Mr. Buffington reminded the Councilmembers that they are a servant of the
70 community. Buffington wanted to know why the drainage work approved
71 in the 2002 bond election had not been completed. Buffington stated that
72 there was raw sewage running down Ross and that portions of Clark Street
73 were still flooded.

74
75 **Peg Pannell-Smith**

76 **602 Williams**

77 Ms. Smith stated that she liked the new zoning ordinance, but was
78 confused as to which ordinance was in effect. If the new ordinance is in
79 effect, why isn't it being enforced.

80
81 **Carol Crow**

82 **504 Williams**

83 Ms. Crow showed pictures of her neighbor's drive that has a pontoon boat
84 parked in the drive in violation of the new zoning ordinance. Both
85 Ms. Crow and Ms. Smith asked for help from the City to have the ordinance
86 enforced as soon as possible.

87
88 **5. CONSENT AGENDA ITEMS**

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90 **a.** Consider approval of the Minutes from the July 19, 2004, City Council
91 meeting and take any action necessary.

92 **b.** Consider approval of an **Ordinance** for a request by Craig Merritt of
93 Merritt Custom Homes for a Specific Use Permit (SUP) allowing for an
94 accessory building exceeding the maximum height requirement of 15-feet
95 on a 1.5-acre tract known as Lot 9, Block C, The Oaks of Buffalo Way
96 Addition and located at 5135 Bear Claw Lane and take any action
97 necessary. The subject property is zoned (SF-E/1.5) Single Family
98 Estate district. **(2nd Reading)**

- 99 c. Consider approval of an **Ordinance** for a request by Rhonda Davis of
100 Bon Appetit for approval of a Specific Use Permit (SUP) allowing for a
101 restaurant less than 2,000-sf in area within Planned Development No. 50
102 district, specifically on Lot 8, Barnes Addition which is addressed as 804
103 N. Goliad and take any action necessary. **(2nd Reading)**
- 104 d. Consider approval of an **Ordinance** for a city-initiated request for a
105 change in zoning from (HwyC) Highway Commercial district and (LI) Light
106 Industrial district to (C) Commercial district on approximately 52.12-acres
107 described as Tract 22-1 and a portion of Tract 22, Abstract 120, R.B.
108 Irvine Survey, and located at the southeast corner of I-30 and FM 549
109 and take any action necessary. **(2nd Reading)**
- 110 e. Consider approval of a request by John Rose for an amendment to the
111 approved building elevations for a proposed office development located
112 on Lot 13R, Block A, Horizon Ridge Addition, a 1.02-acre tract zoned
113 (PD-9) Planned Development and situated along the east side of Ridge
114 Rd (FM 740) south of Arista Dr, within the Scenic Overlay district and take
115 any action necessary.
- 116 f. Consider approval of the **Ordinance** forming the Tax Increment Financing
117 (TIF) zone (The Harbor Project) and take any action necessary.
118 **(2nd Reading)**

119

120 **Councilmember McCallum requested that Consent Agenda Item 5e be pulled and**
121 **Councilmember Cecil requested that Consent Agenda Item 5a be pulled. McCallum then**
122 **made a motion to approve the remaining Consent Agenda Items and Councilmember**
123 **Raulston seconded the motion. The ordinances were read as follows:**

124

125 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
126 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS
127 PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT FOR AN ACCESSORY
128 BUILDING EXCEEDING THE MAXIMUM PERMITTED HEIGHT WITHIN THE (SF-E/1.5) SINGLE-
129 FAMILY ESTATE DISTRICT, ON A TRACT LOCATED AT 5135 BEAR CLAW LANE (LOT 9,
130 BLOCK C, THE OAKS OF BUFFALO WAY); PROVIDING FOR SPECIAL CONDITIONS;
131 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
132 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE;
133 PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

134

135 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
136 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS
137 PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING FOR A
138 RESTAURANT OF LESS THAN 2,000 SQUARE FEET WITHIN (PD-50) PLANNED
139 DEVELOPMENT NO. 50 DISTRICT, ON A TRACT OF LAND KNOWN AS LOT 8, BARNES
140 ADDITION AND LOCATED AT 804 N. GOLIAD STREET; PROVIDING FOR SPECIAL
141 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
142 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
143 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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145 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
146 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AS
147 HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM (HC) HIGHWAY
148 COMMERCIAL DISTRICT AND (LI) LIGHT INDUSTRIAL DISTRICT TO (C) COMMERCIAL
149 DISTRICT ON AN 47.67-ACRE TRACT KNOWN AS A PORTION OF TRACT 22, ABSTRACT
150 120, R.B. IRVINE SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"
151 ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A
152 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR
153 EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
154 CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

155 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS
156 DESIGNATING A CERTAIN AREA AS TAX INCREMENT FINANCING REINVESTMENT ZONE
157 NUMBER ONE, CITY OF ROCKWALL, TEXAS, ESTABLISHING A BOARD OF DIRECTORS
158 FOR SUCH REINVESTMENT ZONE AND OTHER MATTERS RELATING THERETO;
159 PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.
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162 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**

163
164 **Councilmember McCallum made a motion to approve Consent Agenda Item 5a and**
165 **Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1**
166 **abstain [Cecil].**

167
168 **For Consent Item 5e, Councilmember McCallum asked Robert LaCroix, Planning Director,**
169 **about the change from brick and stone to stone. LaCroix advised that the building will**
170 **now be completely stone and that the drainage has been put underground and the**
171 **detention pond was no longer necessary. McCallum then made a motion the approve**
172 **Consent Agenda Item 5e and Councilmember Raulston seconded the motion. The**
173 **motion passed unanimously by a vote of 7 ayes and 0 nays.**

174
175 **6. APPOINTMENTS**

- 176
177 **a. Appointment with Planning and Zoning Chairman to discuss and answer**
178 **any questions regarding cases on the agenda and related issues and**
179 **take any necessary action.**

180 **Phillip Herbst, Planning and Zoning Chairman, advised the Council that there were no**
181 **items to discuss on tonight's agenda, but he would make up for it at the next meeting.**

182
183 **7. ACTION ITEMS**

- 184
185 **a. Discuss and consider approval of a *Resolution* giving notice of the City's**
186 **intent to proceed with an inquiry into the transmission and distribution**
187 **rates charged by TXU and take any action necessary.**

188 **City Manager Julie Couch discussed the background of the request. TXU Town Manager**
189 **Michael Baldwin came forward and requested that the Council table the matter until he**
190 **has had a chance to research the matter and then meet with the City and discuss the**
191 **rates. Councilmember Cotti made a motion to table the matter until the next meeting to**
192 **allow the Council to get further information from TXU. Mayor Pro Tem McCallum made a**
193 **motion to approve the requests, stating we should consider the coalition and their study**
194 **the unbiased source for the taxpayers. Both motions died for lack of a second. After**
195 **discussion and confirming no impact to the City or its citizens, Councilmember Cotti**
196 **made a motion to table the matter until the next meeting, which will be August 16, 2004,**
197 **and Councilmember King seconded the motion. The motion passed by a vote of 5 ayes,**
198 **1 nay [McCallum], and 1 abstain [Raulston].**

- 199
200 **b. Discuss and consider approval of a proposal from Tom Pritchett for**
201 **design of CityPlace signage and take any action necessary.**

202 **Brad Griggs, Parks Director, discussed the background of the request. Councilmember**
203 **McCallum requested that the design be made to include a communication area for things**
204 **like "Vote Here" and other information to improve aesthetics and communication with**
205 **citizens at City Hall. Julie Couch, City Manager, advised that we could do that.**
206 **Councilmember Raulston made a motion to approve the request and Mayor Jones**
207 **seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

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- c. Discuss options to provide secondary emergency access between the properties of Waterstone Estates and that of the Catholic Church and Heritage Christian Academy and take any action necessary.

Councilmember Cotti stated that he requested that this item be put on the agenda. Cotti stated that this has been a long-standing problem and that something needs to be done to provide a permanent fix. Cotti suggested that payment for the second access be a joint venture between the City, HCA, Our Lady of the Lake Catholic Church, and Waterstone HOA. City Engineer Chuck Todd approximated the cost to be \$120,000 for the road and culvert only. The gate would be approximately \$2000 extra. Councilmember Straughan stated he could not see Waterstone joining in, but he could see the Catholic Church, HCA and the City working together and he likes the idea of moving the construction time up.

The following persons came forward to address the Council regarding this matter:

Bruce Strotman
312 Rockport Drive

Mr. Strotman is a member of the Catholic Church. Strotman advised that Damascus was originally supposed to connect with Yellowjacket. Mr. Strotman suggested that the connection to Murphy Drive be constructed from the rear of the Catholic Church's parking lot. It would be much closer and cost less. Strotman stated that the Church would want to have access if it was constructed here.

Sam Buffington

Mr. Buffington stated that the road through the cemetery is not a regular road and people should not be driving through the cemetery to SH205 on it.

Gary Bonacquisti

Mr. Bonacquisti is president of the HCA Board of Directors. He stated that HCA does not have the money to pay for the connection, but they would definitely consider the joint venture with the other entities.

Councilmember Cotti stated that the access would be an emergency access only and made a motion to direct the City Manager and Staff to work with HCA, Waterstone Estates HOA, and the Catholic Church to look at cooperatively agreeing to provide an emergency access between the properties in order to alleviate the safety issues and move this project forward to make it happen in a shorter time frame. This motion includes the possibility of upfront financial participation by the City. Councilmember Cecil seconded the motion and the motion passed by a vote of 7 ayes and 0 nays.

- d. Discuss and consider approval of an **Ordinance** for a request by Rob Whittle of Mariah Bay Development for a change in zoning from (Ag) Agricultural district to (C) Commercial district on an 18.99-acre tract known as Tract 1-1, Abstract 80, W.W. Ford Survey, located at the northeast corner of FM 3097 and FM 549 and take any action necessary.
(1st Reading)

Robert LaCroix, Planning Director, stated that this item had been tabled at the prior meeting because Councilmember McCallum had concerns about water and sewer in the annexed area. McCallum stated that he was concerned not only about the water and sewer services, but the installation of a stop light, sidewalks and crosswalks. Julie

261 Couch advised that with regard to the stop light, this is a state road and TXDOT is
262 responsible for the installation of stop lights. The City and RISD will submit a request to
263 TXDOT for a study once school starts so we can get a better picture of the traffic
264 concerns. LaCroix advised that with regard to the sidewalks and crosswalk, that the
265 developer will be constructing sidewalks within the site. Rob Whittle, developer, stated
266 that he was "on board" with the internal sidewalks and potential outside walks. LaCroix
267 also advised that the developer will be improving Jeff Boyd Road as part of the
268 development. Mayor Jones advised the Council that funds may have been found that
269 would allow the City to construct sewer to the area within a year. Director of Finance
270 Mary Smith and City Engineer addressed the potential for funding the sewer, however,
271 water service is currently provided by RCH and negotiations will need to take place for
272 the City to be able to take over the service.

273
274 Councilmember Raulston made a motion to approve the request with Staff and Planning
275 and Zoning recommendations and Councilmember Cecil seconded the motion. The
276 ordinance was read as follows:

277
278 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
279 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS
280 HERETOFORE AMENDED, TO CHANGE THE ZONING FROM (AG) AGRICULTURAL
281 DISTRICT TO (PD-57) PLANNED DEVELOPMENT NO. 57 DISTRICT ON AN 18.99-ACRE
282 TRACT KNOWN AS TRACT 1-1, ABSTRACT 80, W.W. FORD SURVEY AND MORE
283 SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE
284 OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM
285 OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A
286 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
287 EFFECTIVE DATE.

288
289 The motion passed unanimously by a vote of 7 ayes and 0 nays.

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291 e. Discuss and consider a request by Rob Whittle of Mariah Bay
292 Development for approval of a preliminary plat of the Alliance Addition,
293 being an 18.99-acre tract located at the northeast corner of FM 3097 and
294 FM 549, which is proposed to be zoned (C) Commercial district and
295 currently described as Tract 1-1, Abstract 80, W.W. Ford Survey and take
296 any action necessary.

297
298 Robert LaCroix discussed the background of the request by Mr. Whittle for approval of a
299 preliminary plat. Councilmember Cecil made a motion to approve the request with Staff
300 and Council recommendations, including escrowing of funds for sidewalks, and
301 Councilmember Raulston seconded the motion. The motion passed unanimously by a
302 vote of 7 ayes and 0 nays.

303
304 Mr. Whittle thanked the Council for working with him on this project.

305
306 8. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
307 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

- 308
309 a. Departmental Reports
310 b. City Manager's Report

311 City Manager Julie Couch thanked Joey Boyd and Rick Crowley for their work on the
312 Ralph Hall Leadership Series that is a part of Rockwall University and stated that some of
313 the speakers will include Ralph Hall, Bill Ratcliff, Frank Sturzl and Florence Shapiro.

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Couch reminded the Council that the Quarterly Worksession scheduled for August 9, 2004, will be an Ethics Seminar put on by City Attorney Pete Eckert and that Board and Commission members will be in attendance.

Couch stated that the Budget Retreat is scheduled for Friday, August 13, 2004 at the Municipal Court and the Council/Staff Retreat has been scheduled for September 26-27, 2004, at Tioga.

There being no further business to come before the Council in regular session, Mayor Jones adjourned the meeting into Executive Session at 8:10 p.m.

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

- a.** Deliberation regarding the purchase, exchange, lease, or value of real property.
- b.** Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- c.** Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d.** Land acquisition – Acquisition of service area from Blackland Water Supply Corporation.

10. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

There being no further business to come before the Council, Mayor Jones adjourned the meeting at 10:20 p.m.

APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of August, 2004.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
August 9, 2004
6:00 p.m., Special Meeting (Ethics Seminar)
385 S. Goliad, Rockwall, Texas 75087

The meeting was called to order at 6:00 p.m. Pete Eckert, City Attorney, gave a presentation on ethics. No action was taken by the Council.

The meeting adjourned at 7:30 p.m.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

1 **MINUTES**
2 **CITY COUNCIL BUDGET RETREAT**
3 **8:30 a.m., Friday, August 13, 2004**
4 **Municipal Court Room**
5 **205 W. Rusk, Rockwall, Texas 75087**
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8 1. **Meet and discuss the City of Rockwall's proposed Operating Budget for the**
9 **period October 1, 2004 through September 30, 2005, and the Amended**
10 **Budget for October 1, 2003 through September 30, 2004, and take any**
11 **action necessary.**

12 **Mayor Pro Tem McCallum called the meeting to order at 8:40 a.m. Present were Mayor**
13 **Pro Tem Tim McCallum and Councilmembers Bob Cotti, Terry Raulston, Stephen**
14 **Straughan, John King and Bill Cecil. Mayor Ken Jones joined the meeting at 8:45 a.m.**
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16 **Each Department Head presented their budget to the Council and City Manager Julie**
17 **Couch.**
18

19 **There being no further business to come before the Council, Mayor Jones adjourned the**
20 **meeting at 6:00 p.m.**
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24 **_____**
Ken Jones, Mayor

25 **ATTEST:**
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28 **_____**
29 **Dorothy Brooks, City Secretary**

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MINUTES
ROCKWALL CITY COUNCIL

August 16, 2004

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

Mayor Jones called the meeting to order at 4:00 p.m. Present were Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and John King. Councilmember Terry Raulston was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

Mayor Jones immediately adjourned into Executive Session.

1. **HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Deliberation regarding the purchase, exchange, lease, or value of real property.
- b. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- c. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- d. Litigation: Evans v. City – Status update by City Attorney
- e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council and falls under the attorney-client privilege.

2. **Pre-Council dinner.**

3. **Adjournment.**

No action was taken as a result of Executive Session. Mayor Jones adjourned the Executive Session at 5:55 p.m.

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

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

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**MINUTES
ROCKWALL CITY COUNCIL**

August 16, 2004
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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1. **Call to Order**

11 Mayor Jones called the meeting to order at 6:00 p.m. Present were Councilmembers
12 Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and John King.
13 Councilmember Terry Raulston was absent. Also present were City Manager Julie
14 Couch, Assistant City Manager Rick Crowley, City Attorney Pete Eckert, Community
15 Development Director Robert LaCroix and City Secretary Dorothy Brooks.

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17 2. **Invocation and Pledge of Allegiance – Councilmember Tim McCallum**

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20 3. **Consent Agenda Items**

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22 Councilmember Cotti requested that the appointment with Planning and Zoning
23 Chairman Phillip Herbst be moved up so that he could address the planning and
24 zoning items on the Consent Agenda. Phillip Herbst came forward and advised the
25 Council that the Planning and Zoning Commission had approved all of the items on
26 tonight's agenda. With regard to Consent Agenda Item 3m, Councilmember Cotti
27 asked Herbst if the parking had been reduced. Herbst advised that it had not.

- 28
29 a. Consider approval of the Minutes of the August 2, 2004, City Council
30 Meeting and take any action necessary.
31
32 b. Consider approval of an **Ordinance** for a request by Rob Whittle of
33 Mariah Bay Development for a change in zoning from (Ag) Agricultural
34 district to (C) Commercial district on an 18.99-acre tract known as
35 Tract 1-1, Abstract 80, W.W. Ford Survey, located at the northeast
36 corner of FM 3097 and FM 549 and take any action necessary. (**2nd**
37 **Reading**)
38
39 c. Purposely left blank.
40
41 d. **P2004-037** -- Consider a request by Michael Johnston of Ramsay Ivy
42 Co. for approval of a replat of Lot 2, Block A, Lakewood Park Addition,
43 being a 1.16-acre tract zoned (C) Commercial district and located
44 along the southeast side of Ridge Rd northeast of White Hills Drive
45 and take any action necessary.
46
47 e. **P2004-038** -- Consider a request by Stephen Seitz of Seitz Architects,
48 Inc., for approval of a replat of Lot 1, Block 1, Texas Star Addition,
49 being a 4.06-acre tract located at 2860 S. Goliad Street, zoned (HC)

50 Heavy Commercial district and situated within the SH 205 Corridor
51 Overlay district and take any action necessary.

52
53 f. **SP2004-014** -- Consider a request by Stephen Seitz of Seitz
54 Architects, Inc., for approval of an amended site plan for Texas Star
55 Express, specifically for a 3,241-sf expansion to the primary structure
56 and changes to the parking and fire lane layout, situated on a 4.06-
57 acre tract being Lot 1, Block 1, Texas Star Addition and located at
58 2860 S. Goliad Street. The subject tract is zoned (HC) Heavy
59 Commercial district and situated within the SH 205 Corridor Overlay
60 district. Take any action necessary.

61
62 g. Consider approval of the award of a bid for Hickory Ridge Park
63 Development and take any action necessary.

64
65 h. Consider authorizing the City Manager to execute an agreement with
66 Dallas SMSA Limited Partnership d/b/a Cingular Wireless for antenna
67 space on the water tower and take any action necessary.

68
69 i. Consider approval of a Resolution notifying the Emergency Services
70 Corporation of Rockwall County of the City's interest in planning for a
71 regional firearms training facility and take any action necessary.

72
73 j. Consider approval of an agreement with Smith Survey for surveying
74 services for "A-List" drainage improvements identified in the bond
75 package and take any action necessary.

76
77 k. **P2004-036** – Consider approval of a request by Thomas Shirey for
78 approval of a final plat of Lot 1, Block A, Rock Ridge Office Plaza
79 Addition, being a 0.48-acre tract located at 1014 Ridge Rd and zoned
80 (PD-53) Planned Development No. 53 district, designated for (R-O)
81 Residential-Office uses and take any action necessary.

82
83 l. **SP2004-0012** – Consider approval of a request by Thomas Shirey for
84 approval of a site plan for Lot 1, Block A, Rock Ridge Office Plaza
85 Addition, being a 0.48-acre tract zoned (PD-53) Planned Development
86 No. 53 district and designated for (R-O) Residential-Office uses, and
87 located at 1014 Ridge Road and take any action necessary.

88
89 m. **SP2004-013** – Consider approval of a request by Michael Johnston of
90 Ramsay Ivy Co. for approval of a site plan for Apple Orthodontix,
91 being a 6,335-sf office development located on the proposed Lot 2A,
92 Block A, Lakewood Park Addition, being a 1.16-acre tract zoned (C)
93 Commercial district and located along the southeast side of Ridge Rd
94 northeast of White Hills Dr within the Scenic Overlay district and take
95 any action necessary.

96
97 **With regard to Consent Agenda Item 3i, Councilmember Cecil stated that since he**
98 **served on the board of the Emergency Services Corporation of Rockwall County he**
99 **would recuse himself from hearing or taking action on this item. Mayor Jones stated**
100 **that since he also served on the board, he too would recuse himself.**

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Councilmember Straughan requested that Consent Items 3d and 3m be pulled.
Councilmember McCallum requested that Consent item 3g be pulled.

Councilmember Cotti then made a motion that Consent Items 3a, 3b, 3c, 3d, 3e, 3f, 3h, 3j, 3k and 3l be approved. Councilmember McCallum seconded the motion and the ordinance was read as follows:

ORDINANCE NO. 04-48

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, TO CHANGE THE ZONING FROM (AG) AGRICULTURAL DISTRICT TO (PD-57) PLANNED DEVELOPMENT NO. 57 DISTRICT ON AN 18.99-ACRE TRACT KNOWN AS TRACT 1-1, ABSTRACT 80, W.W. FORD SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes and 1 absent [Raulston].

With regard to Consent Agenda Item 3d, Councilmember Straughan asked why the property was being divided. Community Development Director Robert LaCroix advised that the applicant had requested that the property be divided so that they could sell it. LaCroix advised that the property will have mutual access and parking and a fire lane is required. Councilmember Straughan then made a motion to approve Consent Items 3d and 3m and Councilmember McCallum seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Raulston].

With regard to Consent Agenda Item 3g, Councilmember McCallum stated that he wanted to thank Brad Griggs, Parks Director, for all his hard work on this project. McCallum then made a motion to approve Consent Agenda Item 3g and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Raulston].

With regarding to Consent Agenda Item 3i, Councilmember Cecil and Mayor Jones recused themselves and Mayor Pro Tem McCallum presided over the meeting during this time. Councilmember King made a motion to approve the request and Councilmember Cotti seconded the motion. The motion passed by a vote of 4 ayes, 1 absent [Raulston] and 2 recusals [Cecil and Jones].

Mayor Jones and Councilmember Cecil returned and Mayor Jones resumed presiding over the meeting.

4. Appointments

- a. Appointment with Jake Rathmell regarding The Lake Ray Hubbard Cultural Arts Center and take any action necessary.

152 Jake Rathmell gave a short power point presentation regarding a cultural arts center
153 and stated that the City of Heath had offered to donate the land for a center and that
154 they were working with the Rockwall Independent School District on this project.
155 Councilmember Cotti advised after Rathmell's presentation that the City did not have
156 any answers to his questions. When asked how much money it would take to
157 construct an arts center, Rathmell stated that Terrell had built a center for \$7.5 million
158 in 2000, but it would cost about \$12 million now. Rathmell stated that they are
159 looking at constructing about 3600 square feet and he believes it will cost \$250 per
160 square foot to construct. City Attorney Pete Eckert advised that the City could
161 contribute hotel/motel funds so long as it is a true regional facility and meets the
162 criteria, even if it is in another city. Councilmember Cotti asked what the time frame
163 was and Rathmell stated that they don't have the intent letter, but should by the end
164 of the year. Cotti asked if an organization like the Emergency Services Corporation
165 was formed, would that help move this project forward.
166

167 Councilmember Cecil asked what the annual costs would be with regard to the center.
168 Rathmell stated that it will be an ongoing expense – that most have a negative cash
169 flow.
170

171 Doris Yanger, Present of Rockwall Artist League came forward and addressed the
172 Council. Yanger stated that partnering with the school district is an excellent
173 opportunity. A lot of centers don't have that and it can be very important.
174

175 Ruth Peck came forward and addressed the Council. Peck stated that Heath, the
176 County, the City and the School should appointment committee members.
177

178 The Council took no action on this matter.
179

180 b. Appointment with Planning and Zoning Chairman to discuss and
181 answer any questions regarding cases on the agenda and related
182 issues and take any necessary action. **See discussion above.**

183 5. Public Hearing Items 184

185 a. **P2004-033** -- Hold a public hearing and consider a request by Rodney
186 and Janet Daniel for approval of a residential replat of Lot D-1, Block
187 13, Farmers & Merchants National Bank Addition, being a 0.27-acre
188 tract zoned (SF-7) Single Family Residential and located at the
189 southeast corner of Lilian Street and Austin Street and take any action
190 necessary.

191
192 Robert LaCroix discussed the background of the request and stated that the
193 applicants were requesting a waiver of the fee for road improvements.
194

195 Mayor Jones opened the public hearing but no one came forward to address the
196 Council and the applicant was not present. Councilmember Cotti made a motion to
197 continue the public hearing until the next meeting on September 7, 2004.
198 Councilmember McCallum seconded the motion and the motion passed by a vote of 6
199 ayes and 1 absent [Raulston].
200
201

202 **b. Z2004-026** -- Hold a public hearing and consider approval of an
203 **Ordinance** for a city-initiated request to rezone 64.380-acres from
204 (Ag) Agricultural district to (SF-E/4.0) Single Family Estate district;
205 6.138-acres from (Ag) Agricultural district to (SF-E/2.0) Single Family
206 Estate district; 9.976-acres from (Ag) Agricultural district to (SF-E/1.5)
207 Single Family Estate district; and 15.884-acres from (Ag) Agricultural
208 District to (SF-16) Single Family Residential District. The overall tract
209 (approximately 96.378 acres) is situated along the west side of FM
210 549, north of Clem Road and south of N. Country Lane and take any
211 action necessary. **(1st Reading)**

212 **Robert LaCroix discussed the background of the request. Mayor Jones opened the**
213 **public hearing, but no one came forward to address the Council, so the public**
214 **hearing was closed. Councilmember Cotti made a motion to approve the request with**
215 **Planning and Zoning Commission recommendations and Councilmember Straughan**
216 **seconded the motion. The motion passed by a vote of 5 ayes, 1 nay [Jones], and 1**
217 **absent [Raulston].**

218
219 **c. Z2004-027** -- Hold a public hearing and consider approval of an
220 **Ordinance** for a city-initiated request to rezone approximately 91.211-
221 acres from (Ag) Agricultural District to (C) Commercial District, and
222 approximately 109.284-acres from (Ag) Agricultural District to (SF-
223 E/2.0) Single Family Estate District. The entire tract (200.495 acres) is
224 generally situated along the northeast side of FM 3097 south of
225 County Line Rd, and along the northeast side of Jeff Boyd Road
226 southeast of Wallace Lane and northwest of E. Cullins Road and take
227 any action necessary. **(1st Reading)**

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

230
231 **Ray Helms, Tax Assessor**
232 **Helms advised the Council that the zoning does not affect the taxing of**
233 **the property – the property is taxed based on the use of the property.**
234 **Helms advised that they do scrutinize the AG use if it falls under 10**
235 **acres.**

236
237 **Councilmember McCallum asked if we were rushing to zone the**
238 **property. LaCroix stated that the residents were not getting the same**
239 **privileges without the zoning. The zoning districts protect the people**
240 **who have homes out there.**

241
242 **Sandra McMullin**
243 **259 Ranch Trail**
244 **Ms. McMullin requested that their property retain either AG or SF/E4.0**
245 **so that they could keep their horses and cattle.**

246
247 **Tricia Wallace Lueke**
248 **1110 Oakmont Drive**
249 **Richardson, Texas**
250 **Ms. Lueke stated that she was here to represent her family.**

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

Councilmember Cotti made a motion to approve the request, but exclude the McMullin tract and have it have SF/E4.0 zoning. Councilmember Cecil seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL SO AS TO CHANGE THE ZONING FROM (AG), AGRICULTURAL DISTRICT TO (C), COMMERCIAL DISTRICT ON APPROXIMATELY 91.211 ACRES OF LAND AND CHANGE THE ZONING FROM (AG), AGRICULTURAL DISTRICT TO (SF-E/2.0) SINGLE FAMILY ESTATE DISTRICT ON APPROXIMATELY 109.284 ACRES OF LAND ALL OF WHICH IS SITUATED IN THE W.W. FORD SURVEY, ABSTRACT NO. 80 AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A DEVELOPMENT PLAN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND EVERY DAY THE OFFENSE CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion failed by a vote of 3 ayes [Cotti, Cecil and King], 3 nays [Jones, McCallum and Straughan], and 1 absent [Raulston].

Councilmember Straughan then made a motion to approve the zoning only for Tract 1, which consists of approximately 91.211 acres, and excluding the McMullin's 8.174 acres and Councilmember McCallum seconded the motion. The City Attorney advised that the Ordinance did not need to be re-read. The motion passed by a vote of 5 ayes, 1 nay [Cotti] and 1 absent [Raulston].

- d. **Z2004-028** -- Hold a public hearing and consider approval of an **Ordinance** for a request by Gary Defrain of Cambridge Companies for approval of a change in zoning from (C) Commercial district and (Of) Office district to (C) Commercial district on an 19.812-acre tract known as Tract 2-1, Abstract 65, J. Cadle Survey, located at the southeast corner of SH 205 and SH 276 and take any action necessary. **(1st Reading)**

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

Gary DeFrain, Applicant
Mr. DeFrain requested approval for the change in zoning.

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

Councilmember McCallum made a motion to approve the request with Staff and Planning and Zoning recommendations and Councilmember Cecil seconded the motion. The ordinance was read as follows:

304 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
305 AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF
306 ROCKWALL, TEXAS AS HERETOFORE AMENDED, SO AS TO CHANGE THE
307 ZONING FROM (C) COMMERCIAL DISTRICT AND (OF) OFFICE DISTRICT TO (C)
308 COMMERCIAL DISTRICT ON AN 19.812-ACRE TRACT KNOWN AS TRACT 2-1,
309 ABSTRACT 65, J. CADLE SURVEY AND MORE SPECIFICALLY DESCRIBED IN
310 EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP;
311 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
312 THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A
313 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND
314 PROVIDING FOR AN EFFECTIVE DATE.

315

316 The motion passed by a vote of 6 ayes and 1 absent [Raulston].

317

318 e. **Z2004-029** -- Hold a public hearing and consider approval of an
319 **Ordinance** for a city-initiated change in zoning from (HwyC) Highway
320 Commercial district to (LI) Light Industrial district on a 4.45-acre tract
321 known as Tract 22-1, Abstract 120, R.B. Irvine Survey, located at
322 2260 East I-30 and take any action necessary. (1st Reading)

323 Robert LaCroix discussed the background of the request. Mayor Jones opened the
324 public hearing but no one came forward to address the Council so the public hearing
325 was closed.

326

327 Councilmember McCallum made a motion to approve the request and Councilmember
328 Straughan seconded the motion. The ordinance was read as follows:

329

330 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
331 AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF
332 ROCKWALL, TEXAS AS HERETOFORE AMENDED, SO AS TO CHANGE THE
333 ZONING FROM (HwyC) HIGHWAY COMMERCIAL DISTRICT TO (LI) LIGHT ON AN
334 4.45-ACRE TRACT KNOWN AS TRACT 22-1, ABSTRACT 120, R.B. IRVINE
335 SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED
336 HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A
337 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
338 (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE;
339 PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE
340 DATE.

341

342 The motion passed by a vote of 6 ayes and 1 absent [Raulston].

343

344 f. **Z2004-030** -- Hold a public hearing and consider approval of an
345 **Ordinance** for a request by Jay Ford and Deborah Lowe for a
346 Specific Use Permit (SUP) allowing for a detached garage exceeding
347 the maximum size requirement of 900-sf (proposed 960-sf) and the
348 maximum height requirement of 15-feet (proposed 21-ft) on a 1.0-acre
349 tract known as Lot 12, Northcrest Estates #2 Addition and located at
350 12 Crestview Circle. The subject property is proposed to be zoned
351 (SF-16) Single Family Residential district and take any action
352 necessary. (1st Reading)

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

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Jay Ford, Applicant

Mr. Ford described the building and requested approval of the SUP.

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

Councilmember Cecil made a motion to approve the request with Staff and Planning and Zoning recommendations and Councilmember King seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-16) SINGLE-FAMILY RESIDENTIAL DISTRICT ALLOWING FOR A DETACHED GARAGE EXCEEDING THE MAXIMUM PERMITTED HEIGHT OF FIFTEEN (15) FEET AND THE MAXIMUM PERMITTED SIZE OF 900 SQUARE FEET, AND NOT MEETING THE EXTERIOR MATERIALS REQUIREMENTS, ON A TRACT LOCATED AT 12 CRESTVIEW CIRCLE, BEING LOT 12, NORTHCREST ESTATES #2 ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes, 1 nay [McCallum], and 1 absent [Raulston].

- g. Z2004-031 -- Hold a public hearing and consider approval of an *Ordinance* for a request by John Freese of JFA Rockwall Land, Ltd., for a zoning change from (A) Agricultural district to (PD) Planned Development district for a proposal including 150 single family lots on a 76.55-acre tract located along the south side of FM 552 and west side of FM 1141 and take any action necessary. (1st Reading)**

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

**John Freese and George Busik, Applicants
Freese and Busik requested approval.**

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

Mayor Jones made a motion to approve the request and Councilmember King seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (AG), AGRICULTURAL DISTRICT TO (PD-58), PLANNED DEVELOPMENT DISTRICT FOR A 74.522-ACRE TRACT KNOWN AS A PART OF TRACT 1, J.M. GASS SURVEY, ABSTRACT NO. 88, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETOFORE AND MADE A PART HEREOF; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)

409 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
410 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

411
412 **The motion passed by a vote of 5 ayes, 1 nay [Cecil], and 1 absent [Raulston].**

413
414 **6. Site Plans / Plats**

- 415
416 a. **P2004-032** -- Discuss and consider a request by Mike Hogue and Jim
417 White for a replat of Lot 12, Rainbo Acres Subdivision, being a 4.84-
418 acre tract located along the east side of Ranch Trail northeast of FM
419 3097 (Horizon Rd). The subject property is proposed to be subdivided
420 into three (3) separate lots for development, and is proposed to be
421 zoned (C) Commercial district and take any action necessary.

422 **Robert LaCroix discussed the background of the request. The applicant was not**
423 **present and the City Attorney advised the Council to continue the matter until the**
424 **next meeting, which is scheduled for September 7, 2004. Councilmember Straughan**
425 **made a motion to continue the matter until the next meeting and Councilmember Cotti**
426 **seconded the motion. The motion passed by a vote of 6 ayes and 1 absent**
427 **[Raulston].**

- 428
429 b. **P2004-035** -- Discuss and consider a request by Don Dalton of The
430 Woodmont Company for approval of a final plat and treescape plan
431 for Lots 1-5, Block A, Rockwall Crossing Addition, being a 26.092-
432 acre tract zoned (C) Commercial and located along the south side of
433 I-30 and north side of Ralph Hall Pkwy east of Mims Road and take
434 any action necessary.

435 **Robert LaCroix discussed the background of the request. Don Dalton, applicant,**
436 **came forward and addressed the Council and requested approval of the final plat and**
437 **treescape plan. Councilmember McCallum made a motion to approve the request**
438 **with Staff recommendations and to include a recommendation for a transplant day for**
439 **citizens. Councilmember Straughan seconded the motion and the motion passed by**
440 **a vote of 6 ayes and 1 absent [Raulston].**

441
442
443 **7. ACTION ITEMS**

- 444
445 a. Discuss and consider setting the date for a public hearing on the
446 2004-2005 proposed tax rate and the proposed 2004-2006 budget,
447 and take any action necessary.

448 **Mary Smith, Finance Director, discussed the background of this item.**
449 **Councilmember Straughan made a motion to set the public hearing for September 7,**
450 **2004, and Councilmember Cotti seconded the motion. The motion passed by a vote**
451 **of 6 ayes and 1 absent [Raulston].**

- 452
453 b. Discuss and consider approval of a Resolution giving notice of the
454 City's intent to proceed with an inquiry into the transmission and
455 distribution rates charged by TXU and take any action necessary.

456
457 **Julie Couch, City Manager, discussed the background of this item. Michael Baldwin**
458 **and Steve Ragland, CPA, of TXU Energy gave a short power point presentation and**

459 asked the Council to deny approval of the Resolution. After discussion,
460 Councilmember Cotti made a motion to approve the Resolution and Councilmember
461 Straughan seconded the motion. The motion passed by a vote of 6 ayes and 0 nays.
462

463 c. Discuss and consider initiating annexation proceedings on
464 approximately 1,300 acres located north of FM-552 and east of SH-
465 205 and take any action necessary.
466

467 Julie Couch discussed the background of this item. Couch advised that there was
468 development in our ETJ that was would be very high density. Couch advised that this
469 annexation was needed to manage the development of the area to the extent allowed
470 by law and recommended moving forward. Couch advised the Council that most of
471 the land being annexed was undeveloped land.
472

473 Councilmember McCallum made a motion that Staff initiate the annexation
474 proceedings and Councilmember Cotti seconded the motion. The motion passed by
475 a vote of 6 ayes and 1 absent [Raulston].
476

477 There being no further business to come before the Council in regular session, Mayor
478 Jones adjourned the meeting into Executive Session at 10:24 p.m.
479

480 **8. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS**
481 **GOVERNMENT CODE TO DISCUSS:**

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

484 b. Personnel Issues, including Board, Commission, and Committee
485 Appointments, and Related Matters.

486 c. Commercial or financial information regarding business prospects that
487 the City seeks to have locate, stay, or expand in or near the territory
488 of the City of Rockwall and with which the Board is conducting
489 economic development negotiations.

490 d. Litigation: Evans v. City – Status update by City Attorney
491

492 **9. Take Any Action as Result of Executive Session**
493

494 A new “Performing Arts” Subcommittee was formed and will consist of
495 Councilmembers Bob Cotti, Tim McCallum and Stephen Straughan.
496

497 The Council made the following Board and Commission appointments:
498

<u>BOARD OR COMMISSION</u>	<u>PERSON APPOINTED</u>
Board of Adjustments	Mike Heffler
Building & Standards Commission	Bill Eldridge Art Ruff
Architectural Board of Review	Donna Orr John Lindsey

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Historic Preservation Advisory Board

Sherry Pittman
Chris Hoover

Parks & Recreation Board

Travis Rhodes
Glen Farris
Christopher Keale
Herb Moltzan

Planning & Zoning Commission

Glenn Smith
Jeff Carroll
Phillip Herbst

Health Official

Dr. David Lensch

10. Adjournment

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

APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this _____ day of _____, 2004.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
August 26, 2004
5:30 p.m., Special Meeting
385 S. Goliad, Rockwall, Texas 75087

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1. **Call to Order.**

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Mayor Pro Tem McCallum called the meeting to order at 5:30 p.m. Present were Mayor Pro Tem Tim McCallum and Councilmembers Bob Cotti, Stephen Straughan, Bill Cecil, John King and Terry Raulston. Mayor Ken Jones was absent. Mayor Pro Tem McCallum immediately adjourned the meeting into Executive Session.

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2. **Hold Executive Session under Section 551.071 of Texas Government Code to Discuss:**

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19
20
- a. Potential Litigation: Discussion with attorney regarding potential litigation regarding the Reese House.

21
22

3. **Take Any Action as Result of Executive Session**

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24

No action was taken as a result of Executive Session.

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27

There being no further business to come before the Council, Mayor Pro Tem McCallum adjourned the meeting at 6:30 p.m.

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29

Tim McCallum, Mayor Pro Tem

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ATTEST:

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Dorothy Brooks, City Secretary