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**MINUTES**  
**ROCKWALL CITY COUNCIL**

September 7, 2004

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

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

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Mayor Pro Tem McCallum 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: City vs. Evans – 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 Pro Tem McCallum 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  
September 7, 2004  
6:00 p.m. Regular Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

51 **1. CALL TO ORDER**

52  
53 Mayor Pro Tem Tim McCallum called the meeting to order at 6:00 p.m. Present were  
54 Mayor Pro Tem Tim McCallum and Councilmembers Bob Cotti, Stephen Straughan, Bill Cecil,  
55 John King and Terry Raulston. Mayor Ken Jones was absent. Also present were City  
56 Manager Julie Couch, City Attorney Pete Eckert, Director of Community Development  
57 Robert LaCroix, and City Secretary Dorothy Brooks.

58  
59 **2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER STEPHEN STRAUGHAN**

60  
61 Councilmember Stephen Straughan led the invocation and Pledge of Allegiance.

62  
63 **3. PROCLAMATIONS**

- 64  
65 a. National Soccer Month – Received by Brad Griggs.  
66 b. Constitution Week – Received by Pat Jeray of the Daughters of the  
67 American Revolution.

68  
69 Mayor Pro Tem McCallum stated that it had been requested that Action Item 7d be moved  
70 to the beginning of the meeting.

- 71  
72 d. **AM2004-001--** Hold a public hearing and consider approval of an  
73 **Ordinance** for a city initiated amendment to the City of Rockwall Code of  
74 Ordinances – Subdivision Regulations – Chapter 24 – Amending Sections  
75 24-6 Sketch Plan – Pre application Conference, Section 24-7 Concept  
76 Plan, Section 24-8 Preliminary Plat, Section 24-9 Final Plat, Section 24-  
77 10 Miscellaneous Requirements, and Section 24-12 Adequate water for  
78 personal use and fire protection required and take any action necessary.  
79 **(1<sup>st</sup> Reading)**

80  
81 Robert LaCroix discussed the background of the item and the various amendments to  
82 the ordinance. Mayor Pro Tem McCallum opened the public hearing and the following  
83 persons appeared before the Council:

84  
85 **Gary DeFrain**  
86 **Mr. DeFrain spoke against a portion of the ordinance.**

87  
88 There being no one further to address the Council, Mayor Pro Tem McCallum closed the  
89 public hearing.

90  
91 Councilmember Bill Cecil made a motion to approve the ordinance and Councilmember  
92 Bob Cotti seconded the motion. The ordinance was read as follows:

93  
94 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
95 THE SUBDIVISION REGULATIONS, CHAPTER 24 OF THE CITY CODE OF ORDINANCES,  
96 SECTIONS 24-6 THROUGH 24-14; INCORPORATING UNIVERSAL PROCEDURES FOR  
97 ACCEPTANCE AND PROCESSING OF PLAT APPLICATIONS; ELIMINATING SKETCH PLANS  
98 AND CONCEPT PLANS; ESTABLISHING PROCEDURES AND STANDARDS FOR MASTER  
99 PLATS FOR THE PURPOSE OF PLATTING IN PHASES; AMENDING PROCEDURES FOR  
100 PRELIMINARY AND FINAL PLATS FOR CONSISTENCY; ADDING STANDARDS GOVERNING  
101 UTILITY CONNECTIONS FOR WATER AND WASTEWATER FACILITIES; ADDING  
102 STANDARDS FOR DETERMINING THE ADEQUACY OF WATER AND WASTEWATER  
103 FACILITIES FOR PLAT APPROVAL; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
104 FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
105 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
106 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
107

108 **The motion passed by a vote of 6 ayes and 1 absent [Jones].**  
109

110 **4. OPEN FORUM**  
111

112 **Mayor Pro Tem McCallum opened the Open Forum portion of the meeting and the**  
113 **following persons came forward to address the Council:**  
114

115 **James Junod**  
116 **516 N FM 549**  
117 **Rockwall, Texas 75087**

118 **Mr. Junod stated that he was annexed in 1999 and still did not have water**  
119 **or sewer provided by the City.**  
120

121 **Carl Glaze**  
122 **3015 Red Valley Run**  
123 **Rockwall, Texas 75087**

124 **Mr. Glaze spoke in opposition to the proposed far north annexation,**  
125 **specifically Tract B.**  
126

127 **Mike Sullivan**  
128 **609 E. Washington**  
129 **Rockwall, Texas 75087**

130 **Mr. Sullivan spoke against the new RV ordinance.**  
131

132 **Charles Gates**  
133 **310 Elm Drive**  
134 **Rockwall, Texas 75087**

135 **Mr. Gates spoke against the new RV ordinance.**  
136

137 **Christine Rinner**  
138 **414 Anna Cade Road**  
139 **Rockwall, Texas 75087**

140 **Ms. Rinner spoke in opposition to the proposed far north annexation,**  
141 **specifically Tract B.**  
142

143           **Terri McIntire**  
144           **208 Alta Vista**  
145           **Rockwall, Texas 75087**  
146           **Ms. McIntire spoke against the new RV ordinance.**  
147

148           **There being no one further to address the Council in Open Forum, Mayor Pro Tem**  
149           **McCallum closed the Open Forum.**  
150

151           **5.        CONSENT AGENDA**  
152

153           **a.**        Consider approval of the Minutes of the August 16, 2004, City Council  
154           Meeting and take any action necessary.

155           **b.**        Consider approval of an **Ordinance** for a city-initiated request to rezone  
156           64.380-acres from (Ag) Agricultural district to (SF-E/4.0) Single Family  
157           Estate district; 6.138-acres from (Ag) Agricultural district to (SF-E/2.0)  
158           Single Family Estate district; 7.109-acres from (Ag) Agricultural district to  
159           (SF-E/1.5) Single Family Estate district; and 15.884-acres from (Ag)  
160           Agricultural District to (SF-16) Single Family Residential District. The  
161           overall tract (approximately 93.511 acres) is situated along the west side  
162           of FM 549, north of Clem Road and south of N. Country Lane.  
163           **(2<sup>nd</sup> Reading)**

164           **c.**        Consider approval of an **Ordinance** for a city-initiated request to rezone  
165           approximately 82.467-acres from (Ag) Agricultural District to (C)  
166           Commercial District, and approximately 8.744-acres from (Ag) Agricultural  
167           District to (SF-E/4.0) Single Family Estate District. The entire tract  
168           (91.211 acres) is generally situated along the northeast side of FM 3097,  
169           south of County Line Rd, and along Ranch Trail. **(2<sup>nd</sup> Reading)**

170           **d.**        Consider approval of an **Ordinance** for a request by Gary Defrain of  
171           Cambridge Companies for approval of a change in zoning from (C)  
172           Commercial district and (Of) Office district to (C) Commercial district on  
173           an 19.812-acre tract known as Tract 2-1, Abstract 65, J. Cadle Survey,  
174           located at the southeast corner of SH 205 and SH 276 and take any  
175           action necessary. **(2<sup>nd</sup> Reading)**

176           **e.**        Consider approval of an **Ordinance** for a city-initiated change in zoning  
177           from (HwyC) Highway Commercial district to (LI) Light Industrial district  
178           on a 4.45-acre tract known as Tract 22-1, Abstract 120, R.B. Irvine  
179           Survey, located at 2260 East I-30 and take any action necessary.  
180           **(2<sup>nd</sup> Reading)**

181           **f.**        Consider approval of an **Ordinance** for a request by Jay Ford and  
182           Deborah Lowe for a Specific Use Permit (SUP) allowing for a detached  
183           garage exceeding the maximum size requirement of 900-sf (proposed  
184           960-sf) and the maximum height requirement of 15-feet (proposed 21-ft)  
185           on a 1.0-acre tract known as Lot 12, Northcrest Estates #2 Addition and  
186           located at 12 Crestview Circle. The subject property is proposed to be  
187           zoned (SF-16) Single Family Residential district and take any action  
188           necessary. **(2<sup>nd</sup> Reading)**

189           **g.**        Consider approval of an **Ordinance** for a request by John Freese of JFA  
190           Rockwall Land, Ltd., for a zoning change from (A) Agricultural district to

191 (PD) Planned Development district for a proposal including 150 single  
192 family lots on a 74.522-acre tract located along the south side of FM 552  
193 and west side of FM 1141. (2<sup>nd</sup> Reading)

194 h. Consider approval of a **Resolution** regarding compliance with Chapter  
195 395, Texas Local Government Code, the Impact Fee Statute and take  
196 any action necessary.

197 i. Consider approval of a **Resolution** abandoning a tract of land located at  
198 the northwest corner of North Lakeshore Drive and SH-66 and take any  
199 action necessary.

200 j. Consider authorizing the City Manager to execute a contract with TXU  
201 Energy Delivery for lighting along SH-66 and take any action necessary.

202 k. Consider approval of the award of an engineering contract for FM3097  
203 sewer improvements and take any action necessary.

204 l. Consider approval of the award of the bid for the Myers Park Community  
205 Building remodel project and take any action necessary.

206  
207 **Councilmember Bill Cecil requested that Consent Agenda Item 5g be pulled;**  
208 **Councilmember Bob Cotti requested that Consent Agenda Item 5c be pulled; and Mayor**  
209 **Pro Tem McCallum requested that Consent Agenda Item 5f be pulled.**

210  
211 **Councilmember Stephen Straughan made a motion to approve Consent Agenda Items 5a,**  
212 **5b, 5d, 5e, 5h, 5i, 5j, 5k, and 5l and Councilmember Bob Cotti seconded the motion. The**  
213 **ordinances were read as follows:**

214  
215 CITY OF ROCKWALL

216  
217 ORDINANCE NO. 04-49

218  
219 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
220 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL SO AS TO  
221 CHANGE THE ZONING FROM (AG), AGRICULTURAL DISTRICT TO (SF-E/4.0), SINGLE  
222 FAMILY ESTATE DISTRICT ON APPROXIMATELY 64.38-ACRES OF LAND, FROM (AG),  
223 AGRICULTURAL DISTRICT TO (SF-E/2.0), SINGLE FAMILY ESTATE DISTRICT ON  
224 APPROXIMATELY 6.138-ACRES OF LAND, FROM (AG), AGRICULTURAL DISTRICT TO (SF-  
225 E/1.5), SINGLE FAMILY ESTATE DISTRICT ON APPROXIMATELY 7.109-ACRES OF LAND,  
226 AND FROM (AG), AGRICULTURAL DISTRICT TO (SF-16) SINGLE FAMILY RESIDENTIAL  
227 DISTRICT ON APPROXIMATELY 15.884-ACRES OF LAND, ALL OF WHICH IS SITUATED IN  
228 THE J. SHERWOOD SURVEY, ABSTRACT NO. 193 AND MORE SPECIFICALLY DESCRIBED  
229 IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
230 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
231 (\$2,000.00) FOR EACH OFFENSE AND EVERY DAY THE OFFENSE CONTINUES SHALL BE  
232 DEEMED A SEPARATE OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
233 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

234  
235 CITY OF ROCKWALL

236  
237 ORDINANCE NO. 04-51

238  
239 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
240 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AS  
241 HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM (C) COMMERCIAL  
242 DISTRICT AND (OF) OFFICE DISTRICT TO (C) COMMERCIAL DISTRICT ON AN 19.812-ACRE  
243

244 TRACT KNOWN AS TRACT 2-1, ABSTRACT 65, J. CADLE SURVEY AND MORE  
245 SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE  
246 OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM  
247 OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A  
248 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR  
249 AN EFFECTIVE DATE.

250 CITY OF ROCKWALL

251  
252  
253 ORDINANCE NO. 04-52

254  
255 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
256 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AS  
257 HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM (HwyC) HIGHWAY  
258 COMMERCIAL DISTRICT TO (LI) LIGHT ON AN 4.45-ACRE TRACT KNOWN AS TRACT 22-1,  
259 ABSTRACT 120, R.B. IRVINE SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT  
260 "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A  
261 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR  
262 EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
263 CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

264  
265 **The motion passed by a vote of 6 ayes and 1 absent [Jones].**

266  
267 **Councilmember Bob Cotti made a motion to approve Consent Agenda Item 5g and**  
268 **Councilmember Stephen Straughan seconded the motion. The ordinance was read as**  
269 **follows:**

270 CITY OF ROCKWALL

271  
272  
273 ORDINANCE NO. 04-53

274  
275 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
276 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS  
277 PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-16)  
278 SINGLE-FAMILY RESIDENTIAL DISTRICT ALLOWING FOR A DETACHED GARAGE  
279 EXCEEDING THE MAXIMUM PERMITTED HEIGHT OF FIFTEEN (15) FEET AND THE  
280 MAXIMUM PERMITTED SIZE OF 900 SQUARE FEET, AND NOT MEETING THE EXTERIOR  
281 MATERIALS REQUIREMENTS, ON A TRACT LOCATED AT 12 CRESTVIEW CIRCLE, BEING  
282 LOT 12, NORTHCREST ESTATES #2 ADDITION; PROVIDING FOR SPECIAL CONDITIONS;  
283 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
284 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;  
285 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

286  
287 **The motion passed by a vote of 5 ayes, 1 nay [Cecil], and 1 absent [Jones].**

288  
289 **Councilmember Stephen Straughan made a motion to approve Consent Agenda Item 5c**  
290 **and Councilmember John King seconded the motion. The ordinance was read as**  
291 **follows:**

292 CITY OF ROCKWALL

293  
294  
295 ORDINANCE NO. 04-50

296  
297 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
298 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL SO AS TO  
299 CHANGE THE ZONING FROM (AG), AGRICULTURAL DISTRICT TO (C), COMMERCIAL  
300 DISTRICT ON APPROXIMATELY 82.478 ACRES OF LAND AND CHANGE THE ZONING FROM  
301 (AG), AGRICULTURAL DISTRICT TO (SF-E/4.0) SINGLE FAMILY ESTATE DISTRICT ON  
302 APPROXIMATELY 8.733 ACRES OF LAND ALL OF WHICH IS SITUATED IN THE W.W. FORD

303 SURVEY, ABSTRACT NO. 80 AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"  
304 ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A  
305 DEVELOPMENT PLAN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM  
306 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND EVERY DAY THE  
307 OFFENSE CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE; PROVIDING FOR A  
308 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN  
309 EFFECTIVE DATE.  
310

311 **The motion passed by a vote of 4 ayes, 2 nays [Cecil and Cotti], and 1 absent [Jones].**  
312

313 **Councilmember Cotti made a motion to approve Consent Agenda Item 5f and**  
314 **Councilmember Bill Cecil seconded the motion. The ordinance was read as follows:**

315  
316 CITY OF ROCKWALL

317  
318 ORDINANCE NO. 04-53  
319

320 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
321 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS  
322 PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-16)  
323 SINGLE-FAMILY RESIDENTIAL DISTRICT ALLOWING FOR A DETACHED GARAGE  
324 EXCEEDING THE MAXIMUM PERMITTED HEIGHT OF FIFTEEN (15) FEET AND THE  
325 MAXIMUM PERMITTED SIZE OF 900 SQUARE FEET, AND NOT MEETING THE EXTERIOR  
326 MATERIALS REQUIREMENTS, ON A TRACT LOCATED AT 12 CRESTVIEW CIRCLE, BEING  
327 LOT 12, NORTHCREST ESTATES #2 ADDITION; PROVIDING FOR SPECIAL CONDITIONS;  
328 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
329 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;  
330 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
331

332 **The motion passed by a vote of 5 ayes, 1 nay [McCallum], and 1 absent [Jones].**  
333

334 **6. APPOINTMENTS**

335  
336 a. Appointment with Members of the Shores Country Club regarding  
337 concerns about the golf course.

338 **Marty Nichols**

339 **1315 Shores Boulevard**

340 **Rockwall, Texas 75087**

341 **Mr. Nichols read a statement regarding what certain residents of the area**  
342 **feel are deficiencies not be addressed by IRI.**  
343

344 **Councilmember Cecil made a motion stating that the Council supports compliance with**  
345 **Exhibit E on a consistent basis throughout the year and that we will continue to monitor**  
346 **compliance as we have in the past. For any long-term deficiencies, i.e. the pump house**  
347 **and irrigation system, IRI should submit a variance to Exhibit E stating the action to be**  
348 **taken and the time frame in which the deficiencies will be repaired. By doing this, we gain**  
349 **on the good things that have been done over the last seven years with regard to**  
350 **compliance and show the citizens that we are serious about it. Councilmember Terry**  
351 **Raulston seconded the motion and the motion passed by a vote of 6 ayes and 1 absent**  
352 **[Jones].**  
353

354 **7. PUBLIC HEARING ITEMS**

355 a. Hold a public hearing on the 2004-2005 proposed tax rate and take any  
356 action necessary.

357 Finance Director Mary Smith discussed the background of the proposed tax rate. Mayor  
358 Pro Tem McCallum opened the public hearing and the following persons came forward to  
359 address the Council:

360  
361 Sam Buffington  
362 509 Bourn Avenue  
363 Rockwall, Texas 75087

364 Mr. Buffington thanked the Council for keeping the tax rate the same.

365  
366 There being no one further to address the Council, Mayor Pro Tem McCallum closed the  
367 public hearing.

368  
369 b. Discuss and hold a public hearing on the proposed 2004-2005 budget  
370 and take any action necessary.

371 Mary Smith gave a brief power point overview of the budget. Mayor Pro Tem McCallum  
372 opened the public hearing but no one came forward to address the Council, so the public  
373 hearing was closed.

374  
375 c. **P2004-033** -- Continue the public hearing and consider a request by  
376 Rodney and Janet Daniel for approval of a residential replat of Lot D-1,  
377 Block 13, Farmers & Merchants National Bank Addition, being a 0.27-  
378 acre tract zoned (SF-7) Single Family Residential and located at the  
379 southeast corner of Lilian Street and Austin Street and take any action  
380 necessary. [This public hearing was continued from the August 16, 2004,  
381 City Council meeting.]

382  
383 Robert LaCroix discussed the background of the request and advised the Council that  
384 this was a continuation of the public hearing from the August 16, 2004, City Council  
385 meeting. The following persons came forward to address the Council on this matter:

386  
387 Rodney Daniel, Applicant  
388 Mr. Daniel requested approval of this request.

389  
390 There being no one further to address the Council on this matter, Mayor Pro Tem  
391 McCallum closed the public hearing.

392  
393 Councilmember Bob Cotti made a motion to approve the request by Rodney and Janet  
394 Daniel for approval of a residential replat with a waiver and Councilmember Bill Cecil  
395 seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Jones].

396  
397 d. **AM2004-001**-- Hold a public hearing and consider approval of an  
398 **Ordinance** for a city initiated amendment to the City of Rockwall Code of  
399 Ordinances – Subdivision Regulations – Chapter 24 – Amending Sections  
400 24-6 Sketch Plan – Pre application Conference, Section 24-7 Concept  
401 Plan, Section 24-8 Preliminary Plat, Section 24-9 Final Plat, Section 24-  
402 10 Miscellaneous Requirements, and Section 24-12 Adequate water for  
403 personal use and fire protection required and take any action necessary.  
404 **(1<sup>st</sup> Reading)**

405  
406 See above.



407 e. Hold a public hearing and consider approval for the demolition of the  
408 property at 3307 Lakeside Drive and take any action necessary.

409 **Building Official Jeffrey Widmer discussed the background of this request and stated**  
410 **that that it is an attractive nuisance. Mayor Pro Tem McCallum opened the public hearing**  
411 **and the following persons came forward to address the Council:**

412  
413 **Bob Carlson**  
414 **5418 Peninsula Way**  
415 **Garland, Texas 75043**

416 **Mr. Carlson stated that there is currently a subordination agreement with**  
417 **Mediterranean and that he will be building 12 homes in the area, including**  
418 **3307 Lakeside Drive. Mr. Carlson requested that the Council delay action**  
419 **on this matter until October 16, 2004.**

420  
421 **Jeffrey Widmer advised that once the Council orders demolition of the property it will**  
422 **take a minimum of 90 days before action can be taken. Councilmember Cecil asked if**  
423 **there were any barriers around the property to prevent kids from playing on it. Mayor**  
424 **Pro Tem McCallum stated that he had talked to the person who lived next door to the**  
425 **property and that they are requesting that it be demolished.**

426  
427 **Jill Newman**  
428 **3309 Lakeside Drive**  
429 **Rockwall, Texas 75087**

430 **Ms. Newman requested that the Council move forward as quickly as**  
431 **possible on the demolition of the property because it is an attractive**  
432 **nuisance to kids – for skateboarding – and someone can get hurt.**

433  
434 **There being no one further to address the Council on this matter, the public hearing was**  
435 **closed.**

436  
437 **Mayor Pro Tem McCallum made a motion ordering removal of the slab at 3307 Lakeside**  
438 **Drive, pursuant to Article IV, Section 6-51 of the Property Maintenance Code, subject to a**  
439 **building permit being applied for and approved. Councilmember John King seconded**  
440 **the motion and the motion passed by a vote of 6 ayes and 1 absent [Jones].**

441  
442 f. Hold a public hearing and consider approval for the demolition of the  
443 property at 202 Renfro Street and take any action necessary.

444 **Jeffrey Widmer discussed the background of the request. Mayor Pro Tem McCallum**  
445 **opened the public hearing and the following persons came forward to address the**  
446 **Council:**

447  
448 **Dennis Earls (son of the owner, Del Earls)**  
449 **S. Highway 34**  
450 **Quinlan, Texas**

451 **Mr. Earls stated that there is a contract on the property, but that the person**  
452 **to whom his father had originally sold the property, had abandoned the**  
453 **property and stripped it. They are working on getting a clear title and**  
454 **initiating legal action so that the property can close. Mr. Earls requested**  
455 **that the Council table the matter for 30 days.**

456

457 There being no one further to address the Council on this matter, the public hearing was  
458 closed.

459  
460 Councilmember Terry Raulston made a motion ordering the demolition of the property at  
461 202 Renfro Street, pursuant to Article IV, Section 6-41 of the Property Maintenance Code,  
462 subject to the property closing. Councilmember Bob Cotti seconded the motion and the  
463 motion passed by a vote of 6 ayes and 1 absent [Jones].  
464

465  
466 **8. SITE PLANS/PLATS**

467 a. **P2004-032** -- Discuss and consider a request by Mike Hogue and Jim  
468 White for a replat of Lot 12, Rainbo Acres Subdivision, being a 4.84-acre  
469 tract located along the east side of Ranch Trail northeast of FM 3097  
470 (Horizon Rd). The subject property is proposed to be subdivided into  
471 three (3) separate lots for development, and is proposed to be zoned (C)  
472 Commercial district and take any action necessary. [This item was  
473 continued from the August 16, 2004 City Council meeting.]

474 Robert LaCroix discussed the background of the request. LaCroix stated that the owner  
475 has sold the property and have submitted a letter withdrawing the application. LaCroix  
476 advised the Council that they would have to accept the letter of withdrawal.  
477

478 Councilmember Terry Raulston made a motion to accept the letter of Griffith Roofing Co.  
479 to withdraw its application for replat and Councilmember Bob Cotti seconded the motion.  
480 The motion passed by a vote of 6 ayes and 1 absent [Jones].  
481

482 b. **P2004-039** -- Discuss and consider a request by Paul Hames of Bury &  
483 Partners, DFW, for approval of a preliminary plat and concept plan for  
484 Lots 1 and 2, Block A, Bowles Addition, being a 3.427-acre tract zoned  
485 (PD-48) Planned Development No. 48 district and situated at the  
486 northwest corner of SH 66 and N. Lakeshore Boulevard and take any  
487 action necessary.

488 Robert LaCroix discussed the background of the request for a preliminary plat and  
489 concept plan. Mayor Pro Tem McCallum asked about a tree transplant day and LaCroix  
490 advised that the applicants had already agreed to it. Councilmember Bob Cotti made a  
491 motion to approve the request with Staff and Planning and Zoning Commission  
492 requirements and Councilmember Cecil seconded the motion. The motion passed by a  
493 vote of 6 ayes and 1 absent [Jones].  
494

495 **9. ACTION ITEMS**

496  
497 a. Discuss and consider adoption of the takeline sublease property lines and  
498 procedures for subleasing and take any action necessary.

499 Parks Director Brad Griggs went over the survey and showed the Council the property  
500 Takeline boundaries for the property abutting Lake Ray Hubbard. Griggs advised that  
501 the cost would be \$600 for the first year and \$350 annually thereafter. Any change to the  
502 fees will need to be approved by a Council majority. The lease for the Takeline will be  
503 from February through January each year. Griggs advised that we have a photo history  
504 of the Takeline for Code Enforcement purposes.  
505

506 **Councilmember Terry Raulston made a motion to approve the Takeline boundary lines**  
507 **and the sublease as presented and the motion was seconded by Councilmember**  
508 **Stephen Straughan. The motion passed by a vote of 6 ayes and 1 absent [Jones].**  
509

510 **b. Discuss and consider request from IRI for contract amendment to**  
511 **Exhibit "E" and take any action necessary.**

512 **Brad Griggs discussed the request from IRI to not oversee the fairways with rye this**  
513 **winter. Councilmember Bill Cecil made a motion to approve the request and**  
514 **Councilmember Bob Cotti seconded the motion. The motion passed by a vote of 6 ayes**  
515 **and 1 absent [Jones].**  
516

517 **c. Discuss the location of overhead power poles at SH-205 and SH-66 and**  
518 **take any action necessary.**

519 **Assistant City Manager Rick Crowley discussed the background of the matter.**  
520 **Councilmember Stephen Straughan made a motion to approve Option 2 – placing the**  
521 **lines underground for the cost as presented (\$22,148.35). If the cost is more than**  
522 **presented, Staff will bring the matter back to the Council for approval. Councilmember**  
523 **Bob Cotti seconded the motion and the motion passed by a vote of 6 ayes and 1 absent**  
524 **[Jones].**  
525  
526

527 **10. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING**  
528 **MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**  
529

530 **a. Departmental Reports**

531 **b. City Manager's Report**

532 **Fire Chief Mark Poindexter advised the Council that an anonymous benefactor had**  
533 **donated 40 smoke detectors for 100 Lake Meadows and that the volunteers had installed**  
534 **them. Heat alarms were placed in the kitchen. Installation of the alarms will help**  
535 **alleviate the many false alarms that have taken place at 100 Lake Meadows.**  
536

537 **Chief Poindexter advised that the new brochures that had been mailed out would be**  
538 **going home with the school-age children during Fire Prevention Week.**  
539

540 **There being no further business to come before the Council in regular session, Mayor**  
541 **Pro Tem McCallum adjourned the meeting into Executive Session at 10:30 p.m.**  
542

543 **11. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074, AND**  
544 **551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

545 **a. Deliberation regarding the purchase, exchange, lease, or value of real**  
546 **property.**

547 **b. Personnel Issues, including Board, Commission, and Committee**  
548 **Appointments, and Related Matters.**

549 **c. Commercial or financial information regarding business prospects that the**  
550 **City seeks to have locate, stay, or expand in or near the territory of the**  
551 **City of Rockwall and with which the Board is conducting economic**  
552 **development negotiations.**

553 d. Litigation: City vs. Evans – Status update by City Attorney

554

555 **12. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

556

557 Councilmember Bob Cotti made a motion appointing the following persons to certain  
558 boards or commissions and Mayor Pro Tem Tim McCallum seconded the motion. The  
559 motion passed by a vote of 6 ayes and 1 absent [Jones].

560

561 **Board of Adjustments:**  
562 **Term Ending 8/2006**

**Rick Mase**  
**Richard Johnson, Alternate Member**  
**Jeff Casey, Alternate Member**

563

564 **Building & Standards Commission:**  
565 **Term Ending 8/2006**

**Carol Hawkins**

566

567 **Architectural Board of Review:**  
568 **Term Ending 8/2006**

**Alfred Crump**

569

570  
571 Mayor Pro Tem Tim McCallum made a motion to appoint Councilmember Bill Cecil as the  
572 Historic Board Liaison and Councilmember Bob Cotti seconded the motion. The motion  
573 passed by a vote of 6 ayes and 1 absent [Jones].

574

575 **13. ADJOURNMENT**

576

577 There being no further business to come before the Council, the meeting was adjourned  
578 at 11:50 p.m.

579

580 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
581 **TEXAS, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.**

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

588 **ATTEST:**

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

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**MINUTES  
ROCKWALL CITY COUNCIL**

September 20, 2004  
4:00 p.m. Pre-Council Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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

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. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- 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. Take Any Action as Result of Executive Session**

Mayor Pro Tem Tim McCallum made a motion that the second public hearings on Tracts A and B be continued until Thursday, September 23, 2004, at 6:00 p.m. and Councilmember Bob Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Raulston].

**3. Pre-Council dinner.**

**4. Adjournment.**

The pre-council meeting adjourned at 5:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 18<sup>th</sup> day of October, 2004.

/s/ Ken Jones  
Ken Jones, Mayor

ATTEST:

/s/ Dorothy Brooks  
Dorothy Brooks, City Secretary

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**MINUTES  
ROCKWALL CITY COUNCIL**

September 20, 2004  
6:00 p.m. Regular Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

55 **1. Call to Order**

56  
57 Mayor Jones called the meeting to order at 6:05 p.m. Present were Mayor Ken Jones and  
58 Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and John King.  
59 Councilmember Terry Raulston was absent. Also present were City Manager Julie Couch  
60 and City Attorney Pete Eckert.

61  
62 **2. Invocation and Pledge of Allegiance – Councilmember Bob Cotti**

63  
64 Councilmember Bob Cotti gave the invocation and led the Pledge of Allegiance.

65  
66 **3. Proclamations**

- 67  
68 a. Fire Prevention Week – Fire Marshall Ariana Adair and Fire Chief Mark  
69 Poindexter received the proclamation.

70  
71 Mayor Jones announced that the Council would be mixing up the agenda tonight and  
72 would be holding the public hearings on the annexation at this time.

73  
74 **6. Public Hearing**

- 75  
76 c. **A2004-03 (Tract A) (1<sup>st</sup> Public Hearing @ 6:00pm)** -- Hold a public  
77 hearing for a City initiated request to annex land of approximately 725  
78 acres generally located north of F.M. 552, east of SH 205, west of Breezy  
79 Hill Rd, and contiguous to the existing City Limits line.

80  
81 Robert LaCroix, Director of Community Development, discussed the background of the  
82 amended plan, including the soft services to be provided: police, fire, health and code  
83 compliance, solid waste collection and street maintenance. City Engineer Chuck Todd  
84 discussed the water and sanitary sewer services. The area is current served by Mt. Zion.

85  
86 Mayor Jones opened the public hearing on Tract A and the following persons came  
87 forward to address the Council: [All spoke in opposition to the annexation.]

88  
89 Martin Garza, Attorney at Hughes Luce, representing the W.W. Caruth  
90 Estate. Mr. Garza requested that their letters dated September 13, 2004 and  
91 September 20, 2004 be incorporated into the record. Mr. Garza stated that  
92 they want a formal three-year annexation plan for the Caruth property.

93  
94 Bruce Clark  
95 313 Shenandoah Lane  
96 Rockwall, Texas  
97

98           **Jon Riggs**  
99           **181 Rockhouse Lane**  
100          **Rockwall, Texas**

101  
102          **Connie Eskew**  
103          **1571 Anna Cade Road**  
104          **Rockwall, Texas**

105  
106          **There being no one further to address the Council at this time, Mayor Jones closed the**  
107          **public hearing.**

108  
109          **d.       A2004-04 (Tract B) (1<sup>st</sup> Public Hearing @ 6:15pm) -- Hold a public**  
110          **hearing and consider a City initiated request to annex land of**  
111          **approximately 554 acres generally located north of F.M. 552, west of F.M.**  
112          **549, east of Anna Cade Rd, and contiguous to the existing City Limits**  
113          **line.**

114  
115          **Robert LaCroix, Director of Community Development, discussed the background of the**  
116          **amended plan, including the soft services to be provided: police, fire, health and code**  
117          **compliance, solid waste collection and street maintenance. City Engineer Chuck Todd**  
118          **discussed the water and sanitary sewer services. The area is current served by Mt. Zion.**

119  
120          **Mayor Jones opened the public hearing on Tract B and the following persons came**  
121          **forward to address the Council: [All spoke in opposition to the annexation.]**

122  
123                 **Randall Talley, Jr.**  
124                 **254 Marty Circle**  
125                 **Rockwall, Texas**

126  
127                 **Jack Hittson**  
128                 **5096 Old Millwood Road**  
129                 **Rockwall, Texas**

130  
131                 **Suzanne Hittson**  
132                 **1565 Champions Court**  
133                 **Rockwall, Texas**

134  
135                 **Dixon Glaze**  
136                 **3015 Red Valley Run**  
137                 **Rockwall, Texas**

138  
139                 **David Kent**  
140                 **#6 Twin Bridge**  
141                 **Dallas, Texas**

142  
143                 **Matt White (Environmentalist spoke on behalf of the Glaze Family)**  
144                 **882 HWY 50**  
145                 **Campbell, Texas**

146

147           **Beth Talley**  
148           **254 Marty Circle**  
149           **Rockwall, Texas**  
150  
151           **Dr. Randall Moir (Spoke on behalf of the Glaze Family)**  
152           **10113 Napa Valley**  
153           **Frisco, Texas**  
154  
155           **Carol Hittson Kent**  
156           **#6 Twin Bridge**  
157           **Dallas, Texas**  
158  
159           **Glen Detgen**  
160           **276 Camp Creek Road**  
161           **Rockwall, Texas**  
162  
163           **Chris Rinner**  
164           **414 Anna Cade Road**  
165           **Rockwall, Texas**  
166  
167           **Melissa Glaze**  
168           **3205 Breeze Terrace**  
169           **Austin, Texas**  
170  
171           **Steve Rinner**  
172           **414 Anna Cade Road**  
173           **Rockwall, Texas**  
174  
175           **Andrew Glaze**  
176           **6115 Summer Creek Circle**  
177           **Dallas, Texas**  
178  
179           **Kevin Smith**  
180           **1565 Champions Court**  
181           **Rockwall, Texas**  
182  
183           **Elizabeth Hittson**  
184           **5096 Old Millwood Road**  
185           **Rockwall, Texas**  
186  
187           **Pat Acker**  
188           **540 Farm Lane**  
189           **Rockwall, Texas**  
190  
191           **Dallas Talley**  
192           **254 Marty Circle**  
193           **Rockwall, Texas**  
194  
195           **Carl Glaze**  
196           **3015 Red Valley Run**  
197           **Rockwall, Texas**



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**Becky Airhart-Smith (Dixon Glaze is her cousin)**  
**7370 FM RD 545**  
**Blue Ridge, Texas**

**Bill Hittson**  
**1141 Woodward**  
**Dennison, Texas**

**Butch Jones**  
**565 Anna Cade**  
**Rockwall, Texas**

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

- e. **A2004-03 (Tract A) (2<sup>nd</sup> Public Hearing @ 6:30pm)** -- Hold a public hearing for a City initiated request to annex land of approximately 725 acres generally located north of F.M. 552, east of SH 205, west of Breezy Hill Rd, and contiguous to the existing City Limits line.

**Mayor Jones opened the second public hearing on Tract A and the following persons came forward to address the Council: [All spoke in opposition to the annexation.]**

**Evan Tilton (Attorneys for Caruth Estate)**  
**Hughes Luce**  
**1717 Main Street, Suite 2800**  
**Dallas, Texas**

**Jeffrey Boehm**  
**1400 Plummer Drive**  
**Rockwall, Texas**

**Wayne Rand**  
**3510 Bermuda Circle**  
**Rowlett, Texas**

**Mayor Jones announced that this public hearing was continued to Thursday, September 23, 2004, at 6:00 p.m.**

- f. **A2004-04 (Tract B) (2<sup>nd</sup> Public Hearing @ 6:45pm)** -- Hold a public hearing and **consider** a City initiated request to annex land of approximately 554 acres generally located north of F.M. 552, west of F.M. 549, east of Anna Cade Rd, and contiguous to the existing City Limits line.

**Mayor Jones opened the second public hearing on Tract B and the following persons came forward to address the Council: [All spoke in opposition to the annexation.]**

247            **Dixon Glaze**  
248            **3015 Red Valley Run**  
249            **Rockwall, Texas**  
250  
251            **Melissa Glaze**  
252            **3205 Breeze Terrace**  
253            **Austin, Texas**  
254  
255            **Matt White (Environmentalist spoke on behalf of the Glaze Family)**  
256            **882 HWY 50**  
257            **Campbell, Texas**  
258  
259            **Andrew Glaze**  
260            **6115 Summer Creek Circle**  
261            **Dallas, Texas**  
262  
263            **Dr. Randall Moir (Spoke on behalf of the Glaze Family)**  
264            **10113 Napa Valley**  
265            **Frisco, Texas**  
266  
267            **Glen Detgen**  
268            **276 Camp Creek Road**  
269            **Rockwall, Texas**  
270  
271            **Randall Talley, Jr.**  
272            **254 Marty Circle**  
273            **Rockwall, Texas**  
274  
275            **Carl Glaze**  
276            **3015 Red Valley Run**  
277            **Rockwall, Texas**  
278  
279            **Mike McGuire**  
280            **2546 E. FM 552**  
281            **Rockwall, Texas**  
282  
283            **Kate Glaze**  
284            **6115 Summer Creek Circle**  
285            **Dallas, Texas**  
286  
287            **Becky Airhart-Smith (Dixon Glaze is her cousin)**  
288            **7370 FM RD 545**  
289            **Blue Ridge, Texas**  
290  
291            **Chris Rinner**  
292            **414 Anna Cade Road**  
293            **Rockwall, Texas**  
294  
295            **Rhonda Koussa (Government student observing proceedings)**  
296            **7135 Harlan Drive**  
297            **Rockwall, Texas**

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**Elizabeth Hittson**  
**5096 Old Millwood Road**  
**Rockwall, Texas**

**Beth Talley**  
**254 Marty Circle**  
**Rockwall, Texas**

**Thayer Parris**  
**3 Amity Lane**  
**Rockwall, Texas**

**Mayor Jones announced that this public hearing was continued to Thursday, September 23, 2004, at 6:00 p.m.**

**Mayor Jones then called the Planning and Zoning Chairman forward.**

**5. Appointments**

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

**Phillip Herbst, Chairman of the Planning and Zoning Commission, discussed the items on tonight's agenda.**

**4. Consent Items**

- a. Consider approval of the Minutes of the August 16, 2004 City Council Meeting and take any action necessary.
- b. **AM2004-001--** Consider approval of an **Ordinance** for a city initiated amendment to the City of Rockwall Code of Ordinances – Subdivision Regulations – Chapter 24 – Amending Sections 24-6 Sketch Plan – Pre application Conference, Section 24-7 Concept Plan, Section 24-8 Preliminary Plat, Section 24-9 Final Plat, Section 24-10 Miscellaneous Requirements, and Section 24-12 Adequate water for personal use and fire protection required and take any action necessary. **(2<sup>nd</sup> Reading)**
- c. **P2004-043 --** Consider a request by Michael Mishler of Mishler Builders Inc. for approval of a replat of Lot 8R, Block A, Horizon Ridge Addition, being a 1.148-acre tract zoned (PD-9) Planned Development No. 9 District and designated for (GR) General Retail uses, and located along the west side of Ralph Hall Parkway and take any action necessary.
- d. **SP2004-018 --** Consider a request by Michael Mishler of Mishler Builders Inc. for approval of a site plan for a Rehab Management and Office Complex located on Lot 8R, Block A, Horizon Ridge Addition, being a 1.148-acre tract zoned (PD-9) Planned Development No. 9 District and

347 designated for (GR) General Retail uses, located along the west side of  
348 Ralph Hall Parkway and take any action necessary.

349  
350 e. Consider approval of a **Resolution** authorizing application for assistance  
351 from Texas Parks and Wildlife for SH-66 boat ramp improvements and  
352 take any action necessary.

353  
354 f. Consider approval of award of a bid for City Place signage and take any  
355 action necessary.

356  
357 g. Consider approval of a **Resolution** regarding a petition filed pursuant to  
358 Section 43.052(i) of the Texas Local Government Code and take any  
359 action necessary.

360  
361 h. Consider approval of the award of a bid for the North Lakeshore Bridge  
362 construction contract and take any action necessary.

363  
364 i. Left blank on purpose.

365  
366 j. Consider approval of **Resolution** creating the Takeline Sublease Appeals  
367 Board and establishing the procedures for that board and take any action  
368 necessary.

369 k. Consider approval of the award of a bid for the installation of the new  
370 radio system grounding loop and emergency generator and take any  
371 action necessary.

372 l. **P2004-042** -- Consider a request by Robert Jebary of Brockette Davis  
373 Drake for approval of a replat of Lot 1, Block A, Villa De Portofino  
374 Addition, being a 6.5995-acre tract zoned (PD-22) Planned Development  
375 District and located along the east shore of Lake Ray Hubbard at  
376 Portofino Drive and take any action necessary.

377  
378 **Councilmember Bob Cotti requested that Consent Agenda Items 4b and 4j be pulled.**  
379 **Mayor Jones requested that Consent Agenda Item 4a be pulled. Councilmember Stephen**  
380 **Straughan requested that Consent Agenda Item 4l be pulled. Councilmember Tim**  
381 **McCallum requested that Consent Agenda Items 4f and 4k be pulled. Councilmember**  
382 **Bob Cotti then made a motion to approve Consent Agenda Items 4c, 4d, 4e, 4g and 4h.**  
383 **Councilmember McCallum seconded the motion and the motion passed by a vote of 6**  
384 **ayes and 1 absent [Raulston].**

385  
386 **With regard to Consent Agenda Item 4b, Councilmember Cotti stated that there had been**  
387 **changes in the ordinance since the first reading and requested that Robert LaCroix**  
388 **discuss those changes. After LaCroix discussed those changes, Councilmember Cotti**  
389 **made a motion to approve the ordinance. City Manager Julie Couch advised the Council**  
390 **that Misty Ventura of Hughes and Luce wished to address the Council on this matter.**  
391 **Mayor Jones called Ms. Ventura forward. Ms Ventura stated that they were against the**  
392 **passage of the ordinance. Councilmember King then seconded the motion and the**  
393 **ordinance was read as follows:**

CITY OF ROCKWALL  
ORDINANCE NO. 04-57

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398 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE  
399 SUBDIVISION REGULATIONS, CHAPTER 24 OF THE CITY CODE OF  
400 ORDINANCES, SECTIONS 24-6 THROUGH 24-14; INCORPORATING  
401 UNIVERSAL PROCEDURES FOR ACCEPTANCE AND PROCESSING OF PLAT  
402 APPLICATIONS; ELIMINATING SKETCH PLANS AND CONCEPT PLANS;  
403 ESTABLISHING PROCEDURES AND STANDARDS FOR MASTER PLATS FOR  
404 THE PURPOSE OF PLATTING IN PHASES; AMENDING PROCEDURES FOR  
405 PRELIMINARY AND FINAL PLATS FOR CONSISTENCY; ADDING  
406 STANDARDS GOVERNING UTILITY CONNECTIONS FOR WATER AND  
407 WASTEWATER FACILITIES; ADDING STANDARDS FOR DETERMINING THE  
408 ADEQUACY OF WATER AND WASTEWATER FACILITIES FOR PLAT  
409 APPROVAL; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A  
410 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
411 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
412 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
413 PROVIDING FOR AN EFFECTIVE DATE.  
414

415 The motion passed by a vote of 6 ayes and 1 absent [Raulston].  
416

417 Councilmember Cotti made a motion to table Consent Agenda Item 4j until the October 4,  
418 2004, meeting and Councilmember McCallum seconded the motion. The motion passed  
419 by a vote of 5 ayes, 1 abstain [Jones] and 1 absent [Raulston].  
420

421 Councilmember McCallum made a motion to approve Consent Agenda Item 4a and  
422 Councilmember Straughan seconded the motion. The motion passed by a vote of 5 ayes,  
423 1 abstain [Jones] and 1 absent [Raulston].  
424

425 Councilmember McCallum stated that he had pulled Consent Agenda Item 4f to discuss  
426 the banner columns and the lighting for the signage. After discussion, Councilmember  
427 McCallum made a motion to approve the request and include the cost for the lighting of  
428 the signage. Councilmember Straughan seconded the motion and the motion passed by  
429 a vote of 6 ayes and 1 absent [Raulston].  
430

431 Councilmember McCallum asked for some clarification on Consent Agenda Item 4k. Rick  
432 Crowley stated that the award of a bid for the installation of the new radio system  
433 grounding loop and emergency generator would come out of the contingency and is  
434 within the budgeted amount, including the contingencies and that the documents  
435 reflecting that would be available to the Council, if requested. McCallum made a motion  
436 to table the matter until the Council gets more information. Councilmember Straughan  
437 seconded the motion.  
438

439 After considerable discussion, the motion failed by a vote of 2 ayes [McCallum and  
440 Straughan], 4 nays [Jones, Cotti, Cecil and King] and 1 absent [Raulston].  
441

442 Councilmember Cecil then made a motion to proceed and for approval of the bid.  
443 Councilmember King seconded the motion. Councilmember McCallum stated that he  
444 would not support the motion. Councilmember Straughan stated that he agreed with the

445 logic and would support this motion. The motion passed by a vote of 5 ayes, 1 nay  
446 [McCallum] and 1 absent [Raulston].

447  
448 Councilmember Straughan made a motion that Consent Agenda Item 4I be tabled until  
449 they could see the site plans and elevations (October 4 2004) and Councilmember Cecil  
450 seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Raulston].

451  
452 **5. Appointments**

453  
454 b. Appointment with Michael Sullivan regarding RV Ordinance and take any  
455 action necessary.

456 Michael Sullivan stated that he feels the new regulations for RV storage are too  
457 restrictive and asked how this ordinance was written – the source of the language.  
458 Robert LaCroix discussed the background of the ordinance. LaCroix stated it was more  
459 to do with the larger vehicles and getting vehicles off the grass.

460  
461 c. Appointment with Mary Ann Ryan regarding RV Ordinance and take any  
462 action necessary.

463 Ms. Ryan was a no show.

464  
465 **6. Public Hearing**

466  
467 a. **Z2004-032** -- Hold a public hearing and consider approval of an  
468 **Ordinance** for a request by Rick Cawthon for approval of a change in  
469 zoning from (Ag) Agriculture district to (LI) Light Industrial district on an  
470 1.0-acre tract known as a portion of Tract 26-2, Abstract 77, E. M. Elliott  
471 Survey, located along the west side of F.M. 549 north of Airport Road and  
472 take any action necessary. **(1<sup>st</sup> Reading)**

473  
474 Councilmember Cecil made a motion allowing the withdrawal of this request and  
475 Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1  
476 absent [Raulston].

477  
478 b. **Z2004-034** -- Hold a public hearing and consider approval of an  
479 **Ordinance** for a request by Michael Johnston of Ramsay Ivy CO., L.C.,  
480 for a zoning change from (SF-7) Single Family Residential district, (LI)  
481 Light Industrial district, (C) Commercial district, (HC) Heavy Commercial,  
482 and (PD-52) Planned Development district to (PD) Planned Development  
483 district, including a concept plan for the proposed Park Place West  
484 development consisting of single family residential, neighborhood service  
485 and residential-office uses on a 55.8-acre tract located south of  
486 Washington/Aluminum Plant Road, east of Renfro Street, and north of the  
487 M. K. & T. Railroad and take any action necessary. **(1<sup>st</sup> Reading)**

488  
489 Robert LaCroix stated that the Planning and Zoning Commission had continued this item  
490 and that it would be necessary to open this public hearing and continue it to a certain  
491 date of October 4, 2004. Councilmember McCallum made a motion to continue the public  
492 hearing until October 4, 2004 and Councilmember Straughan seconded the motion. The  
493 motion passed by a vote of 6 ayes and 1 absent [Raulston].

494

495 **7. Site Plans / Plats**

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**Robert LaCroix discussed the background of this request for approval of a preliminary plat. The applicant, Gene Burks, appeared and requested approval. Mayor Jones made a motion to approve the request and Councilmember McCallum seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Raulston].**

508 **8. Action Items**

509

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511

- a. Discuss current requirements under the Zoning Ordinance for storage of recreational vehicles in residential areas and take any action necessary.

512

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516

**Julie Couch discussed the background of this matter. Councilmember Straughan made a motion to hold the ordinance in abeyance for 90 days in order to review the requirements and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Raulston].**

517

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520

- b. Discuss and consider approval of an **Ordinance** levying the ad valorem taxes for the year 2004 at a rate of \$.36 per One Hundred Dollars assessed valuation on all taxable property within the corporate limits of the City as of January 1, 2004 and take any action necessary.

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527

**Finance Director Mary Smith discussed this item. Councilmember Cecil made a motion to approve the rate of \$.36 per One Hundred Dollars assessed valuation and Councilmember Cotti seconded the motion. The ordinance was read as follows:**

CITY OF ROCKWALL  
ORDINANCE NO. 04-57(1)

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AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2004 AT A RATE OF \$.36 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2004 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2004 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

537

538

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

540

541

542

- c. Discuss and consider approval of an **Ordinance** amending the budget of the City for the fiscal year October 1, 2003 through September 30, 2004 and take any action necessary.

543 Finance Director Mary Smith discussed this item. Councilmember McCallum made a  
544 motion to approve the request and Councilmember Cotti seconded the motion. The  
545 ordinance was read as follows:

546  
547 CITY OF ROCKWALL  
548 ORDINANCE NO. 04-56

549  
550 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
551 AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2003  
552 THROUGH SEPTEMBER 30, 2004; PROVIDING FOR AN EFFECTIVE DATE.

553  
554 The motion passed by a vote of 6 ayes and 1 absent [Raulston].

- 555  
556 d. Discuss and consider approval of the Hotel/Motel Subcommittee  
557 recommendations for funding requests for budget year 2004-2005 and  
558 take any action necessary.

559 Mary Smith discussed this item. The Subcommittee consists of Mayor Ken Jones and  
560 Councilmembers Bob Cotti and Terry Raulston. Councilmember Cotti stated that this is  
561 the first year that we have been able to fully fund all the legally qualified requests for  
562 tourism. Councilmember Cecil made a motion to accept the Subcommittee's  
563 recommendations and Councilmember McCallum seconded the motion. The motion  
564 passed by a vote of 6 ayes and 1 absent [Raulston].

- 565  
566 e. Discuss and consider approval of an *Ordinance* adopting a budget for  
567 the City for the fiscal year October 1, 2004 through September 30, 2005  
568 and take any action necessary.

569 Mary Smith discussed this item. Councilmember Cecil made a motion to approve the  
570 budget as presented. Councilmember Cotti seconded Councilmember Cecil's motion.  
571 Julie Couch advised the Council that Misty Ventura from Hughes and Luce wished to  
572 speak with regard to this matter. Ms. Ventura came forward and addressed the Council  
573 and requested that the Council table this matter.

574  
575 Mayor Jones stated that a motion had been made and seconded and requested that the  
576 ordinance be read:

577  
578 CITY OF ROCKWALL  
579 ORDINANCE NO. 04-55

580  
581 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
582 APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR  
583 OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2005; PROVIDING THAT  
584 EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE  
585 WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

586  
587 The motion passed by a vote of 6 ayes and 1 absent [Raulston].

588  
589 There being no further business to come before the Council in regular session, Mayor  
590 Jones adjourned the meeting into Executive Session at 10:25 p.m.

591



592 **9. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF**  
593 **TEXAS GOVERNMENT CODE TO DISCUSS:**

- 594 a. Deliberation regarding the purchase, exchange, lease, or value of real  
595 property.
- 596 b. Personnel Issues, including Board, Commission, and Committee  
597 Appointments, and Related Matters.
- 598 c. Commercial or financial information regarding business prospects that the  
599 City seeks to have locate, stay, or expand in or near the territory of the  
600 City of Rockwall and with which the Board is conducting economic  
601 development negotiations.
- 602 d. Consultation with attorney pursuant to §551.071(1) to discuss pending or  
603 contemplated litigation relating to annexation.
- 604 e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation  
605 with attorney with regard to a matter that it is the duty of the attorney to  
606 consult with the Council and falls under the attorney-client privilege.

607  
608 **10. Take Any Action as Result of Executive Session**

609  
610 **The Council appointed the following persons to the Youth Advisory Council:**

611  
612 **Renee Dirkse, Regular Member**  
613 **Tom Griswold, Alternate Member**  
614 **Kachi Amajor, Alternate Member**

615  
616 **11. Adjournment**

617  
618 **There being no further business to come before the Council, Mayor Jones adjourned the**  
619 **meeting at 11:30 p.m.**

620  
621 **Approved by the City Council of the City of Rockwall, Texas, this 18<sup>th</sup> day of**  
622 **October, 2004.**

623

624

*/s/ Ken Jones*

Ken Jones, Mayor

625

626 **ATTEST:**

627

628 */s/ Dorothy Brooks*

629 **Dorothy Brooks, City Secretary**

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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
September 23, 2004  
6:00 p.m. Special Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

8 Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken  
9 Jones and Councilmembers Bob Cotti, Stephen Straughan, Bill Cecil and John  
10 King. Councilmembers Tim McCallum and Terry Raulston were absent. Also  
11 present were City Manager Julie Couch and City Attorney Pete Eckert.

12  
13 **2. Public Hearings**

- 14  
15 a. **A2004-03 (Tract A)** – Continue public hearings for a City initiated  
16 request to annex land of approximately 725 acres generally located  
17 north of F.M. 552, east of SH 205, west of Breezy Hill Rd, and  
18 contiguous to the existing City Limits line.

19  
20 **This is a continuation of the public hearing from Monday, September 20, 2004.**  
21 **The following persons came forward to address the Council:**

22  
23 **Bruce Clark**  
24 **313 Shenandoah Lane**  
25 **Rockwall, Texas**  
26 **Requested not to be annexed and stated he would sign a**  
27 **development agreement.**

28  
29 **Randy Reed**  
30 **3076 Hays Lane**  
31 **Rockwall, Texas**  
32 **Mr. Reed asked that the City block the proposed density. Is not in**  
33 **favor of or against the annexation.**

34  
35 **Martin Garza, Attorney for Caruth Estate**  
36 **1717 Main Street, Suite 2800**  
37 **Dallas, Texas**  
38 **Stated the proposed annexation violates state law and petitions for a**  
39 **three-year plan.**

40  
41 **Claudia Engle**  
42 **341 Breezy Lane**  
43 **Rockwall, Texas**  
44 **Urged the City Council not to let Caruth put 1500 homes in – annex if**  
45 **you have to – control the development.**

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**Jerry Kimbrell  
1279 Anna Cade  
Rockwall, Texas  
Is for the annexation because he is concerned it will look like DR Horton at 552.**

**Fred Thompson, Jr.  
911 E. FM 552  
Rockwall, Texas  
Lives by Tract A and is concerned about the density proposed by Caruth. However any land not part of the high density package should not be annexed.**

**Wayne Welch  
174 Shady Creek Lane  
Rockwall, Texas  
Does not want to see the development of the high density.**

**Chris Rinner  
414 Anna Cade Road  
Rockwall, Texas  
On behalf of Mr. Audie Riggs – against annexation.**

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

- b. A2004-04 (Tract B) – Continue public hearings and consider a City initiated request to annex land of approximately 554 acres generally located north of F.M. 552, west of F.M. 549, east of Anna Cade Rd, and contiguous to the existing City Limits line.**

**This is a continuation of the public hearing from Monday, September 20, 2004. The following persons came forward to address the Council:**

**Suzanne Hittson  
1565 Champions Court  
Rockwall, Texas  
Will work with the City on a development agreement.**

**Berdine Eberhart  
689 Camp Creek Road  
Rockwall, Texas  
Stated city and rural life don't mesh. Does not want the rules and regulations.**

92  
93 **Tom Eberhart**  
94 **689 Camp Creek Road**  
95 **Rockwall, Texas**  
96 **State everyone in the area is opposed to the annexation**  
97

98 **Gail Spann**  
99 **3350 Old Millwood Road**  
100 **Rockwall, Texas**  
101 **Is against the annexation.**  
102

103 **Jack Hittson**  
104 **5096 Old Millroad Circle**  
105 **Rockwall, Texas**  
106 **Thanked the Council for hearing them. Is against the annexation. Is**  
107 **willing to sign development agreement.**  
108

109 **Randy Talley**  
110 **254 Marty Circle**  
111 **Rockwall, Texas**  
112 **Is against the annexation but will sign a development agreement.**  
113

114 **Randy Eubank**  
115 **1740 E. FM 552**  
116 **Rockwall, Texas**  
117 **“Anna Cade” was his great aunt. Is against the annexation.**  
118

119 **Bill Boyd**  
120 **333 Camp Creek**  
121 **Rockwall, Texas**  
122 **Does not want to be annexed.**  
123

124 **William Hittson**  
125 **1565 Champions Court**  
126 **Rockwall, Texas**  
127 **Against annexation. Will sign development agreement.**  
128

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

131  
132 **Councilmember Cotti stated that the Council should provide direction to the Staff**  
133 **and made a motion to direct the Staff to proceed with the annexation ordinance**  
134 **for Tract A and to bring it to the Council at the appropriate time for consideration.**  
135 **Councilmember John King seconded the motion and the motion passed by a vote**  
136 **of 5 ayes and 2 absent [McCallum and Raulston].**  
137

138 **Councilmember Cotti then made a motion to direct the Staff to begin discussions**  
139 **with the appropriate owners in Tract B for agreements that will meet the Council’s**

140 objectives. If agreements cannot be worked out, then Staff is directed to proceed  
141 with the annexation ordinance and bring it to the Council for consideration at the  
142 regularly scheduled time. Councilmember Stephen Straughan seconded the  
143 motion and the motion passed by a vote of 5 ayes and 2 absent [McCallum and  
144 Raulston].

145  
146 There being no further business to come before the Council, Mayor Jones  
147 adjourned the meeting at 6:52 p.m.

148  
149 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF**  
150 **ROCKWALL, TEXAS, this 18<sup>th</sup> day of October, 2004.**

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155 **Ken Jones, Mayor**

156 **ATTEST:**  
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159  
160 **Dorothy Brooks, City Secretary**  
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**MINUTES**  
**Rockwall City Council**  
**Annual Retreat**  
**September 26-27, 2004**

*Spirit of the West*  
*100 South Texas Street*  
*Tioga, Texas*

Mayor Jones called the meeting to order at 2:30 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and John King. Councilmember Terry Raulston was absent.

Council and Staff then entered into discussions regarding various items on the agenda.

The meeting adjourned on September 26, 2004, at 6:00 p.m.

The meeting reconvened on September 27, 2004, at 8:30 a.m. Council and Staff continued discussions of items on the agenda. The meeting adjourned for lunch at 12:00 p.m. and reconvened at 1:00 p.m. and discussions on the various items continued.

At 2:30 p.m., the Council took under consideration the request to consider approval of a Resolution authorizing the Cities Aggregation Power Project, Inc. (CAPP) to act as an agent on behalf of the City to negotiate an electric supply agreement for deliveries of electricity. Councilmember Bill Cecil made a motion to approve the request and Councilmember Stephen Straughan seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Raulston and Jones].

There being no further business to come before the Council, Mayor Jones adjourned the meeting at 5:30 p.m.

\_\_\_\_\_  
Ken Jones

ATTEST:

\_\_\_\_\_  
Dorothy Brooks, City Secretary