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MINUTES
ROCKWALL CITY COUNCIL

September 2, 2003
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and Councilmembers Tim McCallum, Larry Dobbs, Bob Cotti, John King, Billy Morris and Terry Raulston. Councilmember Billy Morris led the invocation and the Pledge of Allegiance.

PROCLAMATIONS

Mayor Jones presented a proclamation to Police Chief Mark Moeller stating that the citizens of Rockwall remember with eternal respect those whose lives were suddenly, without cause, and pointlessly taken from them on September 11, 2001, and since that date in our war on terrorism.

OPEN FORUM

Scott Self, Volunteer Fire Fighter, came forward and thanked the Council for their consideration regarding funding for the Volunteer Fire Department.

CONSENT AGENDA

- 5a. Consider approval of the minutes from the August 18, 2003, City Council meeting and take any action necessary.
- 5b. Consider approval of an **Ordinance** amending the Park Dedication Ordinance and take any action necessary. **(2nd Reading)**
- 5c. Consider approval of an **Ordinance** amending the tax incentive ordinance to create a definition for landmark properties, thus providing for the application of said tax relief to those properties that qualify for designation as landmark properties and take any action necessary. **(2nd Reading)**
- 5d. Consider approval of an **Ordinance** revising and updating the Engineering Design and Construction Standards and take any action necessary. **(2nd Reading)**

Councilmember Morris made a motion to approve all of the items on the Consent Agenda and Councilmember King seconded the motion. The following ordinances were read:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING ARTICLE II. PARK LAND DEDICATION OF THE SUBDIVISION REGULATIONS OF THE CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

46 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AMENDING THE
47 ROCKWALL CODE OF ORDINANCES TO PROVIDE AN AD VALOREM TAX
48 EXEMPTION FOR STRUCTURES IN NEED OF TAX RELIEF TO ENCOURAGE THEIR
49 ENHANCEMENT AS HEREIN DEFINED; PROVIDING FOR A SEVERABILITY
50 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING A PENALTY
51 OF A FINE OF \$500.00 FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE.

52 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
53 AMENDING THE SUBDIVISION REGULATIONS OF THE CITY OF ROCKWALL, AS
54 HERETOFORE AMENDED, BY AMENDING SECTION 24-19, STANDARDS FOR
55 DESIGN OF DEVELOPMENT WITHIN SUBDIVISIONS (ORD. NO. 86-89); PROVIDING
56 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
57 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
58 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
59 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

60
61 The motion passed unanimously by a vote of 7 ayes and 0 nays.

62
63 **APPOINTMENTS**

64
65 6a. Appointment with Planning and Zoning Chairman to discuss and answer
66 any questions regarding cases on the agenda and related issues and
67 take any necessary action.

68 **Phillip Herbst of the Planning and Zoning Commission came forward and discussed the**
69 **recommendations made by the Commission regarding the public hearing items on the**
70 **agenda.**

71
72 6b. Appointment with Michael Baldwin of Oncor regarding status of power
73 outage solutions for the Sunset Hill area and take any action necessary.

74 **Michael Baldwin of Oncor stated that he had researched the history of the power outages**
75 **and actions taken by Oncor to alleviate the problem. Baldwin stated that in 2002 they**
76 **changed 2 pins, replaced 12 lightning arresters, placed additional animal cages and**
77 **trimmed trees. Baldwin stated that there have been no storm related outages since June**
78 **11, 2003, because of the tree trimming. There have been no outages since the feeder line**
79 **was repaired on August 11, 2003. Oncor will be replacing a conductor on the feeder. The**
80 **Rockwall East Substation came on line in July, which gave Rockwall an additional feeder**
81 **that helped to lower the number of users on the line feeding the Sunset Hill area.**

82
83 **The outage on August 25, 2003, was caused by a dig-in by a contractor who failed to**
84 **obtain location maps. Because the Eastside Substation was on line, the Technology**
85 **Park was not affected by the outage. An additional feeder line will be added to the**
86 **Eastside Substation, which will relieve the older Rockwall Substation even more.**
87 **Baldwin stated that funding has been requested for other projects within Rockwall.**

88
89 **Councilmember Morris thanked Baldwin for his report and stated that he called the call-in**
90 **line, but that it was not working properly.**

91
92 **Councilmember Raulston also thanked Baldwin for his report and the quick response.**
93 **Raulston asked Baldwin if there was anything our Council could do to help him in his**
94 **budget process to get the approval he needed, but Baldwin stated that he would take**
95 **care of it.**

96
97 Councilmember King asked Baldwin if he had been able to isolate the cause of the power
98 outages in the Sunset Hill area that was brought forward at the last meeting. Baldwin
99 stated that he thinks the lack of tree trimming was the culprit and that has been taken
100 care of. Oncor has a systematic plan for tree maintenance and sometimes trees have
101 grown quite a bit by the time they can get back to them for cutting. Baldwin stated that
102 he had provided a letter to the Sunset Hill homeowners regarding the actions that had
103 been taken.

104
105 Councilmember McCallum thanked Baldwin for his quick action and asked if the stormy
106 weather we had over the weekend had affected the Sunset Hill area. Baldwin stated that
107 the storms had no impact in that area.

108
109 Councilmember Cotti also thanked Baldwin for his quick response and stated that
110 customer service had been Baldwin's goal and Cotti believes that he achieved it.

111
112 **PUBLIC HEARING ITEMS**

113
114 7a. **Z2003-006** – Continue the public hearing and consider approval of an
115 **Ordinance** for a request from Michael Potter and Carl Bates for a zoning
116 change from Agricultural (A) to Heavy Commercial (HC) for a 3.16-acre
117 tract of land known as Lots 1 and 2, Block A, Brown & Brown Subdivision,
118 located at 965 and 967 Sids Road. (1st Reading)

119 Robert LaCroix discussed the background of the request. LaCroix stated that Mr. Potter
120 had submitted a zoning request because his business had been destroyed by fire on
121 September 26, 2002 and could not be rebuilt because the property is currently zoned "A",
122 Agricultural. LaCroix stated that Staff will be recommending additional screening at the
123 rear of Mr. Potter's property when the site plan is submitted for development. The
124 Planning and Zoning Commission did review the request and recommended approval.

125
126 Councilmember McCallum asked if the additional screening would answer the concerns
127 of the homeowner that had responded to the notice. LaCroix stated that it would.

128
129 Mayor Jones opened the public hearing and the following persons came forward to
130 address the Council:

131
132 Mr. Michael Potter, the applicant, came forward and requested the Council's approval of
133 his request.

134
135 There being no one further to address the Council, Mayor Jones closed the public
136 hearing.

137
138 Councilmember Raulston made a motion to approve the request and Councilmember
139 Cotti seconded the request. The ordinance was read as follows:

140
141 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
142 TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE
143 CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A
144 CHANGE IN ZONING FROM "A", AGRICULTURAL TO "HC", HEAVY
145 COMMERCIAL DISTRICT, FOR A TRACT KNOWN AS LOTS 1 AND 2, BLOCK
146 A, BROWN AND BROWN SUBDIVISION; AND CONTAINING 3.16 ACRES OF

147 LAND; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
148 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
149 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
150 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
151 PROVIDING FOR AN EFFECTIVE DATE.

152
153 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- 154
155 **7b. AM2003-002 --** Hold a public hearing and consider a city initiated
156 amendment to the City of Rockwall Code of Ordinances - Subdivision
157 Regulations - Chapter 24 - Amending § 24-10, Miscellaneous
158 Requirements, adding items (l) Provision of amenities and (m) Common
159 Areas. (1st Reading)

160 **Robert LaCroix discussed the background of this request. LaCroix stated that the**
161 **homeowners in the new subdivisions want a guarantee that the common areas will be**
162 **taken care of. The Planning and Zoning Commission reviewed this request and**
163 **recommend approval.**

164
165 **Councilmember Cotti stated that we have several developments that do not have**
166 **homeowner associations and wanted to know if we could make this ordinance**
167 **retroactive. LaCroix stated no.**

168
169 **Mayor Jones opened the public hearing but no one appeared so the public hearing was**
170 **closed.**

171
172 **Councilmember Raulston made a motion to approve the request and Councilmember**
173 **Cotti seconded the motion. The ordinance was read as follows:**

174
175 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE
176 CITY OF ROCKWALL CODE OF ORDINANCES, CHAPTER 24, SUBDIVISION
177 REGULATIONS, AS HERETOFORE AMENDED, AMENDING SECTION 24-10
178 MISCELLANEOUS REQUIREMENTS, ADDING (L) PROVISIONS OF
179 AMENITIES AND (M) COMMON AREAS; PROVIDING FOR SPECIAL
180 CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED
181 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
182 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN
183 EFFECTIVE DATE.

184
185 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- 186
187 **7c.** Hold a public hearing on the 2003-2004 proposed tax rate and take any
188 action necessary.

189 **Mary Smith stated that this is a public hearing on the proposed tax rate and that no**
190 **action will be taken tonight. Mayor Jones opened the public hearing but no one came**
191 **forward so the public hearing was closed.**

- 192
193 **7d.** Discuss and hold a public hearing on the proposed 2003-2004 budget
194 and take any action necessary.

195 **Mary Smith discussed the proposed budget and the items that were added back in the**
196 **budget and other changes that were made. Smith stated that this is a public hearing and**
197 **no action, other than the Council approving the changes, was necessary.**

198
199 Councilmember Cotti stated that this budget was well within what they could live with
200 and complimented Mary and Julie on a very good job. Mayor Jones also thanked Mary
201 and Julie and also thanked Scott Self for coming to the meeting. Councilmember
202 McCallum asked Mary to clarify what he felt was a gap in the funds. Mary gave a brief
203 overview of the budget and clarified where the funds came from. Mayor Jones opened
204 the public hearing but no one came forward and the public hearing was closed.
205

206 **ACTION ITEMS**

- 207
208 **8a.** Discuss and consider approval of an **Ordinance** amending the Property
209 Maintenance Code increasing the number of members on Building and
210 Standards Commission from five to seven and take any action necessary.

211 **Jeffrey Widmer, Building Official, discussed the background of this request.**
212 **Councilmember Cotti asked if this changed the quorum requirements of the Commission**
213 **and City Attorney Chris Caso stated that it did not. Cotti then made a motion to approve**
214 **the request and Councilmember King seconded the motion. The ordinance was read as**
215 **follows:**

216
217 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
218 TEXAS, AMENDING THE PROPERTY MAINTENANCE CODE (ORD. NO. 01-62)
219 IN SEC. 6-188 CREATION OF BUILDING AND STANDARDS COMMISSION BY
220 INCREASING THE NUMBER OF MEMBERS FROM FIVE TO SEVEN;
221 PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO
222 THOUSAND DOLLARS (\$2000.00); PROVIDING A SEVERABILITY CLAUSE;
223 PROVIDING AN EFFECTIVE DATE.
224

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

- 226
227 **8b.** Discuss and consider approval of a request from Joe Lancaster, Vice
228 President of Quail Run Partners, Ltd., for an exception to the provisions of
229 Resolution No. 03-02 that established a 120 day moratorium on certain
230 road way corridors within the City of Rockwall. The property is located at
231 the intersection of SH 205 and Quail Run Road.

232 **Robert LaCroix discussed the background of the request and stated that this request is**
233 **before the Council because of the moratorium that was approved at the last meeting.**
234 **The request is for an Eckerd's at Quail Run Road and SH-205, near the future Albertson's**
235 **site.**

236
237 **Art Andersen, 5400 Renaissance, Dallas, Texas, attorney for Quail Run Partners, Ltd.,**
238 **came forward to address the Council, as did Joe Lancaster, 6700 Meadowlake, Dallas,**
239 **Texas. Andersen stated that he believed that this request should be granted based on**
240 **the owner's vested right and extraordinary hardship to the owner. Andersen stated that**
241 **the owner will work with the Staff in any way possible in order to get this moving**
242 **forward.**

243
244 **Councilmember Cotti stated that this moratorium has only been in effect for three weeks**
245 **and asked LaCroix if he had been able to review the overlay district as it pertains to this**
246 **site and whether or not it would impact this site. Cotti further asked whether an**
247 **additional two weeks to allow Staff review would impact the project.**

248
249 LaCroix stated that he had not had a chance to review the overlay, but that the applicant
250 could submit its engineering plans, so long as they acknowledge that it is not an
251 acceptance of the development application.

252
253 Mr. Lancaster stated that a 2-week delay is not a problem, however, a 4 to 8 month delay
254 would be devastating. Lancaster stated that their landscaping is 25 feet wide, except for
255 1 or 2 minor exceptions and that they will exceed the City requirements. His concern is
256 that they need to develop the property and a delay would be a problem.

257
258 Councilmember Cotti stated that we don't want to stymie progress, but want to be sure
259 that Staff has the opportunity to review the overlay.

260
261 Councilmember Raulston stated that he echoed Cotti's comments. We are looking at this
262 in good faith and we want to let our process work and then move it forward.

263
264 Councilmember King stated that we will be entering the rainy season, which will delay
265 construction. King stated he wanted the applicant to know that this moratorium is all
266 over town and that we are not picking on them.

267
268 Lancaster stated that the closing date on the property is October 31, 2003, per Eckerd's
269 requirements in order to move the project forward to open early next year. If they miss
270 the closing date, this could mean that the whole deal will fall through.

271
272 Councilmember Morris stated that if we approve this request, it is going to open the door
273 to everyone. He is very concerned and will not support an exception to the moratorium.

274
275 Councilmember McCallum stated that he concurs with the other Councilmembers. Staff
276 was instructed to review the areas. We have a larger responsibility to the community to
277 plan for the future. We should allow the engineering plans to go through so long as they
278 realize that this is not acceptance of the development application.

279
280 Councilmember Cotti then asked LaCroix if this item were tabled for two weeks would it
281 give him time to review the overlay. LaCroix stated that it would. Cotti then made a
282 motion to table the matter for two weeks, but allow Mr. Lancaster to provide the
283 engineering plans so long as he acknowledges that it is not a formal submittal. Mayor
284 Jones seconded the motion and asked Lancaster if he could live with this. Lancaster
285 stated yes, that he is sure their development will meet the overlay requirements.
286 Lancaster asked if they could broaden what they want to do so Staff could review it. City
287 Attorney Chris Caso stated that they could present their site plans and additional plans
288 and visit with the City Staff about them, so long as they know the plans will not be filed
289 or accepted. Lancaster asked if this is tabled if they will still be on schedule. LaCroix
290 stated yes.

291
292 The motion passed unanimously by a vote of 7 ayes and 0 nays.

293
294 **CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE**
295 **LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

296
297 **9a. Departmental Reports**

298 **9b.** City Manager's Report

299 **Julie Couch, City Manager, stated that the Retreat will be held on September 18, 2003, at**
300 **The Shores Country Club. We will start at 8:30 a.m. An agenda will be sent to them**
301 **before the Retreat.**

302
303 **Councilmember Cotti stated that it was good to see Fire Chief Mark Poindexter back and**
304 **that it was good to see the false alarm information in the report. Cotti asked Mary Smith**
305 **if there were any big ticket items coming in September. Smith stated that the utility bills**
306 **and streets will be about \$700,000 and that we receive bills up until November, but we**
307 **don't usually over spend.**

308
309 **There being no further action to come before the Council in regular session, Mayor**
310 **Jones adjourned the meeting into Executive Session at 7:07 p.m.**

311
312 **ACTION TAKEN AS RESULT OF EXECUTIVE SESSION**

313
314 **Councilmember Cotti made a motion to move C.F. Pratt from an alternate member of the**
315 **Board of Adjustments to a regular member to replace Bill Hensel, with a term to expire**
316 **July 31, 2005, and Councilmember McCallum seconded the motion. The motion passed**
317 **unanimously by a vote of 7 ayes and 0 nays.**

318
319 **Councilmember King made a motion to approve the parking agreement with Whittle**
320 **Development Co. and Councilmember Raulston seconded the motion. The motion**
321 **passed unanimously by a vote of 7 ayes and 0 nays.**

322
323 **There being no further business to come before the Council, the meeting was adjourned**
324 **at 8:00 p.m.**

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Ken Jones, Mayor

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331 **ATTEST:**

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334 _____
335 **Dorothy Brooks, City Secretary**
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Minutes
Rockwall City Council
September 15, 2003
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Ken Jones called the meeting to order at 6:00 p.m. Present were Mayor Jones and Councilmembers Tim McCallum, Larry Dobbs, Bob Cotti, Billy Morris, John King and Terry Raulston. Mayor Jones led the invocation and the Pledge of Allegiance.

PROCLAMATIONS

3a. Declaring September 19, 2003 as Rockwall Yellowjacket Day

Mayor Jones presented the proclamation to Sheri Franza and Coach Lee Stout.

3b. Declaring October 5-11, 2003 as Fire Prevention Week in Rockwall

Mayor Jones presented the proclamation to Fire Marshall Ariana Adair.

3c. Declaring September 17-23, 2003 Constitution Week (to be presented to the Daughters of the American Revolution)

Mayor Jones presented the proclamation to Judy Head and other members of the Rockwall Chapter of the Daughters of the American Revolution.

Prior to opening the Consent Agenda Councilmember Cotti requested that items 5(a) and 6(c) be addressed together at the conclusion of the Consent Agenda.

CONSENT AGENDA

4a. Consider approval of the minutes from the September 2, 2003, City Council meeting and take any action necessary.

4b. Consider approval of an **Ordinance** for a request from Michael Potter and Carl Bates for a zoning change from Agricultural (A) to Heavy Commercial (HC) for a 3.16-acre tract of land known as Lots 1 and 2, Block A, Brown & Brown Subdivision, located at 965 and 967 Sids Road and take any action necessary. **(2nd Reading)**

4c. Consider approval of a city initiated amendment to the City of Rockwall Code of Ordinances - Subdivision Regulations - Chapter 24 - Amending § 24-10, Miscellaneous Requirements, adding items (l) Provision of amenities and (m) Common Areas and take any action necessary. **(2nd Reading)**

4d. Consider approval of an **Ordinance** amending the Property Maintenance Code increasing the number of members on Building and Standards Commission from five to seven and take any action necessary. **(2nd Reading)**

4e. Consider approval of a **Resolution** regarding compliance with Chapter 395, Texas Local Government Code and take any action necessary.

- 45 **4f.** Consider approval of an **Ordinance** amending the Code of Ordinances in
46 Chapter 17 Municipal Court to provide for a municipal court technology fee and
47 take any action necessary.
- 48 **4g.** Consider approval of an **Ordinance** amending the Code of Ordinances in
49 Chapter 26 Water, Sewers & Sewage Disposal by the additional of Sec. 26-50
50 Fire Hydrant Meters and take any action necessary.
- 51 **4h.** Consider approval of a **Resolution** authorizing the City Manager or her designee
52 to execute an electric power agreement and take any action necessary.
- 53 **4i.** Consider approval of a bid award to the lowest bidder on the Springer Road
54 water line and take any action necessary.
- 55 **4j.** Consider approval of an **Ordinance** amending the Code of Ordinances in
56 Chapter 16 Motor Vehicles by providing for the prima facie speed limit along
57 FM740 and take any action necessary.
- 58 **4k.** **P2003-017** -- Consider a request by Frank Conselman for a final plat of Lot 1,
59 Block A, Conselman Addition, a 0.72-acre tract zoned (PD-50) Planned
60 Development No. 50 and designated for (R-O) Residential Office uses, located at
61 802 N. Goliad. The subject tract is currently known as Lots 6, 7 and the south
62 10-ft of 8 of the Barnes Addition; take any action necessary.
- 63 **4l.** **SP2003-011** -- Consider a request by Eduardo Zambrana of Merriman
64 Associates / Architects, Inc. for approval of revised building elevations for the
65 Shafer Plaza project currently under construction on Lot 13B1, Block A, Rockwall
66 Towne Center Addition (710 E I-30), specifically for the addition of a drive-thru
67 canopy for Bank One on the west side of the structure and take any action
68 necessary.

69 **Councilmember Morris made a motion to approve all the items on the Consent Agenda**
70 **and Councilmember Raulston seconded the motion. The following Ordinances were**
71 **read:**

72 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING**
73 **THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS**
74 **PREVIOUSLY AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM "A",**
75 **AGRICULTURAL TO "HC", HEAVY COMMERCIAL DISTRICT, FOR A TRACT KNOWN AS**
76 **LOTS 1 AND 2, BLOCK A, BROWN AND BROWN SUBDIVISION; AND CONTAINING 3.16**
77 **ACRES OF LAND; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY**
78 **OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
79 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER**
80 **CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

81
82 **AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CITY OF**
83 **ROCKWALL CODE OF ORDINANCES, AS HERETOFORE AMENDED, IN CHAPTER 24,**
84 **SUBDIVISION REGULATIONS BY AMENDING SECTION 24-10 MISCELLANEOUS**
85 **REQUIREMENTS, ADDING (L) PROVISION OF AMENITIES AND (M) COMMON AREAS,**
86 **PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO**
87 **EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;**
88 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;**
89 **PROVIDING FOR AN EFFECTIVE DATE.**

90
91 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING**
92 **THE PROPERTY MAINTENANCE CODE (ORD. NO. 01-62) IN SEC. 6-188 CREATION OF**
93 **BUILDING AND STANDARDS COMMISSION BY INCREASING THE NUMBER OF MEMBERS**
94 **FROM FIVE TO SEVEN; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM**

95 OF TWO THOUSAND DOLLARS (\$2000.00); PROVIDING A SEVERABILITY CLAUSE;
96 PROVIDING AN EFFECTIVE DATE.

97
98 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
99 THE CODE OF ORDINANCES IN CHAPTER 17 MUNICIPAL COURT BY THE ADDITION OF
100 SEC. 17-13 MUNICIPAL COURT TECHNOLOGY FEE TO PROVIDE FOR THE ASSESSMENT
101 AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FEE; PROVIDING FOR A FINE
102 NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500); PROVIDING A
103 SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

104
105 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
106 THE CODE OF ORDINANCES IN CHAPTER 26 WATER, SEWERS & SEWAGE DISPOSAL,
107 ARTICLE III RATES AND CHARGES, BY THE ADDITION OF SEC. 26-50 FIRE HYDRANT
108 METERS; PROVIDING FOR A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED
109 DOLLARS (\$500.00); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN
110 EFFECTIVE DATE.

111
112 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
113 CHAPTER 16 MOTOR VEHICLES, ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE
114 PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF
115 THE TRANSPORTATION CODE, SECTION 545.356, UPON FM-740, OR PARTS THEREOF,
116 WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR
117 POSTING OF SIGNS; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF
118 TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN
119 EFFECTIVE DATE.

120
121 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**

122
123 **APPOINTMENTS**

124 **5a.** Appointment with Planning and Zoning Chairman to discuss and answer any
125 questions regarding cases on the agenda and related issues and take any
126 necessary action.

127 **Homer Flores, Chairman of the Planning and Zoning Commission, discussed the items**
128 **on the Agenda and advised the Council that they are nearly ready to bring the amended**
129 **zoning ordinance to the Council for approval. Flores advised that the Commission**
130 **approved the John Thomas request (6b below) and had a vote of 5 nays and 2 ayes**
131 **regarding removing the “retirement” restriction from the property owned by Mr. Cameron**
132 **regarding the request in item 6(c) below. Flores advised that they voted against the**
133 **removal of the restriction because the area is already over the maximum number of**
134 **multi-family housing units and we need more retirement areas in our area. Part of the**
135 **decision was based on the April 3, 2003 traffic study. Justin should be realigned to**
136 **Damascus. City Staff did meet with the Catholic Church, the school and Mr. Cameron to**
137 **try and achieve a resolution to the problem. The current zoning on the property is multi-**
138 **family with the retirement restriction. The problem is the road and the connection. As**
139 **the school grows, this will continue to be a problem. The majority of the opposition was**
140 **from the Catholic Church who is against the project because of the traffic congestion.**
141 **The argument that if it stays multi-family/retirement/assisted care it will decrease the**
142 **number of people driving in the area, will not alleviate the traffic problem. It is not just**
143 **Sunday traffic. The Catholic Church has events 7 days a week. Improvements to the**
144 **road need to be made in order for this or some other development to occur.**

145
146 **Councilmember Morris asked Mr. Flores if the impact to the RISD had been considered if**
147 **the restriction was removed. Flores replied “No.” Morris asked if Waterstone knew there**
148 **would not be a cut through. Flores replied “Yes.”**

149
150 Councilmember McCallum asked if everyone knew that this area would be some type of
151 multi-family housing. Flores replied "Yes."
152

153 Councilmember Dobbs asked if there are any extra requirements on retirement vs. multi-
154 family. Robert LaCroix, Planning Director, stated that there would probably be ADA
155 requirements. Dobbs asked if the density would be less if it was single story. LaCroix
156 stated that it would not. Jeffrey Widmer, Building Official, stated that if a building is over
157 2 stories, an elevator is required. Dobbs wanted to be sure that this is a retirement
158 community, not a nursing home. LaCroix stated that was correct.
159

160 **5b.** Appointment with Michelle McDonald of Hubbard Chamber Music Series to give
161 her annual report and take any action necessary.

162 Michelle McDonald came forward and gave her report. McDonald thanked the Council
163 and told them that without their help, they would not have been able to have a music
164 program.
165

166 Councilmember Cotti complimented Ms. McDonald on the things that they have done and
167 stated that they had become self-sufficient and he appreciated them blazing the trail.
168

169 **5c.** Appointment with Betty Littlefield of Coldwell Banker regarding "Open House"
170 signs and take any action necessary.

171 Betty Littlefield and Judy Harris came forward and requested the Council vote one more
172 time on "Open House" signs. Littlefield advised that what was given to the Council had
173 previously been proposed to the City of Heath and had been approved by their Council.
174

175 Councilmember Cotti asked if she or anyone else had talked to Jeffrey regarding other
176 signs. Littlefield advised that she had not.
177

178 Councilmember Morris stated that he still had the same concerns: (1) If you do it,
179 everyone can; and (2) there will be an increase in Code Enforcement. Morris stated he
180 still had a problem with the signs. He stated he understood their problem, but that he still
181 sees open house signs on the weekend, so they are getting by this.
182

183 Judy Harris stated that they would work with anything the Council would give them,
184 including the \$500.00 fine for unauthorized signs. City Attorney, Pete Eckert, advised
185 that the \$500 is per the Code.
186

187 Betty Littlefield stated that the Council could revisit the issue if the realtors are not
188 abiding by the agreement.
189

190 Councilmember Dobbs stated when he was looking for a house, if he drove by a house
191 that he wanted to see all he did was call his realtor and they were there within thirty
192 minutes.
193

194 Littlefield stated that the open house signs were a good avenue for sales. With an open
195 house, the realtor takes care of it and the owner likes that.
196

197 Councilmember McCallum stated that he could sympathize, that he has a house for sale,
198 but he has the same concerns that Councilmember Morris has. The signs are unsightly

199 in other cities. This would open the flood gates. McCallum stated that he had a great
200 realtor (Diane Luby) and that she has taken him to a home that was not an “open house.”
201 McCallum asked the realtors how many of them had seen their signs out there, that
202 shouldn’t be. McCallum stated “My home is available for showing.”
203

204 Councilmember Cotti asked how many open houses there would be during a weekend.
205 Littlefield stated there were 5 – 10. There would be no more than 18 homes a week. Cotti
206 stated that the Council would like to find a way to help you sell homes. This brings many
207 concerns tonight because it opens the doors to others. Cotti stated that Councilmember
208 Dobbs had suggested 1 sign with placards that slide in and out and that he would prefer
209 this.

210
211 Littlefield stated that the builders won’t tag the signs and will not pick the signs up the
212 way the realtors would.

213
214 Councilmember Cotti asked Jeffrey Widmer, Building Official, if there was anything the
215 City could do. Widmer stated that this is a policy decision that the Council will need to
216 make. Widmer asked if we want to see the signs out there. We might try something on a
217 trial basis, but the reality is that the builders and others will take advantage of it. Cotti
218 stated that he would like to find some way to help them on a trial basis. He would prefer
219 to do that, than just saying no – perhaps something with a 3-6 month window. See if it
220 would work and not take the beauty away from the City.

221
222 Councilmember Dobbs asked about a \$50 permit fee and limit the number of signs to 3.
223 Judy Harris stated that they did talk about that. They could have a window of only three
224 hours – the signs could only be out a short period of time. They would rather not see
225 having to do it by permit. Harris stated that she did not see builders using it with such a
226 small window.

227
228 Councilmember McCallum asked if we have the capability of enforcing it. Widmer stated
229 that we would have to spend money to enforce it. McCallum asked about a trial period –
230 would we have to set an amount of time. Eckert advised that it could be done by a
231 sunset ordinance that would automatically expire. McCallum asked if we could limit it to
232 a generic sign in front and 1 directional sign within the neighborhood. Harris stated that
233 she thought that would be hard to do with the number of realtors doing business within
234 the City. If we had a fine the sign could have the realtor’s name on it and that would help
235 determine who is responsible.

236
237 Jeffrey Widmer stated that he believes the builders will put signs out and take advantage.

238
239 Councilmember McCallum thanked Pete Eckert for recommending the sunset provision
240 and stated that we should be sure our City stays beautiful. We need to (1) limit the
241 number of signs out there and (2) give Jeffrey more authority to enforce.

242
243 Councilmember Morris stated that what they have in front of them is not sufficient and
244 moved to deny the request without prejudice.

245
246 Councilmember King asked how we differentiate between a model home and an open
247 house. Judy Harris stated that she did not know. A small window of time is the way to
248 monitor this. Harris stated that she thinks you will have to fine and monitor for a while.
249 Realtors and builders will take advantage.

250
251 **Councilmember Cotti stated that he echoed Councilmember Morris' comments, but does**
252 **not want to negotiate tonight. Cotti asked if there was someway the Council could send**
253 **them back with some direction on what they can bring back. Councilmember Morris**
254 **stated if we did that, we might as well negotiate tonight. Cotti stated that he could not**
255 **second the motion without the parameters.**

256
257 **Councilmember Dobbs stated that if we permit the signs it will help (1) determine the**
258 **volume; (2) pay code enforcement wages; (3) the signs could be out all day; and (4) the**
259 **cost could be recouped from the closing costs.**

260
261 **Councilmember McCallum stated that he was not going to second the motion – that the**
262 **Council owes them a decision. We haven't given them a consensus of what we expect. I**
263 **think we should find something they can work on.**

264
265 **Mayor Jones stated that he was worried about the tract homebuilders.**

266
267 **Councilmember Raulston stated that he agreed with the Mayor and Councilmember**
268 **Morris and seconded the motion to deny the request without prejudice. Pete Eckert**
269 **proposed that Judy Harris get with the City Manager and Jeffrey Widmer and come back**
270 **in late October. Mayor Jones stated that he did not want to hurt the realtors and**
271 **appreciated them coming forward.**

272
273 **The motion passed by a vote of 6 ayes and 1 nay [Cotti].**

274
275 **5d. Appointment with Joey Howell regarding authorization for a tree plan for tree**
276 **corridors for lake lots at Hillcrest Shores and take any action necessary.**

277 **Councilmember Dobbs recused himself from this item. Chris Cuny appeared before the**
278 **Council on behalf of Joey Howell. The initial plan was approved with 117 lots, however**
279 **they have ended up with 101 lots. The lots are approximately 13,500 sf along the lake**
280 **and 11,000 sf otherwise. This development was initiated in order to bring the customer**
281 **builders back to Rockwall. The development has 8 lake front lots that have a lot of cedar**
282 **trees on them. We are looking for direction on this. Potential purchasers cannot see the**
283 **lots for the trees – we have no lake view. We need to get the lots to a condition where**
284 **they can be sold. We want to bring a tree plan to Planning and Zoning and we don't want**
285 **to have to wait 6 months for the take line issue to be decided.**

286
287 **Councilmember Cotti stated he thought we were not allowed to clear anything off the**
288 **land. Julie Couch, City Manager, stated that they could prepare a plan and we could**
289 **present it to Dallas. She does not think that Dallas will have a problem with it.**

290
291 **Councilmember Cotti stated that tree plans usually go to Planning and Zoning and stop**
292 **there. He would like for this to come back to the Council.**

293
294 **Councilmember Morris stated that this is going to apply later, but he does not want to**
295 **see anything but landscaping on the lake front.**

296
297 **Councilmember McCallum stated that he would also like to see the plan come back to the**
298 **Council.**

299

300 Mayor Jones asked if the Council had voted to not allow any trees to be cut down. Pete
301 Eckert advised no. Councilmember Raulston stated this is not a takeline debate.

302
303 Councilmember Raulston made a motion that they prepare a tree plan using the
304 parameters of the Tree Preservation Ordinance and guidelines for the treescape plan
305 then come back through Planning and Zoning to the Council for consideration.

306
307 Chris Cuny stated that the trees are in the takeline. Mayor Jones asked if we had the
308 authority to do this. Couch replied yes, but that Dallas will ultimately have to approve the
309 plan. Cuny stated that they want to preserve the trees and create a view corridor.

310
311 Councilmember Cotti seconded the motion and the motion passed by a vote of 5 ayes, 1
312 nay [Jones] and 1 abstain [Dobbs].

313

314

315 **PUBLIC HEARINGS**

316

317 6a. Hold a public hearing and consider approval for demolition of the property
318 located at 407 S. Clark and take any action necessary.

319 Jeffrey Widmer, Building Official, discussed the background of the request. The
320 structure is vacant and the family is ok with the demolition. The City will work with a
321 demolition company and file a lien of approximately \$2,100.00 on the property.

322
323 Mayor Jones opened the public hearing but no one appeared, so the public hearing was
324 closed.

325

326 Councilmember Cotti asked if Mr. Hanby was in attendance and was advised that Mr.
327 Hanby was not required to be here tonight. Cotti then made a motion to approve the
328 request and Councilmember Raulston seconded the motion. The motion passed
329 unanimously by a vote of 7 ayes and 0 nays.

330

331 6b. Z2003-007 -- Hold a public hearing and consider approval of an **Ordinance** for a
332 request by John Thomas for a zoning change from (SF-7) Single-family
333 Residential and (GR) General Retail to (PD) Planned Development district on a
334 0.427-acre tract of land containing Lots 32E and 32B of the B.F. Boydston
335 Addition, and includes the addresses of 402 N. Fannin St and 302 Williams St.
336 The zoning change request is intended to accommodate an expansion and
337 parking area for the existing Tropical John's landscape nursery and greenhouse
338 establishment and take any action necessary. **(1st Reading)**

339 Robert LaCroix discussed the background of the request and advised the Council that
340 the request had gone to the Historic Preservation Advisory Board and had received its
341 approval for demolition of the house. Staff has recommended a PD since Thomas will
342 have to plat the property to 1 tract and provide a site plan. Thomas has asked for
343 gravel/crushed rock parking. The Council will address that variance request when the
344 site plan comes before them. We are limiting the use as a nursery/landscape business
345 only and the trees will be saved.

346

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

348

349 John Thomas, applicant, came forward and requested approval.

350
351 Councilmember Raulston stated that Thomas has been a good friend to all and to
352 Rockwall and he is glad to see that he will be at the same location for a while. Raulston
353 stated that the Council approved a gravel road along Goliad a couple of weeks ago and
354 thinks that his gravel/crushed rock parking will be ok. Raulston stated that Thomas had
355 his support.

356
357 Councilmember Dobbs stated that Thomas is a great person and has a great business.

358
359 Councilmember King stated that LaCroix had stated that they intend to save the pecan
360 trees and asked Thomas if he could guarantee that he will keep them. Thomas stated
361 that he guaranteed that the trees will remain.

362
363 There being no one else to address the Council, Mayor Jones closed the public hearing.

364
365 Councilmember Raulston made a motion to approve the request and Councilmember
366 King seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0
367 nays.

368
369 6c. **Z2003-008** -- Hold a public hearing and consider of an **Ordinance** for a request
370 from Raymond Cameron to amend the (PD-27) Planned Development No. 27
371 district, specifically to remove the restriction of development as a retirement
372 community and provide for a concept plan for development of the site, a 9.041-
373 acre tract located along Damascus Road southwest of SH 205 (S. Goliad) and
374 known as Tract 31, Abstract 255 (B.J.T. Lewis Survey) and take any action
375 necessary. (1st Reading)

376
377 Robert LaCroix, Planning Director, discussed the background of the request. LaCroix
378 stated that Mr. Flores had summed up the results of the meeting. This is a 10.88 acre
379 tract of land by the Catholic Church and Heritage Christian Academy at Damascus Road
380 and SH205. This matter, which was previously brought forward by Mr. Cameron, is only
381 a request to remove the "retirement" restriction from the PD. It will establish the basic
382 standards set out in the Concept Plan. Staff has been working on the realignment of
383 Damascus and Justin. Murphy is only an emergency access. The development of this
384 property is the trigger to get the road the size it needs to be. We have worked with Mr.
385 Cameron and have worked out a developer's agreement in order to get the realignment
386 done. Traffic studies were done – they took counts only and used this for the school.

387
388 Councilmember Cotti asked LaCroix to clarify whether the realignment of Damascus to
389 Justin and the emergency punch thru were dependent on development. LaCroix affirmed
390 that it is dependent on development.

391
392 Councilmember Dobbs asked if there would be a light at Damascus. LaCroix stated that
393 there eventually will be. Dobbs stated that there is a lot of congestion there. LaCroix
394 agreed that it was already a problem. When you review the traffic study, it was done
395 during busy times. It does not appear that the requested number of units would cause
396 any additional congestion.

397

398 Councilmember Morris asked who is responsible for the cut through from Murphy to
399 Damascus. LaCroix stated that the City is responsible, but it would not be much for us to
400 do it.

401
402 Councilmember McCallum stated that the traffic study showed 341 during peak hours
403 and that would be mostly the school. McCallum stated that the school is generating
404 more traffic because they are at 350. LaCroix stated that the traffic study is based on
405 standards. McCallum stated that it seems like more people leave for work than what the
406 study showed.

407
408 Mayor Jones opened the public hearing and the following persons appeared before the
409 Council:

410
411 Raymond Cameron, Applicant, 301 Lake Terrace. Mr. Cameron stated that his wife
412 actually owns the property. It was purchased in 1943 and zoned multi-family in 1973.
413 The problem started with the Methodist Church. His wife donated the land to them. The
414 Catholic Church asked him to sell to them, so they sold the Catholic Church 3 ½ acres
415 and gave them 3 ½ acres. In 1985 Cameron got partners for a retirement home. It was
416 too expensive, so he dropped it. Justin Road is not part of his property. He is willing to
417 give land to the City so Damascus can go through Waterstone.

418
419 Anthony Delarosa, 203 Dartbrook. Mr. Delarosa stated that he is concerned about the
420 increase in traffic. "Retirement" is different from "apartment." His church is growing
421 every year by about 19%. We are busy early morning to early evening. There are 900-
422 1000 cars every Sunday. They have been working with the school. Over the next few
423 years the school will grow to approximately 700-800 students.

424
425 Robert Hille, 215 Rush Creek Drive, Heath, Texas. Mr. Hille stated that at the Planning
426 and Zoning Commission meeting it was stated there would be no difference in traffic with
427 a retirement center vs. an apartment complex. According to a retirement publication, an
428 apartment generates 6.5 trips per unit per day and a retirement center generates 3.3 trips
429 per unit per day. He contacted three retirement communities. The first had 82
430 apartments with 90 residents. The average ages were 68-100 and there were 13 autos.
431 The second had 260 units, 279 residents, averages ages were 75-92 and there were 88
432 autos. The third had 80 units, 65 residents whose average age was 80 and they had 52
433 autos.

434
435 David Dorotik, 509 Parks Avenue, stated there is clearly a difference in the activity of a
436 retirement center vs. apartments. His biggest concern is for public safety for the church
437 and HCA. The area is being congested and so is HCA for its growth.

438
439 Del Richard, Pastor of Our Lady of the Lake Catholic Church. Rev. Richard stated that
440 the Church has 6000 members. He is concerned about safety issues regarding the
441 traffic. Events are affected by the congestion. It would be worse with apartments. There
442 are people at the Church day and night – especially at night.

443
444 Bruce Strotman, 312 Rockbrook Dr. Mr. Strotman stated that the original plan was
445 sound. Waterstone is the only development without a 2nd public exit. The school and
446 church are growing and there is an increased risk to people. There is a significant
447 difference between apartments and retirement centers. We need to keep the current
448 zoning.

449
450 **Ken Dickson, 205 Meadowdale.** Mr. Dickson stated that the retirement designation on
451 this property is the only one we have in this community. The apartments would have a
452 definite impact on the school and church. Mr. Dickson urged the Council to retain the
453 retirement designation. Justin does need to be realigned. Mr. Dickson stated that he is
454 against multi-family and urged the Council to maintain the status quo.

455
456 **Leon Tuttle, 603 Stonebridge Drive.** Mr. Tuttle stated that he has been trying to keep a lid
457 on multi-family. He stated that he supported the Harbor Project and believes something
458 good will come this property – if we wait. The developers want multi-family, the citizens
459 don't.

460
461 **Mary Izak, 911 Yellowjacket #411.** Ms. Izak stated that the public safety issue involves
462 our children.

463
464 **Rick Dirkse, 3077 N. Goliad.** Mr. Dirkse stated that the Council has done a lot for HCC
465 and they thank them for it. Dirkse stated that he hoped the property has a better use.
466 The biggest property is traffic and he is afraid for the safety of the kids. Dirkse
467 suggested that instead of a fire exit that a 2 lane road be constructed for emergencies
468 which could be opened for large crowds.

469
470 **Todd White, 1735 Plummer Drive.** Mr. White stated that he was surprised to hear that
471 Damascus is not being punched through to Waterstone. We all understood that would
472 happen even though the citizens were not very happy. There are a lot of people coming
473 in and out and safety is an issue. White stated he wanted to see his church grow.
474 Damascus is the only dead-end road in Rockwall.

475
476 **Mary Jo Homer, 901 Seaport Circle.** Ms. Homer is concerned for the safety. A business
477 has to have two exits – safety seems to be very lax. Control would be difficult.

478
479 **Dan Highley, 4101 Candlewycke, Dallas.** Mr. Highley is with the development company
480 who wants to purchase the land and stated that the traffic is generated by the school and
481 the church. They will be alleviating the problem.

482
483 **Cindy Fish, 1007 Alta Vista Court.** Ms. Fish stated that she did not believe the traffic
484 study was correct. Additionally, she feels kids in an apartment complex drive fast.

485
486 **Pat Drake, 203 Craig Drive, Heath, Texas.** Drake wanted to know if the Council has seen
487 the road into the property – does not see how doubling the width of the road would help.

488
489 **Tammy Williams, 1 Taber Road.** Ms. Williams asked that the Council please think about
490 the safety of the children.

491
492 **There being no one else to address the Council, Mayor Jones closed the public hearing.**

493
494 **Councilmember Raulston made a motion to deny the request and Councilmember Cotti**
495 **seconded the motion, stating that this is not an easy decision to make. We need to find a**
496 **way to have the emergency exit and fix the roads.**

497
498 **Councilmember McCallum thanked Mr. Cameron for his tremendous contributions to the**
499 **community. The traffic concerns far outweigh the differences between apartments and a**

500 retirement center. McCallum stated that he has not supported multi-family, but is aware
501 that we need quality real estate for our seniors.

502
503 Councilmember Dobbs stated that he agreed with Councilmember McCallum's statement
504 regarding the contributions made by Mr. Cameron. Dobbs stated that he believes it
505 should be a retirement center and thinks that HCC will be a major force in the community
506 and the Catholic Church will probably have a school and that is wonderful for that area.

507
508 Councilmember Morris told Mr. Cameron that he does have bad zoning, but that straight
509 multi-family is worse. It is wrong and it affects the RISD. Traffic is a secondary issue.
510 Morris stated that he believes retirement is different from multi-family.

511
512 Councilmember King stated that this is a tough and emotional issue. Mr. Cameron has
513 done a lot for this community. He has a right to develop the property. There is an impact
514 on the RISD and we need to work with the RISD and the County. King stated that he gets
515 calls from our senior citizens stating that they can't afford to live in the City because of
516 the higher taxes. Safety is an issue. King stated he had problems with the numbers from
517 the traffic study. We need to do additional planning and improvements.

518
519 Mayor Jones stated you don't remove anything unless you have something to replace it
520 with. Jones thanked Mr. Cameron for all his contributions to the community but stated
521 he had to vote with his fellow councilmembers.

522
523 The motion to deny the removal of the retirement designation passed unanimously by a
524 vote of 7 ayes and 0 nays.

525
526 **Site Plans/Plats/Annexation**

527
528 **7a. A2003-001** -- Discuss and consider a City initiated request to annex land within
529 the Rainbow Lake Estates Subdivision in addition to property south and west of
530 the Foxchase Subdivision being more fully described as:

531 **Being a tract of land situated in the E. Teal Survey, Abstract No. 207,**
532 **Rockwall County, Texas, including a part of an addition known as**
533 **Rainbow Lake Estates recorded in Cabinet D, Slide 344; a part of Tract**
534 **7, as described in Deed recorded in Volume 184, Page 490, Deed**
535 **Records, Rockwall County, Texas; an 8.099 acre tract of land described**
536 **in Deed to Steven D, Himmelreich, recorded in Volume 685, Page 122,**
537 **Deed Records, Rockwall County, Texas; a 1.8652 acre tract described in**
538 **Deed to Whittle Development, recorded in Volume 269, Page 45; and a**
539 **part of that tract of land conveyed to Thomas W. Jones, et al by Deed**
540 **recorded in Volume 166, Page 410, Deed Records, Rockwall County,**
541 **Texas; and being more particularly described by metes and bounds.**

542
543 Robert LaCroix discussed the background of the request and stated that the annexation
544 has to be approved within 90 days.

545
546 Councilmember Raulston made a motion to approve the request and Councilmember
547 Morris seconded the motion. The ordinance was read as follows:

548
549 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
550 **PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY**
551 **OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY**

552 CONSISTING OF 44.8168 ACRES OF LAND, WHICH SAID TERRITORY LIES
553 ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY
554 OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.
555

556 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**
557

558 **ACTION ITEMS**
559

560 **8a.** Discuss and consider approval of a request from Allen Bail Bonds for a sign
561 variance request to allow a side setback of eight feet, located at 1407 S. Goliad
562 and take any action necessary.

563 **Jeffrey Widmer discussed the background of the request and stated that the sign will still**
564 **be within the guidelines, even with the extension. There is no room to put the sign within**
565 **the 20 feet.**
566

567 **Councilmember Cotti made a motion to approve the request and Councilmember**
568 **Raulston seconded the motion. Councilmember McCallum asked if the check cashing**
569 **business was owned by Allen Bail Bonds. Mr. Allen stated that it is a second business**
570 **within the development and that he did not own it.**
571

572 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**
573

574 **8b.** Discuss and consider approval of a request from Joe Lancaster, Vice President
575 of Quail Run Partners, Ltd., for an exception to the provisions of Resolution No.
576 03-02 that established a 120-day moratorium on certain roadway corridors within
577 the City of Rockwall. The property is located at the intersection of SH 205 and
578 Quail Run Road; take any action necessary.

579 **Robert LaCroix discussed the background of the request. The Council had allowed**
580 **Lancaster to submit the engineering, site plan and building elevations to Planning and**
581 **Zoning although the moratorium is in place. LaCroix stated that he has worked with the**
582 **Consultant, Dennis Wilson, regarding the overlay which will include this property. The**
583 **applicant has offered to do everything that we have in the overlay and will live up to our**
584 **standards. We are amending the 205 overlay but that will take notices. We can come**
585 **back within thirty days for this corridor and you can approve the exception.**
586

587 **Mayor Jones asked the City Attorney what action the Council should take. Eckert**
588 **advised that they should approve this subject to the requirements of the corridor overlay**
589 **district.**
590

591 **Councilmember Cotti made a motion to grant a waiver of the moratorium for this piece of**
592 **property subject to the requirements of the corridor overlay district. Councilmember**
593 **Raulston thanked the applicant for being patient and seconded the motion. Mayor Jones**
594 **stated that when we cut the ribbon he wanted to use the Chamber's large scissors. The**
595 **motion passed unanimously by a vote of 7 ayes and 0 nays.**
596

597 **8c.** Discuss and consider approval of a request from Rob Whittle for the allowance of
598 front entry garages on non-alley lots where three (3) car garages are proposed.
599 This request is for the Rainbow Lakes Estates subdivision only and does not
600 apply to lots with alleys; take any action necessary.

601 Robert LaCroix discussed the background of this request and stated that Whittle is
602 asking that the lots with a 3-car garage that can't j-swing be allowed to face the street.
603 LaCroix suggested that rather than bring it back, they let Staff work with the builder as
604 necessary. Rob Whittle came forward to request approval and stated that the sales price
605 of the houses would be between \$300,000 to \$500,000.
606

607 Councilmember Raulston told Whittle that he had done a great job out there and this will
608 add character to it. Raulston then made a motion to approve the request and
609 Councilmember Morris seconded the motion, stating "low density, hi value – love it."
610

611 Councilmember McCallum stated that Morris had "stolen his thunder." Mayor Jones
612 stated that he would support this.
613

614 The motion passed unanimously by a vote of 7 ayes and 0 nays.
615

616 8d. Discuss and consider approval of an **Ordinance** levying the ad valorem taxes for
617 the year 2003 at a rate of \$.36 per One Hundred Dollars assessed valuation on
618 all taxable property within the corporate limits of the City as of January 1, 2003
619 and take any action necessary.

620 Mary Smith, Finance Director, discussed this item. Councilmember Cotti made a motion
621 to approve the ordinance and Councilmember Morris seconded the motion. The
622 ordinance was read as follows:
623

624 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD
625 VALOREM TAXES FOR THE YEAR 2003 AT A RATE OF \$.36 PER ONE HUNDRED
626 DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY
627 WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2003 TO
628 PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO
629 PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF
630 THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH
631 PENALTIES AND INTEREST; APPROVING THE 2003 TAX ROLL; PROVIDING FOR
632 EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN
633 EFFECTIVE DATE.
634

635 The motion passed unanimously by a vote of 7 ayes and 0 nays.
636

637 8e. Discuss and consider approval of an **Ordinance** amending the budget of the City
638 for the fiscal year October 1, 2002 through September 30, 2003 and take any
639 action necessary.

640 Mary Smith discussed this item. Councilmember Raulston made a motion to approve the
641 ordinance and Councilmember Cotti seconded the motion. The ordinance was read as
642 follows:
643

644 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
645 AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1,
646 2002 THROUGH SEPTEMBER 30, 2003; PROVIDING FOR AN EFFECTIVE DATE.
647

648 The motion passed unanimously by a vote of 7 ayes and 0 nays.
649

650 8f. Discuss and consider approval of the Hotel/Motel Subcommittee
651 recommendations for funding requests for budget year 2003-2004 and take any
652 action necessary.

653 Mary Smith advised the Council that the Subcommittee had met on several occasions.
654 They had requests totaling over \$240,000 and revenues of \$141,000. Some requests were
655 outside the scope and some we could not fund in full. We came up with some proposals
656 we hope will satisfy everyone.

657
658 Councilmember Morris stated that they had done a good job and made a motion to
659 approve the Hotel/Motel Subcommittee recommendations. Councilmember Cotti
660 seconded the motion and stated we are seeing more and more requests and wanted to
661 know how do we get out the message that they need to become self-sustaining.
662 Councilmember Morris stated that if we keep cutting the budget, they'll get the message.
663 Councilmember Raulston stated that he agreed that we need to send the message that
664 organizations need to become self-sufficient. The motion passed unanimously by a vote
665 of 7 ayes and 0 nays.

666
667 8g. Discuss and consider approval of an **Ordinance** adopting a budget for the City
668 for the fiscal year October 1, 2003 through September 30, 2004 and take any
669 action necessary.

670 Mary Smith discussed the request and advised the Council that this did not include the
671 REDC budget. Councilmember Raulston made a motion to approve the ordinance and
672 Councilmember Morris seconded the motion. The ordinance was read as follows:

673
674 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
675 APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR
676 OCTOBER 1, 2003, THROUGH SEPTEMBER 30, 2004; PROVIDING THAT
677 EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE
678 WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

679
680 The motion passed unanimously by a vote of 7 ayes and 0 nays.

681
682 8h. Discuss and consider authorizing the City Manager to enter into an EMS
683 Interlocal Agreement with the County of Rockwall and take any action necessary.

684 Julie Couch, City Manager, discussed this request and recommended approval of the
685 agreement. Councilmember Cotti made a motion to approve the request and encouraged
686 the corporation to bring this forward. Councilmember Raulston stated that he agreed
687 that we have a good EMS and seconded the motion. The motion passed unanimously by
688 a vote of 7 ayes and 0 nays.

689
690 8i. Discuss and consider planning a Council Workshop on the Take Line Program
691 and take any action necessary.

692 Julie Couch discussed this item and suggested that the Council meet on the 2nd Monday
693 in October to discuss it. Several Councilmember stated they were unavailable on that
694 date. Councilmember McCallum stated this is important and that all of the Council needs
695 to be at the meeting. He suggested that everyone be prepared to have a date that they
696 are available so they could discuss it at the Council Retreat on Thursday, September 18,
697 2003. Councilmember Cotti stated that he agreed with Councilmember McCallum and
698 stated that they have been working on it for a long, long time.

699
700 There being no further business to come before the Council in regular session, Mayor
701 Jones adjourned the meeting into Executive Session at 9:47 p.m.

702

703 **TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

704

705 **Councilmember Cotti made a motion to appoint Earl Milner and David Burkhart to the**
706 **Building and Standards Commission to serve for a 2-year term and Councilmember**
707 **Raulston seconded the motion. The motion passed unanimously by a vote of 7 ayes and**
708 **0 nays.**

709

710 **There being no further business to come before the Council in Executive Session, the**
711 **meeting was adjourned at 10:05 p.m.**

712

713

714

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716

Ken Jones, Mayor

717

718 **ATTEST:**

719

720

Dorothy Brooks, City Secretary

721

722

**MINUTES
Rockwall City Council
Annual Retreat
September 18, 2003
8:30 a.m.**

*The Shores Country Club
2600 Champions Drive
Rockwall, Texas 75087*

Mayor Jones called the meeting to order at 8:30 a.m. Present were Councilmembers Tim McCallum, Larry Dobbs, Bob Cotti, Billy Morris, John King and Terry Raulston. Council and Staff then entered into discussions regarding goals, strategies and related issues.

Mary Smith discussed the background of the REDC budget. Councilmember Morris made a motion to approve the REDC budget and Councilmember King seconded the motion. The motion passed by a vote of 7 ayes and 0 nays.

It was determined that the Council needed to schedule quarterly worksessions and the consensus was that the 2nd Monday of the 2nd month of the quarter would be the best day for such worksessions. Dorothy Brooks, City Secretary, will prepare a schedule and send it out to the Council and Staff.

There being no further business to come before the Council, the meeting was adjourned at 5:00 p.m.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary