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**MINUTES  
ROCKWALL CITY COUNCIL**

November 1, 2004

4:00 p.m. Pre-Council Meeting

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

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

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

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2. **TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

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**No action was taken as a result of Executive Session.**

**3. PRE-COUNCIL DINNER.**

**4. ADJOURNMENT.**

Approved by the City Council of the City of Rockwall, Texas, this 15<sup>th</sup> day of November, 2004.

*/s/ Ken Jones*

Ken Jones, Mayor

**ATTEST:**

*/s/ Dorothy Brooks*

Dorothy Brooks, City Secretary

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**MINUTES  
ROCKWALL CITY COUNCIL**

November 1, 2004  
6:00 p.m. Regular Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

48 **1. CALL TO ORDER**

49  
50 **Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and**  
51 **Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil, John King and**  
52 **Terry Raulston. Also present were City Manager Julie Couch and City Attorney Pete**  
53 **Eckert.**

54  
55 **2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER BILL CECIL**

56  
57 **3. PROCLAMATIONS**

58  
59 **a. First Presbyterian Church of Rockwall Month**

60 **Pastor Reeves and members of his congregation received the proclamation.**

61  
62 **4. OPEN FORUM**

63  
64 **Mayor Jones opened the meeting to those persons who wished to address the Council**  
65 **on any matter not on tonight's agenda. The following persons came forward and**  
66 **addressed the Council:**

67  
68 **Pastor Joe Robbins**  
69 **A.M.E. Church**  
70 **Wants to be sure the City has not forgotten the south side.**

71  
72 **Sam Buffington**  
73 **509 Bourn**  
74 **Rockwall, Texas**  
75 **Showed pictures of Glen Hill Cemetery – there are bulk limbs and plastic**  
76 **bags of trash in the cul-de-sac area. There is no access to the cemetery –**  
77 **this needs to be taken care of.**

78  
79 **Tony Rios, RHA Director**  
80 **Requested that we be sure to make the new library and government**  
81 **buildings are accessible for the disabled and elderly.**

82  
83 **There being no one further to address the Council, Mayor Jones closed the Open Forum.**

84  
85 **5. CONSENT AGENDA**

86  
87 **a. Consider approval of the Minutes of the September 7, 2004 City Council**  
88 **meeting and take any action necessary.**

89 **b. Consider approval of the Minutes of the October 4, 2004 City Council**  
90 **meeting and take any action necessary.**

- 91 c. Consider approval of an **Ordinance** for a request by Chris and Sherri  
92 Duggan for a Specific Use Permit (SUP) allowing for an accessory  
93 building on a 4.0-acre tract known as Lot 3, Block 1, Lofland Lake Estates  
94 Addition and located at 2548 S. FM 549. The subject tract is zoned (SF-  
95 E/4.0) Single Family Estate district. Take any action necessary.  
96 **(2<sup>nd</sup> Reading)**
- 97 d. Consider approval of an **Ordinance** for a request by Dwaine Powers for a  
98 Specific Use Permit (SUP) allowing for an accessory building exceeding  
99 the maximum size requirements of 1,500-sf, exceeding the maximum  
100 height requirements of 15-ft, and not matching the exterior materials of  
101 the primary structure, on a 3.461-acre tract known as Lot 1, Lofland Lake  
102 Estates #2 Addition and located at 2716 S. FM 549. The subject tract is  
103 zoned (SF-E/2.0) Single Family Estate district. Take any action  
104 necessary. **(2<sup>nd</sup> Reading)**
- 105 e. Consider approval of a **Resolution** for abandonment of a landscape  
106 easement located in the Foxchase, Phase 5 Addition and contiguous to  
107 Block, Lots 28, 29, 30 and 31, and authorizing the City Manager to  
108 execute the appropriate documentation for such abandonment and take  
109 any action necessary.
- 110 f. Consider authorizing the Mayor to execute and approving an amendment  
111 to the Local Agreement for Fire Protection Services between the County  
112 of Rockwall and the City of Rockwall and accepting a 3,500 gallon Fire  
113 Tanker and take any action necessary.

114 **Councilmember Cecil requested that Consent Agenda item 5a be pulled.**

115  
116 **Councilmember Cotti made a motion to approve Consent Agenda items 5b through 5f**  
117 **and Councilmember King seconded the motion. The ordinances were read as follows:**

118  
119 CITY OF ROCKWALL  
120 ORDINANCE NO. 04-61  
121

122 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
123 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS  
124 PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-  
125 E/4.0) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR AN ACCESSORY BUILDING NOT  
126 MEETING THE EXTERIOR MATERIALS REQUIREMENTS, ON A TRACT LOCATED AT 2548 S.  
127 FM 549, BEING LOT 3, BLOCK 1, LOFLAND LAKE ESTATES ADDITION; PROVIDING FOR  
128 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM  
129 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
130 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN  
131 EFFECTIVE DATE.  
132

133 CITY OF ROCKWALL  
134 ORDINANCE NO. 04-60  
135

136 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
137 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AS  
138 PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-  
139 E/2.0) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR A DETACHED GARAGE  
140 EXCEEDING THE MAXIMUM SIZE AND HEIGHT REQUIREMENTS, ON A TRACT LOCATED  
141 AT 2716 S. FM 549, BEING LOT 1, LOFLAND LAKE ESTATES #2 ADDITION; PROVIDING FOR  
142 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM  
143 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
144 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN  
145 EFFECTIVE DATE.  
146

147 Mayor Jones asked the City Attorney Pete Eckert if he could pull Consent Item 5d.  
148 Eckert advised that it could be pulled if Councilmember Cotti amended his motion and  
149 Councilmember King agreed. Councilmember Cotti then amended his motion to approve  
150 the remaining Consent Agenda items with the exception of Consent Agenda item 5d and  
151 Councilmember King seconded the motion. The motion passed unanimously by a vote  
152 of 7 ayes and 0 nays.

153  
154 Councilmember Cecil stated that he had pulled Consent Agenda item 5a so that the  
155 minutes could be revised at line 345 to remove the words "through Staff".  
156 Councilmember Cecil then made a motion to approve the minutes as revised and  
157 Councilmember Raulston seconded the motion. The motion passed unanimously by a  
158 vote of 7 ayes and 0 nays.

159  
160 Mayor Jones stated that he pulled Consent Agenda item 5d because he did not support it  
161 on first reading and would not support it tonight. Councilmember Cotti made a motion to  
162 approve the ordinance and Councilmember Straughan seconded the motion. The motion  
163 passed by a vote of 6 ayes and 1 nay [Jones].

164  
165 **6. APPOINTMENTS**

166  
167 a. Appointment with Planning and Zoning Chairman to discuss and answer  
168 any questions regarding cases on the agenda and related issues and  
169 take any necessary action.

170 Phillip Herbst, Planning and Zoning Chairman, stated that there was only one item on  
171 tonight's agenda for him to discuss, and it is being tabled.

172  
173 b. Appointment with Bruce Paton, Chandlers Landing Community  
174 Association Board President, regarding I-30 vegetation removal and take  
175 any action necessary.

176 Mr. Paton talked about the vegetation along I-30 and stated that Chandlers Landing  
177 residents do not want to see the vegetation clear cut. The following persons also spoke  
178 regarding this matter: Judy Schoeneman (a resident of Chandlers Landing) and Marilyn  
179 Hall, speaking on behalf of the Lago Vista Homeowners Association. Also speaking  
180 against the clear cutting was Steve Ware of Villas de Portofino.

181  
182 Councilmember Cecil made a motion to delete Action Item 9b since it is unnecessary and  
183 take action under this Appointment Item 6b. Councilmember Raulston seconded the  
184 motion and the motion passed unanimously by a vote of 7 ayes and 0 nays.

185  
186 After lengthy discussion, Councilmember Cecil made a motion that we delay TxDOT's  
187 current proposal/action and direct Staff to work with TxDOT and our citizens to come to  
188 an agreement to save the view. Councilmember McCallum seconded the motion and the  
189 motion passed unanimously by a vote of 7 ayes and 0 nays.

190  
191 c. Appointment with Joann Glover, Rockwall County Committee on Aging,  
192 for an annual report and request for funding and take any action  
193 necessary.

194 Joann Glover gave a discussed her annual report and requested \$15,000 for the current  
195 operating year. Councilmember Cotti made a motion to approve the request for funding

196 in the amount of \$15,000 and Councilmember Cecil seconded the motion. The motion  
197 passed by a vote of 6 ayes and 1 absent [Jones].

198  
199 d. Appointment Doris Yanger regarding National Juried Art Exhibition and  
200 take any action necessary.

201 Ms. Yanger gave a power point presentation on the upcoming National Juried Art  
202 Exhibition and invited the Council and citizens present to the Exhibition. No action was  
203 necessary or taken by the Council on this item.

204  
205 Mayor Jones then requested that Action Agenda item 9c be heard:

206  
207 c. Consider approval of an **Ordinance** for a City initiated request to annex  
208 land of approximately 725 acres generally located north of FM 552 and  
209 east of SH 205 and contiguous to the existing City Limits line and take  
210 any action necessary. (2<sup>nd</sup> Reading)

211 City Attorney Pete Eckert advised the Council that this matter is pending in Court and  
212 requested that the Council table the matter for 1 week. Councilmember McCallum made  
213 a motion to table the matter until November 8, 2004 and Councilmember Cecil seconded  
214 the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

215  
216 **7. PUBLIC HEARING ITEMS**

217 a. **A2004-005 (6:00pm) (1st Hearing)**

218 Hold a public hearing and consider a petition for annexation from Joe D.  
219 and JoAnn Loftis to annex land of approximately 234.70 acres located  
220 along the south side of Hwy 276 east of Rochelle Road, and contiguous  
221 to the existing City Limits line.

222 Robert LaCroix, Director of Planning, discussed the background of this voluntary  
223 annexation request by Joe D. and JoAnn Loftis and discussed the Service Plan for the  
224 area. Mayor Jones opened the public hearing and the following persons came forward to  
225 address the Council:

226  
227 Dennis McShane  
228 20 Austin Corners  
229 Rockwall, Texas

230 Is opposed to the annexation because of traffic concerns and ingress and  
231 egress concerns.

232  
233 Robert LaCroix advised Mr. McShane and the Council that there will be additional  
234 entrances off SH276 – there will be more than one point of access.

235  
236 There being no one further to address the Council, Mayor Jones closed the public  
237 hearing.

238  
239 b. **A2004-005 (6:30pm) (2<sup>nd</sup> Hearing)**

240 Hold a public hearing and consider a petition for annexation from Joe D.  
241 and JoAnn Loftis to annex land of approximately 234.70 acres located  
242 along the south side of Hwy 276 east of Rochelle Road, and contiguous  
243 to the existing City Limits line.

244 **Robert LaCroix stated that this is the second public hearing. Mayor Jones opened the**  
245 **public hearing, but no one appeared to address the Council, so the public hearing was**  
246 **closed.**

247

248 **8. SITE PLANS/PLATS**

- 249 a. **P2004-047** -- Discuss and consider a request by Capstar Realty for  
250 approval of a final plat of Flagstone Estates, being 87 single-family lots on  
251 52.375-acres situated along the northeast side of Mims Rd southeast of  
252 Ralph Hall Pkwy. The subject tract is zoned (PD-54) Planned  
253 Development district. Take any action necessary.

254 **Robert LaCroix advised the Council that the owner had requested that this item be tabled**  
255 **until the facilities agreement could be finalized. Councilmember Cotti made a motion**  
256 **that the item be tabled until November 15, 2004. Councilmember McCallum asked the**  
257 **City Attorney if Action Item 9a could be included in this motion and was advised it could.**  
258 **Councilmember Cotti amended his motion to provide that Site Plans/Plats Item 8a and**  
259 **Action Item 9a be tabled until November 15, 2004 and Councilmember McCallum**  
260 **seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.**

261

262 **9. ACTION ITEMS**

263

- 264 a. Discuss and consider approval of a Facility Agreement for the Flagstone  
265 subdivision located at Mims and Ralph Hall Parkway and take any action  
266 necessary. [See above]

- 267 b. Discuss and consider I-30 deforesting and take any action necessary.  
268 [See above]

- 269 c. Consider approval of an **Ordinance** for a City initiated request to annex  
270 land of approximately 725 acres generally located north of FM 552 and  
271 east of SH 205 and contiguous to the existing City Limits line and take  
272 any action necessary. **(2<sup>nd</sup> Reading)** [See above]

- 273 d. Discuss and consider a request for a variance at 401 West Washington  
274 for the permanent electrical power to be overhead and take any action  
275 necessary.

276 **Robert LaCroix discussed the background of this request. Ed Ramsay of Ramsay Ivy**  
277 **Architects also addressed the Council regarding this item. Councilmember Cotti made a**  
278 **motion approving the variance request and Mayor Jones seconded the motion. The**  
279 **motion passed unanimously by a vote of 7 ayes and 0 nays.**

280

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

283

- 284 a. Departmental Reports

- 285 b. City Manager's Report

286 **Julie Couch, City Manager, reminded the Council about the quarterly work session**  
287 **scheduled for Monday, November 8, 2004. Couch brought the Council's attention to the**  
288 **fact that there were 900 building permits issued in fiscal year 2003-2004. Fire Chief Mark**  
289 **Poindexter gave a brief update on the fatality fire investigation and Lieutenant Garrett**

290 advised that the medical examiner had ruled that the cause of death was from smoke  
291 inhalation. Couch advised that the radio system is on schedule.

292  
293 There being no further business the come before the Council, Mayor Jones adjourned  
294 the meeting into Executive Session at 8:37 p.m.

295  
296 **11. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF TEXAS**  
297 **GOVERNMENT CODE TO DISCUSS:**

298 a. Deliberation regarding the purchase, exchange, lease, or value of real  
299 property.

300 b. Personnel Issues, including Board, Commission, and Committee  
301 Appointments, and Related Matters.

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

306 d. Consultation with attorney pursuant to §551.071(1) to discuss pending or  
307 contemplated litigation relating to annexation.

308 e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation  
309 with attorney with regard to a matter that it is the duty of the attorney to  
310 consult with the Council and falls under the attorney-client privilege.

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

312  
313 **Councilmember Cecil made a motion approve the resolution appointing the TIF Board**  
314 **and Councilmember King seconded the motion. The motion passed unanimously by a**  
315 **vote of 7 ayes and 0 nays.**

316  
317 **Councilmember McCallum made a motion to appoint Mayor Ken Jones as Chairman of**  
318 **the Committee and Councilmember Bob Cotti as Vice Chairman. Councilmember**  
319 **Raulston seconded the motion and the motion passed unanimously by a vote of 7 ayes**  
320 **and 0 nays.**

321  
322 **There being no further business to come before the Council, Mayor Jones adjourned the**  
323 **meeting at 8:42 p.m.**

324  
325 **Approved by the City Council of the City of Rockwall, Texas, this 15<sup>th</sup> day of**  
326 **November, 2004.**

327

328 */s/ Ken Jones*  
329 \_\_\_\_\_  
330 Ken Jones, Mayor

331 **ATTEST:**

332 */s/ Dorothy Brooks*  
333 \_\_\_\_\_  
334 Dorothy Brooks, City Secretary

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**November 8, 2004**  
**Quarterly Work Session**  
**5:00 p.m. Pre-Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**1. CALL TO ORDER.**

Mayor Jones called the meeting to order at 5:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil, John King and Terry Raulston. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Jones immediately adjourned the meeting into Executive Session.

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

- a. 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.
- b. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
- c. 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.

**3. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION.**

No action was taken as a result of Executive Session.

**4. PRE-COUNCIL DINNER.**

The pre-council meeting adjourned 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



**MINUTES**  
**ROCKWALL CITY COUNCIL**  
November 8, 2004  
6:00 p.m. Quarterly Work Session  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

1. **CALL TO ORDER**

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

2. **ACTION ITEMS**

- a. Consider approval of the award of the bid for the Clark Street Improvement Project and take any action necessary.

Chuck Todd, City Engineer, discussed the background of the bid. Councilmember Cecil made a motion to approve the award and Councilmember Cotti seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- b. Consider approval of an **Ordinance** for a City initiated request to annex land of approximately 725 acres generally located north of FM 552 and east of SH 205 and contiguous to the existing City Limits line and take any action necessary. (2<sup>nd</sup> Reading)

City Attorney Pete Eckert advised the Council that this matter was pending in appeals court and that the Council should postpone action on it until December 13, 2004. Councilmember Cotti made a motion to postpone action on this matter until December 13, 2004 and Councilmember Raulston seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

- c. Discuss the proposed revised Comprehensive Zoning Ordinance with regard to RV parking and storage and take any action necessary.

Robert LaCroix, Director of Planning, discussed the background of the proposed revisions and the changes made since the work session. Councilmember Cecil asked how the public would be notified of the changes and when enforcement would begin and if the Board of Adjustment would hear requests for variances. City Manager Julie Couch advised that the next step would be to hold public hearing. The City will issue press releases and put the information on the web page. Couch advised that there would be public hearings with the Planning and Zoning Commission and the Council.

After discussion, Councilmember Raulston made a motion that the acreages in C and C4 be changed to 1.5 acres. Councilmember Straughan seconded the motion. City Attorney Eckert advised that nothing is cast in stone. Couch asked if this would only be related to not do the screening and Councilmembers Raulston and McCallum stated yes. The motion passed by a vote of 6 ayes and 1 nay [Cotti].

Councilmember Cecil made a motion to reconsider the previous vote and table the matter until we can provide the citizens more information. Mayor Jones seconded the motion. The motion failed by a vote of 2 ayes [Cecil & Jones] and 5 nays [Cotti, Straughan, McCallum, King and Raulston].

After lengthy discussion, the Council decided to have Staff work on the proposed revisions and bring it back to the Council as soon as possible.

- d. Discuss status of possible garbage transfer station and take any action necessary.

Mary Smith, Finance Director, advised the Council that the numbers did not pan out and that Trinity did not feel it was in their best interests to construct a transfer station. Smith advised that we will work with the North Texas Municipal Water District on this. The current garbage contract expires in approximately 14 months and we will be taking proposals next year on a new garbage contract.

- e. Review of Balanced Scorecard and take any action necessary.

Rick Crowley, Assistant City Manager, discussed the new strategy map and advised that the next step would be for the business plans for each department to be developed and brought to the Council for approval.

- f. Discuss televising council meetings and take any action necessary.

Jimmy Powell of the Finance Department's IT section discussed the technical aspects of televising the council meetings. The initial cost would be approximately \$80,000, not including day-to-day operational costs. The Council determined that if we are going to televise our meetings that it needs to be done right and instructed Staff to research what needs to be done and the cost.

There being no further action to come before the Council, Mayor Jones adjourned the meeting at 8:23 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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**AGENDA**  
**ROCKWALL CITY COUNCIL**

November 15, 2004  
5:00 p.m. Pre-Council Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

Mayor Jones called the meeting to order at 5:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, John King and Terry Raulston. Councilmember Bill Cecil was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert and Attorney Terry Morgan. Mayor Jones immediately adjourned the meeting into Executive Session.

**1. HOLD EXECUTIVE SESSION UNDER SECTIONS 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**

No action was taken as result of Executive Session.

**3. PRE-COUNCIL DINNER.**

The pre-council meeting adjourned 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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**AGENDA**  
**ROCKWALL CITY COUNCIL**

November 15, 2004  
6:00 p.m. Regular Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

54 **1. Call to Order**

55  
56 **Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and**  
57 **Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, John King and Terry**  
58 **Raulston. Councilmember Bill Cecil was absent. Also present were City Manager Julie**  
59 **Couch and City Attorney Pete Eckert.**

60  
61 **2. Invocation and Pledge of Allegiance – Mayor Ken Jones**

62  
63 **3. Youth Advisory Council Members Take Oath**

64  
65 **Youth Advisory Council Member Kachi Amajor was sworn-in by Mayor Jones.**

66  
67 **Mayor Jones advised the audience that we would not be following the agenda tonight**  
68 **and called Connie Jackson of the Planning and Zoning Commission forward to address**  
69 **the Council.**

- 70  
71 **a.** Appointment with Planning and Zoning Chairman to discuss and answer  
72 any questions regarding cases on the agenda and related issues and  
73 take any necessary action.

74 **Connie Jackson explained the Phillip Herbst, Chairman of the Planning and Zoning**  
75 **Commission was unable tonight and advised the Council of the action taken by the**  
76 **Commission on the various items on tonight's agenda.**

77  
78 **4. Consent Items**

- 79  
80 **a.** Consider approval of the Minutes from the August 9, 2004 Special  
81 Meeting (Ethics Seminar) and take any action necessary.

- 82 **b.** Consider approval of the Minutes from the August 13, 2004 City Council  
83 Budget Retreat and take any action necessary.

- 84 **c.** Consider approval of the Minutes from the August 26, 2004, Special  
85 Meeting and take any action necessary.

- 86 **d.** Consider approval of the Minutes from the September 26-27, 2004  
87 Annual Retreat and take any action necessary.

- 88 **e.** Consider approval of the Minutes from the October 18, 2004 City Council  
89 meeting and take any action necessary.

- 90 **f.** Consider approval of the Minutes from the October 25, 2004 City Council  
91 meeting and take any action necessary.

- 92           g.       Consider approval of the Minutes from the November 1, 2004 City  
93                   Council meeting and take any action necessary.
- 94           h.       Consider approval of a **Resolution** supporting the Police Department in  
95                   its application for training agreement with Texas Commission on Law  
96                   Enforcement Center Standards and Education (TCLOSE) and take any  
97                   action necessary.
- 98           i.       **P2004-053** -- Consider approval of a request by Kerry Burden of PM  
99                   Realty Group for approval of a replat of Lots 2 and 4, Block B, Horizon  
100                  Ridge Addition, being a 5.93-acre tract zoned (PD-9) Planned  
101                  Development No. 9 district and designated for (GR) General Retail uses,  
102                  located at the northeast corner of Ralph Hall Pkwy and Summer Lee  
103                  Drive and take any action necessary.
- 104          j.       **P2004-054** – Consider approval of a request by Bryan Burger of  
105                  Lawrence A. Cates & Associates, LLP, for approval of a replat of Lots 1-3,  
106                  Block A, Horizon Ridge Addition, being a 13.60-acre tract zoned (PD-9)  
107                  Planned Development district and designated for (GR) General Retail  
108                  uses, located at the northeast corner of Ridge Rd (FM 740) and Arista  
109                  Road and take any action necessary.
- 110          k.       **P2004-055** -- Consider approval of a request by Paul Hames of Bury +  
111                  Partners, DFW, for approval of a final plat of Lot 2, Block A, Bowles  
112                  Addition, being a 1.561-acre tract zoned (PD-48) Planned Development  
113                  No. 48 district and located at the northwest corner of SH 66 and N.  
114                  Lakeshore Blvd. and take any action necessary.
- 115          l.       **P2004-058** – Consider approval of a request by Allan Ross for approval  
116                  of a final plat of Lots 1 and 2, Block A, The Larsen School Addition, being  
117                  a 10.11 acre tract zoned (PD-10) Planned Development district and  
118                  designated for (C) Commercial uses, situated along the east side of  
119                  Townsend Dr south of the existing SH 276 and north of the future  
120                  realignment of SH 276 and take any action necessary.
- 121          m.       Consider approval of the purchase of six police pursuit vehicles and take  
122                  any action necessary.
- 123          n.       Consider approval of the award of the engineering contract for the  
124                  Townsend Road project and take any action necessary.
- 125          o.       Consider approval of the litter abatement contract and take any action  
126                  necessary.
- 127          p.       **SP2004-023** – Consider approval of a request by Kerry Burden of PM  
128                  Realty Group for approval of a site plan for the 62,992-sf Rockwall  
129                  Medical Center, located on Lot 4, Block B, Horizon Ridge Addition, being  
130                  a 4.4479-acre tract zoned (PD-9) Planned Development No. 9 district and  
131                  designated for (GR) General Retail uses, located along the east side of  
132                  Ralph Hall Pkwy north of Summer Lee Drive. Take any action necessary.

133 q. **SP2004-024** – Consider approval of a request by Paul Hames of  
134 Bury+Partners, DFW, and Larry Bloom of Oculus, Inc., for approval of a  
135 site plan for Bank of America, located on Lot 2, Block A, Bowles Addition,  
136 being a 1.56-acre tract zoned (PD-48) Planned Development district and  
137 situated at the northwest corner of SH 66 and N. Lakeshore Blvd within  
138 the (SH 66 OV) SH 66 Overlay District. Take any action necessary.

139 r. Consider authorizing the Mayor to execute an Interlocal Agreement with  
140 Rockwall County for services of an emergency management intern and  
141 take any action necessary.

142 **Councilmember Straughan requested that items 4i, 4p and 4q be pulled from the Consent**  
143 **Agenda. Councilmember Raulston requested that item 4d be pulled and Councilmember**  
144 **Cotti requested that item 4r be pulled. Councilmember Straughan made a motion to**  
145 **approve the remaining items on the Consent Agenda. Councilmember Cotti seconded**  
146 **the motion and the motion passed by a vote of 6 ayes and 1 absent [Cecil].**  
147

148 **Councilmember Straughan stated that he had pulled items 4i and 4p because he thought**  
149 **the legal description was incorrect. Robert LaCroix, Planning Director, discussed the**  
150 **discrepancy and the stated that lots 6 and 7 changed. Councilmember Straughan then**  
151 **made a motion to approve items 4i and 4p. Councilmember McCallum asked what the life**  
152 **expectancy of the covered parking was. LaCroix stated that we may have to look at it in**  
153 **4 or 5 years. McCallum requested that Straughan amend his motion to include that all**  
154 **covered parking would be maintained in good, aesthetic condition. Straughan agreed to**  
155 **amend his motion and McCallum seconded the motion. The motion passed by a vote of**  
156 **6 ayes and 1 absent [Cecil].**  
157

158 **Councilmember Cotti made a motion to approve item 4d and Councilmember Straughan**  
159 **seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [Raulston] and 1**  
160 **absent [Cecil].**  
161

162 **Councilmember Straughan stated that he had pulled item 4q because of the parking and**  
163 **tree mitigation. We need to reduce the parking and save the pecan trees. Robert LaCroix**  
164 **stated that the Planning and Zoning Commission is responsible for the tree plan. After**  
165 **lengthy discussion, Councilmember McCallum made a motion to approve the request**  
166 **with the following conditions: (1) Lot 2 swell will be redirected to preserve trees until**  
167 **development occurs; (2) there will be a Tree Preservation Day; (3) they will re-look at the**  
168 **parking lot with the intent to save trees and following the Planning and Zoning**  
169 **Commission’s recommendations for 36 parking spaces; and (4) the applicant will work**  
170 **with Chuck Todd, City Engineer, to avoid flooding. Councilmember Straughan seconded**  
171 **the motion and the motion passed by a vote of 6 ayes and 1 absent [Cecil].**  
172

173 **With regarding Consent Item 4r, Kristy Ashberry, Emergency Management Coordinator,**  
174 **discussed the background of request. Councilmember Cotti made a motion to approve**  
175 **the request and Councilmember Raulston seconded the motion. The motion passed by a**  
176 **vote of 6 ayes and 1 absent [Cecil].**  
177

## 178 **5. Appointments**

179  
180 **Mayor Jones recused himself from the discussion and action, if any, on the following**  
181 **matter. Mayor Pro Tem McCallum took control of the meeting.**

182           b.     Appointment with Todd White regarding Takeline leasing issue and take  
183           any action necessary.

184     **Todd White stated he was here on behalf of Tony Garner (Lot 70R in the Shores). Mr.**  
185     **Garner's lot was determined to be a non-qualifying property with regard to leasing the**  
186     **Takeline. Mr. Garner wants to be able to go to the Appeals Board and work with his**  
187     **neighbors so he can lease the property. Brag Griggs, Director of Parks & Recreation,**  
188     **stated that the requirements were that the property must be adjacent to the main body of**  
189     **water. Griggs also advised that none of the lines that were drawn crossed over any**  
190     **easements. After discussion, Councilmember Cotti made a motion to authorize the**  
191     **property owners of Lots 4, 5, 6, and Lot 70R, Block C, Turtle Cove Addition, to go to the**  
192     **Appeals Board. Councilmember Raulston seconded the motion and the motion passed**  
193     **by a vote of 5 ayes, 1 abstain [Jones] and 1 absent [Cecil].**

194  
195           c.     Appointment with Richard Briesch regarding Takeline leasing issue and  
196           take any action necessary.

197     **Mr. Briesch of 1490 Coastal requested that he be allowed to lease the Takeline. After**  
198     **discussion it was determined that Mr. Briesch's property does back up to the main body**  
199     **of water. Julie Couch stated that there are 3 lots and that Staff would look at it and draw**  
200     **the lot lines in accordance with the requirements. Councilmember Raulston made a**  
201     **motion to send this to Staff to make sure the three lots in this area follow the**  
202     **requirements set by the Council with regard to the Takeline. Councilmember Straughan**  
203     **seconded the motion and the motion passed by a vote of 5 ayes, 1 abstain [Jones] and 1**  
204     **absent [Cecil].**

205  
206     **Mayor Jones returned and took control of the meeting.**

207  
208           d.     Appointment with Sharan Wilson with Charter Cable for update and to  
209           discuss current cable customer service issues, cable installation  
210           schedule. Take any action necessary.

211     **Councilmember Raulston recused himself from the meeting with regard to this issue.**  
212     **Dottie Lane, Ricky Allen and Diane Montgomery of Charter appeared before the Council**  
213     **to give an update on current service and services to be offered in the near future.**  
214     **Councilmember McCallum inquired as to when the franchise came back up for bid and**  
215     **Cheryl Austin stated it was in three years. After discussion and since Charter is not**  
216     **providing the same services in Rockwall as it does elsewhere, the Council stated its**  
217     **desire to review the franchise agreement to determine if there was any action that could**  
218     **be taken due to this lack of service.**

219  
220     **Councilmember Raulston returned to the meeting.**

221  
222           e.     Appointment with Dwight Shupe of Hughes & Luce regarding Caruth  
223           property land use matters and take any action necessary.

224     **Dwight Shupe of Hughes & Luce stated that he is a real estate lawyer and that density,**  
225     **which is the issue between it and the City, is a litmus test. Shupe stated that this is not a**  
226     **forum to discuss settlement issues. He is here to give his word to work with Pete and**  
227     **Terry to resolve the issue and hopes there is an opportunity to resolve this issue.**  
228     **Councilmember King stated this was an issue of utility planning. Julie Couch, City**  
229     **Manager, stated that we would look at both properties and work through our attorneys.**

230

231 **Mayor Jones stated that the Council would address Site Plans/Plat item 7b now.**

232

233 **b. SP2004-022 -- Discuss and consider a request from Am Boon Tan of CEI**  
234 **Engineering Associates, Inc., for approval of an amended site plan for**  
235 **Walmart Supercenter, located on Lot 2, Block A, Walmart Supercenter**  
236 **Addition, which is zoned (C) Commercial District and situated along the**  
237 **north side of Interstate 30 within the (IH-30 OV) IH-30 Overlay District.**  
238 **Take any action necessary.**

239 **Robert LaCroix discussed the background of the request and stated the issues included**  
240 **truck access, outside storage and parking. Murphy Oil Company desires to add gas**  
241 **pumps at the Walmart on I-30. The current site plans shows additional parking, but the**  
242 **Planning and Zoning Commission has requested that this additional parking not be**  
243 **constructed. The applicant will have to work with Walmart Corporate to delete the area**  
244 **from the site plan. A thinner canopy is being used. It is recommended that more trees**  
245 **be planted to screen along the service road. Councilmember Raulston asked whether or**  
246 **not the parking lot would hold up to the weight of the gasoline delivery trucks. Chuck**  
247 **Todd, City Engineer, advised that they will be replacing all the concrete around the**  
248 **station. The entrance into Walmart will also be reconstructed to enable the trucks to**  
249 **make the turn without pulling into the left lane. After discussion, Councilmember Cotti**  
250 **made a motion to deny the request and Councilmember McCallum seconded the motion.**  
251 **Councilmember King asked if it was without prejudice and Councilmember Cotti**  
252 **amended his motion to provide without prejudice and Councilmember McCallum agreed.**  
253 **The motion passed by a vote of 6 ayes and 1 absent [Cecil]. The Council stated that this**  
254 **matter could be brought back to P&Z an the Council after the applicant has addressed**  
255 **the concerns about the parking area reinforcement, signage, outside display area**  
256 **demarcation and elimination of the additional parking allocation/construction.**

257

## 258 **6. Public Hearing Items**

259

260 **a. AM2004-002 -- Hold a public hearing and consider a City-initiated**  
261 **amendment to the Comprehensive Land Use Plan (aka "Hometown**  
262 **2000"), specifically to adopt a Downtown Plan for the area generally**  
263 **bounded by Olive Street to the north, St. Augustine to the east, Storrs to**  
264 **the south and Second Street to the west. The adoption of a Downtown**  
265 **Plan and Incentives Program is a recommended implementation strategy**  
266 **within the Comprehensive Plan to encourage development and improve**  
267 **circulation, parking, walkability, infill strategies and land use mix and take**  
268 **any action necessary.**

269 **Robert LaCroix discussed the background of the Downtown Plan. Mayor Jones opened**  
270 **the public hearing and the following persons came forward to address the Council:**

271

272 **Dennis Wilson, Consultant**

273 **Mr. Wilson gave a power point presentation on the project.**

274

275 **Ross Ramsay**

276 **Mr. Ramsay stated that he is a member of the citizen's committee and they**  
277 **are all in favor of the plan. Ramsay stated "It is our heartbeat."**



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**Billy Morris**

**Mr. Morris asked what this was going to cost. How are we going to pay for it? It looks like a great plan, but we need to figure out a way to take care of the traffic.**

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

**Councilmember Straughan made a motion to approve the Downtown Plan and Mayor Jones seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Cecil].**

**Mayor Jones recused himself from discussion and action on the following matters. Mayor Pro Tem McCallum took control of the meeting.**

- b. H2004-008 -- Hold a public hearing and consider of an *Ordinance* for a city initiated request for expansion of the Historic Overlay District to include properties known as parts of Lots 1, 2 and 3, WD Austin Addition. The overall proposal is comprised of approximately 2.19-acres and includes the properties addressed as 902, 904, 906, 908 and 912 N. Goliad Street and take any action necessary. (1<sup>st</sup> Reading)**

**Robert LaCroix discussed the background of the request and stated it was an expansion of the Historic Overlay District. Mayor Pro Tem McCallum opened the public hearing but no one came forward to address the Council, so the public hearing was closed. Councilmember Cotti made a motion to approve the request and Councilmember Raulston seconded the request. The ordinance was read as follows:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY THE AMENDMENT OF SECTION 6.2 HISTORIC OVERLAY DISTRICT TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR THE EXPANSION OF THE HISTORIC OVERLAY DISTRICT ON A 2.19-ACRE TRACT KNOWN AS PARTS OF LOTS 1, 2, AND 3, W.D. AUSTIN ADDITION; INCLUDING PROPERTIES ADDRESSED AS 902, 904, 906, 908 AND 912 N. GOLIAD STREET AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

- c. P2004-057 -- Hold a public hearing and consider a request by Harold Fetty of Rockwall Surveying for approval of a replat of a part of Lot 2, W.D. Austin Addition, being a 0.45-acre tract zoned (PD-50) Planned Development No. 50 district and designated for Residential-Office uses, located at 908 N. Goliad and take any action necessary.**

**Robert LaCroix discussed the background of the request for a replat of 908 N. Goliad and stated this is where the Reese Home was moved to. Mayor Pro Tem McCallum opened the public hearing and the following persons came forward to address the Council:**

329 Harold Fetty, Applicant  
330 Mr. Fetty stated he did not have anything to add to what LaCroix had  
331 discussed.  
332

333 There being no one further to address the Council, Mayor Pro Tem McCallum closed the  
334 public hearing.  
335

336 Councilmember Raulston made a motion to approve the request and Councilmember  
337 Cotti seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [Jones] and  
338 1 absent [Cecil].  
339

340 d. **SP2004-025** -- Discuss and consider a request by Harold Fetty of  
341 Rockwall Surveying for approval of a site plan for relocation of the Reese  
342 House, located on a part of Lot 2, W.D. Austin Addition, a 0.45-acre tract  
343 zoned (PD-50) Planned Development No. 50 district and situated at 908  
344 N. Goliad and take any action necessary. *[Note this is not a public  
345 hearing, but is placed here to be heard as a part of the above items.]*

346 Robert LaCroix discussed the background of the request. Councilmember Raulston  
347 made a motion to approve the request and Councilmember King seconded the motion.  
348 The motion passed by a vote of 5 ayes, 1 abstain [Jones] and 1 absent [Cecil].  
349

350 Mayor Jones returned and took control of the meeting.  
351

352 e. **Z2004-039** -- Hold a public hearing and consider approval of an  
353 **Ordinance** for a City-initiated request to rezone the following nine (9)  
354 tracts: Take any action necessary. **(1<sup>st</sup> Reading)**

355 **Tract 1:** Being Tract 4-2, Abstract No. 24, NM Ballard Survey, being  
356 a 5-acre tract located at 1530 I-30, from (Hwy C) Highway  
357 Commercial district to (LI) Light Industrial district;

358 **Tract 2:** Being Tract 16, Abstract No. 99, A Hanna Survey, a 2.023-  
359 acre tract located at 1551 I-30, from (PD-36) Planned  
360 Development district to (LI) Light Industrial district;

361 **Tract 3:** Being a part of Lot 2, Block A, McKeown-Belaustegui  
362 Addition, and being a 6.6068-acre tract located at 1760 I-  
363 30, from (Hwy C) Highway Commercial district to (LI) Light  
364 Industrial district;

365 **Tract 4:** Being Tract 7-1, Abstract No. 134, J Lockhart Survey, a  
366 3.2931-acre tract located south of I-30 and immediately  
367 east of 1760 I-30, from (Hwy C) Highway Commercial  
368 district to (LI) Light Industrial district;

369 **Tract 5:** Being a part of Lot 1, Block C, Rockwall Commercial Park;  
370 a part of Lot 1, Block D, Rockwall Commercial Park; and  
371 Tract 5, Abstract 134, J Lockhart Survey; a 28.3627-acre  
372 tract located at 1805 I-30, from (Hwy C) Highway  
373 Commercial district to (LI) Light Industrial district;



424                   **Tract 1:**           Being the west 50-ft x 100-ft of Lot 4, Block J, Sanger  
425                                   Brothers Addition, located at the northwest corner of Bourn  
426                                   and Davy Crockett, from (Of) Office district to (SF-7)  
427                                   Single-Family Residential district;

428                   **Tract 2:**           Being Lot A, Block 123, BF Boydston Survey, a 0.494-acre  
429                                   tract located at 404 N. Goliad, from (Of) Office district to  
430                                   (GR) General Retail district.

431  
432   **Robert LaCroix discussed the background of the request. Mayor Jones opened the**  
433   **public hearing but no one appeared so the public hearing was closed. Councilmember**  
434   **Straughan made a motion to approve the request and Councilmember King seconded the**  
435   **motion. The ordinance was read as follows:**

436  
437                   AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
438                   AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL SO  
439                   AS TO CHANGE THE ZONING FROM (OF), OFFICE DISTRICT TO (SF-7), SINGEL-  
440                   FAMILY DISTRICT ON APPROXIMATELY 0.115-ACRES OF LAND AND CHANGE  
441                   THE ZONING FROM (OF), OFFICE DISTRICT TO (GR) GENERAL RETAIL DISTRICT  
442                   ON APPROXIMATELY 0.494-ACRES OF LAND MORE SPECIFICALLY DESCRIBED  
443                   IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A PENALTY OF FINE NOT  
444                   TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
445                   OFFENSE AND EVERY DAY THE OFFENSE CONTINUES SHALL BE DEEMED A  
446                   SEPARATE OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
447                   FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

448  
449   **The motion passed by a vote of 6 ayes and 1 absent [Cecil].**

450  
451   **7.        Site Plans / Plats**

452  
453        **a.        P2004-047 --** Discuss and consider a request by Capstar Realty for  
454                   approval of a final plat of Flagstone Estates, being 87 single-family lots on  
455                   52.375-acres situated along the northeast side of Mims Rd southeast of  
456                   Ralph Hall Pkwy. The subject tract is zoned (PD-54) Planned  
457                   Development district. Take any action necessary. *[This item was tabled*  
458                   *at the November 1, 2004 meeting.]*

459   **Robert LaCroix discussed the background of the request and stated we are still waiting**  
460   **on the facilities agreement, which is discussed in Action Item 8b below. Councilmember**  
461   **Straughan made a motion to table items 7a and 8b until the next meeting and**  
462   **Councilmember Raulston seconded the request. The motion passed by a vote of 6 ayes**  
463   **and 1 absent [Cecil].**

464  
465        **c.        P2004-056 --** Discuss and consider a request by Ramsay Ivy Co., L.C.,  
466                   for approval of a development plan and preliminary plat for Park Place  
467                   West, being a 55.8-acre, 166-lot development consisting of single family  
468                   residential, neighborhood service and residential-office uses. The subject  
469                   tract is zoned (PD-59) Planned Development No. 59 district (Ord. No. 04-  
470                   59) and situated south of Washington/Aluminum Plant Road, east of  
471                   Renfro Street, and north of the M. K. & T. Railroad. Take any action  
472                   necessary.

473 Robert LaCroix discussed the background of the request and stated that right-of-way  
474 dedication would be required with the plat. We will need some creativity for signage in  
475 the development. After discussion, Mayor Jones made a motion to approve the request  
476 and Councilmember Raulston seconded the motion. The motion passed by a vote of 5  
477 ayes, 1 nay [McCallum] and 1 absent [Cecil].  
478

479 **8. Action Items**

480  
481 a. Discuss and consider a variance request from Michael Baldwin with TXU  
482 Electric Delivery, to allow for the extension of an overhead distribution  
483 feeder from the Rockwall East substation on State Highway 276 to State  
484 Highway 205, and take any action necessary.

485 **Michael Baldwin with TXU discussed his request for a variance from the underground**  
486 **utilities requirement. After discussion, Councilmember King made a motion to approve**  
487 **the request for the extension of an overhead distribution feeder and the variance from**  
488 **underground utilities requirement and Councilmember Cotti seconded his motion. The**  
489 **motion passed by a vote of 5 ayes, 1 abstain [Raulston] and 1 absent [Cecil].**  
490

491 b. Discuss and consider approval of a Facilities Agreement for the Flagstone  
492 subdivision located at Mims Road and Ralph Hall Parkway, and take any  
493 action necessary. **[See minutes above – tabled to next meeting].**

494 c. Discuss the proposed revised Comprehensive Zoning Ordinance with  
495 regard to RV parking and storage and take any action necessary.

496 **Robert LaCroix discussed the changes being brought back after the work session. After**  
497 **discussion, Staff was instructed to work on the requirements and bring them back to the**  
498 **Council at the next meeting.**  
499

500 **There being no further business to come before the Council in regular session, Mayor**  
501 **Jones adjourned the meeting into Executive Session at 10:53 p.m.**  
502

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

505 a. Deliberation regarding the purchase, exchange, lease, or value of real  
506 property.

507 b. Personnel Issues, including Board, Commission, and Committee  
508 Appointments, and Related Matters.

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

513 d. Consultation with attorney pursuant to §551.071(1) to discuss pending or  
514 contemplated litigation relating to annexation.

515 e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation  
516 with attorney with regard to a matter that it is the duty of the attorney to  
517 consult with the Council and falls under the attorney-client privilege.

518

519 10. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

520

521 No action was taken as a result of Executive Session.

522

523 There being no further business to come before the Council, Mayor Jones adjourned the  
524 meeting at 12:15 a.m.

525

526 Approved by the City Council of the City of Rockwall, Texas, this \_\_\_\_\_ day of  
527 \_\_\_\_\_, 2004.

528

529

530

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

531 ATTEST:

532

533

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

535

536