

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
December 13, 2004  
6:00 p.m. Pre-Council 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 Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and John King. Councilmember Terry Raulston was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Jones immediately adjourned the meeting into Executive Session.

1. **HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072 AND 551.086 OF TEXAS GOVERNMENT CODE TO DISCUSS:**
  - a. Deliberation regarding the purchase, exchange, lease, or value of real property.
  - b. 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.
  - c. Consultation with attorney pursuant to §551.071(1) to discuss pending or contemplated litigation relating to annexation.
  - d. 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**

The Executive Session was continued until after the joint work session with the Charter Review Commission.

3. **PRE-COUNCIL DINNER.**
4. **ADJOURNMENT.**

The pre-council meeting adjourned at 6:55 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 3rd day of January, 2005.

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Ken Jones, Mayor

ATTEST:

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Dorothy Brooks, City Secretary

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

December 13, 2004

7:00 p.m. Special Called Meeting

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

**1. CALL TO ORDER**

Mayor Jones called the meeting to order at 7:00 p.m. Present were Mayor Ken Jones and Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil and John King. Councilmember Terry Raulston was absent. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

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

- 3. A2004-003** — Discuss and 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 recommended that no action be taken on this item.

**4. JOINT WORK SESSION WITH CHARTER REVIEW COMMISSION**

Bill Lofland, Chairman of the Charter Review Commission went over each proposition and discussed with the Council why the Commission had made the recommendation for the change to the Charter. The Commission will meet once more the second week of January to finalize their recommendations and bring them back to the Council for action.

There being no further business to come before the Council, Mayor Jones adjourned the meeting back into Executive Session at 8:00 p.m.

No action was taken as a result of Executive Session and Mayor Jones adjourned the meeting at 9:00 p.m.

Approved by the City Council of the City of Rockwall, Texas, this 3rd day of January, 2005.

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Ken Jones, Mayor

ATTEST:

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Dorothy Brooks, City Secretary

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**MINUTES  
ROCKWALL CITY COUNCIL**

December 20, 2004  
5:00 p.m. Pre-Council Meeting  
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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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 and Attorney Terry Morgan. Mayor Jones immediately adjourned the meeting into Executive Session.

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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 3rd day of January, 2005.

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Ken Jones, Mayor

ATTEST:

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Dorothy Brooks, City Secretary

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**MINUTES  
ROCKWALL CITY COUNCIL**

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

53 **1. CALL TO ORDER**

54  
55 Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Ken Jones and  
56 Councilmembers Bob Cotti, Stephen Straughan, Tim McCallum, Bill Cecil, John King and  
57 Terry Raulston. Also present were City Manager Julie Couch and City Attorney Pete  
58 Eckert. Tonight members of the Youth Advisory Council -- Chris Athens, Katie Harton,  
59 Sabrina Rasor, Rachel Hall, Renee Dirkse and Kachi Amajor attended the Council  
60 meeting and shadowed the Councilmembers. Unable to attend due to holiday travel were  
61 Youth Advisory Council members Meagan Wilson and Tommy Griswold.

62  
63 **2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER STEPHEN STRAUGHAN**

64  
65 **3. CONSENT ITEMS**

- 66  
67 a. Consider approval of the Minutes from the December 6, 2004 City  
68 Council meeting and take any action necessary.
- 69 b. Consider approval of an **Ordinance** regulating dog parks and take any  
70 action necessary. **(2<sup>nd</sup> Reading)**
- 71 c. Consider adoption of a **Resolution** expressing official intent to reimburse  
72 cost of projects and take any action necessary.
- 73 d. **P2004-062** -- Consider a request from Tom Walker for approval of a final  
74 plat of Lots 1 and 2, Block A, Walker Addition, a 0.63-acre tract zoned  
75 (PD-53) Planned Development District and designated for (R-O)  
76 Residential Office district uses, and comprised of 1020 and 1022 Ridge  
77 Road and take any action necessary.
- 78 e. **SP2004-027** -- Consider a request from Tom Walker for approval of a site  
79 plan for Lots 1 and 2, Block A, Walker Addition, a 0.63-acre tract zoned  
80 (PD-53) Planned Development District and designated for (R-O)  
81 Residential Office district uses, and comprised of 1020 and 1022 Ridge  
82 Road and take any action necessary.
- 83 f. Consider approval of the bid award for the purchase of flush toilet  
84 buildings at Myers Park and take any action necessary.

85 Councilmember Raulston requested that Consent Agenda Item 3a be pulled.  
86 Councilmember McCallum requested that Consent Agenda Item 3b be pulled and then  
87 made a motion to approve the remaining Consent Agenda items. Councilmember Cotti  
88 seconded the motion and the motion passed unanimously by a vote of 7 ayes and 0  
89 nays.

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91 Councilmember Cecil made a motion to approve Consent Agenda Item 3a and  
92 Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes  
93 and 1 abstain [Raulston].  
94

95 Councilmember Straughan made a motion to approve Consent Agenda Item 3b and  
96 Councilmember Cotti seconded the motion. The ordinance was read as follows:  
97

98 **ORDINANCE NO. 04-67**  
99

100 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
101 AMENDING THE CODE OF ORDINANCES IN CHAPTER 5 ANIMALS BY THE ADDITION OF  
102 SEC. 5-40 DOG PARKS; PROVIDING FOR A PENALTY OF A FINE OF FIVE HUNDRED  
103 DOLLARS (\$500.00); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN  
104 EFFECTIVE DATE.  
105

106 The motion passed by a vote of 5 ayes and 2 nays [Cecil and McCallum].  
107

108 Mayor Jones then stated that Action Items 6b and 6c would be addressed by the Council  
109 at this time.  
110

111 **ACTION ITEMS**  
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- 113 b. Discuss and consider authorizing the City Manager to execute a  
114 Development Agreement with Jack H. and Elizabeth Hittson, Steve  
115 Rinner, Clyde N. and Christy Jones, Henry Rohrbaker, Lloyd Acker, Carl  
116 E. and Dixon A. Glaze and Beth and Randy Talley on property located in  
117 the ETJ (Extraterritorial Jurisdiction) of the City of Rockwall and take any  
118 action necessary.
- 119 c. **A2004-004** -- Consider an **Ordinance** for a City initiated request to annex  
120 land of approximately 517 acres generally located north of F.M. 552, west  
121 of F.M. 549, east of Anna Cade Rd, and contiguous to the existing City  
122 Limits line. (2<sup>nd</sup> Reading)

123 City Manager Julie Couch discussed the background of these items. Councilmember  
124 Cotti stated that specific terms had been provided to City Attorney Eckert and City Staff  
125 outlining the conditions the Council could accept and made a motion to table items 6b  
126 and 6c until the next Council meeting, which is scheduled for January 3, 2005, at which  
127 time the Council would act either on the Agreement or the Annexation Agenda item.  
128 Councilmember McCallum asked Cotti to amend his motion to make it the official two-  
129 week notice to the landowners and that if the agreements are not finalized then action  
130 will be taken on the annexation. Councilmember Cotti agreed to amend his motion to so  
131 state and Councilmember McCallum seconded the motion. The motion passed  
132 unanimously by a vote of 7 ayes and 0 nays.  
133

134 **4. APPOINTMENTS**  
135

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

139 **Phillip Herbst, Planning and Zoning Commission Chairman, discussed the planning and**  
140 **zoning items on tonight's agenda and answered the Council's questions regarding those**  
141 **items.**

142

143 **b. Appointment with Kathleen Morrow regarding Takeline leasing issue and**  
144 **take any action necessary.**

145 **Mayor Jones recused himself from hearing and taking action on this item. Mayor Pro**  
146 **Tem McCallum took over control of the meeting.**

147 **Brad Griggs, Director of Parks and Recreation, stated that it had been determined that**  
148 **Ms. Morrow should be able to lease the Takeline. Councilmember Cotti made a motion**  
149 **to authorize Staff to include the address and have a survey done and Councilmember**  
150 **Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 recusal**  
151 **[Jones].**

## 152 **5. PUBLIC HEARING ITEMS**

153 **Mayor Jones returned and took control of the meeting.**

154 **a. Z2004-042 -- Hold a public hearing and consider approval of an**  
155 ***Ordinance* for a request by Joetta Welch Currie of Art Ventures Studio**  
156 **for a change in zoning from (SF-7) Single-family Residential district to**  
157 **(PD-50) Planned Development district on a 0.23-acre tract being Block**  
158 **20-A, Amick Addition, situated at 507 North Goliad, and take any action**  
159 **necessary. (1<sup>st</sup> Reading)**

160

161 **Robert LaCroix, Director of Planning, discussed the background of the request. Mayor**  
162 **Jones opened the public hearing and the following persons came forward to address**  
163 **the Council:**

164 **Neither the applicant, nor her representative, appeared. Councilmember Straughan**  
165 **made a motion to continue the public hearing to the next regularly scheduled Council**  
166 **meeting (January 3, 2005) and Councilmember Raulston seconded the motion. The**  
167 **motion passed unanimously by a vote of 7 ayes.**

168 **b. Z2004-043 -- Hold a public hearing and consider approval of an**  
169 ***Ordinance* for a request by Eugene Middleton of Winkelmann &**  
170 **Associates to rezone from (SF-10) Single Family Residential District to**  
171 **(GR) General Retail District a 1.57-acre tract currently described as**  
172 **Tracts 30, 31, 32 and 32-1, Abstract 146, S.S. McCourry Survey. The**  
173 **tract is bounded by N. Goliad (SH 205) on the east, Live Oak St on the**  
174 **south, undeveloped N. Alamo Rd right-of-way on the west, and the future**  
175 **extension of N. Alamo Rd on the north, and take any action necessary.**  
176 **(1<sup>st</sup> Reading)**

177

178 **Robert LaCroix discussed the background of the request and stated that Neighborhood**  
179 **Services zoning is recommended and that the applicant had agreed to this change.**  
180 **LaCroix advised the Council that a super majority vote would be required to approve**  
181 **this request. Mayor Jones opened the public hearing and the following persons came**  
182 **forward to address the Council:**

183 **Randy Potts, Applicant**  
184 **1740 Dallas Parkway**

185 Dallas, Texas  
186 Mr. Potts stated that the main purpose of the rezoning is for an entry  
187 feature . He does not have any other plans for future use. Ability to build  
188 on the property is limited by the gas easement and drainage. Mr. Potts  
189 answered questions that the Council had with regard to the use of the  
190 property.  
191

192 There being no one further to address the Council on this matter, Mayor Jones closed  
193 the public hearing.  
194

195 Councilmember Cotti made a motion to approve the rezoning to Neighborhood Services  
196 and Councilmember Raulston seconded the motion. After discussion, the motion  
197 passed by a vote of 6 ayes and 1 nay [Jones].  
198

199 c. **Z2004-045** -- Hold a public hearing and consider approval of an  
200 **Ordinance** for a request by LT Ventures for a change in zoning from (SF-  
201 10) Single-family Residential district to (ZL-5) Zero Lot Line Residential  
202 district on a 2.63-acre tract being Lot AB, Block 87, B.F. Boydston  
203 Addition, located south of the Highwood Addition at the termination of  
204 Valley Drive, and take any action necessary. **(1<sup>st</sup> Reading)**  
205

206 Robert LaCroix discussed the background of the request. Mayor Jones opened the  
207 public hearing the following persons came forward to address the Council:  
208

209 No one appeared. After discussion, Councilmember McCallum made a motion to  
210 continue the public hearing to next City Council meeting scheduled for January 3, 2005  
211 and Councilmember Straughan seconded the motion. The motion passed unanimously  
212 by a vote of 7 ayes and 0 nays.  
213

214 d. **Z2004-046** -- Hold a public hearing and consider approval of an  
215 **Ordinance** for a City-initiated request for a change in zoning from (C)  
216 Commercial District to (SF-10) Single Family Residential district on a 1.0-  
217 acre tract being Tract 19, Abstract 145, J.D. McFarland Survey, located  
218 along the northeast side of Mims Rd southeast of Ralph Hall Parkway,  
219 and take any action necessary. **(1<sup>st</sup> Reading)**  
220

221 Robert LaCroix discussed the background of the request. This is a city-initiated request  
222 to change the zoning from Commercial to SF-10 to make it compatible with Flagstone  
223 Estates. The Planning and Zoning Commission approved the request. Mayor Jones  
224 opened the public hearing and the following persons came forward to address the  
225 Council:  
226

227 No one appeared on behalf of the property owner. City Attorney Pete Eckert advised that  
228 the property owner's testimony was needed. After lengthy discussion, Councilmember  
229 Straughan made a motion to continue the public hearing to the January 3, 2005 City  
230 Council meeting and Councilmember McCallum seconded the motion. The motion  
231 passed unanimously by a vote of 7 ayes and 0 nays.

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**6. ACTION ITEMS**

- a. Discuss and consider approval of an **Ordinance** revising Chapter 5—Animals of the Code of Ordinances and take any action necessary. (1<sup>st</sup> Reading)

238 **Jeffrey Widmer, Director of Animal Services, discussed the background of the request.**  
239 **After discussion, Councilmember Raulston made a motion to approve the request with**  
240 **the addition of language in Sec. 5.8(b) regarding reasonable suspicion and**  
241 **Councilmember Cotti seconded the motion. The ordinance was read as follows:**

242  
243 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
244 AMENDING THE CODE OF ORDINANCES IN CHAPTER 5 ANIMALS; PROVIDING FOR  
245 A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS  
246 (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

247  
248 **The motion passed unanimously by a vote of 7 ayes and 0 nays.**

- 249  
250 b. Discuss and consider authorizing the City Manager to execute a  
251 Development Agreement with Jack H. and Elizabeth Hittson, Steve  
252 Rinner, Clyde N. and Christy Jones, Henry Rohrbacker, Lloyd Acker, Carl  
253 E. and Dixon A. Glaze and Beth and Randy Talley on property located in  
254 the ETJ (Extraterritorial Jurisdiction) of the City of Rockwall and take any  
255 action necessary. [See above]

- 256 c. **A2004-004** -- Consider an **Ordinance** for a City initiated request to annex  
257 land of approximately 517 acres generally located north of F.M. 552, west  
258 of F.M. 549, east of Anna Cade Rd, and contiguous to the existing City  
259 Limits line. (2<sup>nd</sup> Reading) [See above]

- 260 d. **A2004-003** — Discuss and consider approval of an **Ordinance** for a City  
261 initiated request to annex land of approximately 725 acres generally  
262 located north of FM 552 and east of SH 205, and contiguous to the  
263 existing City Limits line and take any action necessary. (2<sup>nd</sup> Reading)

264 **City Attorney Pete Eckert recommended that the Council table this matter to the January**  
265 **3, 2005 Council meeting. Councilmember Cotti made a motion to table this matter until**  
266 **January 3, 2005 and Councilmember Raulston seconded the motion. The motion passed**  
267 **unanimously by a vote of 7 ayes and 0 nays.**

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269 **There being no further business to come before the Council in regular session, Mayor**  
270 **Jones adjourned the meeting into Executive Session at 8:18 p.m.**

271  
272 **7. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.086 OF**  
273 **TEXAS GOVERNMENT CODE TO DISCUSS:**

- 274 a. Deliberation regarding the purchase, exchange, lease, or value of real  
275 property.  
276 b. Personnel Issues, including Board, Commission, and Committee  
277 Appointments, and Related Matters.



- 278 c. Commercial or financial information regarding business prospects that the  
279 City seeks to have locate, stay, or expand in or near the territory of the  
280 City of Rockwall and with which the Board is conducting economic  
281 development negotiations.
- 282 d. Consultation with attorney pursuant to §551.071(1) to discuss pending or  
283 contemplated litigation relating to annexation.
- 284 e. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation  
285 with attorney with regard to a matter that it is the duty of the attorney to  
286 consult with the Council and falls under the attorney-client privilege.

287  
288 **8. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

289  
290 **No action was taken as a result of Executive Session.**

291  
292 **There being no further business to come before the Council, Mayor Jones adjourned the**  
293 **meeting at 9:00 p.m.**

294  
295 **Approved by the City Council of the City of Rockwall, Texas, this 3rd day of**  
296 **January, 2005.**

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**Ken Jones, Mayor**

300 **ATTEST:**

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**Dorothy Brooks, City Secretary**

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