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**MINUTES  
ROCKWALL CITY COUNCIL**

July 6, 2004

6:00 p.m. Regular Meeting

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

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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 and Terry Raulston. Councilmember John King was absent.

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2. **INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER JOHN KING**

Councilmember Bill Cecil led the invocation and Pledge of Allegiance.

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3. **PROCLAMATIONS**

a. **Civil Air Patrol Cadet Week**

Mayor Jones presented the proclamation to the Civil Air Patrol Cadets and Senior members.

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4. **OPEN FORUM**

Mayor Jones stated that any person in the audience could address the Council on any matter not on tonight's agenda. The following persons came forward:

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Carol Crow  
504 Williams

Ms. Crow stated that she was concerned about the streets and roads and wanted to know why it was taking so long to fix them. The bonds to fix the streets and roads were passed over 2 years ago.

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5. **CONSENT AGENDA**

a. Consider approval of the Minutes from the June 21, 2004, City Council Meeting and take any action necessary.

b. Consider tabling approval of the **Ordinance** forming the Tax Increment Financing (TIF) zone (The Harbor Project) and take any action necessary.

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Councilmember Cotti made a motion to approve the items on the Consent Agenda and Councilmember McCallum seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

47 **6. APPOINTMENTS**

- 48  
49 a. Appointment with Planning and Zoning Chairman to discuss and answer  
50 any questions regarding cases on the agenda and related issues and  
51 take any necessary action.

52 **Planning and Zoning Commission Chairman Philip Herbst discussed the items on**  
53 **tonight's agenda and stated that the Commission had approved all of the items and**  
54 **recommended approval of them by the Council.**

- 55  
56 b. Appointment with Sharilyn Pittman regarding Reese Home and take any  
57 action necessary.

58 **Sherry Pittman addressed the Council regarding trying to have the Reese Home**  
59 **designated as a landmark and various matters regarding the Historic Preservation**  
60 **Advisory Board.**

61  
62 **After much discussion and as instructed by the City Attorney, Councilmember Terry**  
63 **Raulston made a motion to refer the Reese Home matter to the Historic Preservation**  
64 **Advisory Board and Councilmember McCallum seconded the motion. The motion**  
65 **passed by a vote of 6 ayes and 1 absent [King].**

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67 **7. PUBLIC HEARING ITEMS**

- 68  
69 a. **P2004-023 --** Hold a public hearing and consider approval of a request by  
70 Gary Edmonds for a residential replat of Lot 7, Block B, The Oaks of  
71 Buffalo Way, being a 1.50-acre tract zoned (SF-E/1.5) Single Family  
72 Estate district and located at 1905 Broken Lance Lane. The purpose of  
73 the replat is to remove the existing 10-ft common area access easement  
74 along the east property line and take any action necessary.

75 **Robert LaCroix discussed the background of the request by Gary Edmonds for a**  
76 **residential replat to remove an easement that is no longer needed.**

77  
78 **Mayor Jones opened the public hearing and the following persons came forward to**  
79 **address the Council:**

- 80  
81 **Gary Edmonds, Applicant. Mr. Edmonds requested that the replat be**  
82 **approved.**

83  
84 **There being no one further to address the Council, Mayor Jones closed the public**  
85 **hearing**

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87 **Councilmember Cecil made a motion to approve the request and Councilmember**  
88 **Straughan seconded the request. The motion passed by a vote of 6 ayes and 1 absent**  
89 **[King].**

- 90  
91 b. **Z2004-021 --** Hold a public hearing and consider approval of an  
92 **Ordinance** for a request by Rick Dirkse of Heritage Christian Academy  
93 for approval of an amendment to (PD-27) Planned Development No. 27,  
94 specifically to remove the restriction of development as a retirement  
95 community and to allow for recreational uses in conjunction with a school

on the 10.8-acre tract located along Damascus Road southwest of SH 205 and known as Tract 31, Abstract 255, B.J.T. Lewis Survey and take any action necessary. (1<sup>st</sup> Reading)

Robert LaCroix discussed the background of the request and stated that this was to allow recreational use on the property and advised the Council that HCA had purchased the property from Mr. Cameron.

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

**Rick Dirkse**  
**3077 N. Goliad**

Mr. Dirkse asked the Council to work with the school on the requirement to widen and Damascus Road.

Councilmember Cecil stated that he did not want to redefine anything, but that he believes a variance would be ok.

Dirkse stated that HCA would be willing to give the City right-of-way on the front so that the entrance could be enlarged.

City Manager Julie Couch stated that we need to tie the construction of Damascus to a timeline – tie it to the construction of a permanent building. This agreement should be clearly understood by the HCA and the City.

Mayor Jones stated that it should be either a permanent structure or three years, whichever ever came first.

**Anthony Delarosa**  
**203 Dartbrook**

Mr. Delarosa is on the Finance Committee of Our Lady of the Lake Catholic Church. Delarosa stated that they are concerned about safety, but that they don't have unlimited funds. He believes the stages that Ms. Couch suggested are very reasonable. The Church feels that if it has to pay for the rear access, they should be able to use it. The Church supports HCA's plans and stated that they would also fall within the 3-year timeline.

**Gary Boniquisti**  
**1516 Bayview**  
**Heath, Texas**

Mr. Boniquisti stated that HCA created the plan because some documentation was needed, but right now all they are planning on constructing is the kickball field. The plan is more of a plan for the future.

Dirkse stated that the plan would not increase the flow of traffic and that they are not planning on hosting any games.

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

Councilmember Cecil made a motion to approve an ordinance defining the variance and have a timeline of 3 years or the construction of a permanent structure for the widening of Damascus. Councilmember Raulston seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AND ORDINANCE NO. 87-31, AS HERETOFORE AMENDED, SO AS TO AMEND "PD-27", PLANNED DEVELOPMENT DISTRICT NO. 27 SPECIFICALLY TO ALLOW FOR RECREATIONAL USES IN CONJUNCTION WITH A SCHOOL ON AN APPROXIMATE 10.8-ACRE TRACT OF LAND KNOWN AS TRACT 31, ABSTRACT 255, B.J.T. LEWIS SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A DEVELOPMENT PLAN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND EVERY DAY THE OFFENSE CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 ayes, 2 nays [Straughan and Cotti] and 1 absent [King].

## 8. SITE PLANS/PLATS

- a. **P2004-022** -- Discuss and consider approval of a request by DCMS, Inc., for approval of a replat of Lot 3, Block B, Horizon Ridge Addition, being a 5.4505-acre tract zoned (PD-9) Planned Development No. 9 district and designated for General Retail uses, and located along the southeast side of Ralph Hall Parkway southwest of Horizon Road and take any action necessary.

Robert LaCroix discussed the background of the request and stated that the applicant, John Rose, was present. Councilmember Raulston made a motion to approve the request and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

- b. **SP2004-009** -- Discuss and consider approval of a request by DCMS, Inc., for site plan approval of The Office Park at Horizon Ridge, located on a 2.3362-acre tract being the proposed Lot 3R1, Block B, Horizon Ridge Addition, zoned (PD-9) Planned Development No. 9 district and designated for General Retail uses, and located along the southeast side of Ralph Hall Parkway southwest of Horizon Road and take any action necessary.

Robert LaCroix discussed the background of the request and stated that the Council needed to grant a variance on the width of the buffer zone. The applicant is providing extra landscaping and the side and rear stone/roof must match the front elevation.

Councilmember Raulston made a motion to approve the request with Staff and Planning and Zoning recommendations and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

## 9. ACTION ITEMS

- a. Code Enforcement status update report by Jeffrey Widmer.

Jeffrey Widmer gave a power-point presentation on the status of the Code Enforcement strategic plan.

- 198  
199           b.       Report by Doug Hamilton on Animal Control Function and take any action  
200                    necessary.

201   Doug Hamilton gave a power-point presentation on Animal Control Function and made  
202   recommendations for improvements at the shelter and the services provided, including  
203   the prevention of zoonosis. Hamilton stated that Animal Control should now be referred  
204   to as Animal Services. The unhealthy environment includes a black widow infestation,  
205   rodents, poor ventilation, animals standing in water, nose-to-nose contact in the  
206   quarantined areas, poor drainage, not enough room to move the dogs around so that the  
207   cages can be cleaned, and noise and odors. Hamilton commended the Animal Control  
208   personnel for their hard work in such difficult surroundings.  
209

210   Councilmember Cecil made a motion to allow Widmer to hire a shelter attendant and a  
211   patrol officer to help mitigate the health risks. Councilmember Raulston seconded the  
212   motion. The motion failed by a vote of 3 ayes, 3 nays [McCallum, Straughan and Cotti],  
213   and 1 absent [King].  
214

215   Mayor Jones then made a motion to accept Jeffrey Widmer's recommendations and the  
216   report from Doug Hamilton. Councilmember Cotti seconded the motion. The motion  
217   passed by a vote of 6 ayes and 1 absent [King].  
218

- 219           c.       Status update and discussion of bridge design on North Lakeshore and  
220                    take any action necessary.

221   Rick Crowley, Assistant City Manager, discussed the background of this item. Mr.  
222   Aubrey Adcock of Huitt-Zollers came forward and presented pictures to the Council of  
223   the proposed architecture for the bridge design. All members of the Council stated they  
224   liked the proposed design.  
225

- 226           d.       Discuss and consider a request for a sign variance at 505 N. Goliad and  
227                    take any action necessary.

228   Jeffrey Widmer discussed the request. Councilmember Raulston made a motion to  
229   approve the request and Councilmember Straughan seconded the motion. The motion  
230   passed by a vote of 6 ayes and 1 absent [King].  
231

- 232           e.       Discuss and consider approval of an **Ordinance** amending the Code of  
233                    Ordinances in Sec. 15-82 regarding applications for peddlers, solicitors  
234                    and itinerant vendors and take any action necessary. **(1<sup>st</sup> Reading)**

235   Police Chief Mark Moeller discussed the background of the request. Councilmember  
236   Raulston suggested that the license fee be increased to \$10.00. Raulston then made a  
237   motion to approve the request with the change in the fee and Councilmember Cotti  
238   seconded the motion. The ordinance was read as follows:  
239

240           AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
241           THE CODE OF ORDINANCE OF THE CITY OF ROCKWALL IN CHAPTER 15 LICENSES,  
242           PERMITS AND MISCELLANEOUS BUSINESS REGULATION, ARTICLE IV PEDDLERS,  
243           SOLICITORS AND ITINERANT VENDORS, SEC. 15-82 APPLICATION, FEE ISSUANCE; TERM;  
244           RENEWAL TO PROVIDE FOR ADDITIONAL REQUIREMENTS; PROVIDING FOR A PENALTY  
245           OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING  
246           A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.  
247

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

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

a. Departmental Reports

b. City Manager's Report

Julie Couch reminded the Council about the ground breaking for The Harbor project scheduled for Friday, July 16, 2004, at 9:00 a.m. Couch also advised the Council that the budget retreat would be held on Friday, August 13, 2004, and that the Ethics Seminar would be held during our regularly scheduled work session on August 9, 2004.

Couch stated that we would be having a retreat this year toward the end of September.

There being no further business to come before the Council in regular session, Mayor Jones adjourned the meeting in Executive Session at 11:12 p.m.

**11. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074, 551.076 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

a. Land Acquisition for City Facilities and Park Land.

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.

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

Councilmember McCallum made a motion to appoint Susan Langdon to the Planning and Zoning Commission and Mayor Jones seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

Councilmember Cotti made a motion to appoint the following persons to the Charter Review Committee and Councilmember Raulston seconded the motion.

Mike Keegan

Bruce Paton

Bill Lofland

Steve Ramage

Bob Amick

John Arbogast

Ross Ramsay

Chuck Bealmear

Matthew Scott

Alain Lee

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

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293 **There being no further action to come before the Council, Mayor Jones adjourned the**  
294 **meeting at 11:30 p.m.**  
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297 **ATTEST:** Ken Jones, Mayor  
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301 Dorothy Brooks, City Secretary  
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**MINUTES**  
**ROCKWALL CITY COUNCIL**

July 19, 2004

6:00 p.m. Regular Meeting

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, John King and Terry Raulston. Councilmember Bill Cecil was absent.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER JOHN KING**

Councilmember John King led the invocation and Pledge of Allegiance.

**3. CONSENT AGENDA**

- a. Consider approval of the Minutes from the July 6, 2004, City Council Meeting and take any action necessary.
- b. Consider tabling approval of the **Ordinance** forming the Tax Increment Financing (TIF) zone (The Harbor Project) and take any action necessary.
- c. Consider approval of an **Ordinance** revising the City's personnel policies and take any action necessary. **(2<sup>nd</sup> Reading)**
- d. Discuss and consider approval of an **Ordinance** amending the Code of Ordinances in Sec. 15-82 regarding applications for peddlers, solicitors and itinerant vendors and take any action necessary. **(2<sup>nd</sup> Reading)**
- e. Consider approval of a request from Eugene Middleton of Winkelmann and Associates for a residential final plat of a 58.223-acre, 117-lot subdivision known as The Preserve Phase 3, zoned (PD-41) Planned Development No. 41 and located east of North Lakeshore, south of North Alamo, west of SH 205 and north of Reinhardt Elementary School and take any action necessary.
- f. Consider approval of the award of a bid for concrete pavement maintenance to the low bidder and take any action necessary.

Councilmember King requested that Consent Item 3a be pulled because he was absent from that meeting. Councilmember Raulston then made a motion to approve the remaining items on the Consent Agenda and Councilmember Cotti seconded the motion. The ordinances were read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING THE CITY OF ROCKWALL POLICY STATEMENT MANUAL; PROVIDING FOR PURPOSE & RESPONSIBILITIES, EMPLOYMENT LAW COMPLIANCE, STANDARDS OF CONDUCT, CONDITIONS OF EMPLOYMENT, APPLICANT & EMPLOYMENT PROCESS, EMPLOYMENT STATUS & PERSONNEL RECORDS, COMPENSATION, EMPLOYEE BENEFITS, LEAVE OF ABSENCE, SAFETY AND CITY PROPERTY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCE OF THE CITY OF ROCKWALL IN CHAPTER 15 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATION, ARTICLE IV PEDDLERS, SOLICITORS AND ITINERANT VENDORS, SEC. 15-82 APPLICATION, FEE ISSUANCE; TERM; RENEWAL TO PROVIDE FOR ADDITIONAL REQUIREMENTS; 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.

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

Councilmember Cotti made a motion to approve Consent Agenda item 3a and Councilmember Raulston seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [King], and 1 absent [Cecil].

#### 4. APPOINTMENTS

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

Planning and Zoning Commission Chairman Philip Herbst addressed the Council and discussed the Commission's actions regarding the items on tonight's agenda.

#### 5. PUBLIC HEARING ITEMS

- a. **P2004-026** -- Hold a public hearing and consider approval of a request from Dub Douphrate for a residential replat of the 45.319-acre, 96-lot Stoney Hollow Addition, zoned (SF-16) Single Family Residential and located along the south side of FM 552 east of Windy Lane and take any action necessary.

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

Dub Douphrate, applicant  
Mr. Douphrate requested approval of his request.

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

Councilmember McCallum made a motion to approve the request with Staff recommendations and Councilmember Straughan seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Cecil].

- b. **Z2004-022** -- Hold a public hearing and consider approval of an **Ordinance** for a request by Craig Merritt of Merritt Custom Homes for a Specific Use Permit (SUP) allowing for an accessory building exceeding the maximum height requirement of 15-feet on a 1.5-acre tract known as Lot 9, Block C, The Oaks of Buffalo Way Addition and located at 5135 Bear Claw Lane. The subject property is zoned (SF-E/1.5) Single Family Estate district. Take any action necessary. **(1<sup>st</sup> Reading)**

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

101  
102 Craig Merritt, applicant

103 Mr. Merritt requested approval and stated that the accessory building  
104 would have the same pitch as the house  
105

106 There being no one further to address the Council, Mayor Jones closed the public  
107 hearing.  
108

109 Councilmember McCallum made a motion to approve the request with Staff  
110 recommendations and Councilmember Straughan seconded the motion. The ordinance  
111 was read as follows:

112  
113 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
114 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS  
115 PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT FOR AN ACCESSORY  
116 BUILDING EXCEEDING THE MAXIMUM PERMITTED HEIGHT WITHIN THE (SF-E/1.5) SINGLE-  
117 FAMILY ESTATE DISTRICT, ON A TRACT LOCATED AT 5135 BEAR CLAW LANE (LOT 9,  
118 BLOCK C, THE OAKS OF BUFFALO WAY); PROVIDING FOR SPECIAL CONDITIONS;  
119 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
120 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE;  
121 PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.  
122

123 The motion passed by a vote of 6 ayes and 1 absent [Cecil].  
124

- 125 c. **Z2004-023** -- Hold a public hearing and consider approval of an  
126 **Ordinance** for a request by Rhonda Davis of Bon Appetit for approval of  
127 a Specific Use Permit (SUP) allowing for a restaurant less than 2,000-sf  
128 in area within Planned Development No. 50 district, specifically on Lot 8,  
129 Barnes Addition which is addressed as 804 N. Goliad and take any action  
130 necessary. (1<sup>st</sup> Reading)

131 Robert LaCroix discussed the background of the request by Rhonda Davis for a SUP in  
132 the RO District. LaCroix advised that this property is also within the Historic District, but  
133 is a non-contributing property. If the Council approves the land use tonight, this matter  
134 will have to go before the Historic Preservation Advisory Board and the Planning and  
135 Zoning Commission for approval of the final plans. The SUP will expire in one year if the  
136 property has not been used as a restaurant and if the business use ends for over six  
137 months. The hours of operation will be 7:00 a.m. to 9:00 p.m.  
138

139 Mayor Jones opened the public hearing and the following persons came forward to  
140 address the Council:

141  
142 Rhonda Davis, applicant

143 Ms. Davis stated that it will be a quaint restaurant with good food. It will be  
144 old fashion, nicely decorated, with a relaxed atmosphere.  
145

146 There being no one further to address the Council, Mayor Jones closed the public  
147 hearing.  
148

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

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

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

- d. **Z2004-024** -- Hold a public hearing and consider approval of an **Ordinance** for a request by Rob Whittle of Mariah Bay Development for a change in zoning from (Ag) Agricultural district to (C) Commercial district on an 18.99-acre tract known as Tract 1-1, Abstract 80, W.W. Ford Survey, located at the northeast corner of FM 3097 and FM 549 and take any action necessary. **(1st Reading)**

Robert LaCroix discussed the background of the request and stated that the Planning and Zoning Commission recommended that the zoning become a planned development with the underlying zoning as commercial. Because of the opposition received, LaCroix advised that approval by the Council would take a  $\frac{3}{4}$  vote.

Councilmember McCallum asked about water and sewer service to the property. Chuck Todd, City Engineer, advised that the proposed bank would be served by the Heath sewer system and the RCH water system. McCallum stated that now was the time to develop the water and sewer services for the entire annexed area. Julie Couch, City Manager, stated that we are currently looking at all of the issues, but that all is being asked tonight is that the Council approve the zoning for the property. McCallum stated that he supports the zoning change to commercial for this corner, but that he could not support approval tonight without a solution for the entire area that reflects the commitments that were made to citizens during the annexation proceedings.

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

Rob Whittle, Applicant

Mr. Whittle stated that the Baylor medical center, which is located across the street from the property, is 96% occupied and is not yet completed. This property development will be an incredible opportunity for retail/business in the City.

Councilmember Straughan stated that Planning and Zoning did an excellent job of putting the PD together and asked Whittle if he had a problem with. Whittle stated that he did not, that development needed to be controlled. Straughan stated that is what he wanted to hear from a developer.

199  
200 **Bill Morton**

201 **2248 Wallace Lane**

202 **Mr. Morton stated that they would rather not have the development in the**  
203 **area. The traffic is horrible in the area.**  
204

205 **There being no one further to address the Council, Mayor Jones closed the public**  
206 **hearing.**  
207

208 **Councilmember McCallum stated that he did not believe that the City has adequately**  
209 **addressed the water/sewer issues and that he could not support the request.**  
210

211 **Councilmember Cotti stated that prior to annexation that Whittle could have done**  
212 **anything he wanted to the property. Cotti stated that we are not going to get better**  
213 **development than what is proposed here and made a motion to approve the request.**  
214

215 **Councilmember Raulston asked if they could table the matter until they could find out**  
216 **what the City is going to do about the water/sewer issues.**  
217

218 **Councilmember Cotti stated that this request deals only with the zoning of the property.**  
219 **The Preliminary Plat is the vehicle where these issues are addressed. Julie Couch stated**  
220 **that when the property comes before the Council for platting would be the time to talk**  
221 **about the water/sewer issues and that this request is for land use only.**  
222

223 **Rob Whittle came forward and stated that the zoning at any major intersection will be**  
224 **commercial. If you don't know what the zoning is, you can't determine what the water**  
225 **usage will be. This is the catalyst to bring water/sewer to the area. Whittle stated that**  
226 **this development will diversify the tax base and that they have agreed to bring the trail**  
227 **system up to FM549.**  
228

229 **Councilmember King stated that is not concerned about Whittle's capabilities, but that he**  
230 **has grave concerns about the City's ability to provide the utilities, however, he will**  
231 **second Cotti's motion.**  
232

233 **Councilmember McCallum stated that he understood that there are separate parts, but he**  
234 **believes the Council needs to look at it holistically, that they made commitments to the**  
235 **new citizens. McCallum stated that we need Whittle's development, but his first**  
236 **commitment is to the taxpayers and he would vote no tonight.**  
237

238 **Julie Couch stated that at this time they are only approving zoning. She would**  
239 **recommend that if there is confusion they continue the public hearing. Councilmember**  
240 **Cotti reminded everyone that the Mayor had closed the public hearing and asked City**  
241 **Attorney Pete Eckert for a reading on this matter. City Attorney Pete Eckert advised that**  
242 **the public hearing could not be continued but that the matter could be tabled if**  
243 **Councilmembers Cotti and King would withdraw their motion and second.**  
244 **Councilmember Cotti withdrew his motion and Councilmember King withdrew his**  
245 **second.**  
246

247 **Councilmember Cotti then made a motion to table the matter until the next meeting and**  
248 **instructed the Staff to provide the information requested by Councilmember McCallum**

249 regarding water and sewer services to the area. Councilmember King seconded the  
250 motion and the motion passed by a vote of 6 ayes and 1 absent [Cecil].  
251

- 252 e. **Z2004-025** -- Hold a public hearing and consider approval of an  
253 **Ordinance** for a city-initiated request for a change in zoning from (HwyC)  
254 Highway Commercial district and (LI) Light Industrial district to (C)  
255 Commercial district on approximately 52.12-acres described as Tract 22-  
256 1 and a portion of Tract 22, Abstract 120, R.B. Irvine Survey, and located  
257 at the southeast corner of I-30 and FM 549 and take any action  
258 necessary. (1<sup>st</sup> Reading)

259 Robert LaCroix discussed the background of the request and advised the Council that  
260 Mr. Jowers' parcel had been withdrawn from the request and would be re-advertised and  
261 would come before the Council during the next Planning and Zoning cycle. The  
262 remainder of the property will be zoned Commercial District.  
263

264 Mayor Jones opened the public hearing and the following persons came forward to  
265 address the Council:  
266

267 Rob Whittle, Applicant

268 Mr. Whittle requested approval and advised the Council that there is a bank  
269 trying to buy the corner parcel.  
270

271 There being no one further to address the Council, Mayor Jones closed the public  
272 hearing.  
273

274 Councilmember Raulston made a motion to approve the request with Staff and Planning  
275 and Zoning Commission recommendations and Councilmember Cotti seconded the  
276 motion. The ordinance was read as follows:  
277

278 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
279 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AS  
280 HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM (HC) HIGHWAY  
281 COMMERCIAL DISTRICT AND (LI) LIGHT INDUSTRIAL DISTRICT TO (C) COMMERCIAL  
282 DISTRICT ON AN 47.67-ACRE TRACT KNOWN AS A PORTION OF TRACT 22, ABSTRACT  
283 120, R.B. IRVINE SURVEY AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"  
284 ATTACHED HERETO; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A  
285 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR  
286 EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
287 CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.  
288

289 The motion passed by a vote of 6 ayes and 1 absent [Cecil].  
290

## 291 6. SITE PLANS/PLATS 292

- 293 a. **P2004-031** -- Discuss and consider a request by Marc Bentley of Bentley  
294 Engineering for approval of a preliminary plat of the State Highway 276  
295 Self Storage Addition, being an 8.8147-acre tract zoned (LI) Light  
296 Industrial District and (PD-46) Planned Development No. 46 District,  
297 located along the north side of SH 276 east of FM 549 and take any  
298 action necessary.

Robert LaCroix discussed the background of the request and advised the Council that the owner of the property, Mr. Houser, was in attendance. LaCroix advised that Mr. Houser is requesting a variance for the street escrow amount since there is no development along Springer Road. LaCroix advised that the Planning and Zoning Commission had approved the request. Chuck Todd advised that Mr. Houser would need to enter into a facilities agreement for the payment of the pro rata when Springer Road is developed. Julie Couch advised that we have done this in the past.

Gerald Houser, Applicant, came forward and addressed the Council. Houser advised that the request for the variance was purely economical at this time.

Councilmember Raulston made a motion to approve the request with Staff and Planning and Zoning recommendations and requiring a facilities agreement for the payment of the pro rata cost of Springer Road when it is developed in the future. Councilmember McCallum seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [Cecil].

- b. **P2004-030** -- Discuss and consider a request by Jody Edwards for approval of a final plat of Lot 1, Block A, Edwards Acres Addition, being a 10.106-acre tract zoned (Ag) Agricultural district and located along the north side of FM 549 east of SH 205 and take any action necessary.

Robert LaCroix discussed the background of the request by Mr. Edwards for approval of the final plat and the installation of a septic system at the location. There is no sewer available in the area and is currently served by Blackland Water. LaCroix advised that soil conservation easements will need to be noted on the final plat.

Mr. Jody Edwards came forward and requested approval.

Councilmember McCallum asked what the status was of the purchase of the water rights from Blackland. Julie Couch advised that we are currently working on areas that have more development.

Councilmember Raulston made a motion to approve the request with Staff and Planning and Zoning recommendations and notation that it must be an aerobic system – not just a plain septic system. Councilmember McCallum seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [Cecil].

- c. **P2004-028** -- Discuss and consider a request by Rob Whittle of Mariah Bay Development for approval of a preliminary plat of the Alliance Addition, being an 18.99-acre tract located at the northeast corner of FM 3097 and FM 549, which is proposed to be zoned (C) Commercial district and currently described as Tract 1-1, Abstract 80, W.W. Ford Survey and take any action necessary.

Robert LaCroix advised that since the zoning on this tract had been tabled, that this matter should also be tabled. Councilmember Raulston made a motion that the request be tabled until the next meeting and Councilmember Cotti seconded the motion. Councilmember McCallum stated he wanted to reiterate that the Council needs to review the plans for bringing water and sewer to the area and asked Chuck Todd to bring information regarding the roads, stop lights, crosswalks and sidewalks. The motion passed by a vote of 6 ayes and 1 absent [Cecil].

- 349
- 350 d. **P2004-027** -- Discuss and consider a request by Rob Whittle of Mariah
- 351 Bay Development for approval of a preliminary plat of Heritage Square
- 352 Addition, being a 47.67-acre tract located at the southeast corner of
- 353 Interstate 30 and FM 549, which is proposed to be zoned (C) Commercial
- 354 district and currently described as a part of Tract 22, Abstract 120, R.B.
- 355 Irvine Survey and take any action necessary.

356 **Robert LaCroix discussed the background of the request and stated that there were**

357 **some right-of-way and access issues that were being worked out. Additionally, this**

358 **property falls within two separate overlay districts (I-30 and FM-549) and will have strict**

359 **standards for construction. LaCroix advised that the Planning and Zoning Commission**

360 **recommended approval of the request with the conditions listed in the packet.**

361

362 **Councilmember McCallum made a motion to approve the request with Staff**

363 **recommendations and Councilmember Raulston seconded the motion. The motion**

364 **passed by a vote of 6 ayes and 1 absent [Cecil].**

365

366 **7. ACTION ITEMS**

367

- 368 a. Consider approval of an **Ordinance** for a request by Rick Dirkse of
- 369 Heritage Christian Academy for approval of an amendment to (PD-27)
- 370 Planned Development No. 27, ~~specifically to remove the restriction of~~
- 371 ~~development as a retirement community and~~ to allow for recreational
- 372 uses in conjunction with a school on the 10.8-acre tract located along
- 373 Damascus Road southwest of SH 205 and known as Tract 31, Abstract
- 374 255, B.J.T. Lewis Survey and take any action necessary. **(2<sup>nd</sup> Reading)**

375 **Robert LaCroix discussed the background of the request and stated that it is strictly to**

376 **add recreational uses – the retirement community restriction is not being removed.**

377

378 **Councilmember Raulston made a motion to approve the request and Councilmember**

379 **Straughan seconded the request.**

380

381 **Rick Dirkse came forward to address the Council and asked them not to place the limit of**

382 **three years for the widening of Damascus. Councilmember Straughan withdrew his**

383 **second. Councilmember Cotti reminded the Council that we have not yet satisfactorily**

384 **addressed the issue of a secondary access to the properties for emergency vehicles and**

385 **stated that he could not support this request without solving the access problem.**

386 **Councilmember Raulston stated that he does not want to lose the access and would not**

387 **change his motion to remove the 36 month time frame. Councilmember McCallum**

388 **seconded the motion. Mayor Jones asked Fire Chief Mark Poindexter about emergency**

389 **access and Poindexter advised that there is only one access at this time and the second**

390 **access would be the connection to the Waterstone addition.**

391

392 **Harold Snyder, President of the Waterstone HOA, 1519 Murphy Drive, came forward to**

393 **address the Council. Mr. Snyder stated that the Council in the past had voted not to**

394 **open the access to Waterstone, that it would only be used as an emergency access.**

395

396 **The motion passed by a vote of 5 ayes, 1 nay [Cotti], and 1 absent [Cecil].**

- 397  
398           b.       Discuss Council retreat and take any action necessary.

399 **Julie Couch discussed the retreat and the following dates were agreed upon by the**  
400 **Council: Sunday/Monday, September 12-13, 2004 and Sunday/Monday, September 26-27,**  
401 **2004. Staff will locate a facility that can accommodate the City on those dates and will**  
402 **get back to the Council with the information.**

- 403  
404           c.       Update on mosquito abatement by Brad Griggs and take any action  
405                   necessary.

406 **Parks Director Brad Griggs discussed the mosquito abatement program as**  
407 **recommended by our Health Official, Dr. David Lensch. Spraying will start tonight**  
408 **between 2:00 a.m. and 5:00 a.m.**

- 409  
410           d.       Discuss and consider FM740 North lighting contract and take any action  
411                   necessary.

412 **Brad Griggs advised the Council that construction of the lighting will commence in mid-**  
413 **September and should be completed by December. The cost has been funded by the**  
414 **issuance of bonds. Councilmember Cotti made a motion to have Griggs move forward**  
415 **with the project and Councilmember McCallum seconded the motion. The motion**  
416 **passed by a vote of 6 ayes and 1 absent [Cecil].**

- 417  
418           e.       Discuss and consider maintenance standards and areas of design and  
419                   take any action necessary.

420 **Brad Griggs discussed the background of the necessity of maintenance standards and**  
421 **made recommendations for the standards. Councilmember McCallum asked if there**  
422 **would be a budgetary impact from the implementation of the standards and Griggs**  
423 **advised that there would not. Councilmember Straughan made a motion to approve the**  
424 **maintenance standards and Councilmember Cotti seconded the motion. The motion**  
425 **passed by a vote of 6 ayes and 1 absent [Cecil].**

- 426  
427           f.       Status update on development activity in the recently annexed areas.

428 **Robert LaCroix discussed the recent development activity in the annexed areas and**  
429 **showed pictures that documented the activity.**

430  
431 **There being no further business to come before the Council in regular session, Mayor**  
432 **Jones adjourned the meeting into Executive Session at 9:20 p.m.**

433  
434 **8.       HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.073, 551.074**  
435 **AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

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



- 444           d.       Consultation with attorney regarding pending litigation:  
445                   *Ashish Investments, Inc. d/b/a Super 8 Motel vs. City of Rockwall*  
446           e.       Deliberation regarding a prospective gift of property.

447

448   **9.       TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

449

450   **The Council instructed Staff to initiate feasibility studies regarding the relocation of the**  
451   **Reese House.**

452

453   **10.      ADJOURNMENT**

454

455   **There being no further business to come before the Council, Mayor Jones adjourned the**  
456   **meeting at 12:00 a.m.**

457

458

459

460   **ATTEST:**

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

461

462

463

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

465