

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

MINUTES
ROCKWALL CITY COUNCIL

Monday, January 03, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council member Mark Russo was absent from this portion of the meeting.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property including abandonment of a portion of right-of-way on Hilltop Drive and acquisition of land related to park facilities.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and regarding the Shores Golf Course Concession Agreement.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


See start of the public meeting below for actions taken as a result of Executive Session.

IV. ADJOURNMENT

Executive Session was adjourned at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 18th day of January, 2011.

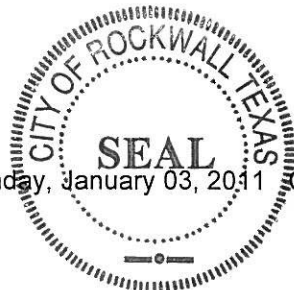
ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



47
48
49
50
51
52

**MINUTES
ROCKWALL CITY COUNCIL**

Monday, January 03, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

53 I. CALL TO ORDER

54 Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil, Mayor
55 Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, and
56 Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.
57 Council member Mark Russo was absent from this portion of the meeting.
58

59 Mayor Pro Tem Farris made a motion to approve a resolution to abandon a portion of the
60 right of way on Hilltop Road and to authorize the mayor to issue a quit claim deed to the
61 abutting property owner. Councilmember Scott seconded the motion, which passed by a
62 vote of 6 ayes with 1 absent (Russo).
63

64 II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM FARRIS

65
66 Mayor Pro Tem Farris delivered the invocation and led the Pledge of Allegiance.
67

68 III. OPEN FORUM

69
70 Mayor Cecil asked if there was anyone wishing to speak during this time. There being no
71 one to come forth and speak, Mayor Cecil then closed the open forum.
72

73 IV. CONSENT AGENDA

- 74
75 1. Consider approval of the minutes from the December 20, 2010 regular
76 City Council meeting and take any action necessary.
- 77 2. Consider approval of a resolution naming FM-3549 from the north side of
78 Interstate 30 right-of-way to FM-552 and take any action necessary.
- 79 3. Z2010-022 - Consider approval of an **ordinance** for a request by Randy
80 McCurdy for approval of a Specific Use Permit (SUP) to allow for a "Bail
81 Bond Service" within the (C) Commercial district, specifically within the
82 existing shopping center at 811 Yellow Jacket Lane, being Lot 1,
83 Rockwall Business Park Addition, and take any action necessary. **(2nd
84 Reading)**
- 85 4. Z2010-023 - Consider approval of an **ordinance** for a request by
86 Cameron Slown of Adams Engineering for approval of a Specific Use
87 Permit (SUP) to allow for a "Restaurant, 2000-sf or more, w/ Drive-Thru or
88 Drive-in" within (PD-70) Planned Development No. 70 district, specifically
89 for a proposed 4,790-sf McDonalds Restaurant to be located on a 1.05-
90 acre portion of Lot 6, Block A, Stone Creek Retail Addition, situated along
91 the east side of North Goliad (SH 205) north of Bordeaux Drive, and take
92 any action necessary. **(2nd Reading)**
93

94 Councilmember Scott made a motion to approve the entire consent agenda (items #1-4).
95 Mayor Pro Tem Farris seconded the motion. The ordinances were read as follows:
96
97

98 CITY OF ROCKWALL
99

100 ORDINANCE NO. 11-01
101

102 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
103 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
104 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
105 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "BAIL BOND SERVICE"
106 WITHIN THE (C) COMMERCIAL DISTRICT, SPECIFICALLY WITHIN THE
107 EXISTING SHOPPING CENTER LOCATED AT 811 YELLOWJACKET LN,
108 SUITE 113 AND KNOWN AS LOT 1, ROCKWALL BUSINESS PARK
109 ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
110 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
111 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
112 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
113 PROVIDING FOR AN EFFECTIVE DATE.
114

115 CITY OF ROCKWALL
116

117 ORDINANCE NO. 11-02
118

119 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
120 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
121 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
122 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "RESTAURANT, 2000-SF
123 OR MORE, W/ DRIVE-THRU OR DRIVE-IN" WITHIN (PD-70) PLANNED
124 DEVELOPMENT NO. 70 DISTRICT, ON A 1.05-ACRE TRACT OF LAND
125 KNOWN AS PART OF LOT 6, BLOCK A, STONE CREEK RETAIL
126 ADDITION, AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A";
127 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
128 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
129 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
130 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
131 EFFECTIVE DATE.
132

133 The motion passed by a vote of 6 ayes with 1 absent (Russo).
134

135 V. APPOINTMENTS
136

- 137 1. Appointment with Omega Hawkins, General Manager of Kaufman Area
138 Rural Transportation, to give an annual report and to request funding for
139 the 2010-2011 budget year, and take any action necessary.

140 Omega Hawkins came forth and provided comments related to ridership and other
141 statistical information relative to the last budget year. She also indicated that KART is
142 changing its name to STAR transit and will be marking their new electric / gas buses with
143 stars and with the organization's new name. She indicated that the organization's hours
144 have been expanded to 6:00 a.m. thru 6:00 p.m. She indicated that ridership in Rockwall
145 County has generally been increasing.
146

147 Mayor Pro Tem Farris provided brief comments, thanking Ms. Hawkins for the services
48 her organization provides to members of the Rockwall community.

49
150 Councilmember Sweet asked for clarifying comments related to how many actual riders
151 utilized the bus services last year. Ms. Hawkins said she would get back to the council
152 with this information. Councilmember Sweet generally indicated concern that the KART
153 board had recently asked the Rockwall City Council to submit a nomination to be
154 considered to serve on the organization's board, which was recently expanded from
155 three board members to five. He expressed that he is generally dissatisfied that the
156 recommendation submitted by the Rockwall City Council to have one city council
157 member serve on the board was denied. He indicated that the commissioner that was
158 chosen instead to serve is no doubt very capable and will surely be a good board
159 member; however, he wishes there had also been a city representative appointed to
160 serve on the STAR board. General discussion then took place related to providing rides
161 to Rockwall residents who would like to visit a municipal facility such as city hall, The
162 Center, or the police / courts building. Additional discussion then took place related to
163 scheduling, ridership, the new hybrid buses and funding.

164
165 Councilmember Nielsen made a motion to authorize the City of Rockwall to contribute
166 \$20,000 for STAR Transit expenses this budget year. Mayor Pro Tem Farris seconded the
167 motion. Mayor Cecil then generally expressed that he was very surprised and
168 dissatisfied with the recent nomination to the board and the subsequent denial of that
169 nomination when the new board members were ultimately chosen.

170
171 The motion passed by a vote of 5 ayes, 1 nay (Sweet) and one absent (Russo).

172
173 **VI. ACTION ITEMS**

- 174
175 1. Discuss and consider alternatives for solid waste and recyclables
176 collection programs and take any action necessary.

177 Finance Director Mary Smith who oversees the city's solid waste contract, offered brief
178 introductory comments related to this item. Reid Donaldson with Republic / Allied Waste
179 then came forth and provided a presentation to the City Council relative to a proposed
180 polycart and recycling program within the City of Rockwall, including a transition from
181 twice per week garbage pick up and once per week recycling pick up to once per week
182 garbage pick up and every other week recycling pick up services. Mr. Donaldson briefed
183 the council on the advantages and disadvantages of the proposed program, including
184 the cost per month to each resident. He indicated that if the council approves moving
185 forward with this new program and the associated changes, the estimated start date for
186 the new program would be May 1, 2011. General discussion took place related to the
187 anticipated increase in recycling within the city under this proposed program.

188 Mayor Pro Tem Farris then made a motion to direct staff to work with Allied Waste to
189 develop a firm plan of action for moving forward with this new program. Councilmember
190 Scott asked members of the council's environmental subcommittee to comment on their
191 thoughts related to this program. Councilmember Sevier offered a second to the motion.
192 As a member of the subcommittee in question, Sevier then offered comments clarifying
193 his thoughts associated with this new, proposed recycling program. He generally
194 indicated that he and other members of the committee view this program as a good way
195 to encourage residents to recycle and increase recycling overall. City Manager Julie

196 Couch pointed out to the Council that this program includes a change from twice per
197 week pick up to once per week pick up but it is adds on the recycling polycart.

198 Councilmember Russo arrived to the meeting at this point during the discussion (7:12
199 p.m.).

200 Councilmember Sweet generally indicated that he is not in support of the motion on the
201 floor because he views the program as an increase in cost to the resident yet a decrease
202 in service.

203 After additional discussion, the motion passed by a vote of 5 ayes with 1 against (Sweet)
204 and 1 abstention (Russo).

205

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

208

- 209 1. Departmental Reports
210 Building Inspections Monthly Report - November 2010
211 Finance Department Monthly Report - November 2010
212 Fire Department Monthly Reports - November 2010
213 Internal Operations Department Monthly Report - November 2010
214 Police Department Monthly Report - November 2010
215 Recreation Monthly Report - November 2010
216 Harbor PD Monthly Report - November 2010

217 2. City Manager's Report

218

219 **The Council had no comments or questions related to these reports.**

220

221 **VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
222 **GOVERNMENT CODE TO DISCUSS:**

223

224 1. Deliberation regarding the purchase, exchange, lease, or value of real
225 property including abandonment of a portion of right-of-way on Hilltop
226 Drive and acquisition of land related to park facilities.

227 2. Personnel Issues, including Board, Commission, and Committee
228 Appointments, and Related Matters.

229 3. Commercial or financial information regarding business prospects that the
230 City seeks to have locate, stay, or expand in or near the territory of the
231 City of Rockwall and with which the Board is conducting economic
232 development negotiations.

233 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
234 with attorney with regard to a matter that it is the duty of the attorney to
235 consult with the Council pursuant to the Attorney Client Privilege under
236 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
237 Texas and regarding the Shores Golf Course Concession Agreement.

238 **IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

239

240 **The Council did not reconvene into Executive Session after the public meeting.**
241 **Therefore, no further actions were taken as a result of Executive Session.**

242
243
244
245
246
247
248
249
250
251
252
253
254
255

X. ADJOURNMENT

The public meeting was adjourned at 7:18 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 18th day of January, 2011.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

MINUTES
ROCKWALL CITY COUNCIL

Tuesday, January 18, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Cecil and Council Members David Sweet, Matt Scott, Margo Nielsen, and Mark Russo. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Pro Tem Glen Farris and Councilmember Cliff Sevier were absent from the meeting. Mayor Cecil immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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 including project agreement with Rockwall Economic Development Corporation regarding PD-32.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

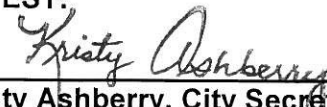
See start of public meeting below for actions taken as a result of Executive Session.

IV. ADJOURNMENT

Executive Session was adjourned at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 7th day of February, 2011.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Tuesday, January 18, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Councilmember Sweet made a motion to instruct staff to move forward with executing a project agreement with the Rockwall Economic Development Corporation regarding PD-32. Councilmember Scott seconded the motion, which passed by a vote of 5 ayes with 2 absent (Farris, Sevier).

Councilmember Sweet made a motion to appoint Janice Johnson to the Historic Preservation Advisory Board to fill a vacancy left by Joe Barnes, with an initial term to expire in August of 2011. Mayor Cecil seconded the motion, which passed by a vote of 5 ayes with 2 absent (Farris, Sevier).

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SWEET

Councilmember Sweet delivered the invocation and led the Pledge of Allegiance.

Mayor Cecil made a motion to table Appointment item #2. Councilmember Scott seconded the motion, which passed by a vote of 5 ayes with 2 absent (Farris, Sevier).

Mayor Cecil made a motion to continue Public Hearing Item #1 (Z2010-021) until the March 21, 2011 City Council meeting. Councilmember Scott seconded the motion, which passed by a vote of 5 ayes with 2 absent (Farris, Sevier).

Regarding Action Item #1, Mayor Cecil made a motion to table this item until the next regular council meeting. Councilmember Scott seconded the motion, which passed by a vote of 5 ayes with 2 absent (Farris, Sevier).

III. CONSENT AGENDA

1. Consider approval of the minutes from the January 3, 2011 regular City Council meeting and take any action necessary.
2. Consider authorizing payment to Atmos Energy for the relocation of the gas regulator station on Airport Road and take any action necessary.
3. Consider award of the construction contract for the IH-30 Water Line Relocation Project and take any action necessary.
4. Consider approval of a resolution suspending the February 14, 2011 effective date of Oncor Electric Delivery's requested rate increase and take any action necessary.
5. Consider approval of a contract with STAR Transit for transportation services in Rockwall and take any action necessary.
6. Consider approval of a facilities agreement between the City of Rockwall and David Smith relative to the current and future dedication and

94 construction of access easements on his property located at 702 North
95 Goliad, and take any action necessary.

96
97 **Councilmember Nielsen pulled item #6 for discussion. Councilmember Russo pulled**
98 **item #1 for discussion. Councilmember Sweet pulled items #4 and #5 for discussion.**

99
100 **Councilmember Scott made a motion to approve Consent Agenda items #2 and #3.**
101 **Councilmember Sweet seconded the motion, which passed by a vote of 5 ayes with 2**
102 **absent (Farris, Sevier).**

103
104 **Regarding item #1, Russo indicated he will abstain from this item due to his being absent**
105 **from this particular council meeting. Mayor Cecil then made a motion to approve**
106 **Consent Agenda #1, and Councilmember Sweet seconded the motion. The motion**
107 **passed by a vote of 4 ayes, 1 abstention (Russo) and 2 absent (Farris, Sevier).**

108
109 **Regarding Consent Agenda item #4, Councilmember Sweet asked for clarification from**
110 **staff. City Manager Julie Couch offered brief background information related to this item**
111 **to clarify the issue and associated resolution for council. Councilmember Sweet then**
112 **made a motion to approve Consent Agenda item #4. Councilmember Russo seconded**
113 **the motion, which passed by a vote of 5 ayes with 2 absent (Farris, Sevier).**

114
115 **Regarding Consent Agenda item #5, Sweet indicated he did not support this item last**
116 **time the issue arose, and he will not support it this evening either. Councilmember**
117 **Nielsen made a motion to approve Consent Agenda item #5. Mayor Cecil seconded the**
118 **motion, which passed by a vote of 3 ayes with 2 against (Russo, Sweet) and 2 absent**
119 **(Farris, Sevier).**

120
121 **Regarding Consent agenda item #6, Councilmember Nielsen asked staff for clarification.**
122 **Planning Director Robert LaCroix then offered background information relative to this**
123 **item. Councilmember Nielsen then made a motion to approve Consent Agenda item #6.**
124 **Councilmember Scott seconded the motion, which passed by a vote of 5 ayes with 2**
125 **absent (Farris, Sevier).**

126
127 **Mayor Cecil then addressed Action Item #2 on the agenda.**

128
129 **IV. APPOINTMENTS**

- 130
131 **1. Appointment with the Planning and Zoning Chairman to discuss and**
132 **answer any questions regarding cases on the agenda and related issues**
133 **and take any action necessary.**

134 **Chairman of the Planning & Zoning Commission, Phillip Herbst, came forth and offered**
135 **brief comments to the council related to recommendations of the Commission relative to**
136 **items on tonight's council agenda.**

137
138 **No formal action was taken related to this item.**

139
140 **Public Hearing item #2 was then addressed by the Council. Councilmember Scott left the**
141 **meeting at this time (6:35 p.m.)**

- 143 2. Appointment with Jerry Archer of Archer Car Care to discuss a potential
144 amendment to the Unified Development Code to allow for minor
145 automotive repair within the (DT) Downtown district, and take any action
146 necessary.

147 **This item was tabled until the next regularly scheduled council meeting (see start of**
148 **public meeting above for specific action taken).**

149
150 **V. PUBLIC HEARING ITEMS**

- 151
152 1. Z2010-021 - Continue a public hearing and consider approval of an
153 **ordinance** for a request by D. W. Bobst of JBR2, LLC for approval of a
154 zoning change from (Ag) Agricultural district to (C) Commercial district on
155 a 7.32-acre property known as Tract 17-12, Abstract 80, W. W. Ford
156 Survey and located at 5133 S FM 549, and take any action necessary.
157 **(1st Reading)**

158 **This item was continued until the March 21, 2011 City Council meeting (see start of**
159 **public meeting above for specific action taken).**

- 160
161 2. Z2010-024 - Hold a public hearing and consider approval of an
162 **ordinance** for a request by Darby Burkey of Rockwall Flower & Design
163 for approval of a Specific Use Permit (SUP) to allow for a "General Retail
164 Store" within (PD-53) Planned Development No. 53 district, specifically at
165 1014 Ridge Road being Lot 2, Block A, Rock Ridge Office Park Addition,
166 and take any action necessary. **(1st Reading)**

167 **Planning Director Robert LaCroix provided brief background information related to this**
168 **item. He generally indicated that Ms. Burkey would like to relocate her business to this**
169 **location, and an SUP is required. LaCroix indicated that this business does not generate**
170 **a lot of foot traffic because most of her business is conducted via the internet and a large**
171 **number of her customers make an appointment with her before coming into her store to**
172 **conduct business. Notices were sent out to adjacent property owners within 200 feet.**
173 **Four notices were received back in favor, and none were received back in opposition.**
174 **LaCroix indicated that this SUP would limit the business operation to a 'flower shop'**
175 **only. If another type of business would like to occupy the space in the future, an**
176 **alternate SUP would be required at that time.**

177
178 **Darby Burkey**
179 **2585 Desert Falls Lane**
180 **Rockwall, TX 75087**

181
182 **Mrs. Burkey came forth and indicated that this business has been in the Rockwall**
183 **Community since the late 1930s. She feels as though any concerns that were presented**
184 **informally by adjacent residents have all been favorably addressed.**

185
186 **Mayor Cecil then opened the public hearing.**

187
188 **R.D. Vanderslice**
189 **1408 S. Lakeshore Drive**
190 **Rockwall, TX 75087**

191
192 Mr. Vanderslice indicated that he is the owner of the property that Mrs. Burkey is wishing
193 to occupy at this time. He stated that the entire property has been remodeled and that
194 new landscaping and a sprinkler system will be installed in the next six weeks. He urged
195 the Council to allow Ms. Burkey to occupy this space by granting her the requested SUP.
196

197 There being no one else to come forth and speak, Mayor Cecil then closed the public
198 hearing.
199

200 Councilmember Russo then made a motion to approve the ordinance for Z2010-024 as
201 recommended by staff. Councilmember Nielsen seconded the motion. The ordinance
202 was read as follows:
203

204 CITY OF ROCKWALL
205 ORDINANCE NO. 11-04
206

207 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
208 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
209 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
210 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING
211 FOR A GENERAL RETAIL STORE, SPECIFICALLY A FLOWER
212 SHOP, WITHIN (PD-53) PLANNED DEVELOPMENT NO. 53 DISTRICT,
213 ON A TRACT OF LAND KNOWN AS LOT 2, BLOCK A, ROCK RIDGE
214 OFFICE PARK ADDITION AND LOCATED AT 1014 RIDGE ROAD;
215 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
216 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
217 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
218 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
219 PROVIDING FOR AN EFFECTIVE DATE.
220

221 The motion passed by a vote of 4 ayes and 3 absent (Farris, Scott, Sevier).
222

- 223 3. Z2010-025 - Hold a public hearing and consider approval of an
224 ordinance for a request by Jonathan Wakefield of Christian Brothers
225 Automotive Corporation for approval of a Specific Use Permit (SUP) to
226 allow for "Automotive Repair, Minor" within the (C) Commercial District,
227 specifically on a 0.70-acre tract within the proposed Rockwall Market
228 Center South Addition, which is currently described as Tract 12-2,
229 Abstract 64, E. P. G. Chisum Survey and situated along the north side of
230 Ralph Hall Pkwy east of Market Center Blvd, and take any action
231 necessary. (1st Reading)

232 Planning Director Robert LaCroix provided brief background information related to this
233 item, indicating that Christian Brothers is making a third attempt at locating a business
234 within the City of Rockwall. He indicated that this site location is immediately adjacent to
235 the existing Home Depot location in town. He indicated that an administrative, routine
236 site plan process is expected to follow if Council approves this ordinance and associated
237 SUP. He stated that this is anticipated to be a minor automotive repair business with no
238 outside storage and no overnight storage of vehicles outside of the business. He stated
239 that Ralph Hall parkway and a fence will act as a buffer to the residential neighborhood
240 located across the street from this location. He pointed out that other, similar uses have
241 been approved by council in this general area in the past. Notices were sent out to
242 adjacent property owners within 200 feet. Two notices in favor of this SUP have been

243 received back by staff at this time. The Planning & Zoning Commission did recommend
244 approval of this item by a vote of 6 in favor with 0 against.

245
246 The applicant, Lew Ten Have, Chief Operating Officer for Christian Brothers, then came
247 forth to speak to the Council related to this item. He offered brief comments urging the
248 council to act favorably by approving this ordinance and associated SUP this evening.
249 He generally indicated that Christian Brothers offers high quality, higher class
250 automotive repair operations. He indicated that all requirements of Planning & Zoning
251 have been met by Christian Brothers at this point in the process.

252
253 Mayor Cecil then opened the public hearing.

254
255 **Marlyn Roberts**
256 **323 Julian Drive**
257 **Rockwall, Texas**

258
259 Mr. Roberts came forth and expressed concern that he believes the ordinance stipulates
260 that no vehicles should be stored overnight within the nine bays. Planning Director
261 LaCroix and Mayor Cecil offered clarification indicating that the ordinance before Council
262 this evening stipulates that no outside storage will be allowed. It does not apply to
263 inside storage.

264
265 **Jim Mira**
266 **3515 Cedar Springs Road**
267 **Suite 101**
268 **Dallas, TX 75201**

269
270 Mr. Mira stated that he is representing the owner, Jack W. Schueler. He generally
271 encouraged council to please approve this item.

272
273 There being no one else to come forth and speak, Mayor Cecil then closed the public
274 hearing. Mayor Cecil made a motion to approve this item (Z2010-025) including
275 recommendations of staff. Councilmember Russo seconded the motion. The ordinance
276 was read as follows:

277 **CITY OF ROCKWALL**
278 **ORDINANCE NO. 11-05**

279
280 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
281 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
282 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
283 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN "AUTO REPAIR
284 GARAGE, MINOR" WITHIN THE (C) COMMERCIAL DISTRICT, ON A 0.7-
285 ACRE TRACT OF LAND KNOWN AS PART OF TRACT 12-2, ABSTRACT
286 64, E.P.G. CHISUM SURVEY, AND MORE SPECIFICALLY SHOWN IN
287 EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR
288 A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
289 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
290 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
291 PROVIDING FOR AN EFFECTIVE DATE.

292
293 The motion passed by a vote of 4 ayes with 3 absent (Farris, Sevier and Scott).

295 **Action Item #5 was then addressed by Council.**

296

297 **VI. ACTION ITEMS**

298

- 299 1. Discuss and consider event advertising opportunities, and take any action
300 necessary.

301 **This item was tabled until the next regularly scheduled council meeting (see start of**
302 **public meeting for specific action taken).**

- 303 2. Discuss and consider an **ordinance** amending Chapter 15 Licenses,
304 Permits and Miscellaneous Business Regulations, Article IV Peddlers,
305 Solicitors, and Itinerant Vendors to prohibit solicitation and panhandling,
306 and take any action necessary.**(1st Reading)**

307 **Councilmember Scott began discussion of this item, indicating that he requested that**
308 **this item be placed on the agenda for consideration this evening. He indicated that this**
309 **ordinance is borrowed, in part, from the City of Dallas ordinance related to panhandling.**
310 **He generally indicated that he would like to discourage these types of activities within**
311 **the city, as it can be dangerous for those who are panhandling and it can also lead to**
312 **traffic backing up at intersections. Scott asked city attorney, Pete Eckert, if Dallas has**
313 **been challenged at all on its ordinance. Mr. Eckert indicated that he is unaware of**
314 **anyone challenging Dallas' ordinance at this time. Mr. Eckert asked the Council, if it**
315 **approves this ordinance on 1st reading this evening, to include a caveat that a provision**
316 **be added upon 2nd reading that would allow non-profit organizations to be exempt from**
317 **these provisions.**

318

319 **Councilmember Sweet indicated that he has heard from several residents who feel**
320 **unsafe in relation to panhandlers soliciting at intersections within the city. He further**
321 **indicated that there are organizations that exist and are willing to help vagrants and / or**
322 **those in our community who have fallen on hard economic times and are in need of**
323 **assistance.**

324

325 **Councilmember Russo encouraged staff to clarify the definition and regulations**
326 **associated with the "no dozing or sleeping in public places" regulations within this**
327 **ordinance. He encouraged staff to revisit this provision and clarify this portion by**
328 **adding a timeframe / time limit.**

329

330 **Councilmember Scott made a motion to approve the ordinance with the understanding**
331 **that a section be added to exempt non-profit organization from the solicitation portion of**
332 **the ordinance. Mayor Cecil seconded the motion.**

333

334 **Councilmember Sweet asked the city attorney to revisit the definitions associated with**
335 **dozing or sleeping in public places.**

336

337 **Councilmember Nielsen asked Police Chief Mark Moeller for clarification related to the**
338 **penalty provisions included in this ordinance. Nielsen then asked Council to consider**
339 **postponing this ordinance until she and others have time to further evaluate the issues**
340 **and possibly make some adjustments to the wording before moving forward.**

341

342 **After brief discussion, Councilmember Scott withdrew his motion at the request of**
343 **Councilmember Nielsen and Russo. Mayor Cecil then withdrew his second.**

344
345 Councilmember Scott then made a motion to table this item until the next regularly
346 scheduled council meeting. Councilmember Sweet seconded the motion, which passed
347 by a vote of 5 ayes with 2 absent (Farris, Sevier).
348

349 Mayor Cecil then addressed Appointment Item #1 on the agenda.
350

- 351 3. Discuss and consider a recommendation from the Council Naming and
352 Awards Subcommittee and a Resolution related to FM-549 (North Service
353 Road of I-30, south to the SH-276 Intersection) and take any action
354 necessary.

355 Assistant to the City Manager, Joey Boyd, provided brief background information related
356 to this item. Councilmember Russo, a member of the Naming Subcommittee, spoke in
357 favor of naming of this portion of roadway "Corporate Crossing" at this time.
358 Councilmember Sweet also generally expressed support related to this proposed
359 naming.
360

361 Mayor Cecil made a motion to approve the recommendation of the Naming & Awards
362 Subcommittee and associated resolution as presented. Councilmember Nielsen
363 seconded the motion, which passed by a vote of 4 ayes with 3 absent (Farris, Scott,
364 Sevier).
365

- 366 4. Discuss and consider the 2010 Citizen Survey and take any action
367 necessary.

368 Councilmember Russo asked how much this survey will cost. Mr. Turco, survey
369 consultant, indicated that it will cost around \$18,000 - \$19,000. Russo indicated that he
370 would like to see an online survey conducted by utilizing water utility billing customer ID
371 numbers. He further indicated that he would like any printed surveys to be distributed
372 within customer utility bill statements. General discussion took place related to the
373 distribution list used to mail out surveys and ways that residents who are not included in
374 this distribution list could be reached and their responses could be included. More
375 detailed discussion took place related to the possibility of distributing the survey via the
376 water bills. Russo further suggested that a citizen committee could be utilized to
377 tabulate results.
378

379 Councilmember Sweet asked Councilmember Russo for clarification on his suggestions
380 relative to conducting and tabulating the citizen survey. He then asked staff for
381 clarification on sending out and tabulating the garbage survey via the water bills
382 compared to possibly mailing out and tabulating the citizen survey in this manner as
383 well.
384

385 Councilmember Nielsen indicated that the issue at hand represents a generational
386 difference between older residents and younger residents within the city. Mr. Turco
387 indicated that the City of Colleyville recently did both an online and a mail survey;
388 however, there was concern that duplication of responses may have been experienced
389 (that some may have filled out and turned in both the written survey as well as the online
390 survey). Nielsen indicated that this was a budget approved item this fiscal year and there
391 is money in this year's budget to conduct this mail survey as recommended by staff at
392 this time.
393

394 Councilmember Nielsen then made a motion to move forward with conducting the citizen
395 survey as recommended by staff. City Manager Couch asked for clarification related to
396 whether or not the council wishes to conduct a bilingual survey or not this year. Council
397 generally indicated that they do not wish to conduct it in both English and Spanish this
398 year in order to save on cost. Councilmember Sweet then seconded the motion. Both
399 Councilmember Sweet and Mayor Cecil thanked Councilmember Russo for his
400 comments and thoughts and generally indicated that these issues may need to be
401 evaluated further prior to future surveys being conducted.
402

403 The motion passed by a vote of 4 ayes with 3 absent (Farris, Sweet, Sevier).
404

405 The public meeting was then adjourned (at 7:47 p.m.).
406

407 5. Consider approval of a development agreement that has been offered by
408 the City, in accordance with Chapters 43 and 212 of the Texas Local
409 Government Code, and accepted by the property owner of a 20.74-acre
410 tract known as Tract 22, Abstract 72, W. M. Dalton Survey, and take any
411 action necessary.

412 Planning Director LaCroix indicated that this agreement is the one Council requested be
413 presented for consideration. Mr. Stevenson has signed the 212 agreement at this time.
414 Councilmember Nielsen made a motion to approve this 212 agreement as presented.
415 Councilmember Sweet seconded the motion, which passed by a vote of 4 ayes with 3
416 absent (Farris, Sevier, Scott).
417

418 Action item # 6 was then addressed by Council.
419

420 6. A2010-002 - Consider approval of an **ordinance** for a City-initiated
421 request to annex land in accordance with previously approved Chapter
422 212 Texas Local Government Code Development Agreements,
423 specifically for one (1) tract of land comprising approximately 37.844-
424 acres located along the south side of Clem Road east of FM 1141, and
425 contiguous to the existing City Limits line, and take any action necessary.
426 **(2nd Reading)**

427 Planning Director LaCroix indicated that staff recommends approval of the ordinance at
428 this time.

429 Councilmember Nielsen made a motion to approve the ordinance as presented. Mayor
430 Cecil then seconded the motion. The ordinance was read as follows:

431
432 CITY OF ROCKWALL, TEXAS
433 ORDINANCE NO. 11-03
434

435 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
436 ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF
437 CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS
438 AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF
439 37.844-ACRES OF LAND, WHICH SAID TERRITORY LIES
440 ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS
441 OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN
442 EFFECTIVE DATE.
443

444 The motion passed by a vote of 4 ayes with 3 absent (Farris, Sevier, Scott).

445 Action item #3 was then addressed by Council.

446

447 VII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
448 GOVERNMENT CODE TO DISCUSS:

449

450 1. Deliberation regarding the purchase, exchange, lease, or value of real
451 property.

452 2. Personnel Issues, including Board, Commission, and Committee
453 Appointments, and Related Matters.

454 3. Commercial or financial information regarding business prospects that the
455 City seeks to have locate, stay, or expand in or near the territory of the
456 City of Rockwall and with which the Board is conducting economic
457 development negotiations including project agreement with Rockwall
458 Economic Development Corporation regarding PD-32.

459 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
460 with attorney with regard to a matter that it is the duty of the attorney to
461 consult with the Council pursuant to the Attorney Client Privilege under
462 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
463 Texas.

464 VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

465

466 Council members did not reconvene back into Executive Session at the close of the
467 public meeting. Therefore, no action was taken as a result of end-of-meeting Executive
468 Session. (See the start of the public meeting above for actions taken as a result of pre-
469 meeting Executive Session).

470

471 IX. ADJOURNMENT

472

473 The meeting was adjourned at 7:47 p.m.

474

475

476 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

477 this 7th day of February, 2011.


478

479 ATTEST:


480

481

482



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



1
2
3
4
5
6

MINUTES
ROCKWALL CITY COUNCIL
Monday, February 07, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7
8

I. CALL TO ORDER

9 Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil, Mayor
10 Pro Tem Glen Farris and Councilmembers David Sweet, Matt Scott, Margo Nielsen, Mark
11 Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney
12 Pete Eckert. Mayor Cecil immediately recessed the public meeting into Executive
13 Session.

14
15
16

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

- 17
18
19
20
21
22
23
24
25
26
27
28
29
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
 2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
 3. 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.
 4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

30
31

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

32 See end-of-meeting Executive Session for action taken.

33
34
35

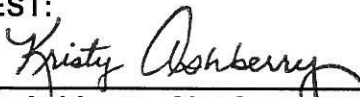
IV. ADJOURNMENT

36 Pre-meeting Executive Session was adjourned at 5:45 p.m.

37
38 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
39 this 21st day of February, 2011.

40
41
42
43
44

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, February 07, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

45
46
47
48
49
50
51 **I. CALL TO ORDER**

52
53 **Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil, Mayor**
54 **Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark**
55 **Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney**
56 **Pete Eckert.**

57
58 **II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SCOTT**

59
60 **Councilmember Sweet delivered the invocation and led the Pledge of Allegiance.**

61
62 **III. PROCLAMATIONS / AWARDS**

63
64 **1. Black History Month**

65
66 **Mayor Cecil read the proclamation for Black History Month.**

67
68 **IV. OPEN FORUM**

69
70 **Mayor Cecil explained how open forum is conducted and asked if anyone would like to**
71 **come forward and speak during this time.**

72
73 **Tom Markwell**
74 **144 Lynn Drive**
75 **Rockwall, TX**

76
77 **Mr. Markwell came forth and expressed concern related to the proposed rate increase**
78 **from Aqua Texas, his water provider.**

79
80 **There being no one else to come forth and speak, Mayor Cecil then closed Open Forum.**

81
82 **V. CONSENT AGENDA**

- 83
84 **1. Consider approval of the minutes from the January 18, 2011 regular City**
85 **Council meeting and take any action necessary.**
- 86 **2. Consider Park Board recommendations regarding 2011 youth sports**
87 **agreements, and take any action necessary.**
- 88 **3. Z2010-024 - Consider approval of an ordinance for a request by Darby**
89 **Burkey of Rockwall Flower & Design for approval of a Specific Use Permit**
90 **(SUP) to allow for a "General Retail Store" within (PD-53) Planned**
91 **Development No. 53 district, specifically at 1014 Ridge Road being Lot 2,**
92 **Block A, Rock Ridge Office Park Addition, and take any action necessary.**
93 **(2nd Reading)**

- 94 4. Z2010-025 - Consider approval of an **ordinance** for a request by
- 95 Jonathan Wakefield of Christian Brothers Automotive Corporation for
- 96 approval of a Specific Use Permit (SUP) to allow for "Automotive Repair,
- 97 Minor" within the (C) Commercial District, specifically on a 0.70-acre tract
- 98 within the proposed Rockwall Market Center South Addition, which is
- 99 currently described as Tract 12-2, Abstract 64, E. P. G. Chisum Survey
- 100 and situated along the north side of Ralph Hall Pkwy east of Market
- 101 Center Blvd, and take any action necessary. **(2nd Reading)**
- 102 5. Discuss and consider approval of the Official 2011 Zoning Map for the
- 103 city, and take any action necessary.
- 104 6. Consider an **ordinance** increasing the speed limit on SH-205 (Goliad),
- 105 between the DGNO railroad bridge and Boydston, to 40 MPH and take
- 106 any action necessary. **(1st reading)**
- 107 7. Consider the authorization of the payment to TXDOT for new roadway
- 108 signs on IH-30 for Corporate Crossing (old FM-549, IH-30 to SH-276),
- 109 and take any action necessary.
- 110 8. Consider the abandonment of a portion of a 30-foot utility easement at the
- 111 Wedding Chapel on Fannin, and take any action necessary.
- 112 9. Consider the abandonment of a portion of a sanitary sewer easement
- 113 located on the Cambridge Companies property, east of John King Blvd.,
- 114 and take any action necessary.

115 **Councilmember Farris pulled item #1. Councilmember Scott pulled items #2 and #4.**
 116 **Mayor Pro Tem Farris then made a motion to approve the remaining items. Mayor Cecil**
 117 **seconded the motion. The ordinances were read as follows:**

118
 119 **CITY OF ROCKWALL**

120
 121 **ORDINANCE NO. 11-04**

122
 123 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
 124 **ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT**
 125 **CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**
 126 **AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING**
 127 **FOR A GENERAL RETAIL STORE, SPECIFICALLY A FLOWER**
 128 **SHOP, WITHIN (PD-53) PLANNED DEVELOPMENT NO. 53 DISTRICT,**
 129 **ON A TRACT OF LAND KNOWN AS LOT 2, BLOCK A, ROCK RIDGE**
 130 **OFFICE PARK ADDITION AND LOCATED AT 1014 RIDGE ROAD;**
 131 **PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A**
 132 **PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND**
 133 **DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**
 134 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;**
 135 **PROVIDING FOR AN EFFECTIVE DATE.**

136
 137 **CITY OF ROCKWALL, TEXAS**

138
 139 **ORDINANCE NO. _____**

140
 141 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
 142 **ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES,**
 143 **ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE PRIMA**

144 FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE
145 PROVISIONS OF THE TRANSPORTION CODE, SECTION 545.356,
146 UPON SH-205, SOUTH OF THE DGNO RAILROAD, NORTH, TO
147 RUSK, WITHIN THE CORPORATE LIMITS OF THE CITY OF
148 ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT TO
149 EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200);
150 PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE
151 DATE.
152

153 The motion passed unanimously of Council (7 ayes to 0 nays).
154

155 Mayor Pro Tem Farris expressed he will abstain from the minutes because he was absent
156 from the January 18th meeting. Councilmember Nielsen made a motion to approve
157 Consent Agenda item #1. Councilmember Scott seconded the motion. The motion
158 passed by a vote of 5 ayes with 2 abstentions (Farris, Sevier).
159

160 Councilmember Scott expressed that he some concerns about the facility agreements
161 contained in Consent Agenda item #2. He generally indicated that he would like to see a
162 few, minor adjustments made to the agreements prior to Council approval. He then
163 explained these few, specific changes to staff and asked that these few changes be made
164 prior to the other parties signing off on the agreements. Councilmember Scott then
165 made a motion to approve Consent Agenda item #2, including the specified changes.
166 Councilmember Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0
167 nays.
168

169 Regarding Consent Agenda item #4, Councilmember Scott expressed that he was not in
170 attendance at the previous meeting and would like some clarification on whether or not
171 Christian Brothers is in compliance with applicable local, state and federal laws and
172 guidelines. Staff generally indicated that Christian Brothers is in compliance with all
173 codes. Councilmember Scott then made a motion to approve Consent Agenda item #4.
174 Councilmember Sweet seconded the motion. The ordinance was read as follows:
175

176 CITY OF ROCKWALL
177

178 ORDINANCE NO. 11-05
179

180 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
181 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
182 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
183 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO
184 ALLOW FOR AN "AUTO REPAIR GARAGE, MINOR" WITHIN THE (C)
185 COMMERCIAL DISTRICT, ON A 0.7-ACRE TRACT OF LAND
186 KNOWN AS PART OF TRACT 12-2, ABSTRACT 64, E.P.G. CHISUM
187 SURVEY, AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A";
188 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
189 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
190 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
191 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
192 PROVIDING FOR AN EFFECTIVE DATE.
193

194 The motion passed unanimously of Council (7 ayes to 0 nays).
195
196

197 **VI. APPOINTMENTS**

- 198
199 1. Appointment with the Planning and Zoning Chairman to discuss and
200 answer any questions regarding cases on the agenda and related issues
201 and take any action necessary.

202 **Planning & Zoning Chairman Phillip Herbst was not able to be present, so Planning &**
203 **Zoning Commissioner Connie Jackson came forth in his place to offer comments to**
204 **Council related to items on tonight's Council agenda. She offered information on the**
205 **recommendations of the Planning & Zoning Commission relative to these items. The**
206 **Council took no formal action related to this item.**

- 207
208 2. Appointment with Candy Bigham to hear request associated with waiving
209 or lowering of fees at the Harbor amphitheater for an upcoming not-for-
210 profit event and take any action necessary.

211 **Candy Bigham**
212 **1305 Oak Bend Drive**
213 **Kaufman, TX**

214
215 **Ms. Bigham indicated she represents "Dance for Charities," which is organized as a**
216 **non-profit organization but does not hold a 501c3 distinction. She indicated that her**
217 **organization hopes to hold dance concerts to raise money that will then be donated to**
218 **local charities. Ms. Bigham stated that she would like to hold one of these dance**
219 **concerts at The Harbor towards the end of May and hopes to donate the proceeds to The**
220 **Genesis Center, which is an organization that helps abused women and children in the**
221 **area. The Genesis Center has helped over thirty individuals within Rockwall. Ms.**
222 **Bigham requested that the Council consider waiving the fees associated with renting the**
223 **amphitheater at The Harbor.**

224
225 **Councilmember Nielsen asked if Ms. Bigham's organization is a 501c3 non-profit**
226 **organization itself. Ms. Bigham expressed that her organization is organized as a non-**
227 **profit but it does not have the 501c3 tax exempt status. Councilmember Nielsen**
228 **suggested that Ms. Bigham come back with the Genesis Center and have the Genesis**
229 **Center itself make application for this request rather than Ms. Bigham's organization.**
230 **Mayor Pro Tem Farris expressed that he would likely be in support of such request in the**
231 **future but he urged Ms. Bigham to choose an alternate date, other than May 21, to hold**
232 **the event since May 21 is the city's scheduled Founder's Day Festival.**

233
234 **Ms. Bigham generally agreed to come back at a later date with a representative from The**
235 **Genesis Center to request a waiver of the rental fees and to suggest an alternate date for**
236 **the event in question.**

237
238 **The Council took no formal action related to this item.**

- 239
240 3. Appointment with Jerry Archer of Archer Car Care to discuss a potential
241 amendment to the Unified Development Code to allow for minor
242 automotive repair within the (DT) Downtown district, and take any action
243 necessary.

244 **Mr. Jerry Archer**
245 **306 East Washington**

246 Rockwall, TX

247
248 Mr. Archer offered background information related to this item generally indicating that
249 he strongly feels moving his business to yet another, alternate location will very likely
250 put him out of business. Mr. Archer expressed that he knew that installation of a fire
251 sprinkler suppression system was a caveat to the initial SUP that he was granted. He
252 then asked the Council to consider amending the zoning ordinance to allow his business
253 to remain at its current location in the downtown district area.

254
255 Councilmember Farris indicated that he believes Mr. Archer's case represents an
256 extenuating circumstance that warrants special consideration by the Council. He
257 generally indicated that he is in support of amending the city's unified development code
258 to allow Mr. Archer's business to continue operating in its current location.

259
260 Mayor Pro Tem Farris made a motion to direct staff to bring back to Council for
261 consideration an amendment to the Unified Development Code and to begin the
262 associated public hearing processes. Councilmember Russo seconded the motion.

263
264 Councilmember Scott generally indicated that he has some reservations about amending
265 the Code to allow for minor automotive repair businesses to operate in the downtown
266 area.

267
268 Councilmember Sweet generally indicated that he does understand the circumstances
269 surrounding Mr. Archer's situation and understands that several unfortunate things led
270 to him being in his current situation. After brief discussion, Councilmember Sweet then
271 indicated he will support the current motion on the floor.

272
273 Councilmember Nielsen asked staff for clarification regarding possibly granting a
274 secondary SUP. Planning Director Robert LaCroix offered an explanation as to why
275 granting an SUP at this juncture is not possible. He generally expressed that the Unified
276 Development Code would need to be amended to allow this type of business to operate
277 in the downtown district area but that included in this amendment to the ordinance would
278 be a specific use permit (SUP) provision in order to control any future businesses of this
279 nature moving into downtown.

280
281 Mayor Cecil asked City Attorney Pete Eckert for clarification related to Mr. Archer's
282 business possibly remaining where it is located and continuing to operate as a 'non-
283 conforming use.' Mr. Eckert offered clarification, generally stating that it is not possible
284 to allow his business to remain and operate as 'non-conforming' because this type of
285 use was not and still is not allowed in this zoning district. Eckert indicated that allowing
286 Mr. Archer's business to continue to operate in its current location in the downtown
287 district area will in fact require an amendment to the Unified Development Code.

288
289 Councilmember Sevier offered comments, generally indicating that he is in support of
290 the motion on the floor this evening.

291
292 Councilmember Scott asked for clarification on Farris' motion. Mayor Pro Tem Farris
293 restated and clarified his motion – to direct staff to bring back to Council the wording for
294 an amendment to the Unified Development Code and to instruct the Planning & Zoning
295 Commission to start the public hearing process necessary for such amendment. Scott

296 indicated he is willing to support the motion but would like staff to directly notify all
297 businesses in the downtown area.

298
299 **Mayor Pro Tem Farris amended his motion to add to it a requirement that staff send**
300 **proper notification to all businesses within the downtown district zoning area letting**
301 **them know of this proposed amendment to the UDC. Councilmember Sevier seconded**
302 **this amended motion. The motion passed unanimously by a vote of 7 ayes to 0 nays.**

- 303
304 4. Appointment with Rockwall resident Patrice Kapur to hear concerns
305 related to proposed changes in municipal garbage collection services and
306 take any action necessary.

307 **Patrice Kapur**
308 **1835 Bayhill Drive**
309 **Rockwall, TX**

310
311 **Ms. Kapur came forth and offered comments related to the proposed changes in**
312 **municipal garbage collection services. She generally indicated that she is not in favor of**
313 **the proposed changes and urged Council to carefully consider the ramifications of these**
314 **proposed changes.**

315
316 **Councilmember Scott indicated that the city is the one who approached Allied Waste to**
317 **initiate these proposed changes, not Allied who approached the city. He further clarified**
318 **that residents would not be required to recycle if they do not want to participate in**
319 **recycling. He also indicated that the city will be evaluating the issues associated with**
320 **residential storage of the proposed polycarts and that no formal decision making related**
321 **to this proposed program has been made at this time.**

322
323 **Ms. Kapur strongly urged the Council to carefully consider all aspects of this issue prior**
324 **to moving to the proposed, large polycarts.**

325
326 **City Manager Julie Couch indicated that staff is in the process of compiling concerns**
327 **expressed by residents related to these proposed changes and that these concerns as**
328 **well as staff researched issues and options will be brought forth to the Council for**
329 **consideration at a future council meeting for more in depth discussion and formal**
330 **consideration.**

331
332 **After additional discussion, Council took no formal action related to this item.**

333
334 **Mayor Cecil reordered the agenda, and Action Item #4 was next addressed by the**
335 **Council.**

336
337 **VII. SITE PLANS / PLATS**

- 338
339 1. SP2010-015 - Discuss and consider a request by Cameron Slown of
340 Adams Engineering for approval of a variance to the Rooftop Design
341 requirements of the North SH 205 Overlay district, in association with a
342 site plan for McDonald's Restaurant, being a 4,700-sf drive-thru
343 restaurant located on a 1.32-acre part of Lot 6, Block A, Stone Creek
344 Retail Addition, which is zoned (PD-70) Planned Development No. 70

345 district and situated along the east side of North Goliad (SH 205) north of
346 Bordeaux Drive, and take any action necessary.

347 **Planning Director Robert LaCroix offered background information related to this item.**
348 **LaCroix indicated that the Planning & Zoning Commission recommended approval of this**
349 **requested variance by a unanimous vote of 7 to 0.**

350 **Mr. Slown**
351 **3120 Steve Drive**
352 **Hurst, TX**

353
354 **Mayor Cecil indicated that this item requires a super majority vote of the council. Cecil**
355 **then made a motion to approve this item as presented. Councilmember Sweet seconded**
356 **the motion, which passed unanimously of Council (7 ayes to 0 nays).**

357
358 **2. MIS2011-002 - Discuss and consider a request by Karin Sumrall of The**
359 **Woodmont Company for approval of a variance to the outdoor lighting**
360 **requirements of the Unified Development Code, specifically to allow for**
361 **directional light fixtures in association with the existing Best Buy store on**
362 **Lot 6, Block A, Rockwall Business Park East Addition (aka Rockwall**
363 **Plaza Phase I), which is zoned (C) Commercial district and located at 995**
364 **East IH-30, and take any action necessary.**

365 **Mayor Cecil explained that this item requires a simple majority, not a super majority, vote**
366 **of the council for approval.**

367
368 **Planning Director Robert LaCroix provided brief background information related to this**
369 **item. He explained the city's current lighting requirements and standards as related to**
370 **this request. He showed photographs, which indicated that Best Buy has already**
371 **installed a type of directional 'flood lights' that are pointed at the business signage and**
372 **building front and that these existing lights are not in compliance with city requirements.**
373 **He indicated that the Planning & Zoning Commission recommended denial of this**
374 **variance request. He offered an alternative that would involve more specific projection /**
375 **directional lighting that would point directly on the Best Buy sign in order to illuminate**
376 **the sign itself and not necessarily illuminate the entire storefront.**

377
378 **The applicant then came forth to address Council.**

379
380 **Karin Sumrall**
381 **2100 W. 7th Street**
382 **Fort Worth, TX**

383
384 **Ms. Sumrall explained that she was not working for Woodmont at the time the floodlights**
385 **were installed at the Rockwall Best Buy location. She indicated that Mr. LaCroix**
386 **contacted her back in December to let her know that the existing lights were not in**
387 **compliance with city regulations. She has been working with staff on the possibility of**
388 **utilizing the staff recommended projection lights instead.**

389
390 **Dwayne S.**
391 **Best Buy**
392 **7601 Penn Avenue South**
393 **Richfield, Minnesota**

394
395 Dwayne came forth and explained that the lights are, from a business aspect, necessary
396 in order to illuminate the blue portion of their logo, which is a large part of his company's
397 branding.
398
399 Mayor Pro Tem Farris made a motion to deny the request in accordance with the
400 recommendation of the Planning & Zoning Commission. Councilmember Nielsen
401 seconded the motion.
402
403 Councilmember Sweet generally indicated that he is not in support of the motion on the
404 floor this evening (the motion to deny the request).
405
406 Councilmember Sevier generally expressed that he is not in support of the motion on the
407 floor this evening either. He offered some potential lighting alternatives that the
408 applicant may want to consider.
409
410 After additional discussion, the motion failed by a vote of 2 ayes and 5 nays (Sweet,
411 Scott, Cecil, Russo, Sevier).
412
413 Mayor Cecil made a motion to allow Best Buy to proceed forward with utilizing the
414 alternative lights suggested by staff (the same type of lights utilized by Rockwall Honda).
415 Councilmember Russo seconded the motion. After brief discussion, the motion passed
416 by a vote of 6 ayes to 1 nay (Farris).
417
418 3. MIS2011-003 - Discuss and consider a request by David Reno for
419 approval of a special request to the standards of the (PD-75) Planned
420 Development No. 75 district (Ord 09-37), specifically to allow for the
421 expansion of a non-conforming accessory building(s) on the property
422 located at 218 Russel Drive, being Lots 1228-1230, Rockwall Lake
423 Estates Phase 2, and take any action necessary.
424 Planning Director Robert LaCroix provided brief background information related to this
425 item.
426
427 David Reno
428 218 Russell Drive
429 Rockwall, TX
430
431 Mr. Reno came forth and offered clarifying comments related to his request.
432
433 Councilmember Scott generally indicated that he is not in support of Mr. Reno's request
434 this evening.
435
436 Councilmember Scott then made a motion to deny the applicant's request. The motion
437 then died for lack of a second.
438
439 Councilmember Nielsen made a motion to approve the special request. Councilmember
440 Russo seconded the motion. After additional discussion, the motion passed by a vote of
441 4 ayes with 3 nays (Scott, Sevier and Farris).
442

- 443 4. SP2011-001 - Discuss and consider a request by Mark Pross of Pross
444 Design Group, Inc., for approval of special exceptions to the Unified
445 Development Code, in association with an administrative site plan for a
446 proposed 119,745-sf expansion to SPR Packaging, located on Lot 1,
447 Block A, SPR Packaging Addition, being 10.8672-acres zoned (LI) Light
448 Industrial District and located at 1480 Justin Drive, and take any action
449 necessary.

450 **Planning Director Robert LaCroix provided brief background information related to this**
451 **item, explaining the specifics of each of the four special exceptions being requested by**
452 **the applicant. The Planning & Zoning Commission did vote unanimously to recommend**
453 **approval of these four waivers.**

454
455 **Frank Richardson**
456 **Senior Architect for Pross Design Group**
457 **11297 Cubie Point Lane**
458 **Frisco, TX**

459
460 **Mr. Richardson indicated that Mr. Pross' business is doing well, even in the poor**
461 **economy, and he now needs to expand. He offered clarifying comments related to this**
462 **request and generally asked the Council to approve these special exceptions.**

463
464 **After brief discussion, Councilmember Nielsen made a motion to grant all four variance**
465 **requests. Councilmember Sevier seconded the motion, which passed unanimously of**
466 **council (7 ayes to 0 nays).**

467
468 **VIII. ACTION ITEMS**

- 469
470 1. Discuss and consider approval of task order contracts associated with
471 Capital Improvement (CIP) programs, and take any action necessary.

472 **City Manager Julie Couch began discussion of this item. She explained that these task**
473 **orders exceed her expenditure authorization limit, so they are in need of Council**
474 **approval at this time. Once the second task orders are approved and tasks are**
475 **completed, staff anticipates a third and final set of task order contracts in order to wrap**
476 **up the task orders associated with these proposed capital improvement projects. It is**
477 **not anticipated that the third set of task orders will exceed her authorized spending**
478 **limits; however, if they do, these contracts will be brought back to the Council for**
479 **approval at that time. She indicated that it is anticipated that all three task orders will**
480 **likely be completed by May.**

481
482 **Councilmember Farris pointed out that he believes the city may be at a point now where**
483 **appointment of a Capital Improvement Planning (CIP) Committee is necessary.**

484
485 **City Manager Couch clarified that her understanding of how the council expressed**
486 **wanting to utilize a CIP Committee is that such committee would be utilized to promote**
487 **within the community the projects already chosen and defined by Council beginning in**
488 **June. Couch indicated that if Council would like to move forward with appointing a CIP**
489 **committee sooner than June, staff is happy to place such action item on the next council**
490 **agenda for consideration.**

492 General discussion took place related to the involvement of existing boards or
493 commissions of the city as related to capital improvement planning as well as
494 involvement of a CIP committee.
495

496 Mayor Pro Tem Farris made a motion to approve and direct staff to move forward with
497 the task order contracts as presented. Councilmember Russo seconded the motion. The
498 motion passed unanimously of Council (7 ayes to 0 nays).
499

- 500 2. Discuss and consider event advertising opportunities, and take any action
501 necessary.

502 City Manager Couch offered brief background information on this item. Couch
503 recommended that Council consider placing an electronic sign on the city hall property
504 off of Goliad by the existing sign at The Center. This location receives the second
505 largest amount of traffic of the locations studied via traffic counts. She further indicated
506 that pursuing the location that gets the most traffic is controlled by TXDOT, and gaining
507 TXDOT approval will likely be a very long, drawn out process that may not yield positive
508 results.
509

510 Councilmember Scott made a motion to instruct staff to pursue plans for erecting an
511 electronic sign on the city's property near The Center as recommended by staff.
512 Councilmember Farris seconded the motion.
513

514 Councilmember Nielsen generally expressed concern because she believes building this
515 electronic sign is quite costly and that the suggested location will only reach a portion of
516 the city's population.
517

518 Russo generally expressed concern related to moving forward with the electronic
519 message board sign because he does not believe it is a viable solution to eliminating the
520 banner clutter. He did express support for moving forward with placing events on the
521 city's website and encouraging citizens to visit the website for more detailed event
522 related information.
523

524 Councilmember Sweet generally indicated his belief that moving forward with placement
525 of an electronic signage at the City Hall location is only partially solving the problem
526 associated with banner signs. Councilmember Scott generally indicated that while he
527 does not disagree that this electronic sign will not entirely solve the banner sign clutter,
528 it will still be a partial step in the right direction.
529

530 Brad Griggs, Parks Director, offered brief comments to Council, pointing out that a new
531 website called rockwallnow.com has recently been launched so that those hosting a
532 community related event can post it on this website in order to advertise it.
533

534 Councilmember Farris withdrew his second to the motion on the floor. He then indicated
535 that he would like to direct staff to move forward with a detailed plan for possible future
536 elimination of the banner signs and viable alternatives for the Council to consider.
537

538 Councilmember Scott then withdrew his motion.
539

540 Mayor Cecil expressed that he likes Mayor Pro Tem Farris' suggestion to phase out the
541 banners over a six month timeframe.

542
543 Mayor Cecil made a motion that all banner signage will go away in six months and that
544 notification of this elimination of signage will be delivered to those non-profit
545 organizations that typically advertise in this way; that staff will put out appropriate
546 signage to direct residents to a website where events will be advertised online instead
547 and that the city will not charge non-profits for placing events on this website.
548 Councilmember Farris seconded the motion.
549

550 The motion passed by a vote of 5 ayes to 2 nays (Scott and Russo).
551

- 552 3. Discuss and consider an ordinance amending Chapter 15 Licenses,
553 Permits and Miscellaneous Business Regulations, Article IV Peddlers,
554 Solicitors, and Itinerant Vendors to prohibit solicitation and panhandling,
555 and take any action necessary. (1st Reading)

556 City Attorney Pete Eckert provided brief background information related to this item,
557 indicating that the ordinance before Council for consideration this evening has been
558 modified in accordance with past input from Council. Some of the definitions have been
559 clarified and some exceptions have been added.
560

561 Councilmember Scott offered additional clarifying comments associated with the
562 ordinance being presented at this time. Councilmember Scott made a motion to approve
563 the solicitation ordinance as presented. Councilmember Sevier seconded the motion.
564 After additional, brief discussion, the ordinance was read as follows:
565

566 CITY OF ROCKWALL
567

568 ORDINANCE NO. 11-____
569

570 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
571 ROCKWALL, TEXAS, AMENDING CHAPTER 15 LICENSES,
572 PERMITS, AND MISCELLANEOUS BUSINESS REGULATIONS,
573 ARTICLE IV PEDDLERS, SOLICITORS AND ITINERANT VENDORS
574 OF THE CODE OF ORDINANCES; TO PROVIDE FOR THE
575 PROHIBITION OF SOLICITATIONS TO OCCUPANTS OF VEHICLES
576 ON PUBLIC ROADWAYS; TO PROHIBIT SOLICITATION BY
577 COERCION AND SOLICITATION ON PUBLIC PROPERTY;
578 PROHIBITING SLEEPING IN A PUBLIC PLACE; PROVIDING FOR
579 DEFINITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
580 EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR
581 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
582 PROVIDING FOR AN EFFECTIVE DATE.
583

584 The motion passed by a vote of 7 ayes to 0 nays.
585

- 586 4. Discuss and consider application by Aqua Texas to increase retail water
587 service rates within the subdivision known as Lake Rockwall Estates,
588 including alternative actions and adopting the appropriate course of action
589 to be taken by the City of Rockwall in response to the application, and
590 adopting a resolution containing orders relating to the application.

591 City Manager Julie Couch provided background information related to this item
592 indicating that Aqua Texas is proposing a rate increase in the Lake Rockwall Estates

593 subdivision. Couch generally indicated that the city has concerns about this rate
594 increase request.

595 Councilmember Scott offered clarifying comments related to this item, indicating that
596 these steps will initiate a show cause hearing requiring Aqua Texas to provide
597 substantial justification for the proposed rate increase. He further clarified that this
598 issue will continue to be closely monitored and studied and that it could potentially drag
599 on for quite a long time.

600 Councilmember Scott made a motion to approve the show cause order and associated
601 resolution as presented. Councilmember Sweet seconded the motion.

602 Councilmember Nielsen clarified that the city's efforts to suspend this proposed water
603 rate increase are strong and are in support of the residents living in Lake Rockwall
604 Estates.

605 The motion passed unanimously of council (7 ayes to 0 nays).

606

607 The 'Site Plans & Plats' section of the agenda was then addressed by Council.

608

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

611

- 612 1. Departmental Reports
613 Building Inspections Monthly Report - January 2011
614 Building Inspection Monthly Report - December 2010
615 Internal Operations Department Monthly Report - December 2010
616 Police Department Monthly Report - December 2010
617 Police Department Quarterly Report
618 Finance Department Monthly Report - December 2010
619 Fire Dept. 2010 Annual Report
620 Recreation Department Monthly Report - December 2010
621 Harbor PD Monthly Report - December 2010
622 Quarterly Report for Rockwall County Committee on Aging
623 Quarterly Report for STAR Transit

624 2. City Manager's Report

625

626 **X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
627 **GOVERNMENT CODE TO DISCUSS:**

628

629 1. Deliberation regarding the purchase, exchange, lease, or value of real
630 property.

631 2. Personnel Issues, including Board, Commission, and Committee
632 Appointments, and Related Matters.

633 3. Commercial or financial information regarding business prospects that the
634 City seeks to have locate, stay, or expand in or near the territory of the
635 City of Rockwall and with which the Board is conducting economic
636 development negotiations.

637 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
638 with attorney with regard to a matter that it is the duty of the attorney to
639 consult with the Council pursuant to the Attorney Client Privilege under
640 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
641 Texas.

642 XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

643
644 See below for actions taken as a result of end-of-meeting Executive Session.


645
646 XII. ADJOURNMENT

647
648 The public meeting was adjourned at 10:26 p.m., and Council reconvened back into
649 Executive Session.

650 The Council came out of Executive Session at 11:58 p.m. and took the following action:

651
652
653 Mayor Pro Tem Glen Farris made a motion to approve and move forward with the task
654 order contracts for the Rock Wall Park associated with the upcoming Capital
655 Improvement Program (CIP). Councilmember Sevier seconded the motion, which passed
656 by a vote of 7 ayes to 0 nays.

657
658
659 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
660 this 21st day of February, 2011.

661
662 ATTEST:
663 
664 _____
665 Kristy Ashberry, City Secretary



William R. Cecil, Mayor



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

MINUTES
ROCKWALL CITY COUNCIL
Monday, February 21, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


See start of public meeting for action taken as a result of Executive Session.

IV. ADJOURNMENT

Executive Session was adjourned at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 7th day of March, 2011.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



45
46
47
48
49
50
51

MINUTES
ROCKWALL CITY COUNCIL

Monday, February 21, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

52 I. CALL TO ORDER

53
54 Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil, Mayor
55 Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark
56 Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney
57 Pete Eckert.

58
59 Mayor Pro Tem Farris made a motion to authorize the hiring of David Cain in the amount
60 of \$10,000 per month through the state legislative session with a contract to be
61 completed by the City Manager. Councilmember Scott seconded the motion, which
62 passed unanimously of council (7 ayes to 0 nays).

63
64 II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

65
66 Margo Nielsen delivered the invocation and led the Pledge of Allegiance.

67
68 III. PROCLAMATIONS / AWARDS

69
70 1. Severe Weather Awareness Week

71
72 Mayor Cecil read and presented the proclamation to Kristy Ashberry, the city's
73 Emergency Management Coordinator.

74
75 IV. CONSENT AGENDA

- 76
77 1. Consider approval of the minutes from the February 7, 2011 regular City
78 Council meeting and take any action necessary.
- 79 2. Consider authorizing the City Manager to enter into an agreement with
80 Clean Harbors Inc. to manage Household Hazardous Waste Day
81 collection and disposal on April 30, 2011 and take any action necessary.
- 82 3. Consider award of the construction contract for the Airport Road Lift
83 Station reconstruction and take any action necessary.
- 84 4. Consider award of the construction contract for the Squabble Creek
85 Wastewater Forcemain Project (Phase 4), and take any action necessary.
- 86 5. Consider approval of a resolution ordering the General Election to be held
87 jointly with the Rockwall Independent School District and to be
88 administered by the Rockwall County Elections Administrator on May 14,
89 2011 and take any action necessary.
- 90 6. Consider authorizing the City Manager to enter into an agreement with
91 Rockwall County Elections Administrator for administration of the May 14,
92 2011 General Election, and take any action necessary.

- 93 7. Consider an **ordinance** amending Chapter 15 Licenses, Permits and
94 Miscellaneous Business Regulations, Article IV Peddlers, Solicitors, and
95 Itinerant Vendors to prohibit solicitation and panhandling, and take any
96 action necessary. **(2nd Reading)**
- 97 8. Consider an **ordinance** amending Chapter 15 Licenses, Permits and
98 Miscellaneous Business Regulations, Article IV Peddlers, Solicitors, and
99 Itinerant Vendors to allow the Rockwall Fire Department to conduct fund
100 raising activities within the public right of way, and take any action
101 necessary. **(1st Reading)**
- 102 9. Consider an **ordinance** increasing the speed limit on SH-205 (Goliad),
103 between the DGNO railroad bridge and Boydston, to 40 MPH and take
104 any action necessary. **(2nd reading)**

105 **Councilmember Sevier pulled items #2, 3 and 4 for further discussion. Mayor Pro Tem**
106 **Farris pulled item #8 for discussion and then made a motion to approve the remaining**
107 **items. Councilmember Russo seconded the motion. The ordinances were read as**
108 **follows:**

109
110 **The motion passed unanimously of council (7 ayes to 0 nays).**

111
112 **Regarding Consent Agenda item #2, Councilmember Sevier asked staff for clarifying**
113 **comments. Sevier then made a motion to approve Consent Agenda item #2. Mayor Pro**
114 **Tem Farris seconded the motion, which passed unanimously of council (7 ayes to 0**
115 **nays).**

116
117 **Regarding Consent Agenda item #3, Sevier asked for clarification regarding the funding**
118 **source for this project. City Engineer Chuck Todd indicated that funding would come out**
119 **of SSO funds and sanitary sewer revenue funds. Councilmember Sevier then made a**
120 **motion to approve Consent Agenda item #3. Mayor Pro Tem Farris seconded the motion,**
121 **which passed unanimously of council (7ayes to 0 nays).**

122
123 **Councilmember Sevier also asked about the funding source for Consent Agenda item #4.**
124 **Todd indicated that funds are coming out of sanitary sewer revenue bonds. Sevier then**
125 **made a motion to approve Consent Agenda item #4. Mayor Pro Tem Farris seconded the**
126 **motion, which passed unanimously of council (7 ayes to 0 nays).**

127
128 **Regarding Consent Agenda item #8, Mayor Pro Tem Farris expressed a desire to more**
129 **specifically define the term “non-profit organization” within the ordinance. Mayor Pro**
130 **Tem Farris made a motion to approve the ordinance with the understanding that**
131 **appropriate language will be added to clarify this terminology before second reading.**
132 **Councilmember Nielsen seconded the motion, encouraging staff to take into account**
133 **non-profit ‘associations’ versus ‘organizations.’ Councilmember Scott asked some**
134 **clarifying questions associated with this ordinance and expressed concern about**
135 **granting exceptions for non-profit groups due to a concern about those soliciting**
136 **stepping out into dangerous traffic. After brief discussion, the ordinance was read as**
137 **follows:**

138 **CITY OF ROCKWALL**
139 **ORDINANCE NO. 11-**

140 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
141 **ROCKWALL, TEXAS, AMENDING CHAPTER 15 LICENSES,**
142

143 PERMITS, AND MISCELLANEOUS BUSINESS REGULATIONS,
144 ARTICLE IV PEDDLERS, SOLICITORS AND ITINERANT VENDORS
145 OF THE CODE OF ORDINANCES; PROVIDING FOR A PENALTY OF
146 FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS
147 (\$500.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
148 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
149

150 The motion passed by a vote of 7 ayes to 0 nays.
151

152 Action Item #1 was then addressed by Council.
153

154 **V. APPOINTMENTS**
155

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

159 **Planning & Zoning Commissioner Connie Jackson came forth and offered background**
160 **information to Council related to P&Z related items on tonight's Council agenda,**
161 **including information on the recommendations of the commission relative to these**
162 **items.**
163

164 **The Council took no action related to this item.**
165

- 166 2. Appointment with Rockwall Police Chief to hear 2010 Racial Profiling
167 Report and take any action necessary.

168 **Rockwall Police Chief Mark Moeller came forth and provided information related to this**
169 **agenda item, indicating that this report is required by law and gets submitted to the State**
170 **of Texas and to TCLEOS in addition to the city council. He generally indicated that this**
171 **report is very similar to the one submitted last year and that no complaints against the**
172 **Rockwall Police Department for racial profiling were received in 2010. The Council took**
173 **no formal action related to this item.**

- 174 3. Appointment with Candy Bigham and The Genesis Center to hear request
175 associated with waiving or lowering of fees at the Harbor amphitheater for
176 an upcoming not-for-profit event benefiting the Genesis Center and take
177 any action necessary.

178 **Candy Bigham with Dance for Hope Charities came forth and introduced a representative**
179 **from the Genesis Center, the non-profit organization to whom she would like to donate**
180 **funds that are raised at an upcoming dance concert. Alan Austin, Executive Director for**
181 **the Genesis Center, was present to briefly explain the mission of the Genesis Center and**
182 **to explain that about thirty-two (32) families in Rockwall County have been assisted by**
183 **the Genesis Center in the last two years. Councilmember Nielsen offered favorable**
184 **comments about Mr. Austin and the Genesis Center, indicating that his organization is a**
185 **very good resource for those in need in our community. Ms. Bigham indicated that the**
186 **date of the fundraising event they would like to hold at The Harbor has been moved to an**
187 **alternate date in order to avoid conflict with the city's Founders Day Festival.**
188 **Councilmember Nielsen indicated that Council typically likes to see 25% operational**
189 **costs and 75% of the funds raised being donated to the charitable organization. Ms.**
190 **Bigham indicated she believes this can be accomplished. General discussion took place**

191 related to the normal rental costs associated with renting out the amphitheater at The
192 Harbor.

193 Councilmember Nielsen made a motion to approve waiving the rental fees at The Harbor
194 for this one time and this one event. Mayor Pro Tem Farris seconded the motion,
195 indicating he would like Ms. Bigham to share with council post-event information so the
196 council knows how successful the event turned out. General discussion took place
197 related to other non-profit organizations potentially wanting the council to waive fees
198 associated with renting The Harbor amphitheater in the future. After brief discussion, the
199 motion passed unanimously of council (7 ayes to 0 nays).

200 **VI. PUBLIC HEARING ITEMS**

- 201
- 202 1. Z2011-001 - Hold a public hearing and consider approval of an
203 ordinance for a request by Mike Regan of Regan Custom Homes for
204 approval of a Specific Use Permit (SUP) to allow for an additional
205 accessory building not otherwise allowed by Article IV of the Unified
206 Development Code, on the property located at 2585 Rolling Meadows
207 Drive, being 4.39-acres zoned (SF-E/4.0) Single-Family Estate district
208 and known as Lot 5, Block A, Rolling Meadows Estates, and take any
209 action necessary. (1st Reading)

210 Planning Director Robert LaCroix provided background information related to this item.
211 He indicated that this type of SUP does require a public hearing and that notices were
212 mailed out to seven property owners within 200 feet of this property. One notice was
213 received back in favor, and none were received back in opposition. The Planning &
214 Zoning Commission recommended approval of this item by a vote of 5 to 0.

215
216 The applicant then came forth.

217
218 Mike Regan with Regan Custom Homes came forth to ask permission to build this
219 structure.

220
221 Mayor Cecil then opened the public hearing. There being no one to come forth and
222 speak related to this item, Mayor Cecil then closed the public hearing.

223
224 Councilmember Sweet made a motion to approve Z2011-001 and the associated
225 ordinance including staff recommendations. Councilmember Scott seconded the
226 motion. The ordinance was read as follows:

227
228 **CITY OF ROCKWALL**
229 **ORDINANCE NO. 11-08**

230
231 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
232 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
233 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
234 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN
235 THE (SF-E/4.0) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR
236 AN ACCESSORY BUILDING NOT OTHERWISE ALLOWED BY
237 ARTICLE IV OF THE UNIFIED DEVELOPMENT CODE, ON THE
238 PROPERTY LOCATED AT 2585 ROLLING MEADOWS DRIVE, BEING
239 A 4.39-ACRE TRACT DESCRIBED AS LOT 5, BLOCK A, ROLLING
240 MEADOWS ESTATES; PROVIDING FOR SPECIAL CONDITIONS;
241 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM

242 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
243 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
244 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
245

246 The motion passed unanimously of council (7 ayes to 0 nays).
247

- 248 2. Z2011-002 - Hold a public hearing and consider approval of an
249 ordinance for a request by Ray A. Duerer of CDA Architects for approval
250 of an amendment to (PD-9) Planned Development No. 9 district,
251 specifically to allow for a proposed fuel center in conjunction with the
252 existing Kroger store located on Lot 18, Block A, Horizon Ridge Addition,
253 being 7.1779-acres situated at 2935 Ridge Road within the Scenic
254 Overlay district, and take any action necessary. (1st Reading)

255 Planning Director Robert LaCroix offered background information related to this item.
256 He generally indicated that staff has some concerns about allowing Kroger to construct a
257 fuel center out in front of the store in the existing parking lot. He indicated staff feels it
258 would detract from the aesthetics of the existing building and would negatively impact
259 parking availability during peak grocery shopping times. Staff is recommending that if
260 council does approve the fuel center that the proposed ice machine would be painted to
261 match the façade of the building and blend in as well as possible. Staff is also
262 recommending prohibiting seasonal and special event sales in an outdoor tent on the
263 property unless council grants it on a case-by-case basis. Notices were sent out to
264 property owners within 200 feet of the property. Two notices were received back in
265 opposition. A variance to the parking standards would need to be granted due to the
266 required number of parking spaces being reduced by eight spaces. LaCroix indicated
267 that the Planning & Zoning Commission did approve this item by a vote of 3 ayes with 2
268 absent. However, the Commission would like to see a slight modification to the roof of
269 the proposed fuel structure.

270
271 Ray Duerer of CDA Architects came forth and provided comments relative to his request.
272

273 Mayor Cecil opened the public hearing.

274 Mr. Thomas Galli
275 645 Stafford Circle
276 Rockwall, TX
277

278 Mr. Gallie came forth and indicated that traffic circulation in this parking lot is already
279 very congested. He believes the number of curb cuts should perhaps be reduced and if
280 council approves this fuel center. He generally was not in favor of this fuel center being
281 added.

282
283 Jared Sobczak
284 Project Manager
285 Kroger Engineering
286 1331 E. Airport Freeway
287 Irving, TX 75062
288

289 Mr. Sobczak came forth and indicated that Kroger is excited about this opportunity to
290 offer fuel service to their customers. He indicated that he believes traffic concerns can
291 be minimized.

292
293 There being no one else to come forth and speak, Mayor Cecil then closed the public
294 hearing and continued into deliberation.

295
296 Mayor Pro Tem Farris asked clarifying questions related to who the gasoline supplier will
297 be and how the discount on gas pricing will work. He asked if the fuel business is
298 lucrative for Kroger. Mr. Sobczak indicated that it is not a very large money maker;
299 however, it provides an added convenience for their customers.

300
301 General discussion ensued related to the loss of parking spaces, a concern strongly
302 voiced by Councilmember Sevier and Councilmember Scott.

303
304 Councilmember Scott asked that this item be postponed for about thirty minutes to allow
305 Planning staff time to look into the number of parking spaces located at the Tom Thumb
306 grocery store in the north of town.

307
308 Mayor Pro Tem Farris also expressed a desire to have a comparison of the size of the
309 Tom Thumb in the north of town versus the Kroger store and whether or not the Tom
310 Thumb has less parking spaces than are typically required.

311
312 Councilmember Sweet expressed that he will abstain from voting on this item, and he left
313 the council chambers.

314
315 After additional discussion related to the number of parking spaces required and the
316 number of those that would be lost if the fuel center were approved, Mayor Pro Tem
317 Farris made a motion to deny Z2011-002 and the associated ordinance. Councilmember
318 Sevier seconded the motion.

319 After additional, brief discussion, the motion to deny passed by a vote of 4 ayes with 2
320 nays (Nielsen, Russo).

321
322 3. Z2011-003 - Hold a public hearing and consider approval of an
323 ordinance for a request by Robbie Halleen of Emmaus Church for
324 approval of a Specific Use Permit (SUP) to allow for a "Church/House of
325 Worship" in the (DT) Downtown district, specifically within part of the
326 existing building located at 316 South Goliad, being Lot 1RA of the Cain
327 Properties #1 Addition, and take any action necessary. (1st Reading)

328 Planning Director Robert LaCroix provided background information related to this item.
329 He explained that this church is in need of additional parking spaces in order to operate
330 during church service hours. He generally indicated that parking in this area of the
331 downtown district could be fairly easily shared between the church and existing
332 businesses. Notices were sent out to property owners within 200 feet of the property.
333 Two notices were received back in favor of the proposed SUP. None have been received
334 back in opposition. The Planning & Zoning Commission did recommend approval of the
335 item by a vote of 5 ayes to 0 nays.

336
337 Councilmember Sevier asked the fire chief for clarification on the seating capacity of the
338 church in order for it to remain in compliance with the fire code. Chief Poindexter
339 indicated that he has discussed this issue with the applicant and believes the church
340 plans to keep the seating capacity within the fire code guidelines.

341
342 Councilmember Scott generally indicated that he is not in support of this SUP because of
343 his concerns related to possible future parking conflicts between this location and an
344 adjacent, empty business lot nearby.

345
346 **Mr. Robbie Halleen**
347 **Emmaus Church**
348 **505 East Boydston, Suite #6**
349 **Rockwall, TX**

350
351 Mr. Halleen explained they intend to sign an initial two year lease at this location and
352 does not believe that attendance will exceed 200 – 300 within that two year time period.
353 Mr. Halleen indicated that during the week day, only church staff would be present and
354 that this number would take up only a few parking spaces. He generally indicated that he
355 does not believe scheduled church service times would negatively affect adjacent
356 businesses that will likely be closed during church service hours.

357
358 Mayor Cecil opened the public hearing. There being no one to come forth and speak,
359 Mayor Cecil then closed the public hearing.

360
361 LaCroix indicated that the church is only required to have thirty-four (34) parking spaces,
362 though up to 100 are available.

363
364 Mayor Cecil then made a motion to approve the agenda item, including the SUP and
365 associated ordinance. Councilmember Sweet seconded the motion. After additional,
366 brief comments, the ordinance was read as follows:

367
368 **CITY OF ROCKWALL**
369 **ORDINANCE NO. 11-09**

370
371 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
372 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
373 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
374 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO
375 ALLOW FOR A "CHURCH/HOUSE OF WORSHIP" WITHIN THE (DT)
376 DOWNTOWN DISTRICT, SPECIFICALLY ON LOT 1RA, CAIN
377 PROPERTIES #1 ADDITION AND LOCATED AT 316 SOUTH GOLIAD,
378 SUITES 207 AND 209; PROVIDING FOR SPECIAL CONDITIONS;
379 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM
380 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
381 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
382 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

383
384 The motion passed by a vote of 6 ayes with 1 against (Scott).

385
386 Action Item #2 was then addressed by Council.

387

388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436

VII. ACTION ITEMS

1. Discuss and consider a resolution making findings regarding the application by Aqua Texas to increase rates, requiring Aqua Texas to provide additional information, suspending the effective date and resolving other matters related to the subject and take any action necessary.

Mayor Cecil made a motion to approve this item. Councilmember Scott seconded the motion. Scott asked City Manager Couch for some clarification on whether or not the city is seeking additional rate increase justification and information from Aqua Texas. Couch indicated that the city has asked for this information; however, to date the city has not received the clarifying information and justification. He generally indicated that he is glad the city is trying to prevent this rate increase. After brief discussion, the motion passed unanimously (7 ayes to 0 nays).

Action Item #5 was then addressed by Council.

2. Discuss and consider fees associated with Atmos Gas's franchise fee payment to the City and take any action necessary.

Assistant to the City Manager Joey Boyd provided background information related to this item. After brief discussion, Councilmember Nielsen made a motion to not approve a franchise fee rate increase. Councilmember Russo seconded the motion. The motion then passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider remanding draft trash/recycling program to Council subcommittee or other actions and take any action necessary.

Councilmember Nielsen expressed that she placed this item on the Council agenda because she would like to move this proposed program back to the subcommittee for further evaluation for several reasons. She hopes the subcommittee will examine other ways to encourage people to recycle on a voluntary basis and that the subcommittee will hopefully bring back a revised program to council for evaluation and consideration in the future.

Councilmember Scott generally indicated that he liked the plan that was recently proposed by the subcommittee to Council, though he is not typically one who participates in recycling. He does understand residents' concerns that have been expressed and believes most of these concerns can be addressed in a satisfactory manner. Scott indicated that he would like the subcommittee to reevaluate the proposed program, keeping in mind the need to address concerns expressed by the public, and bring back alternate recommendations to Council for consideration at a future date.

Councilmember Sevier offered clarifying comments related to various aspects of the proposed program that were evaluated by the subcommittee before it was brought forth to Council for consideration. He indicated that this is the only issue in five years of serving on the Council that he has received over one hundred e-mails on. He indicated that he does not believe remanding this back to the subcommittee for further evaluation and possible adjustments will result in a proposal much different than that which has been proposed.

437
438 Councilmember Russo offered comments, generally indicating that he has received a lot
439 of citizen input on this issue as well and understands that citizens are not in favor of the
440 program as it was previously proposed.
441

442 Councilmember Sweet offered general comments indicating that he has received over
443 100 e-mails, 10 phone calls, and 30 people approached him in person to voice concerns
444 related to possible changes to existing garbage services. He indicated that he voted
445 against the proposed program before, and he is not in support of remanding this issue
446 back to the subcommittee either at this time.
447

448 Councilmember Scott withdrew his second to the initial motion and indicated a desire to
449 make a subsequent motion to send the topic back to the subcommittee for evaluation of
450 a possible alternative recycling program. He offered clarifying comments related to his
451 thoughts associated with this issue.
452

453 Councilmember Scott made a motion to rescind the action previously taken by Council at
454 the January 3, 2011 City Council meeting relative to the proposed garbage / recycling
455 program. Councilmember Sweet seconded the motion, which passed by a vote of 6 ayes
456 to 1 against (Farris).
457

458 Councilmember Scott then made a motion to ask the Environmental Subcommittee to
459 reevaluate a possible alternative program to encourage recycling within the city.
460 Councilmember Sweet seconded the motion.
461

462 Mayor Pro Tem Farris pointed out that many residents pay \$3 extra a month on their
463 utility bill in order to have an Allied Waste supplied 95 gallon trash can. Farris generally
464 indicated he believes recycling is a valid topic for the Environmental Subcommittee to
465 continue to evaluate. He indicated that he has heard citizen concerns and that the
466 existing garbage program is not changing at this point.
467

468 Councilmember Sevier expressed a desire for the subcommittee to attempt to solicit and
469 receive citizen input and feedback before a large issue like garbage collection is brought
470 forth to the full council for consideration. He believes the Environmental Subcommittee
471 is willing to reevaluate recycling and hopefully bring forth positive, alternative
472 recommendations in the future.
473

474 Councilmember Sweet indicated that he recognizes that citizens are very satisfied with
475 the existing garbage service and service provider.
476

477 After additional discussion, the motion passed by a vote of 7 ayes to 0 nays.
478

479 Action Item #7 was then addressed by Council.
480

481 4. Discuss and consider the establishment of a public relations position for
482 the city and take any action necessary.

483 Councilmember Scott had placed this item on the agenda for discussion; however, he
484 requested that it be removed from the agenda at this time. The Council took no action
485 related to this item.

486 5. Discuss and consider approval of an **ordinance** amending the Code of
487 Ordinances in chapter 23 Streets, Sidewalks and Public Places, by
488 amending Article IV Art in Public Places, and take any action
489 necessary.(1st Reading)

490 Councilmember Sevier made a motion to approve the ordinance as presented.
491 Councilmember Russo seconded the motion.

492 City Manager Couch offered clarifying comments related to the details of this ordinance
493 and how the Art in Public Places program would function moving forward.

494 Mayor Cecil indicated that this ordinance is a first step towards creating art in public
495 places within the city and recognizing what the arts do for our community.
496 Councilmember Scott pointed out that the city has taken steps in the past to support the
497 arts but that this ordinance adds to the city's support for the arts. Councilmember Sweet
498 indicated that voters will still have the ability to vote on large ticket, public art related
499 items in future bond elections. The ordinance was then read as follows:

500 CITY OF ROCKWALL

501
502 ORDINANCE NO. 11-10

503
504 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
505 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN
506 CHAPTER 23 STREETS, SIDEWALKS AND PUBLIC PLACES, BY
507 AMENDING ARTICLE IV ART IN PUBLIC PLACES; BY THE
508 ADDITION OF SECTION 23-45 FUNDING OF THE PUBLIC ART
509 PROGRAM; PROVIDING FOR A SEVERABILITY CLAUSE;
510 PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN
511 EFFECTIVE DATE.
512

513 The motion passed unanimously (7ayes to 0 nays).

514 Appointment items were addressed by the Council at this point.

515 6. Discuss and consider approval of a resolution creating a citizens Capital
516 Improvement Program (CIP) project committee and take any action
517 necessary.

518 Councilmember Russo indicated that he would like to involve an Arts Committee in any
519 decision making associated with a possible art in public places project.

520 Russo then made a motion to approve the resolution as presented. Councilmember
521 Sevier seconded the motion. After brief discussion, the motion passed by a vote of 7
522 ayes to 0 nays.

523 Action Item #8 was next addressed by Council.

524 7. Discuss and consider a sign height variance request from Jane Taylor
525 with Mi Cocina and Matt Wesolowski with Accent Graphics, for two 9'-5"
526 wall signs, to be installed on the new Mi Cocina, located at 971 E. I30 and
527 take any action necessary.

528 Building Official Jeffrey Widmer provided background information related to this item.

529 The applicant, Matt Wesolowski, came forth and asked the Council to approve this
530 variance request.

531 Mayor Cecil then made a motion to approve the request as presented. Councilmember
532 Sevier seconded the motion, which passed by a vote of 7 ayes to 0 nays.

533
534 Council then addressed Action Item #4.

535 8. Discuss and consider the purchase of a SWAT Rapid Deployment
536 Vehicle, and take any action necessary.

537 Police Chief Mark Moeller came forth and offered background information related to this
538 item. He generally indicated that the existing SWAT team vehicle being utilized is unsafe
539 and does not meet all of the SWAT team's needs. Moeller indicated that the price Lt.
540 Fowler was able to negotiate with the potential vendor of a new SWAT vehicle is
541 exceptionally low and represents a very good opportunity for the police department to
542 purchase a new SWAT vehicle with seized dollars for about \$30,000 less than expected.

543
544 After brief discussion, Councilmember Scott made a motion to approve the request as
545 presented by staff. Councilmember Sweet seconded the motion. After additional
546 discussion, the motion passed by a vote of 7 ayes to 0 nays.

547
548 9. Discuss and consider streaming city council meetings on the city's
549 website and take any action necessary.

550 Councilmember Sweet began discussion of this item, indicating that he placed this item
551 on the council agenda for discussion. Sweet pointed out that the county is currently
552 streaming council meetings on their website at no cost. He further indicated that city
553 staff has already begun evaluating this as a possibility for city council meetings as well.

554
555 Finance Director Mary Smith indicated that county commissioner's court currently
556 streams live audio of their commissioner's court proceedings. It is not a recorded
557 stream. It is a live stream that is performed with a very low cost software costing only
558 \$129.00, which is a one time cost rather than a repetitive one.

559
560 After brief comments, Councilmember Sweet made a motion to direct staff to move
561 forward with an attempt to stream city council meetings live on the city's website with
562 the understanding that council will have an opportunity to hear a sample of this
563 streaming audio prior to it going 'live.' Councilmember Sevier seconded the motion.

564
565 Mayor Pro Tem Farris expressed that he would still like staff to come back to Council at a
566 future meeting with audio and video options for broadcasting council meetings.

567
568 After additional discussion, the motion passed by a vote of 7 ayes to 0 nays.

569
570 Mayor Cecil adjourned the meeting at 9:06 p.m.

571
572 VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
573 GOVERNMENT CODE TO DISCUSS:

574
575 1. Deliberation regarding the purchase, exchange, lease, or value of real
576 property.

577 2. Personnel Issues, including Board, Commission, and Committee
578 Appointments, and Related Matters.

- 579
580
581
582
583
584
585
586
587
3. 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.
 4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

588
589 **IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
590

591 **Council did not reconvene into Executive Session at the end of the public meeting. See**
592 **the start of the public meeting above for actions taken as a result of pre-meeting**
593 **Executive Session.**
594

595 **X. ADJOURNMENT**
596

597 **The public meeting was adjourned at 9:06 p.m.**
598
599

600 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
601 **this 7th day of March, 2011.**

602
603 **ATTEST:**

604 *Kristy Ashberry*
605 _____
606 **Kristy Ashberry, City Secretary**

William R. Cecil

William R. Cecil, Mayor



1
2
3
4
5
6
7
8
9

MINUTES
ROCKWALL CITY COUNCIL

Thursday, March 3, 2011
6:00 p.m. Work Session
City Courts Building, 205 W. Rusk Rockwall, Texas 75087

10
11
12
13
14
15
16
17

5:30 P.M.

18
19
20
21
22
23

PRE-MEETING DINNER FOR COUNCIL

Members of the city council gathered between 5:30 and 6:00 p.m. for dinner.

24
25
26
27
28
29
30
31
32
33
34

6:00 P.M.

35
36
37
38
39
40
41
42

WORK SESSION

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public meeting into Executive Session.

43
44
45
46
47

1. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 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. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

2. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council took no action as a result of Executive Session.

3. HOLD WORK SESSION TO DISCUSS CAPITAL IMPROVEMENT PLANNING (CIP) AND TAKE ANY ACTION NECESSARY.

Mayor Cecil recessed Executive Session and called the work session to order at 6:25 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and council members

48 David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were
49 City Manager Julie Couch and City Attorney Pete Eckert.
50

51 General discussion took place related to capital improvement planning (CIP) including a
52 possible athletic fields complex, downtown improvements and miscellaneous street and
53 roadway improvements. Brief discussion also took place related to debt issuance
54 relative to these items. It was agreed that a future work session would be held to discuss
55 pricing and funding options associated with these potential projects.
56

57 The Council took no formal action as a result of the work session discussions.
58


59 Mayor Cecil adjourned the public meeting back into Executive Session at 9:15 p.m.
60

61 4. ADJOURNMENT
62

63 The Council took no action as a result of Executive Session and the council adjourned at
64 10:00 p.m.
65

66 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
67 this 7th day of March, 2011.

68
69 ATTEST:

70 
71 _____
72 Kristy Ashberry, City Secretary



William R. Cecil, Mayor



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, March 07, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and city attorney Pete Eckert. Mayor Cecil immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


No action was taken as a result of Executive Session.

IV. ADJOURNMENT

Executive Session was adjourned at 5:45 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 21st day of March, 2011.**

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, March 07, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and city attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR CECIL

Mayor Cecil delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Barbara Coleson Day
2. Claudette Hatfield Day

Mayor Cecil deferred these proclamations to be read and presented at a future council meeting.

IV. OPEN FORUM

Mayor Cecil explained how Open Forum works and asked if anyone in the audience would like to come forth and speak. There being no one to come forth and speak, Mayor Cecil closed the public forum.

V. CONSENT AGENDA

1. Consider approval of the minutes from the February 21, 2011 regular city council meeting and take any action necessary.
2. Consider approval of the minutes from the March 3, 2011 Capital Improvement Planning (CIP) work session and take any action necessary.
3. Consider approval of a resolution supporting a piece of legislation related to acquisition of independently owned utilities, and take any action necessary.
4. Consider an **ordinance** amending Chapter 15 Licenses, Permits and Miscellaneous Business Regulations, Article IV Peddlers, Solicitors, and Itinerant Vendors to allow the Rockwall Fire Department to conduct fund raising activities within the public right of way and to add a definition for nonprofit organizations, and take any action necessary. **(2nd Reading)**
5. Z2011-001 - Consider approval of an **ordinance** for a request by Mike Regan of Regan Custom Homes for approval of a Specific Use Permit

(SUP) to allow for an additional accessory building not otherwise allowed by Article IV of the Unified Development Code, on the property located at 2585 Rolling Meadows Drive, being 4.39-acres zoned (SF-E/4.0) Single-Family Estate district and known as Lot 5, Block A, Rolling Meadows Estates, and take any action necessary. **(2nd Reading)**

6. Z2011-003 - Consider approval of an **ordinance** for a request by Robbie Halleen of Emmaus Church for approval of a Specific Use Permit (SUP) to allow for a "Church/House of Worship" in the (DT) Downtown district, specifically within part of the existing building located at 316 South Goliad, being Lot 1RA of the Cain Properties #1 Addition, and take any action necessary. **(2nd Reading)**
7. Consider approval of an **ordinance** amending the Code of Ordinances in chapter 23 Streets, Sidewalks and Public Places, by amending Article IV Art in Public Places, and take any action necessary. **(2nd Reading)**
8. Consider a facility agreement with Homebank for the off-site firelane, access, drainage and utility easement associated with their project and take any action necessary.
9. Consider a facility agreement with Schuler Development for the off-site firelane, access, drainage and utility easement associated with their development and take any action necessary.
10. Consider approval of a mutual aid agreement between the City of Rockwall and City of Wylie, and take any action necessary.

Mayor Pro Tem Farris made a motion to approve the entire Consent Agenda. Councilmember Nielsen seconded the motion. The ordinances were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 11-11**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 15 LICENSES, PERMITS, AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE IV PEDDLERS, SOLICITORS AND ITINERANT VENDORS OF THE CODE OF ORDINANCES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 11-08**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE (SF-E/4.0) SINGLE-FAMILY ESTATE DISTRICT ALLOWING FOR AN ACCESSORY BUILDING NOT OTHERWISE ALLOWED BY ARTICLE IV OF THE UNIFIED DEVELOPMENT CODE, ON THE PROPERTY LOCATED AT 2585 ROLLING MEADOWS DRIVE, BEING A 4.39-ACRE TRACT DESCRIBED AS LOT 5, BLOCK A, ROLLING

MEADOWS ESTATES; 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.

CITY OF ROCKWALL
ORDINANCE NO. 11-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "CHURCH/HOUSE OF WORSHIP" WITHIN THE (DT) DOWNTOWN DISTRICT, SPECIFICALLY ON LOT 1RA, CAIN PROPERTIES #1 ADDITION AND LOCATED AT 316 SOUTH GOLIAD, SUITES 207 AND 209; 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.

CITY OF ROCKWALL
ORDINANCE NO. 11-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 23 STREETS, SIDEWALKS AND PUBLIC PLACES, BY AMENDING ARTICLE IV ART IN PUBLIC PLACES; BY THE ADDITION OF SECTION 23-45 FUNDING OF THE PUBLIC ART PROGRAM; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously of council (7 ayes to 0 nays).

VI. APPOINTMENTS

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

Neither discussion nor action took place related to this agenda item.

2. Appointment with Mr. John Curanovic to consider a variance request associated with the height of a front yard fence located at 361 Willowcrest, and take any action necessary.

Mayor Cecil made a motion to move this item to the April 4 regular council meeting at the request of Mr. Curanovic. Councilmember Sweet seconded the motion, which passed by a vote of 7 ayes to 0 nays.

VII. ACTION ITEMS

1. Discuss and consider approval of a resolution directing publication of a notice of intention to issue Certificates of Obligation; resolving other matters relating to the subject; and take any action necessary.

City Manager Julie Couch provided brief background information related to this item. Finance Director Mary Smith indicated that a minor correction has been made to the resolution. The correct amount to be advertised will be an amount not to exceed \$7.7 million.

David Medanich with First Southwest came forth and explained to Council how the process will work regarding issuing these certificates of obligation.

Mayor Cecil then made a motion to approve the resolution subject to the revised amount specified by Mary Smith. Councilmember Scott seconded the motion.

Mayor Pro Tem Farris indicated that he would like City Manager Couch to provide some clarifying comments related to PD-32 including an explanation of what it is and how it is being paid for / funded. Mrs. Couch briefly provided clarifying comments.

Councilmember Russo asked if Airport Road is included in this item too. Couch indicated that only the general obligation portion of Airport Road is included.

The motion then passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider approval of a resolution calling a public hearing regarding amending the project plan and financing plan for Tax Increment Reinvestment Zone Number 1, City of Rockwall, Texas; preliminary approval of amendments to the project and financing plan; authorizing publication of notice and notice to the taxing units, resolving other matters related thereto; and take any action necessary.

City Manager Couch indicated that this item represents the additional steps necessary to move forward with refinancing the TIF. Finance Director Mary Smith provided more specific details related to refinancing of the TIF.

Mayor Pro Tem Farris made a motion to approve the resolution as presented. Councilmember Scott seconded the motion, which passed by a vote of 6 ayes to 1 nay (Sevier).

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

1. Departmental Reports
 - Police Department Monthly Report - January 2011
 - Fire Department Monthly Report - January 2011
 - Internal Operations Department Monthly Report - January 2011
 - Building Inspection Monthly Report - January 2011
 - Finance Department Monthly Report - January 2011
 - Recreation Monthly Report - January 2011

2. City Manager's Report

City Manager Couch indicated that the turn lane at Ralph Hall and FM 3097 will soon be completed, hopefully within the next two weeks. Couch also indicated that the drainage improvements along FM-740 have also all been completed, which will take care of past concerns associated with freezing water on the roadway associated with the drainage.

Mayor Pro Tem Farris asked Planning Director Robert LaCroix for an update on the forthcoming In N Out Burger. LaCroix generally indicated that he has spoken to the project manager and that this business is still slated to build in Rockwall; however, they are currently tied up working on constructing other locations in the metroplex.

Couch provided an update on Aqua Texas related to its proposed rate increase. She stated that both a house and a senate bill have been filed associated with a municipality acquiring the right to serve an area currently being served by a private utility company. She generally indicated that the city is in support of these pieces of legislation and will be working towards their approval at the state level.

Councilmember Nielsen asked if Director of Animal Services, Jeffrey Widmer, could begin including updates on animal adoptions in his monthly report.

Finance Director Mary Smith provided a brief update related to an increase in the city's fund balance.

Mayor Cecil commented that some good fire reports were included related to response times and fires that were put out last month.

There being no further business, Mayor Cecil then adjourned the meeting at 6:23 p.m.

IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council did not reconvene back into Executive Session at the conclusion of the public meeting. Therefore, no action was taken as a result of Executive Session.

XI. ADJOURNMENT

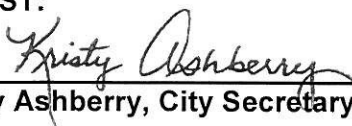
The public meeting was adjourned at 6:23 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 21st day of March, 2011.



William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

MINUTES
ROCKWALL CITY COUNCIL
Monday, March 21, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were Assistant City Manager Rick Crowley and City Attorney Pete Eckert. City Manager Julie Couch was absent from the meeting. Mayor Cecil immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

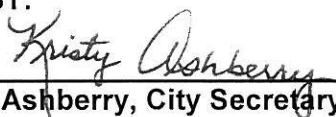
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of the public meeting below for actions taken as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 4th day of April, 2011.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



45
46
47
48
49
50

AGENDA
ROCKWALL CITY COUNCIL

Monday, March 21, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

51 I. CALL TO ORDER

52
53 Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil, Mayor
54 Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark
55 Russo and Cliff Sevier. Also present were Assistant City Manager Rick Crowley and City
56 Attorney Pete Eckert. City Manager Julie Couch was absent from the meeting.
57

58 II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER RUSSO

59
60 Councilmember Russo delivered the invocation and led the Pledge of Allegiance.
61

62 III. PROCLAMATIONS / AWARDS

- 63
64 1. Barbara Coleson Day
65 2. Claudette Hatfield Day
66

67 Mayor Cecil and the city's Main Street Manager, Bethany Golden, came forth to offer kind
68 words to Mrs. Coleson and Mrs. Hatfield. Mayor Cecil read and presented the
69 proclamations to each of them.
70

- 71 3. Certificate of Recognition - Texas Police Chiefs Association
72

73 Members of the Rockwall Police Department as well as representatives from an
74 accreditation board from the Texas Police Chiefs Association came forth to offer
75 comments related to this "best practices recognition" award.
76

77 Following the proclamations, Mayor Cecil asked council members if there was any action
78 necessary as a result of Executive Session. Mayor Pro Tem Farris then made a motion to
79 authorize the acquisition of right of way (Parcels 4 and 15 on Corporate Crossing) from
80 Capital Southwest. Councilmember Sweet seconded the motion, which passed
81 unanimously.
82

83 Mayor Pro Tem Farris made a motion to authorize the city manager to enter into a task
84 order contract with Rogers O'Brien for pre-construction cost estimation services.
85 Councilmember Sweet seconded the motion, which passed unanimously.
86

87 Mayor Pro Tem Farris made a motion to appoint the following fifteen (15) individuals to
88 serve on the 2011 Capital Improvement Program (CIP) Committee:
89

90 Amy Albritten, Jeff Shell, Frank Counselman. Betty Fulmer, Diedra Roe, Ross Ramsay,
91 Brad Bassett, Kevin Fowler, Sarah Kesting, Lisa Werschky, Bob Cotti, Kathleen Morrow,
92 Barb Coleson, Rob Estes, and Shawn Britton.
93
94

95
96 **Councilmember Sweet seconded the motion, which passed unanimously.**
97

98 **IV. CONSENT AGENDA**
99

- 100 1. Consider approval of the minutes from the March 7, 2011 regular city
101 council meeting and take any action necessary.
- 102 2. Consider approval of Mowing Services Contract renewal and take any
103 action necessary.
- 104 3. Consider bid award for HVAC replacement at City Hall and the Center
105 and take any action necessary.
- 106 4. Consider approval of a one year extension of the interlocal agreement
107 between the City of Rockwall and Rockwall County for septic system
108 inspection services and take any action necessary.
- 109 5. P2011-001 - Discuss and consider a request by Randall Pogue of Pogue
110 Engineering & Development Co. for approval of a replat for Lot 1, Block
111 A, SPR Packaging Addition, being a 10.19-acre tract zoned (LI) Light
112 Industrial district and located at 1480 Justin Drive, and take any action
113 necessary.
- 114 6. P2011-002 - Discuss and consider a request by Pann Sribhen of PSA
115 Engineering, LLC for approval of a final plat of Lot 4, Rockwall Market
116 Center South Addition, being 0.9970-acres zoned (C) Commercial district
117 and situated at the northeast corner of Ralph Hall Pkwy and Market
118 Center Blvd, and take any action necessary.
- 119 7. Consider the award of the Airport Road, Phase 2 construction contract
120 and take any action necessary.

121 **Councilmember Sevier pulled Consent Agenda items #2 and #3 for further discussion.**
122

123 **Mayor Pro Tem Farris then made a motion to approve the remaining items.**
124 **Councilmember Nielsen seconded the motion, which passed unanimously.**
125

126 **Councilmember Sevier asked staff for clarification regarding the mowing contract. Parks**
127 **Director Brad Griggs indicated that the city will not be going out for bid but will instead**
128 **continue utilizing the company with which it currently contracts. Mayor Pro Tem Farris**
129 **made a motion to approve Consent Agenda item #2. Councilmember Scott seconded the**
130 **motion, which passed by a vote of 6 ayes to 1 nay (Sevier).**
131

132 **Regarding Consent Agenda item #3, Councilmember Sevier asked staff for clarification**
133 **on the bid award recommendation. He then made a motion to approve Consent Agenda**
134 **item #3. Councilmember Sweet seconded the motion, which passed by a vote of 7 ayes**
135 **to 0 nays.**
136

137 **V. APPOINTMENTS**
138

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

142 **Chair of the Planning & Zoning Commission, Phillip Herbst, came forth and briefed the**
143 **council on recommendations of the commission relative to items on tonight's Council**
144 **agenda. The council took no formal action related to this item.**

145 **2. Appointment with Lewis Crain of Rutledge, Crain & Company to present**
146 **the City's Comprehensive Annual Financial Report (CAFR) and take any**
147 **action necessary.**

148 **Mr. Lewis Crain came forth and briefed the Council on the city's CAFR. He generally**
149 **provided positive comments about the city's financials, including favorable comments**
150 **related to preservation of strong reserves. Finance Director Mary Smith indicated that**
151 **the city is currently maintaining five months worth of reserves even though the city's**
152 **policy is to maintain 3.5 months worth of reserves. Brief discussion took place related to**
153 **the city's currently bond rating with Moody's and Standard and Poors, both of which are**
154 **favorable. Smith indicated that the audit will be available beginning tomorrow on the**
155 **city's website on the finance department's webpage.**

156 **Councilmember Nielsen made a motion to accept the city's CAFR. Councilmember**
157 **Russo seconded the motion, which passed unanimously.**

158 **3. Appointment with Ginger White of Rockwall Surgery Center for approval**
159 **of an offsite parking arrangement with Rockwall Independent School**
160 **District, and take any action necessary.**

161 **Mayor Pro Tem Farris left the meeting and was not present during this discussion item.**

162
163 **Steve Sietz**
164 **2231 Ridge Road**
165 **Rockwall, Texas**
166

167 **Mr. Sietz indicated that he is Ms. White's architect and is representing her this evening.**
168 **He offered brief comments to the council indicating that he would like the council to**
169 **approve this offsite parking arrangement request. He generally indicated that**
170 **purchasing property immediately adjacent to this location for parking use is not**
171 **financially feasible. City engineer, Chuck Todd, indicated that placing a crosswalk at this**
172 **location is not recommended by staff at this time.**

173
174 **Councilmember Sevier asked staff for clarification on the request. Planning Director**
175 **Robert LaCroix indicated that if an applicant is unable to meet the parking space number**
176 **requirement stipulated by the city, the applicant may come forth and request council**
177 **permission to seek a private parking contract with a nearby property owner. The**
178 **applicant may then enter into a private contract with that business, in this case, the**
179 **school district, in order to meet the parking space requirements.**

180
181 **General discussion took place related to the risks and benefits associated with Rockwall**
182 **Surgery Center entering into this sort of parking agreement with the school district.**

183
184 **After additional discussion, Councilmember Scott made a motion to approve allowing**
185 **Rockwall Surgery Center to seek a private parking agreement with RISD in order to meet**
186 **the city's parking space requirements for their expansion. Councilmember Sweet**
187 **seconded the motion, which passed by a vote of 6 ayes with 1 absent (Farris).**

188
189

190 VI. PUBLIC HEARING ITEMS

- 191
- 192 1. Z2010-021 - Continue a public hearing and consider approval of an
- 193 ordinance for a request by D. W. Bobst of JBR2, LLC for approval of a
- 194 zoning change from (Ag) Agricultural district to (C) Commercial district on
- 195 a 7.32-acre property known as Tract 17-12, Abstract 80, W. W. Ford
- 196 Survey and located at 5133 S FM 549, and take any action necessary.
- 197 (1st Reading)

198 Mayor Cecil indicated that this item is a continuation of a public hearing that was

199 previously started. He further indicated that this item requires a super majority vote of

200 the council for approval.

201 The applicant, Dan Bobst, came forth and offered comments related to his zoning change

202 request on this piece of property he purchased back in 2007.

203 Planning Director Robert LaCroix then provided background information related to this

204 item. He indicated that notices were sent out to adjacent property owners within 200 feet

205 of the property in accordance with state law. He indicated that staff is recommending a

206 'general retail' zoning designation for this piece of property rather than 'commercial.'

207 More than 20% of the adjacent property owners who received a public notice expressed

208 opposition to the zoning change. For this reason, it will take at least a ¾ vote of the

209 council for approval.

210 Councilmember Scott asked if staff had written opposition from 20% of the adjacent

211 property owners. Planning Manager Michael Hampton indicated that about 28% of those

212 notified were opposed. The one verbal opposition received by staff caused the number

213 to jump to over 30% opposition.

214 Mayor Cecil asked if anyone would like to come forth and speak related to this item

215 during the public hearing.

216 Nasreen Zeb

217 5128 South SH 205

218 Rockwall, TX

219

220 Mrs. Zeb indicated that her home is located directly adjacent to the property in question.

221 She feels the change in zoning will negatively affect her property. She feels that utilizing

222 the property for this type of zoning would violate the deed restrictions associated with

223 Mr. Bobst's property. She feels allowing a business to be placed in this location will

224 create unwanted traffic and is not appropriate when located immediately next door to an

225 existing private home. She asked that any decisions relative to rezoning the property be

226 delayed until pending litigation is resolved between her and Mr. Bobst. Mrs. Zeb

227 indicated that the trial associated with this lawsuit is supposed to take place on April 4 of

228 this year.

229

230 Cody Barrack

231 5149 FM 549

232 Rockwall, TX

233

234 Mr. Barrack indicated that his property is located two lots away from Mr. Bobst's

235 property where the rezoning is being requested. Mr. Barrack requested the council wait

236 before proceeding with rezoning in order to allow for an outcome to the current pending

237 litigation between the Zeb's and Mr. Bobst.

238
239 **Brett Wilson**
240 **535 Cullins Road**
241 **Rockwall, TX**
242
243 **Mr. Wilson indicated that his property is located nearby, and though this piece of land**
244 **does not immediately abut his property, he would like the council to hold off on rezoning**
245 **this property until there is resolution to the pending litigation that has been discussed**
246 **this evening.**
247
248 **There being no one else to come forth and speak on this item, Mayor Cecil then closed**
249 **the public hearing.**
250
251 **Bill Houser**
252 **4768 S. SH 205**
253 **Rockwall, TX**
254
255 **Mr. Houser came forth to represent the applicant, Dan Bobst, who had to leave the**
256 **meeting to catch a flight at DFW Airport. Mr. Houser indicated that he is a good friend of**
257 **Mr. Bobst. He pointed out that the city's comprehensive land use plan shows this corner**
258 **to be the location of future retail or commercial of some sort. He believes this corner**
259 **represents an underserved area that could benefit from retail of some sort. He indicated**
260 **that the pending litigation has been ongoing for almost two years and he believes the**
261 **lawsuit will continue to be delayed into the unforeseeable future. General discussion**
262 **took place related to the basis of the lawsuit.**
263
264 **Mayor Cecil asked if the Council should or should not consider this pending litigation as**
265 **part of its decision making associated with rezoning of this property. City Attorney Pete**
266 **Eckert indicated that the city, under the Texas Local Government Code, does not get**
267 **involved in enforcement of deed restrictions.**
268
269 **Councilmember Scott generally indicated that he believes the city council should make a**
270 **decision relative to this property in order to put forth a statement about what the city**
271 **would like to see done with this property moving forward as far as zoning is concerned.**
272 **If the court rules that the deed restrictions do not allow for general retail zoning, the deed**
273 **restrictions will trump any zoning decision made by the city council. Therefore, he is not**
274 **in favor of putting off taking action on this zoning matter any longer.**
275
276 **Brief discussion took place regarding if the city could require that screening be placed**
277 **between the Zeb's property and the Bobst property if general retail zoning were approved**
278 **by council. LaCroix generally indicated that the city cannot require such screening in**
279 **this case.**
280
281 **Councilmember Scott made a motion to approve Z2010-021 with the caveat that it be**
282 **'general retail' zoning rather than 'commercial' zoning. He does not believe it is**
283 **appropriate to hold up rezoning of this property to wait on a private lawsuit.**
284 **Councilmember Sevier seconded the motion. Councilmember Sweet provided brief**
285 **comments related to the city's comprehensive plan, which has shown this property to be**
286 **future 'commercial' zoning for quite some time now. For this reason, he will support the**
287 **motion on the floor.**
288

289 The ordinance was read as follows:

290 CITY OF ROCKWALL

291
292
293 ORDINANCE NO. 11-

294
295 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
296 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
297 ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A
298 CHANGE IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (GR)
299 GENERAL RETAIL DISTRICT, ON A TRACT OF LAND CONTAINING
300 APPROXIMATELY 7.32-ACRES LOCATED AT 5133 SOUTH FM 549 AND
301 KNOWN AS TRACT 17-12, ABSTRACT 80, W. W. FORD SURVEY, AND
302 MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN;
303 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF
304 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
305 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
306 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

307
308 The motion passed by a vote of 6 ayes to 1 absent (Farris).

- 309
310 2. Z2011-004 - Hold a public hearing and consider approval of an
311 ordinance for a city-initiated request to amend the Unified Development
312 Code (Ord. No. 04-38), specifically an amendment to Article IV,
313 Permissible Uses, that would allow for "Auto Repair, Minor" within the
314 "DT" Downtown district subject to approval of a Specific Use Permit, and
315 take any action necessary. (1st Reading)

316 Planning Director Robert LaCroix provided background information related to this item.
317 He indicated that the Planning & Zoning Commission has recommended approval of this
318 item by a vote of 6 to 0.

319 Mayor Cecil opened the public hearing and asked if anyone would like to come forth and
320 speak related to this item.

321
322 Jerry Archer
323 Archer Car Care
324 306 East Washington
325 Rockwall, TX
326

327 Mr. Archer respectfully asked Council to approve this request.

328
329 Gerald Houser
330 1108 Aspen Court
331 Rockwall, TX
332

333 Mr. Houser owns 210 Rusk which operates as the barber shop on the downtown square.
334 He asked the council to approve this request this evening.

335
336 Pastor Joe Robbins
337 805 Peters Colony
338 Rockwall, TX

339
340 **Mr. Robbins indicated he is in support of this item.**

341
342 **There being no one else to come forth and speak, Mayor Cecil then closed the public**
343 **hearing.**

344
345 **Councilmember Russo made a motion to approve Z2001-004. Councilmember Sevier**
346 **seconded the motion.**

347
348 **After brief discussion, the ordinance was read as follows:**

349
350 **CITY OF ROCKWALL**

351 **ORDINANCE NO. 11-_____**

352
353
354 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
355 **ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT**
356 **CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS**
357 **HERETOFORE AMENDED BY AMENDING ARTICLE IV.**
358 **PERMISSIBLE USES; PROVIDING FOR A PENALTY OF FINE NOT**
359 **TO EXCEED THE SUM OF TWO THOUSAND DOLLARS**
360 **(\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**
361 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER**
362 **CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

363
364 **The motion passed by a vote of 6 ayes with 1 absent.**

- 365
366 **3. Z2011-005 (TO BE CONTINUED) - Hold a public hearing and consider**
367 **approval of an ordinance for a request by of Jerry Sylo of JBI Partners,**
368 **Inc. for approval of a change in zoning from (Ag) Agricultural district to**
369 **(PD) Planned Development district on a 264.6-acre property comprised of**
370 **parcels known as Tracts 17-4, 17-13, 17-15, 17-16 and 40-8 of Abstract**
371 **80, W. W. Ford Survey, and situated along the west side of SH 205 (S.**
372 **Goliad) and south side of S FM 549, and take any action necessary. (1st**
373 **Reading)**

374 **Planning Director Robert LaCroix provided brief background information related to this**
375 **item. He asked the Council to open and continue this public hearing until the next**
376 **regularly scheduled council meeting, which will be held April 18, 2011 council meeting.**

377
378 **Mayor Cecil opened the public hearing and made a motion to continue the public hearing**
379 **until the April 18, 2011 council meeting. Councilmember Sweet seconded the motion,**
380 **which passed by a vote of 5 ayes, 1 nay (Scott) and 1 absent (Farris).**

381
382 **VII. ACTION ITEMS**

- 383
384 **1. Discuss and consider taking action regarding the application for rate/tariff**
385 **change filed by Aqua Texas, Inc., Aqua Utilities, Inc., and Aqua**
386 **Development, Inc. d/b/a Aqua Texas, including a resolution finding the**
387 **application premature under applicable law as determined by the Texas**
388 **Commission on Environmental Quality and authorizing the City Manager**
389 **to take appropriate action and further including a resolution modifying the**

390 findings and directives contained within resolution regarding the same
391 subject adopted on February 21, 2011 and take any action necessary.

392 **Councilmember Nielsen made a motion authorizing the city manager to take appropriate**
393 **action including approval of the resolution. Mayor Cecil seconded the motion.**

394
395 **Assistant City Manager Rick Crowley offered clarifying comments relative to this issue**
396 **and the action council is taking through adoption of this resolution.**

397
398 **The motion then passed by a vote of 6 ayes with 1 absent (Farris).**

- 399
400 2. Discuss and consider Aqua Utilities Inc, Aqua Development, Inc. d/b/a
401 Aqua Texas notice of intent to sell facilities and transfer portions of
402 service area located in Rockwall County, among other counties, including
403 but not limited to a resolution authorizing the City Manager to protest and
404 request a public hearing on the application and take any action
405 necessary.

406 **Mayor Cecil made a motion to approve the item and authorize the city manager to protest**
407 **the rate increase request. Councilmember Scott seconded the motion.**

408 **Assistant City Manager Rick Crowley offered brief, clarifying comments relative to this**
409 **item. The motion passed by a vote of 6 ayes to 1 absent (Farris).**

- 410 3. Discuss and consider the initiation of a potential amendment to the
411 Unified Development Code relative to congregate care facilities, and take
412 any action necessary.

413 **Planning Director Robert LaCroix offered background information related to this item,**
414 **describing what a congregate care facility is under state law and how such facility**
415 **operates. He indicated that this type of retirement type facility is a new concept and that**
416 **many other cities are beginning to allow this type of housing within their communities.**
417 **He explained that this type of facility is similar to an assisted living facility but with some**
418 **noted differences. He indicated that staff recommends moving forward with adding this**
419 **type of use as a permissible use within the city's unified development code.**

420
421 **Councilmember Nielsen expressed general concern about the density involved with the**
422 **numbers of residents who would be allowed to live within this type of congregate care**
423 **facility. General discussion took place relative to density and age restrictions on this**
424 **type of facility. Both councilmember Nielsen and Sevier indicated that placing an age**
425 **restriction of 62 years old is perhaps too high and too restrictive. They both generally**
426 **indicated that leaving it open to 'adults' or those 55 and older rather than those 62 years**
427 **old and older is preferred.**

428
429 **Councilmember Nielsen made a motion to table this item for a period of thirty days in**
430 **order to allow the council additional time to evaluate the issue. Mayor Cecil seconded**
431 **the motion, which passed by a vote of 6 ayes with 1 absent (Farris).**

432
433 **The public meeting was adjourned at 8:33 p.m.**

434
435 **VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
436 **GOVERNMENT CODE TO DISCUSS:**

- 438
439
440
441
442
443
444
445
446
447
448
449
450
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
 2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
 3. 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.
 4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

451
452 **IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
453

454 **The Council did not reconvene into executive session at the close of the public meeting.**
455 **Therefore, no action was taken at the end of the meeting. See start of public meeting,**
456 **just before Consent Agenda items, for actions taken as a result of pre-meeting executive**
457 **session.**

458
459 **X. ADJOURNMENT**
460

461 **The public meeting was adjourned at 8:33 p.m.**

462 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
463 **this 4th day of April, 2011.**

William R. Cecil

William R. Cecil, Mayor

465
466 **ATTEST:**

467 *Kristy Ashberry*
468
469 **Kristy Ashberry, City Secretary**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

MINUTES
ROCKWALL CITY COUNCIL

Monday, April 04, 2011

4:00 p.m. Pre-Council Meeting

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

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public meeting into Executive Session.

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

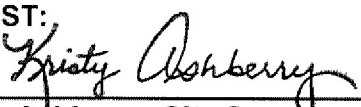
1. Deliberation regarding the purchase, exchange, lease, or value of real property including real property exchange agreement with Gibson, et.al.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business 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 including a 380 agreement with Murphy Building, Ltd.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 18th day of April, 2011.

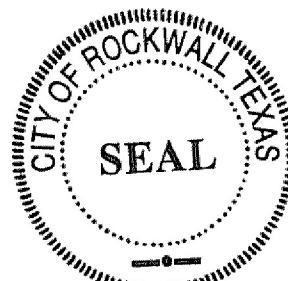
ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



42
43
44
45
46
47

**MINUTES
ROCKWALL CITY COUNCIL**

Monday, April 04, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

48 I. CALL TO ORDER

49
50 Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil, Mayor
51 Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark
52 Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney
53 Pete Eckert.

54
55 Mayor Pro Tem Farris made a motion to approve a real property exchange with the
56 Gibson family. Councilmember Nielsen seconded the motion, which passed
57 unanimously (7 ayes to 0 nays).

58
59 Mayor Pro Tem Farris made a motion to approve spending \$5,000 for the purchase of
60 land for sewer. Councilmember Sweet seconded the motion, which passed unanimously.

61
62 Mayor Pro Tem Farris made a motion to approve an easement agreement with Mike
63 Peoples, Jr. Councilmember Nielsen seconded the motion, which passed unanimously.

64
65 Mayor Pro Tem Farris made a motion to reappoint Bill Lofland to the North Texas
66 Municipal Water District (NTMWD) Board. Mayor Cecil seconded the motion, which
67 passed unanimously.

68
69 II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SEVIER

70
71 Councilmember Sevier delivered the invocation and led the Pledge of Allegiance.

72
73 III. OPEN FORUM

74
75 Mayor Cecil explained how Open Forum works and asked if anyone in the audience
76 would like to speak during this time. There being no one to come forth and speak at this
77 time, Mayor Cecil then closed Open Forum.

78
79 Mayor Cecil reordered the agenda, and action Items #1 and #2 were next addressed by
80 City Council.

81
82 IV. CONSENT AGENDA

- 83
84 1. Consider approval of the minutes from the March 21, 2011 regular city
85 council meeting and take any action necessary.
- 86 2. Consider approval of the facility agreement with Rockwall Marine and
87 take any action necessary.
- 88 3. Consider approval of a facility agreement with Rick Sharp to postpone
89 connection to City sanitary sewer system and take any action necessary.

- 90 4. Consider renewal of the Grounds Maintenance Contract and take any
91 action necessary.
- 92 5. Consider award of the Discovery Blvd. Extension construction contract
93 and take any action necessary.
- 94 6. Consider award of the 2010 Water Line Replacement construction
95 contract and take any action necessary.
- 96 7. P2011-003 - Consider a request by Randall Pogue of Pogue Engineering
97 & Development Company, Inc for approval of a replat of Lot 6, Block A,
98 Stone Creek Retail Addition, being 9.3298-acres zoned (PD-70) Planned
99 Development No. 70 district and located at 3066 N Goliad St, and take
100 any action necessary.
- 101 8. Consider adoption of a resolution appointing directors and a chairman for
102 the Board of Directors of Tax Increment Financing Reinvestment Zone #1
103 and take any action necessary.
- 104 9. Z2010-021 - Consider approval of an **ordinance** for a request by D. W.
105 Bobst of JBR2, LLC for approval of a zoning change from (Ag)
106 Agricultural district to (C) Commercial district on a 7.32-acre property
107 known as Tract 17-12, Abstract 80, W. W. Ford Survey and located at
108 5133 S FM 549, and take any action necessary. **(2nd Reading)**
- 109 10. Z2011-004 - Consider approval of an **ordinance** for a city-initiated
110 request to amend the Unified Development Code (Ord. No. 04-38),
111 specifically an amendment to Article IV, Permissible Uses, that would
112 allow for "Auto Repair, Minor" within the "DT" Downtown district subject to
113 approval of a Specific Use Permit, and take any action necessary. **(2nd**
114 **Reading)**

115 **Councilmember Scott excused himself from the meeting at 6:09 p.m. and was not present**
116 **during discussion and approval of Consent Agenda items.**

117 **Councilmember Sevier made a motion to pull items #5 and 6 for further discussion.**

118 **Mayor Cecil then made a motion to approve all remaining Consent Agenda items (#1, 2, 3,**
119 **4, 7, 8, 9, and 10). Councilmember Sweet seconded the motion. The ordinances were read**
120 **as follows:**

121 CITY OF ROCKWALL
122 ORDINANCE NO. 11-12
123

124 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
125 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
126 ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN
127 ZONING FROM (AG) AGRICULTURAL DISTRICT TO (GR) GENERAL RETAIL
128 DISTRICT, ON A TRACT OF LAND CONTAINING APPROXIMATELY 7.32-
129 ACRES LOCATED AT 5133 SOUTH FM 549 AND KNOWN AS TRACT 17-12,
130 ABSTRACT 80, W. W. FORD SURVEY, AND MORE SPECIFICALLY
131 DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; PROVIDING FOR A
132 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
133 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
134 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
135 PROVIDING FOR AN EFFECTIVE DATE.
136
137

CITY OF ROCKWALL
ORDINANCE NO. 11-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE IV. PERMISSIBLE USES; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absent (Scott).

Regarding Consent Agenda item #5, Councilmember Sevier asked staff for some funding source clarification and then made a motion to approve Consent Agenda item #5. Mayor Pro Tem Farris seconded the motion, which passed by a vote of 6 ayes with 1 absent (Scott).

Councilmember Sevier expressed the understanding that funding for Consent Agenda item #6 would come out of water revenue bonds. He then made a motion to approve Consent Agenda item #6. Mayor Pro Tem Farris seconded the motion, which passed by a vote of 6 ayes to 1 absent (Scott).

Appointment items were next addressed by City Council.

V. APPOINTMENTS

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

Connie Jackson, vice chair of the Planning & Zoning Commission, came forth and briefed the council on the recommendations of the Commission relative to planning related items on tonight's council agenda. The council took no action related to this item.

2. Appointment with Jim Parks and Mike Rickmon of North Texas Municipal Water District (NTMWD) to hear report related to Stage 1 Water Conservation and take any action necessary.

Mike Rickman of the NTMWD came forth and indicated that some small organisms called Zebra Mussels generating from Russia are currently causing problems within the water supply. He generally indicated that NTMWD is calling for cities to voluntarily initiate State 1 Water Conservation efforts with their water customers. He generally indicated that these organisms present no threat to those who drink water supplied by NTMWD. After lengthy discussion, the council took no formal action related to this appointment item.

3. Hear update on the status of state legislation related to acquisition of investor owned utilities (IOUs) and take any action necessary.

City Manager Julie Couch briefed the council on this item, indicating that the city is currently supporting legislation that would allow the city to acquire the rights to serve water to a recently annexed area currently being served by an investor owned utility company at the time of annexation. She indicated that the bill that has been proposed by

186 a state representative out of Tyler was voted out of committee in the State Senate last
187 week. She also indicated that she will again be traveling to Austin to again speak in
188 favor of this proposed state legislation. She explained that Lake Rockwall Estates
189 residents are currently paying an average of \$72 a month for water service, compared to
190 the average \$22 they would be paying if they were being served by the City of Rockwall.

191
192 Mayor Cecil asked if anyone in the audience has any questions related to this topic that
193 they would like the City Manager to answer.

194
195 Michelle Smith came forth and asked for clarification on which representatives have
196 presented this bill in the Senate and House. Couch provided this information and
197 indicated that the city would appreciate any shows of support related to these pieces of
198 legislation.

199
200 **VI. PUBLIC HEARING ITEMS**

201
202 1. old a public hearing and consider a request from Clint Danner for
203 approval of a front yard fence at 837 Cedarbluff Dr. and take any action
204 necessary.

205 Building Official Jeffrey Widmer provided brief background information related to this
206 item.

207
208 Mayor Cecil opened the Public Hearing and asked if anyone would like to speak related
209 to this item. There being no one to come forth and speak, Mayor Cecil then closed the
210 public hearing.

211
212 Councilmember Nielsen made a motion to approve this request for a front yard fence
213 variance. Councilmember Sweet seconded the motion. The motion passed by a vote of
214 6 ayes with 1 absent (Scott).

215
216 **VII. SITE PLANS / PLATS**

217
218 1. SP2011-003 - Discuss and consider a request by Kevin McKibben of
219 McDonalds Corp, for approval of variances to the Architectural Standards
220 of the IH-30 Overlay district, in association with an amended site plan and
221 building elevations for the existing McDonalds Restaurant located on Lot
222 8R, Block A, Rockwall Towne Center Ph 1 Addition, being 1.219-acres
223 zoned (C) Commercial district and located at 610 E IH-30 within the IH-30
224 Overlay and Scenic Overlay districts, and take any action necessary.

225 Mayor Cecil indicated that this item will require a super majority approval of council
226 since it is located in the city's Scenic Overlay District. Since one council member is
227 absent, this means that at least five council members must vote to approve the item in
228 order for it to pass.

229
230 Planning Director Robert LaCroix then provided background information related to this
231 item. He generally indicated that both staff and the Planning and Zoning Commission
232 believe this is a very positive upgrade to the existing McDonald's restaurant located off
233 of IH-30.

234

235 **Mayor Pro Tem Farris made a motion to approve SP2011-003. Councilmember Sweet**
236 **seconded the motion. After brief discussion, the motion passed by a vote of 6 ayes with**
237 **1 absent (Scott).**
238

- 239 2. SP2011-004 - Discuss and consider a request by Stephen Seitz of Seitz
240 Architects, Inc., for approval of variances to the Architectural Standards of
241 the Scenic Overlay district, in association with an amended site plan for a
242 proposed expansion of Rockwall Surgery Center, which is located on Lot
243 3R, Block B, The Woods at Rockwall Addition, being 1.1988-acres zoned
244 (C) Commercial district and located at 825 Yellowjacket Lane within the
245 Scenic Overlay district, and take any action necessary.

246 **Planning Director Robert LaCroix provided brief background information related to this**
247 **item.**
248

249 **Councilmember Sweet made a motion to approve SP2011-004 including the**
250 **recommendations of staff and the Planning and Zoning Commission. Councilmember**
251 **Sevier seconded the motion. The motion passed by a vote of 6 ayes with 1 absent**
252 **(Scott).**
253

254 **VIII. ACTION ITEMS**

- 255 1. Discuss and consider an **ordinance** authorizing the issuance of City of
256 Rockwall, Texas, General Obligation Refunding and Improvement Bonds,
257 series 2011, establishing procedures for the sale and delivery of the
258 Bonds; providing an effective date; and enacting other provisions related
259 to the subject. **(1st reading)**
260

261 **Finance Director Mary Smith indicated that it is appropriate for any discussion to take**
262 **place related to this item this evening; however, no vote on the part of the council is in**
263 **order at this time. It is sufficient that the wording of the ordinance was read into the**
264 **record by the Mayor.**
265

- 266 2. Discuss and consider an **ordinance** authorizing the issuance of City of
267 Rockwall, Texas, Combination Tax and Limited Surplus Revenue
268 Certificates of Obligation, Series 2011; establishing procedures for the
269 sale and delivery of the Certificates; providing an effective date; and
270 enacting other provisions related to the subject. **(1st reading)**

271 **Finance Director Mary Smith indicated that it is appropriate for any discussion to take**
272 **place related to this item this evening; however, no vote on the part of the council is in**
273 **order at this time. It is sufficient that the wording of the ordinance was read into the**
274 **record by the Mayor.**

275 **Councilmember Scott excused himself from the meeting at this time (following the two**
276 **Action Items, which were addressed early on in the public meeting, immediately**
277 **following Open Forum). Councilmember Scott did not return to the public meeting for**
278 **the remainder of the agenda.**

279
280

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

- 283
284 1. Departmental Reports
285 Building Inspections Monthly Report - February 2011
286 Finance Department monthly report - February 2011
287 Fire Department Monthly Report - February 2011
288 Internal Operations Department Monthly Report - February 2011
289 Police Department Monthly Report - February 2011
290 Recreation Department Monthly Report - February 2011
291 Harbor PD Monthly Report - February 2011
292 Quarterly Report from STAR Transit

293 2. City Manager's Report

294
295 **City Manager Julie Couch asked the council to consider holding the first CIP work**
296 **session the last week or so in April.**

297
298 **A recent left turn lane on Ralph Hall Parkway has been completed and is in full operation**
299 **at this item.**

300
301 **The road work on FM-740 has fallen behind a bit, so the new estimated completion date**
302 **is October 2012.**

303
304 **Construction of the overpass at John King Boulevard is on schedule and is going well.**

305
306 **Councilmember Nielsen briefly gave positive feedback to staff related to the recent,**
307 **favorable city audit. She also offered kudos to the city due to a large increase in pet**
308 **adoptions through the Rockwall Animal Adoption Center.**

309
310 **Councilmember Sevier pointed out that the same three stores at the Harbor seem to be**
311 **having recurring false fire alarms. It was suggested that staff urge those companies**
312 **have some employee training to try and prevent false alarms from occurring in the future.**

313
314 **Mayor Cecil asked staff to do a press release related to how well our city's finances and**
315 **budget are currently doing.**

316
317 **Related to fire department response times, Mayor Cecil asked Chief Poindexter for**
318 **clarification as to why several calls show somewhat late response times. Poindexter**
319 **generally indicated that response times have been inhibited by a myriad of factors**
320 **including construction related traffic and recent poor weather that inhibited response**
321 **times.**

322
323 **Mayor Cecil provided brief, positive comments related to police department related**
324 **reports and associated statistics.**

325
326 **There being no further business to discuss, Mayor Cecil adjourned the meeting at 7:26**
327 **p.m.**

328
329 **X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
330 **GOVERNMENT CODE TO DISCUSS:**

- 331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
1. Deliberation regarding the purchase, exchange, lease, or value of real property including real property exchange agreement with Gibson, et.al.
 2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
 3. 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 including a 380 agreement with Murphy Building, Ltd.
 4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

346 **XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

347
348 Council did not reconvene back into Executive Session at the close of the public
349 meeting. Therefore, no action was taken. (See start of public meeting above for actions
350 taken as a result of pre-meeting Executive Session).

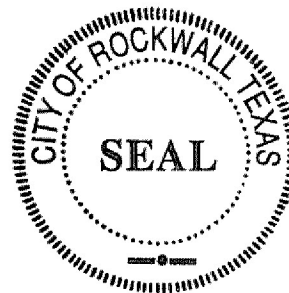
351
352 **XII. ADJOURNMENT**

353
354
355 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
356 **this 18th day of April, 2011.**

357
358 **ATTEST:**
359 *Kristy Ashberry*
360 _____
361 **Kristy Ashberry, City Secretary**

William R. Cecil

William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL

Monday, April 18, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Cecil, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo, and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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 including a 380 development agreement with Murphy Building, Ltd. and including amendment to agreement with Harbor Heights Investors, L.P.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.


III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of the public meeting below for actions taken as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 2nd day of May, 2011.

ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, April 18, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Cecil, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, Mark Russo, and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

Mayor Pro Tem Farris made a motion to approve the 380 agreement between the City of Rockwall and Murphy Building Ltd. Councilmember Scott seconded the motion, which passed unanimously.

Mayor Pro Tem Farris made a motion to approve the first amendment to the development agreement between the City of Rockwall and Harbor Heights Investors. Councilmember Scott seconded the motion, which passed unanimously.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM GLEN FARRIS

Mayor Pro Tem Farris delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Sons of the American Revolution Awards
2. Ella Turner - Raise a Dollar, Heal a Heart Day
3. Rockwall Environmental Action Day

Representatives from the Sons of the American Revolution came forth and presented awards to a paramedic from Rockwall County EMS, Rockwall police sergeant Jeff Welch and Rockwall fire marshal Ariana Hargrove.

Mayor Cecil then read and presented the two proclamations.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the April 4, 2011 regular city council meeting and take any action necessary.
2. Consider a resolution requesting that TXDOT approve the temporary closure of the IH-30 off-ramp, east of SH-205, for the Classic Rock Rotary Sprint Triathlon, May 15, and take any action necessary.

Councilmember Russo pulled Consent Agenda item #2.

Councilmember Scott made a motion to approve Consent Agenda item #1. Councilmember Nielsen seconded the motion, which passed unanimously (7 ayes to 0 nays).

Regarding Consent Agenda item #2, Councilmember Russo asked if the city plans to notify residents of this event. City Manager Julie Couch indicated that this event is sponsored by the breakfast rotary club and is not a city sponsored event. Parks Director Brad Griggs indicated that he has spoken with the rotary club and that they have informed appropriate churches of the event.

Councilmember Russo then made a motion to approve Consent Agenda item #2. Councilmember Scott seconded the motion, which passed unanimously.

V. APPOINTMENTS

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

Chair of the Planning & Zoning Commission, Phillip Herbst came forth and offered brief comments related to the recommendations of the commission relative to items on tonight's council agenda. After brief discussion, the council took no action related to this item.

2. Appointment with Stephen Straughan, President of the Boys and Girls Club, to introduce the new Chief Professional Officer Misti Potter and hear update.

Stephen Straughan came forth and introduced the new President of the Boys and Girls Club, Misti Potter. Ms. Potter came forth and briefly spoke about "Project Learn," an effort being launched to ensure that every Boys & Girls Club program has an educational component. After brief discussion, the council took no action related to this item.

3. Appointment with Antonio Herrera to hear concerns related to on-street parking within the Meadowcreek Estates Subdivision, and take any action necessary.

Mayor Cecil asked if Mr. Herrera is present. There being no one to come forth, Mayor Cecil then moved to Appointment item #4 instead.

4. Appointment with Raymond Jowers to discuss his request to extend his Specific Use Permit for 2260 East IH-30, and take any action necessary.

Mr. Jowers came forth and indicated that the current tenant occupying this space is Big Tex Trailers. After providing brief statistics and background information on this tenant, he asked the Council to consider granting an extension of this SUP.

Mayor Pro Tem Farris made a motion to approve the extension of the SUP for a period of 3 years. Councilmember Russo seconded the motion, which passed by a vote of 7 ayes with 0 nays.

VI. PUBLIC HEARING ITEMS

1. Z2011-006 - Hold a public hearing and consider approval of an ordinance for a request by Jennifer Norman of JKW Winery LLC for approval of a Specific Use Permit (SUP) to allow for a "winery" within the

(PD-7) Planned Development No. 7 district, specifically to be located within The Harbor development at 2083 Summer Lee Drive, Suite 209, being within Lot 2, Block A, The Harbor-Rockwall Addition, and take any action necessary. **(1st Reading)**

Planning Director Robert LaCroix provided brief background information related to this item, indicating that the council previously approved allowing wineries at The Harbor with approval of a special use permit. This SUP would cover the existing square footage that will be occupied initially as well as the square footage included in an anticipated future expansion. The applicant must adhere to all fire, health and building standards and outdoor seating must be limited to three tables. They are also required to obtain a winery permit from the Texas Alcoholic Beverage Commission. Notices were mailed out to property owners located within 200 feet of the property, and one response has been received back in favor of the request. The Planning and Zoning Commission did unanimously recommend approval of this item.

Jennifer Norman
4510 Lakehaven Drive
Rowlett, TX

and

Karen Wilson
9305 Grant Drive
Rowlett, TX

Ms. Norman pointed out that the correct suite number is 109 rather than 209.

Mayor Pro Tem Farris asked if wine will be fermented on site or if it will just be a wine tasting type of facility. Ms. Norman indicated that wine will be fermented and stored on site. The wine will come from grapes grown only within the state of Texas.

Mayor Cecil opened the public hearing and asked if anyone would like to come forth and speak. There being no indication thereof, Mayor Cecil then closed the public hearing.

Mayor Pro Tem Farris made a motion to approve Z2011-006. Councilmember Scott seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 11-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "WINERY" WITHIN (PD-7) PLANNED DEVELOPMENT NO. 7 DISTRICT, LOCATED AT 2083 SUMMER LEE DRIVE, SUITE 109, BEING WITHIN LOT 2, BLOCK A, THE HARBOR-ROCKWALL ADDITION; 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 unanimously of Council.

2. **Z2011-007 - Hold a public hearing and consider approval of an ordinance for a request by Russell Phillips of Harbor Heights Investors, LP, for approval of a "PD Development Plan" within (PD-32) Planned Development No. 32 district, in accordance with Ordinance No. 10-21, specifically on a 3.945-acre tract of land comprised of all or part of Tracts 1-1, 1-2, 1-3, 7, 9 and 14, Abstract 11, M. J. Barksdale Survey, part of Tract 41, Abstract 207, E. Teal Survey, part of Lot 1, Block 7, George Moton Addition, and part of the existing platted right-of-way for Hilltop Drive, said 3.945-acre tract being situated along the south side of the IH-30 service road west of Horizon Road and more specifically described in a legal description on file at the City of Rockwall Planning Department office, and take any action necessary. (1st Reading)**

Planning Director Robert LaCroix provided background information related to this item. Mayor Cecil then called the applicant forward.

Russell Phillips, the applicant, then came forth and respectfully asked the Council to approve these modification to the development plan in order to allow for a few changes to the development relative to a planned restaurant on the top floor of this facility and relative to some restaurant pad sites nearby.

Mayor Cecil then opened the public hearing.

**Sam Buffington
509 Bourne
Rockwall, TX**

Mr. Buffington came forth and indicated that his family owns some property located near this development. He encouraged the Council to wisely consider this development, as it is the last piece of undeveloped property located within this particular lakeside area. He generally encouraged the council to approve this item.

**Dennis Lewis
310 Harbor Landing Drive
Rockwall, TX**

Mr. Lewis asked how the traffic coming off of I-30 from the exit ramp onto the service road will be addressed. Mayor Cecil indicated that Mr. Lewis should visit with staff, as plans of this nature are included in the plan.

There being no one else wishing to come forth and speak, Mayor Cecil then closed the public hearing.

Councilmember Scott made a motion to approve Z2011-007. Councilmember Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 11-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AND (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT (ORDINANCE NO. 10-21), SO AS TO APPROVE A DEVELOPMENT PLAN ON APPROXIMATELY 3.945-ACRES AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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 unanimously.

3. Hold a public hearing and consider a request from Wilbert Searcy for approval of a front yard fence at 597 Pendleton Dr. and take any action necessary.

Director of Code Enforcement, Jeffrey Widmer, provided brief background information related to this item. He indicated that the property owner was unaware of the need to pull a fence permit prior to erecting this wrought iron fence, and his fence contractor failed to let him know and failed to pull a permit on his behalf. Mr. Widmer indicated that notices were sent out to property owners located within 200 feet of the property, and two responses have been received back in favor thus far.

Wilbert Searcy
597 Pendleton Drive
Rockwall, TX

Mr. Searcy generally indicated that he erected this fence in order to provide additional security for his home. He stated that he was unaware of the need to pull a fence permit prior to installation of this fence.

Councilmember Scott asked if any other home in his neighborhood has a front yard fence at this time. Mr. Searcy indicated that there are none that he knows of.

Mayor Cecil then opened the public hearing. There being no one to come forth and speak, Mayor Cecil then closed the public hearing.

Councilmember Nielsen asked that staff bring back to Council an ordinance for consideration which changes the maximum height restrictions from 42" up to 48."

She then made a motion to approve this request for a front yard fence. Mayor Cecil seconded the motion. Both Council members Scott and Sevier indicated that they are not in favor of approving this request at this time because the council generally does not allow front yard fences to be erected.

The motion passed by a vote of 4 ayes with 3 nays (Scott, Sevier, Farris).

Mayor Pro Tem Farris asked staff what can be done in order to prevent this from happening in the future. Mr. Widmer indicated that code enforcement officers travel up each street and alleyway within the city at least one time per week; however, this fence more than likely was erected over a weekend when code officers were not on duty. Widmer further indicated that this particular contractor is registered with the city and therefore likely knows the standards but failed to inform the resident. Mr. Widmer stated that the contractor has been issued a citation. Mayor Pro Tem Farris encouraged staff to look into the possibility of disallowing this and other contractors who violate our ordinance and fail to pull fence permit from doing business in the city in the future. City Manager Couch indicated staff will evaluate this issue and get back with Council for further discussion and consideration.

4. Hold a public hearing regarding amending the project plan and financing plan for Tax Increment Reinvestment Zone Number 1, City of Rockwall, Texas and take any action necessary. (continue to May 2, 2011)

Mayor Cecil made a motion to continue this item until the May 2 council meeting. Mayor Pro Tem Farris seconded the motion, which passed by a vote of 6 ayes with 1 nay (Sevier).

VII. ACTION ITEMS

1. Hold a show cause hearing regarding demolition of property located at 470 Nicole Drive and take any action necessary.

Building Official Jeffrey Widmer indicated that the structure located on this site is in disrepair and staff has tried every means possible to notify the property owner of the "repair, remove or demolish" request on the part of the city. The applicant has been unresponsive to date. If the Council does move to demolish this structure, there is a 90 day waiting period in the State of Texas before demolition occurs.

After brief discussion, Councilmember Scott made a motion to approve demolition of this property as recommended by staff. Mayor Pro Tem Farris seconded the motion. Mayor Cecil asked if the property owner is in the audience this evening. There was no indication thereof. After brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider the initiation of a potential amendment to the Unified Development Code relative to congregate care facilities, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this item indicating that this issue previously came before council on March 21 for initial discussion. Staff has brought this item back this evening with additional information and more in depth description of the issue provided in the staff report included in the meeting packet. Mr. LaCroix indicated that the city has had a few individuals / companies express interest in establishing a facility of this type within our city. The city first needs to consider establishing this type of zoning because, otherwise, the only way this type of facility could be established is through the creation of a planned development district. Mr. LaCroix further explained the characteristics of this type of facility, indicating that this type of facility is very similar to an assisted living facility yet with some minor differences.

Councilmember Scott generally expressed some concerns related to potentially approving these types of facilities as a permitted use by right within the zoning regulations. Mr. LaCroix indicated that true assisted living facilities are already included in the city's zoning regulations and are allowed by right in certain commercial areas within the city. These types of facilities do not require approval of a Specific Use Permit (SUP) beforehand.

Councilmember Sweet suggested that perhaps these types of facilities could be allowed in the city after first obtaining Council approval of a Specific Use Permit (SUP).

Mayor Pro Tem Farris asked if potential applicants are waiting for the council to make a decision on this issue before formally putting forth their request for consideration. Mr. LaCroix indicated that yes, some applicants are awaiting the council's decision relative to this potential change in zoning. Farris suggested that staff visit with these potential applicants in order to ask if they might be willing to come before council to educate the council on more specific information related to this type of facility and its overall concept.

Councilmember Scott expressed he would be most comfortable allowing these types of facilities if a specific use permit process is included. He further indicated he would like assisted living facilities to be required to go through an SUP approval process as well.

Councilmember Sweet made a motion to direct staff to invite a potential applicant to come forth before council to make a presentation related to the concept and business plan associated with a congregate care facility and to direct staff to come back to Council with a suggested SUP process associated with congregate care facilities. Councilmember Farris second the motion.

The motion passed by a vote of 5 ayes to 2 nays (Russo, Sevier).

3. Discuss and consider an **ordinance** authorizing the issuance of City of Rockwall, Texas General Obligation Refunding and Improvement Bonds, Series 2011, establishing procedures for the sale and delivery of the Bonds; providing an effective date; enacting other provisions related to the subject and take any action necessary. (2nd reading)

Councilmember Nielsen made a motion to approve this ordinance. Councilmember Scott seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 11-__

AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ROCKWALL, TEXAS GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2011, ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF THE BONDS; PROVIDING AN EFFECTIVE DATE; ENACTING OTHER PROVISIONS RELATED TO THE SUBJECT

The motion passed unanimously of Council.

4. Discuss and consider an **ordinance** authorizing the issuance of City of Rockwall, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation Bonds, Series 2011, establishing procedures for the sale and delivery of the Certificates; providing an effective date;

enacting other provisions related to the subject and take any action necessary 2nd reading. (2nd Reading - to be tabled)

Mayor Pro Tem Farris made a motion to table this item to the May 16, 2011 regular City Council meeting to be held at Rockwall City Hall, 385 South Goliad Street. Councilmember Scott seconded the motion. After brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

The public meeting was adjourned at 8:38 p.m.

VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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 including a 380 development agreement with Murphy Building, Ltd. and including amendment to agreement with Harbor Heights Investors, L.P.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.


IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council did not reconvene back into Executive Session at the close of the public meeting. Therefore, no action was taken as a result of end-of-meeting Executive Session.

X. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of May, 2011.

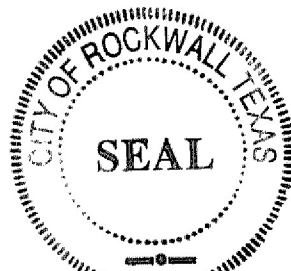
ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

MINUTES
ROCKWALL CITY COUNCIL
Monday, May 02, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and council members David Sweet, Matt Scott, Margo Nielsen, Mark Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Cecil immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas including discussion of the draft Shores lease.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


See minutes below (just prior to Open Forum) for actions taken as a result of Executive Session.

IV. ADJOURNMENT

Executive Session was adjourned at 4:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 16th day of May, 2011.

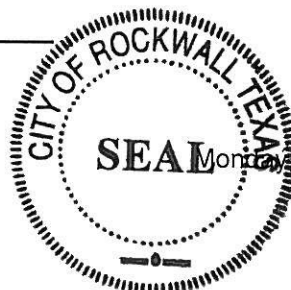
ATTEST:



Kristy Ashberry, City Secretary



William R. Cecil, Mayor



46
47
48
49
50
51

**MINUTES
ROCKWALL CITY COUNCIL**

Monday, May 02, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

52 I. CALL TO ORDER

53
54 Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil, Mayor
55 Pro Tem Glen Farris and Council members David Sweet, Matt Scott, Margo Nielsen, Mark
56 Russo and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney
57 Pete Eckert.

58
59 II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SCOTT

60
61 Councilmember Scott delivered the invocation and led the Pledge of Allegiance.

62
63 III. PROCLAMATIONS / AWARDS

64
65 1. Motorcycle Safety Awareness Month

66
67 Councilmember Margo Nielsen came forth and indicated that she lost her nephew in a
68 motorcycle accident not long ago. She then read and presented the proclamation for
69 Motorcycle Safety and Awareness Month to members of the Wolverines motorcycle
70 riding group of Rockwall.

71
72 2. National Day of Prayer

73
74 Mayor Cecil indicated that May 5 is the National Day of Prayer. He then read this
75 proclamation aloud.

76
77 Mayor Cecil asked if there is any action necessary following Executive Session. Mayor
78 Pro Tem Farris then made a motion to authorize the City Manager to execute a contract
79 with Mount Zion Water Services Corporation for acquisition of the right to serve certain
80 areas of their system and to negotiate adding to the contract connections on Quail Run,
81 using the same unit cost. Councilmember Russo seconded the motion. The motion
82 passed unanimously of council (7 ayes to 0 nays).

83
84 IV. OPEN FORUM

85
86 Mayor Cecil explained how Open Forum is conducted. He then asked if anyone would
87 like to come forth and speak during this time.

88
89 Pastor Joe Robbins
90 St. Paul Church on Peters Colony
91 Rockwall, Texas

92
93 Knowing that the current council will be changing after the May 14 city council election,
94 Mr. Robbins came forth and commended the current council for doing a great job. Mayor

95 Cecil indicated that at the first meeting in June, we will have elected a new mayor and
96 three new council members.

97
98 There being no one else to come forth and speak, Mayor Cecil then closed Open Forum.

99
100 V. CONSENT AGENDA

- 101
102 1. Consider approval of the minutes from the April 18, 2011 regular city
103 council meeting and take any action necessary.
- 104 2. Discuss and consider a resolution appointing the Municipal Court Judge;
105 appointing an Associate Municipal Court Judge and take any action
106 necessary.
- 107 3. Z2011-006 - Consider approval of an **ordinance** for a request by
108 Jenniffer Norman of JKW Winery LLC for approval of a Specific Use
109 Permit (SUP) to allow for a "winery" within the (PD-7) Planned
110 Development No. 7 district, specifically to be located within The Harbor
111 development at 2083 Summer Lee Drive, Suite 109, being within Lot 2,
112 Block A, The Harbor-Rockwall Addition, and take any action necessary.
113 **(2nd Reading)**
- 114 4. Z2011-007 - Consider approval of an **ordinance** for a request by Russell
115 Phillips of Harbor Heights Investors, LP, for approval of a "PD
116 Development Plan" within (PD-32) Planned Development No. 32 district,
117 in accordance with Ordinance No. 10-21, specifically on a 3.945-acre
118 tract of land comprised of all or part of Tracts 1-1, 1-2, 1-3, 7, 9 and 14,
119 Abstract 11, M. J. Barksdale Survey, part of Tract 41, Abstract 207, E.
120 Teal Survey, part of Lot 1, Block 7, George Moton Addition, and part of
121 the existing platted right-of-way for Hilltop Drive, said 3.945-acre tract
122 being situated along the south side of the IH-30 service road west of
123 Horizon Road and more specifically described in a legal description on file
124 at the City of Rockwall Planning Department office, and take any action
125 necessary. **(2nd Reading)**
- 126 5. Consider approval of an interlocal agreement with City of Bedford for
127 public safety uniforms and accessories, and take any action necessary.
- 128 6. Discuss and consider an **ordinance** setting requirements to be satisfied
129 by utilities providing water and/or sewer utility services within its corporate
130 limits when a change in rates is proposed and take any action necessary.

131 Mayor Cecil made a motion to approve the entire Consent Agenda (items #1-6). Mayor
132 Pro Tem Farris seconded the motion. The ordinances were read as follows:

133 CITY OF ROCKWALL
134 ORDINANCE NO. 11-15
135

136 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
137 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
138 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
139 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO
140 ALLOW FOR A "WINERY" WITHIN (PD-7) PLANNED DEVELOPMENT
141 NO. 7 DISTRICT, LOCATED AT 2083 SUMMER LEE DRIVE, SUITE
142 109, BEING WITHIN LOT 2, BLOCK A, THE HARBOR-ROCKWALL

143 ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
144 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
145 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
146 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
147 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
148

149 CITY OF ROCKWALL
150 ORDINANCE NO. 11-16

151 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
152 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
153 CODE OF THE CITY OF ROCKWALL AND (PD-32) PLANNED
154 DEVELOPMENT NO. 32 DISTRICT (ORDINANCE NO. 10-21), SO AS
155 TO APPROVE A DEVELOPMENT PLAN ON APPROXIMATELY 3.945-
156 ACRES AND MORE SPECIFICALLY DESCRIBED HEREIN AS
157 EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
158 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
159 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
160 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
161 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
162
163

164 CITY OF ROCKWALL
165 ORDINANCE NO. _____

166 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
167 ROCKWALL, TEXAS SETTING REQUIREMENTS TO BE SATISFIED
168 BY UTILITIES PROVIDING WATER AND/OR SEWER UTILITY
169 SERVICE WITHIN ITS CORPORATE LIMITS WHEN A CHANGE IN
170 RATES IS PROPOSED; PROVIDING FOR A SEVERABILITY
171 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
172

173 The motion passed unanimously.

174
175 VI. APPOINTMENTS

- 176
177 1. Appointment with Ruth Peck to hear update on Music Fest and take any
178 action necessary.

179 Mrs. Peck came forth
180 108 Lakedale
181 Rockwall

182
183 Mrs. Peck came forth and indicated that she is president of Rockwall Music Fest and the
184 Rockwall Philharmonic Orchestra. She updated the Council on the success of Music
185 Fest and indicated that the Rockwall Philharmonic Orchestra will perform again at The
186 Harbor in August of this year. She also provided a few, small gifts of recognition and
187 appreciation to three council members, including David Sweet, Matt Scott and Glen
188 Farris.

189
190 The Council took no action related to this item.
191
192

193
194
195 2. Appointment with Mark Lowen of The Lenity Group to discuss congregate
196 care facilities, and take any action necessary.

197 **Mark Lowen**
198 **Lenity Group**
199 **471 High Street SE, Suite 10**
200 **Salem, Oregon 97301**

201
202 **Mr. Lowen came forth and briefly explained the various types of assisted living facilities,**
203 **including one commonly known as ‘congregate care.’ He then offered a more in depth**
204 **presentation and explanation of this type of facility. He indicated that those living in this**
205 **type of facility do not have to cook, clean, do yard work or do their own laundry. These**
206 **are the main amenities provided by a congregate care facility. Also, transportation is**
207 **included in the monthly rent fees as well, and most residents move to this type of facility**
208 **by choice rather than out of need to do so. All utilities, meals, transportation and**
209 **activities are paid for and included in the residents’ monthly rent fees. The only thing**
210 **extra a resident has to pay for is their telephone. The typical age restriction on the Lenity**
211 **Group’s facilities is fifty-five (55) years of age. Mr. Lowen then provided a visual**
212 **rendering of a congregate care facility that the Lenity Group is currently constructing in**
213 **Raleigh North Carolina. Lengthy questions from council and answers by Mr. Lowen then**
214 **ensued.**

215
216 **After lengthy discussion, the Council took no action related to this agenda item.**

217
218 **VII. PUBLIC HEARING ITEMS**

219
220 1. Hold a public hearing regarding amending the project plan and financing
221 plan for Tax Increment Reinvestment Zone Number 1, City of Rockwall,
222 Texas and take any action necessary. (continued from April 21, 2011)

223 **Finance Director Mary Smith provided brief background information related to this item.**
224 **Ms. Smith indicated that the original TIF plan was adopted in 2005 and amended in 2006**
225 **and that it covered only a portion of the Harbor area. The TIF plan is now being amended**
226 **in light of new projects that will be constructed in The Harbor area soon, and the city**
227 **would like to capture the revenues from these new developments by including them in**
228 **the Tax Increment Financing District.**

229
230 **Mayor Cecil then asked if anyone would like to come forth and speak. There being no**
231 **one to come forth and speak, he then closed the public hearing.**

232
233 **The Council took no action related to this item.**

234
235 **VIII. ACTION ITEMS**

236
237 1. Discuss and consider an **ordinance** amending the project and financing
238 plans of Reinvestment Zone Number One, City of Rockwall, Texas and
239 take any action necessary. **(1st reading)**

240 **Councilmember Scott made a motion to move forward with the recommendation of the**
241 **TIF board, which is to move forward with approval of the ordinance amending the project**

242 and financing plans for Reinvestment Zone Number One, City of Rockwall, Texas. Mayor
243 Pro Tem Farris seconded the motion.

244 The ordinance was read as follows:

245 ORDINANCE _____

246

247 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
248 TEXAS AMENDING THE PROJECT AND FINANCING PLANS OF
249 REINVESTMENT ZONE NUMBER ONE, CITY OF ROCKWALL, TEXAS

250 The motion passed by a vote of 7 ayes to 0 nays.

251

252 2. Discuss and consider adoption of an ordinance approving an
253 amendment to a law enforcement training facility contract with the County
254 of Rockwall Emergency Services Corporation relating to facility
255 improvements and refinancing of bonds of the Corporation; approving
256 bonds of the Corporation to be issued for such purposes; resolving other
257 matters related thereto and take any action necessary. (1st reading)

258 City Manager Julie Couch provided brief background information related to this item,
259 indicating that a need exists to refinance the law enforcement firing range training facility
260 because some of the baffling, which helps mute the sound, is damaged and is in need of
261 replacement. It is proposed that the project be refinanced at a lower interest rate while
262 adding in the additional \$410,000 into the refinancing to cover the cost of replacing the
263 baffling. The initial debt as well as the \$410,000 for the baffling replacement will all be
264 paid off within five years.

265 Mrs. Smith indicated that twenty-seven percent (27%) of the cost of the training facility is
266 borne by the City of Rockwall. She explained that this percentage is figured on a per
267 capita basis related to the number of sworn law enforcement officers who utilize the
268 facility to keep their training requirements up-to-date and licenses active. The
269 refinancing will result in about a 1.5% lower interest rate. She further indicated that each
270 of the entities agrees, joint and severable, to participate in the debt. The contract is
271 written such that the participating entities cannot withdraw from financial participation
272 until the debt issuance is paid off.

273 City Manager Couch indicated that the Rockwall range was patterned after the training
274 range in Lewisville. Lewisville did not initially install baffling, but Rockwall did; however,
275 the baffling was not up to par due to a need to save money on the front end when the
276 facility was first built.

277 Councilmember Nielsen made a motion to adopt the ordinance as presented and agree to
278 pay Rockwall's portion of the debt payment. Councilmember Scott seconded the motion.

279 The ordinance was read as follows:

280 ORDINANCE NO. _____

281

282 ORDINANCE APPROVING AN AMENDMENT TO A LAW ENFORCEMENT
283 TRAINING FACILITY CONTRACT WITH THE COUNTY OF ROCKWALL
EMERGENCY SERVICES CORPORATION RELATING TO FACILITY
IMPROVEMENTS AND REFINANCING OF BONDS OF THE CORPORATION;
APPROVING BONDS OF THE CORPORATION TO BE ISSUED FOR SUCH
PURPOSES; AND RESOLVING OTHER MATTERS RELATED THERETO

284

285

286 **The motion passed by a vote of 7 ayes to 0 nays.**

287 **3. Discuss and consider requiring a specific use permit for assisted living**
288 **and other similar care facilities, and take any action necessary.**

289 **Councilmember Scott began discussion of this item and indicated he is in support of**
290 **congregate care and other similar facilities coming into Rockwall; however, he would like**
291 **assisted living and congregate care facilities to be allowed into the city only through a**
292 **Specific Use Permit (SUP) process. He also expressed that he would like these types of**
293 **facilities to be considered in commercial, residential, and general retail.**

294
295 **Councilmember Scott made a motion to direct staff to take this issue through the public**
296 **hearing process at the planning and zoning commission and council levels in order to**
297 **bring back an ordinance that would require that all assisted living facilities, nursing**
298 **homes, congregate care facilities and other similar use facilities go through a specific**
299 **use permit (SUP) before determining where a facility such as these would be allowed to**
300 **be located within the city on a case by case basis. Mayor Cecil seconded the motion.**

301
302 **General discussion took place related to possible lawsuits that could arise as a result of**
303 **a city being too restrictive with regards to allowing these types of facilities to be built and**
304 **located within their city. When asked by Mayor Pro Tem Farris, Planning Director Robert**
305 **LaCroix briefly explained that this issue will require a public hearing process and a new**
306 **ordinance to be written and that the issue could not be resolved until the new council**
307 **takes office. Mayor Pro Tem Farris then indicated he will likely vote against this item**
308 **because he would prefer to leave the issue, in its entirety, up to the new council for**
309 **consideration once it takes office beginning in June.**

310
311 **Councilmember Scott generally indicated that he believes what is being proposed**
312 **actually opens up and expands the opportunities available regarding where these types**
313 **of facilities can locate within the city. He urged Mayor Pro Tem Farris to consider**
314 **moving forward with supporting this issue even though a change in those sitting on the**
315 **council will occur on May 14 following the election. Mr. Farris then asked Mr. Lowen**
316 **from The Lenity Group to come forth and answer some questions he had related to the**
317 **SUP process and how this process may affect his company's decision making process**
318 **as far as whether or not they would proceed moving forward with locating in Rockwall.**
319 **Farris then indicated that he believes the issue of requiring an SUP and evaluating where**
320 **these types of facilities should be allowed in the future should be explored further.**

321
322 **The motion passed by a vote of 5 ayes with 2 nays (Russo, Sevier).**

323
324 **4. Discuss and consider approval of an ordinance amending the Code of**
325 **Ordinances in Chapter 15, Article XI, "Sign Regulations," Sec. 15-232 C.**
326 **Definitions and Sec. 15-234 B.4. Functional Standards and take any**
327 **action necessary.(1st Reading)**

328 **Director of Building Inspections and Code Enforcement, Jeffrey Widmer, began**
329 **discussion of this item, indicating that this amendment is related to council's desire to**
330 **eliminate off-premise non-profit banner signs and associated clutter within the city. Mr.**
331 **Widmer then explained that the language in our current regulations that allows non-**

332 profit, off-premise banner signs is proposed to be removed, through adoption of the
333 ordinance presented this evening. City Manager Couch indicated that, if approved, the
334 regulations contained within this new ordinance would not begin to be enforced until
335 August 7 of this year.

336
337 Councilmember Sevier asked if these regulations would apply to the school district's
338 ability to utilize off-premise signs. City Attorney Pete Eckert indicated that, yes, these
339 regulations can and would apply to the school district's use of this type of off-premise
340 banner signage.

341
342 Mayor Pro Tem Farris then made a motion to approve the ordinance as presented.
343 Councilmember Sevier seconded the motion.

344
345 Mayor Cecil indicated that he would like to see more discussion and dialogue between
346 the city and those non-profit organizations that will be affected by this change. He
347 indicated that he would like there to be a meeting with these non-profit groups in order to
348 explain the changes to regulations and to explain the alternative method of advertising
349 that is being proposed to be used through use of a special events website being set up
350 by the city.

351
352 Staff indicated that a meeting was previously set up with the non-profit groups to
353 discuss possible changes to the use of off-premise event banners, but only a few
354 individuals showed up to discuss the issue. Furthermore, since sending out the
355 notification letter to non-profit groups explaining that they will soon be eliminated and
356 that a new special events website has been started as an alternative, staff has received a
357 lot of positive feedback and interest in the events website.

358
359 The ordinance was read as follows:

360
361 CITY OF ROCKWALL, TEXAS
362 ORDINANCE NO. 11-____
363

364
365 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
366 ROCKWALL, TEXAS, AMENDING CHAPTER 15, ARTICLE XI, "SIGN
367 REGULATIONS," SEC. 15-232 C. DEFINITIONS AND SEC. 15-234
368 B.4. FUNCTIONAL STANDARDS OF THE CODE OF ORDINANCES;
369 PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM
370 OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE;
371 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
372 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
373

374 The motion passed unanimously by a vote of 7 ayes to 0 nays.

375
376 5. Discuss and consider approval of an ordinance amending the Code of
377 Ordinances in Chapter 15, Article VI 'Special Events,' by repealing Sec.
378 15-129 L. in its entirety and providing for a new Sec. 15-129 L. and take
379 any action necessary. (1st reading)

380 Mayor Pro Tem Farris made a motion to approve the ordinance. Councilmember
381 Sevier seconded the motion.

382 The ordinance was read as follows:

383

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. _____

384

385

386

387

388

389

390

391

392

393

394

395

396

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 15, ARTICLE VI 'SPECIAL EVENTS,' BY REPEALING SEC. 15-129 L. IN ITS ENTIRETY AND PROVIDING FOR A NEW SEC. 15-129 L.; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

397 The motion passed unanimously by a vote of 7 ayes to 0 nays.

398 6. Discuss and consider modifications to front yard fence height regulations
399 for wrought iron fences and take any action necessary.

400 Councilmember Nielsen expressed that she understands why the 42" requirement on
401 front yard fences exists for wooden and tubular fencing; however she is not certain that
402 wrought iron fences should have this height restriction and feels that 48" in height for
403 wrought iron should be okay.

404 Councilmember Sevier made a motion to instruct staff to bring back an ordinance to
405 change the city's fence regulations to stipulate that if a wrought iron fence is being
406 installed as a front yard fence, the height can be no more than 48" tall; however, if it is
407 any other type of fencing, the height must remain at no more than 42" high. Mayor Pro
408 Tem Farris seconded the motion, which passed by a vote of 7 ayes to 0 nays.

409 7. Discuss and consider employee compensation adjustments and take any
410 action necessary.

411 City Manager Julie Couch began discussion of this item, offering brief background
412 information on this item. She briefly explained that staff has conducted some
413 comparison research with our fifteen comparable cities in an effort to see if our
414 employee salaries are staying within 5% of the employee salaries in our market (fifteen
415 comparable cities). Couch generally indicated that she is proposing adjusting the pay of
416 sworn personnel to bring them up to within 3.5% of the comparable cities. She is also
417 proposing a two percent (2%), one time, lump sum payment across the board to all sworn
418 and non-sworn employees.

419

420 Couch explained that sales tax was projected to be flat this year; however it has actually
421 turned out to be about a 6% increase, which Finance Director Mary Smith indicated
422 amounts to approximately \$300,000 new, unanticipated dollars being placed back into
423 the budget.

424

425 Councilmember Scott made a motion to support bringing police up to within the range
426 we have always targeted and to approve a lump sum for all sworn and non-sworn
427 employees with the total overall investment to not exceed the approximately \$300,000 in
428 new sales tax revenue. Councilmember Nielsen seconded the motion.

429

430 Mayor Cecil indicated that he is in support of increasing the sworn police officers' pay up
431 to within the five percent pay range associated with our fifteen comparable cities. He
432 generally indicated he is not in support of the two percent lump sum across the board to
433 all employees. He believes that this discussion is more appropriately addressed during
434 regular budget season discussions.

435
436 Councilmember Nielsen expressed that she is in support of Councilmember Scott's
437 motion. Mayor Pro Tem Farris indicated that he is also in support of the motion on the
438 floor. Councilmember Sweet also indicated that he will support the motion as presented.
439

440 The motion then passed by a vote of 7 ayes to 0 nays.
441

442 IX. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
443 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.
444

- 445 1. Departmental Reports
446 Recreation Monthly Report - March 2011
447 Harbor PD Monthly Report - March 2011
448 Internal Operations Department Monthly Report - March 2011
449 Fire Department Monthly Report - March 2011
450 Finance Department Monthly Report - March 2011
451 Quarterly Report from Rockwall County Committee on Aging
452 Building Inspections Monthly Report - March 2011

453 2. City Manager's Report

454 Couch offered brief comments and asked if council had any questions. There being
455 none, Mayor Pro Tem Farris briefly mentioned that the Youth Advisory Council's (YAC)
456 "Senior" Prom for the older residents in the community was attended by seventy-one
457 residents this past Saturday and was a success.

458 Finance Director Mary Smith indicated that 939 loads of hazardous waste were disposed
459 of at the Household Hazardous Waste Day this past weekend.

460 Mayor Cecil then adjourned the public meeting at 8:58 p.m. Council did not reconvene
461 into Executive Session.
462

463 X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
464 GOVERNMENT CODE TO DISCUSS:
465

- 466 1. Deliberation regarding the purchase, exchange, lease, or value of real
467 property.
468 2. Personnel Issues, including Board, Commission, and Committee
469 Appointments, and Related Matters.
470 3. Commercial or financial information regarding business prospects that the
471 City seeks to have locate, stay, or expand in or near the territory of the
472 City of Rockwall and with which the Board is conducting economic
473 development negotiations.
474 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
475 with attorney with regard to a matter that it is the duty of the attorney to
476 consult with the Council pursuant to the Attorney Client Privilege under

477 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
478 Texas including discussion of the draft Shores lease.

479

480 XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

481
482 Council did not reconvene into Executive Session following the public meeting. See the
483 start of the public meeting, following Proclamations and prior to Open Forum, for actions
484 taken as a result of pre-meeting Executive Session.

485

486 XII. ADJOURNMENT

487

488 The public meeting was adjourned at 8:58 p.m.

489

490 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
491 this 16th day of May, 2011.

492

493 ATTEST:

494

495

496

Kristy Ashberry

Kristy Ashberry, City Secretary

William R. Cecil

William R. Cecil, Mayor



1
2
3
4
5
6
7
8
9
10
11
12
13
14

MINUTES
ROCKWALL CITY COUNCIL

Monday, May 16, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 4:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, and Mark Russo. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Sevier was absent from the meeting. Mayor Cecil immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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 and regarding amendment to the development agreement with Harbor Heights Investors, LP.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and regarding the Shores golf course agreement.


III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council came out of Executive Session into the public meeting. Mayor Pro Tem then made a motion to authorize the city manager to execute an agreement with The Shores Country Club LLC subject to non substantive language clarification and legal clarification. Councilmember Scott seconded the motion. After brief comments from Councilmember Nielsen and Mayor Pro Tem Farris, the motion passed by a vote of 6 ayes with 1 absent (Sevier).

Mayor Pro Tem Farris made a motion to approve the second amendment to the parking agreement with Harbor Heights Investors, LP for The Harbor hillside area. Councilmember Scott seconded the motion, which passed by a vote of 6 ayes with 1 absent (Sevier).

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6th day of June, 2011.

ATTEST:



Kristy Ashberry, City Secretary



David Sweet, Mayor



49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98

MINUTES
ROCKWALL CITY COUNCIL
Monday, May 16, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Cecil called the meeting to order at 6:00 p.m. Present were Mayor Bill Cecil, Mayor Pro Tem Glen Farris and Council Members David Sweet, Matt Scott, Margo Nielsen, and Mark Russo. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Sevier was absent from the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

Councilmember Nielsen delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. National Safe Boating Week

Mayor Cecil invited local members of the U.S. Coast Guard Auxiliary for Lake Ray Hubbard forth. He then read and presented the proclamation for National Safe Boating Week.

Mayor Cecil then called forth Michelle Smith, David White and Bennie Daniels, three newly elected city council members who will begin serving on the city council starting June 6th. He announced that they will be formally sworn into office on June 6.

2. Recognition of Graduating Youth Advisory Council Students

Mayor Cecil and Mayor Pro Tem Glen Farris came forth and offered biographical information for each Youth Advisory Council (YAC) member graduating from high school in the coming weeks. Mayor Pro Tem Glen Farris then presented certificates to each graduating senior.

3. Recognition of Mayor Cecil and Councilmember Scott

Councilmember Nielsen recognized Mayor Cecil and Councilmember Scott for their service on the council. Mayor Cecil then recognized Councilmember Farris for his service on the council.

IV. CONSENT AGENDA

- 1. Consider approval of the minutes from the April 27, 2011 CIP Worksession, and take any action necessary.**
- 2. Consider approval of the minutes from the May 2, 2011 regular city council meeting and take any action necessary.**

- 99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
3. Consider approval of the minutes from the May 11, 2011 special city council meeting and take any action necessary.
 4. Consider minutes as filed by staff on behalf of the Tax Increment Finance Reinvestment Zone #1, presented to the City Council for review and take any action necessary.
 5. Consider a resolution of necessity related to the acquisition of the Gibson Parcel for Right of Way, and take any action necessary.
 6. Discuss and consider a resolution authorizing the city manager to oppose an application filed by Aqua Utilities Inc. to obtain water quality permit renewal for its wastewater treatment facility located in Rockwall, Texas; providing an effective date.
 7. Discuss and consider an **ordinance** amending regulations related to wrought iron front yard fences, and take any action necessary. **(1st Reading)**
 8. Consider award of the construction contract for Phase 2 of the Quail Run Road Water Line Project and take any action necessary.
 9. Discuss and consider an **ordinance** setting requirements to be satisfied by utilities providing water and/or sewer utility services within its corporate limits when a change in rates is proposed and take any action necessary. **(2nd reading)**
 10. Discuss and consider an **ordinance** amending the project and financing plans of Reinvestment Zone Number One, City of Rockwall, Texas and take any action necessary. **(2nd reading)**
 11. Discuss and consider adoption of an **ordinance** approving an amendment to a law enforcement training facility contract with the County of Rockwall Emergency Services Corporation relating to facility improvements and refinancing of bonds of the Corporation; approving bonds of the Corporation to be issued for such purposes; resolving other matters related thereto and take any action necessary. **(2nd reading)**
 12. Discuss and consider bid award for concrete repair and maintenance of streets, alleys and curbs, and take any action necessary.
 13. Discuss and consider rescinding bid award and authorizing readvertisement for bids for new HVAC units at City Hall and The Center, and take any action necessary.
 14. P2011-004 - Discuss and consider a request by Pann Sribhen of PSA Engineering, LLC for approval of a final plat of Lot 2, Rockwall Market Center South Addition, being 0.702-acres zoned (C) Commercial district and situated at the northwest corner of Ralph Hall Pkwy and Ralph Hall Ct, and take any action necessary.
 15. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 15, Article XI, "Sign Regulations," Sec. 15-232 C. Definitions and Sec. 15-234 B.4. Functional Standards and take any action necessary. **(2nd Reading)**
 16. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 15, Article VI 'Special Events,' by repealing Sec. 15-129 L. in its

entirety and providing for a new Sec. 15-129 L. and take any action necessary. (2nd reading)

Councilmember Nielsen made a motion to approve the entire Consent Agenda. Councilmember Scott seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE XI FENCES OF THE CODE OF ORDINANCES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 11-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS SETTING REQUIREMENTS TO BE SATISFIED BY UTILITIES PROVIDING WATER AND/OR SEWER UTILITY SERVICE WITHIN ITS CORPORATE LIMITS WHEN A CHANGE IN RATES IS PROPOSED; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 11-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE PROJECT AND FINANCING PLANS OF REINVESTMENT ZONE NUMBER ONE. CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 11-19

ORDINANCE APPROVING AN AMENDMENT TO A LAW ENFORCEMENT TRAINING FACILITY CONTRACT WITH THE COUNTY OF ROCKWALL EMERGENCY SERVICES CORPORATION RELATING TO FACILITY IMPROVEMENTS AND REFINANCING OF BONDS OF THE CORPORATION; APPROVING BONDS OF THE CORPORATION TO BE ISSUED FOR SUCH PURPOSES; AND RESOLVING OTHER MATTERS RELATED THERETO

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 11-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 15, ARTICLE XI, "SIGN REGULATIONS," SEC. 15-232 C. DEFINITIONS AND SEC. 15-234 B.4. FUNCTIONAL STANDARDS OF THE CODE OF ORDINANCES; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE;

196 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
197 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
198 CITY OF ROCKWALL, TEXAS
199 ORDINANCE NO. 11-21
200

201 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
202 TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 15,
203 ARTICLE VI 'SPECIAL EVENTS,' BY REPEALING SEC. 15-129 L. IN ITS
204 ENTIRETY AND PROVIDING FOR A NEW SEC. 15-129 L.; PROVIDING
205 FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO
206 THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR
207 A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
208 PROVIDING AN EFFECTIVE DATE.
209

210 **The motion passed by a vote of 6 ayes with 1 absent (Sevier).**

211
212 **V. APPOINTMENTS**

- 213
214 1. Appointment with Bill Bricker to hear request related to waiving of fees for
215 Rotary's Dallas Race Week event to be held June 24 at The Harbor & take
216 any action necessary.

217 **Bill Bricker came forth and asked the council to consider waiving the city related fees**
218 **associated with rental of The Harbor for this event. Mayor Cecil made a motion to waive the**
219 **fees. Councilmember Sweet seconded the motion. The motion passed by a vote of 6 ayes**
220 **with 1 absent (Sevier).**

- 221
222 2. Appointment with the Rockwall Youth Advisory Council (YAC) to hear report
223 on the Senior Prom.

224 **Jon Falcon**
225 **1831 Emerald Bay**

226
227 **Shannon Lockhart**
228 **302 Shepherds Hill Drive**

229
230 **Youth Advisory Council members Jon Falcon and Shannon Lockhart presented a report to**
231 **recap their Senior Prom project. The Council thanked them for their work this year and took**
232 **no formal action related to this agenda item.**

233
234 **VI. ACTION ITEMS**

- 235
236 1. Discuss and consider an **ordinance** authorizing the issuance of City of
237 Rockwall, Texas Combination Tax and Limited Surplus Revenue Certificates
238 of Obligation Bonds, Series 2011, establishing procedures for the sale and
239 delivery of the Certificates; providing an effective date; enacting other
240 provisions related to the subject and take any action necessary. **(2nd**
241 **reading)**

242 **Councilmember Scott made a motion to approve the ordinance as presented and**
243 **setting August 15, 2011 as the deadline for final sale. Councilmember Nielsen**
244 **seconded the motion. The ordinance was read as follows:**

246
247
248 CITY OF ROCKWALL

249
250 ORDINANCE NO. 11-14

251 AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ROCKWALL, TEXAS,
252 COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF
253 OBLIGATION, SERIES 2011; ESTABLISHING PROCEDURES FOR THE SALE AND
254 DELIVERY OF THE CERTIFICATES; PROVIDING AN EFFECTIVE DATE; AND ENACTING
255 OTHER PROVISIONS RELATING TO THE SUBJECT

256 **The motion passed by a vote of 6 ayes with 1 absent (Sevier).**

- 257 2. Discuss and consider the use of funds donated to Animal Services and the
258 purchase of a mobile adoption unit, and take any action necessary.

259 **Director of Animal Services, Jeffrey Widmer, began discussion of this item, asking the**
260 **council to consider authorizing staff to move forward with the competitive bid process**
261 **associated with the purchase of a mobile adoption unit, including consideration of possible**
262 **coop opportunities that may allow the city to piggyback on another city's purchasing**
263 **agreement. Staff also asked council to consider establishing a policy to set up a way for**
264 **the Animal Services Department to spend donated funds in the future.**

265 **Mayor Pro Tem Farris made a motion to authorize staff to move forward with the bid**
266 **process, to spend the funds to purchase the mobile adoption unit and to direct staff to**
267 **develop a policy during the upcoming budget season for future spending of donated funds.**
268 **Councilmember Nielsen seconded the motion. She thanked Pam and Mike Kitkoski for all of**
269 **the volunteer work they do for the Animal Adoption Center. Brief discussion then took**
270 **place related to funds raised from selling memorial bricks at the new Rockwall area dog**
271 **park.**

272
273
274 **The motion then passed by a vote of 6 ayes with 1 absent (Sevier).**

275
276 **Mayor Cecil then offered brief congratulatory remarks to Councilmember Sweet related to**
277 **his new, upcoming position as Rockwall's Mayor.**

- 278
279 3. Discuss and consider an **ordinance** adopting and enacting a new code for
280 the City of Rockwall, and take any action necessary. **(1st Reading)**

281 **City Manager Julie Couch provided brief background information related to this item.**
282 **Councilmember Scott made a motion to approve the ordinance adopting the new code.**
283 **Councilmember Russo seconded the motion. The ordinance was read as follows:**

284
285 CITY OF ROCKWALL, TEXAS

286
287 ORDINANCE NO. 11-

288
289 AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE
290 CITY OF ROCKWALL, TEXAS; PROVIDING FOR THE REPEAL OF
291 CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A

PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

The motion passed by a vote of 6 ayes with 1 absent (Sevier).

VII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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 and regarding amendment to the development agreement with Harbor Heights Investors, LP.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and regarding the Shores golf course agreement.

VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council did not convene in end-of-meeting executive session; therefore, no actions were taken by council. See the pre public meeting executive session above for actions taken during that executive session.

IX. ADJOURNMENT

The public meeting was adjourned at 7:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

this 6th day of June, 2011.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

David Sweet

David Sweet, Mayor



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

MINUTES
ROCKWALL CITY COUNCIL

Monday, June 06, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet and council members Mark Russo, David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters and regarding selection of a Mayor Pro Tem.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See meeting minutes below, following the proclamations, for actions taken out of Executive Session.

IV. ADJOURNMENT

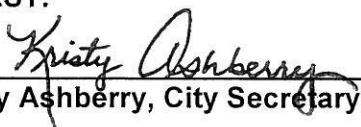
Executive Session was adjourned at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 20th day of June, 2011.

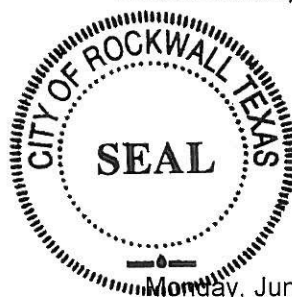


David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, June 06, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER AND SWEARING IN OF NEWLY ELECTED MAYOR AND COUNCIL MEMBERS

Mayor Sweet called the meeting to order.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR SWEET

Mayor Sweet introduced Pastor Steve Swafford of the Rockwall First Baptist Church. Pastor Swafford delivered the invocation and led the Pledge of Allegiance.

After the invocation and Pledge, the newly elected council members and mayor were sworn into office by Judge Brett Hall. (David White, Place 1; Bennie Daniels, Place 3; Michelle Smith, Place 5 and David Sweet, Mayor)

III. PROCLAMATIONS / AWARDS

1. Girl Scout Gold Award - Autumn Tarter

Mayor Sweet came forth and read and presented a proclamation to Autumn Tarter to recognize her for her Girl Scout Gold Award.

2. Juneteenth

Mayor Sweet then read the proclamation recognizing Juneteenth.

Cliff Sevier then made a motion to appoint Mark Russo as Mayor Pro Tem. Councilmember Nielsen seconded the motion. The motion passed unanimously of council present (7 ayes to 0 nays).

Mayor Pro Tem Russo made a motion to appoint Mayor Sweet and Councilmember Nielsen to the County of Rockwall Emergency Services Corporation. Councilmember Smith seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

Mayor Pro Tem Russo then made a motion to appoint Cliff Sevier to the REDC liaison position. Councilmember Nielsen seconded the motion. The motion passed unanimously of those present (7 ayes to 0 nays).

IV. OPEN FORUM

Mayor Sweet asked if anyone would like to come forth and speak.

Earl Milner
204 Dart Brook
Rockwall, TX 75087

94
95 **Cindy Frey**
96 **1905 Murifield**
97 **Rockwall, TX**
98

99 **Mr. Milner and Ms. Frey came forth and stated that they help over see the Rockwall MLS**
100 **(home listings for Rockwall). He indicated that the Rockwall MLS would like to do**
101 **something to give back to others, and they have chosen to do so by raising funds to help**
102 **with relief for those recently affected by the tornadoes in Joplin, Missouri. They**
103 **generally indicated that they would like the city to consider partnering with them on this**
104 **effort.**

105
106 **There being no one else to come forth and speak, Mayor Sweet closed the Open Forum.**
107

108 **V. CONSENT AGENDA**
109

- 110 1. Consider approval of the minutes from the May 16, 2011 regular city
111 council meeting, and take any action necessary.
- 112 2. Consider approval of a resolution accepting the canvassing of the election
113 returns for the May 14, 2011 General Municipal Election and taken any
114 action necessary.
- 115 3. Consider an **ordinance** for the water standards of service for utilities
116 providing water utility service within the City of Rockwall and take any
117 action necessary. **(1st Reading)**
- 118 4. Consider an **ordinance** for the wastewater standards of service for
119 utilities providing wastewater utility service within the City of Rockwall and
120 take any action necessary. **(1st Reading)**
- 121 5. Consider approval of the material testing contract for the Discovery Blvd.
122 extension and take any action necessary.
- 123 6. Discuss and consider an **ordinance** amending regulations related to
124 wrought iron front yard fences, and take any action necessary. **(2nd**
125 **Reading)**
- 126 7. Discuss and consider an **ordinance** adopting and enacting a new code
127 for the City of Rockwall, and take any action necessary. **(2nd Reading)**

128
129 **Councilmember Sevier pulled items #1 and #5 for further discussion.**
130

131 **Councilmember Sevier then made a motion to approve all other items on Consent**
132 **Agenda (#2, 3, 4, 6 and 7). Councilmember Nielsen seconded the motion. The**
133 **ordinances were read as follows:**
134

135 **CITY OF ROCKWALL, TEXAS**
136 **ORDINANCE NO. 11- ____**
137

138 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
139 **TEXAS, AMENDING CHAPTER 44 UTILITIES, ARTICLE V WATER OF THE**
140 **CODE OF ORDINANCES; SETTING REQUIREMENTS TO BE SATISFIED BY**
141 **UTILITIES PROVIDING WATER UTILITY SERVICE WITHIN ITS CORPORATE**
142 **LIMITS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM**

143 OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING
144 FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

145
146 CITY OF ROCKWALL, TEXAS
147 ORDINANCE NO. 11- 28
148

149 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
150 TEXAS, AMENDING CHAPTER 44 UTILITIES, ARTICLE IV SEWERS AND
151 SEWAGE DISPOSAL OF THE CODE OF ORDINANCES; SETTING
152 REQUIREMENTS TO BE SATISFIED BY UTILITIES PROVIDING SEWER
153 UTILITY SERVICE WITHIN ITS CORPORATE LIMITS; PROVIDING FOR A
154 PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED
155 DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING FOR A
156 SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

157
158 CITY OF ROCKWALL, TEXAS
159 ORDINANCE NO. 11- 24
160

161 AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY
162 OF ROCKWALL, TEXAS; PROVIDING FOR THE REPEAL OF CERTAIN
163 ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR
164 THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING
165 SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE
166 SHALL BECOME EFFECTIVE.

167
168
169 **Regarding Consent Agenda item #1, Councilmember Sevier indicated that he will abstain**
170 **from the vote since he was not present at the May 16 city council meeting.**
171 **Councilmember Nielsen then made a motion to approve the May 16, 2011 council**
172 **meeting minutes. Mayor Pro Tem Russo seconded the motion, which passed by a vote**
173 **of four ayes with three abstentions (White, Smith, Sevier).**
174

175 **Regarding Consent Agenda item #5, Councilmember Sevier asked some clarifying**
176 **questions related to where this project is located and from where the funds will come to**
177 **pay for this item. After clarifying comments from city engineer, Chuck Todd,**
178 **Councilmember Sevier made a motion to approve Consent Agenda item #5 as presented.**
179 **Mayor Pro Tem Russo seconded the motion, which passed unanimously (7 ayes to 0**
180 **nays).**
181

182 **VI. APPOINTMENTS**
183

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

187 **Vice Chair of the Planning & Zoning Commission, Connie Jackson, came forth and**
188 **briefed the city council on the recommendations of the Commission relative to items on**
189 **this evening's city council agenda. The council took no formal action related to this item.**
190

191 **VII. PUBLIC HEARING ITEMS**
192

- 193 1. Z2011-008 - Hold a public hearing and consider approval of an
194 **ordinance** for a request by Brad and Amy Thomas for approval of a
195 Specific Use Permit (SUP) to allow for a temporary portable beverage

196 service facility within the (GR) General Retail district, on the rear part of a
197 0.79-acre tract located at 2002 South Goliad and described as Lot 2,
198 Loretta Anderson Addition (aka Luigi's Restaurant), and take any action
199 necessary. **(1st Reading)**

200 **Mayor David Sweet called the applicant forth to address the council.**

201
202 **Brad and Amy Thomas**
203 **709 Don Gomez**
204 **Garland, Texas**
205

206 **Mr. Thomas briefed the Council on his request to locate a temporary, seasonal snow**
207 **cone stand at this location. Mr. and Mrs. Thomas showed photographs of the site**
208 **location and suggested that the council may want to consider supporting installation of**
209 **additional speed bumps near this location in order to slow down traffic and make the**
210 **area more pedestrian friendly, especially for children who may be walking in and around**
211 **the area of the snow cone stand.**
212

213 **Mayor Sweet opened the Public Hearing and asked if anyone in the audience would like**
214 **to speak during this time. There being no one to come forth and speak, Mayor Sweet**
215 **then closed the public hearing.**
216

217 **Councilmember Sevier asked for clarification on the banner sign that the snow cone**
218 **stand would like to hang on the picket fencing. Planning Director Robert LaCroix**
219 **indicated that the banner sign would need to be approved as a variance associated with**
220 **this Specific Use Permit (SUP). Sevier then asked where utilities will come from, and Mr.**
221 **Thomas indicated that all utilities will be located and provided on-site. Planning Director**
222 **Robert LaCroix indicated that after 150 days, the portable snow cone building would**
223 **need to be removed. Mr. and Mrs. Thomas indicated that they will provide the funding**
224 **and oversee the installation of the proposed speed bumps. Councilmember Nielsen then**
225 **asked for clarifying comments from Mr. and Mrs. Thomas related to liability insurance.**
226 **Mrs. Thomas indicated that they do carry liability insurance on their business and the**
227 **area immediately around it.**
228

229 **Councilmember Sevier then made a motion to approve Z20011-008 including all staff**
230 **recommendations associated with this item. Mayor Pro Tem Russo seconded the**
231 **motion. The ordinance was read as follows:**
232

233 CITY OF ROCKWALL

234 ORDINANCE NO. 11- ____
235

236
237 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
238 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE, AS PREVIOUSLY
239 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A
240 TEMPORARY PORTABLE BEVERAGE SERVICE FACILITY ON A 0.79 ACRE
241 TRACT OF LAND KNOWN AS LOT 2, LORETTA ANDERSON ADDITION,
242 LOCATED AT 2002 S. GOLIAD; PROVIDING FOR SPECIAL CONDITIONS;
243 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
244 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR
245 A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
246 PROVIDING FOR AN EFFECTIVE DATE.
247
248

249 The motion then passed unanimously by a vote of 7 ayes to 0 nays.
250

251 **VIII. SITE PLANS / PLATS**
252

- 253 1. MIS2011-004 - Discuss and consider a request by Kathy Adams on
254 behalf of Marcella Hince, for approval of a special request to the
255 standards of the (PD-75) Planned Development No. 75 district (Ord 09-
256 37), specifically to allow for the remodeling and expansion of their existing
257 residential home located at 214 Bass Road, being Lot 708, Block C,
258 Rockwall Lake Estates #1, and take any action necessary.

259
260 **Planning Director Robert LaCroix provided brief background information related to this**
261 **item, indicating that there is currently termite damage to the existing structure, so it is in**
262 **need of repair. The owner of this property is allowed to come forth and ask the council**
263 **for variances associated with the remodeling and repair of this home. The applicant is**
264 **seeking permission to utilize one hundred percent hardy plank and have the masonry /**
265 **stone requirements waived via approval of a variance. Mr. LaCroix also provided**
266 **recommendations offered by staff and the Planning & Zoning Commission related to this**
267 **variance request and its components.**
268

269 The applicant then came forth.
270

271 **Cathy Adams**
272 **214 Bass Road**
273 **Rockwall, TX**
274

275 **Ms. Adams came forth and indicated that she would like to repair this home and add on a**
276 **kitchen area during the renovations.**
277

278 **Councilmember Sevier indicated that he visited this site location and has spoken with**
279 **both the applicant and the contractor who plans to do the work. He generally indicated**
280 **that he is in support of this request.**
281

282 **Councilmember Sevier then made a motion to approve MIS2011-004 including**
283 **recommendations of staff. Mayor Pro Tem Russo seconded the motion. The motion**
284 **passed unanimously of council (7 ayes to 0 nays).**
285

286 **IX. ACTION ITEMS**
287

- 288 1. Discuss and consider approval of the route, dates, and waiver of Harbor
289 rental fees for the Toyota U.S. Open Triathlon, and take any action
290 necessary.

291 **Parks Director Brad Griggs provided brief background information related to this item,**
292 **indicating that last year's event was successful; however, traffic and the race route was**
293 **less than desirable. The race route has been reconfigured in order to allow for the route**
294 **to be a loop instead of a back and forth route. Staff has met with the police department**
295 **and the organizers of the Triathlon event. Furthermore, the local churches have all been**
296 **contacted by staff, and staff has agreed to communicate more specific race times and**
297 **traffic-related information at least six weeks prior to this year's Triathlon event so that**
298 **the information can be communicated to local church congregations ahead of time.**

299
300 City Manager Julie Couch indicated that three actions are needed – approval of the date,
301 the route and the waiver of fees at The Harbor.

302
303 Councilmember Nielsen made a motion to approve the date. Councilmember Sevier
304 seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

305
306 Councilmember Nielsen then made a motion to approve the race course routes as
307 presented and recommended by staff. Councilmember Daniels seconded the motion,
308 which passed unanimously of council (7 ayes to 0 nays).

309
310 Councilmember Nielsen made a motion to approve waiving of the rental fees at The
311 Harbor. Councilmember Sevier seconded the motion, which passed unanimously of
312 council (7 ayes with 0 nays).

313
314 2. Discuss and consider a recommendation by the Steering Committee of
315 Cities Served by Oncor approving a negotiated settlement with Oncor
316 Electric Delivery Company for a rate increase and take any action
317 necessary.

318 City Manager Julie Couch provided brief background information related to this item,
319 indicating that the City of Rockwall is a part of this steering committee, which helps
320 review and make recommendations associated with rate increase requests. City
321 Attorney Pete Eckert offered information and clarifying comments relative to this
322 negotiated settlement with Oncor Electric Delivery Company.

323
324 Councilmember Sevier offered comments related to the projected monthly impact
325 expected for local Oncor customers. Councilmember Nielsen asked Pete Eckert for
326 clarification related to the ramifications associated with what might happen if the
327 Rockwall City Council rejects this settlement agreement. After brief discussion,
328 Councilmember Nielsen made a motion to approve the negotiated Oncor rate settlement
329 agreement as presented. Councilmember Smith seconded the motion. The motion then
330 passed by a vote of 7 ayes to 0 nays.

331
332 The ordinance was then read as follows:

333 ORDINANCE NO. _____
334

335 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
336 OF ROCKWALL, TEXAS, ("CITY") APPROVING A
337 NEGOTIATED RESOLUTION BETWEEN THE STEERING
338 COMMITTEE OF CITIES SERVED BY ONCOR
339 ("STEERING COMMITTEE") AND ONCOR ELECTRIC
340 DELIVERY COMPANY LLC ("ONCOR" OR "COMPANY")
341 REGARDING THE COMPANY'S APPLICATION TO
342 INCREASE ELECTRIC RATES IN ALL CITIES
343 EXERCISING ORIGINAL JURISDICTION; DECLARING
344 EXISTING RATES TO BE UNREASONABLE; REQUIRING
345 THE COMPANY TO REIMBURSE CITIES' REASONABLE
346 RATEMAKING EXPENSES; ADOPTING TARIFFS THAT
347 REFLECT RATE ADJUSTMENTS CONSISTENT WITH
348 THE NEGOTIATED SETTLEMENT AND FINDING THE
RATES TO BE SET BY THE ATTACHED TARIFFS TO BE
JUST AND REASONABLE; APPROVING ONCOR'S
PROOF OF REVENUES; ADOPTING A SAVINGS
CLAUSE; DETERMINING THAT THIS ORDINANCE WAS
PASSED IN ACCORDANCE WITH THE REQUIREMENTS
OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN
EFFECTIVE DATE; AND REQUIRING DELIVERY OF
THIS ORDINANCE TO THE COMPANY AND THE
STEERING COMMITTEE'S LEGAL COUNSEL.

349
350 Councilmember Smith generally indicated that she is in agreement with the motion on
351 the floor this evening only because if the city does not approve the settlement
352 agreement, the rate increase could end up being more for the customers. After her brief
353 comments, the motion passed by a vote of 7 ayes with 0 nays.

- 354
355 3. Hold a show cause hearing regarding demolition of the structure located
356 at 448 Nicole Drive, and take any action necessary.

357 Building Official Jeffrey Widmer provided brief background information related to this
358 item.

359 Councilmember Sevier then made a motion to instruct staff to move forward with
360 demolition of the property located at 448 Nicole Drive. Councilmember Smith seconded
361 the motion, which passed by a vote of 7 ayes to 0 nays.

- 362
363 4. Discuss consent agenda and take any action necessary.

364
365 Councilmember Sevier indicated that if a Consent Agenda item has a cost associated
366 with it, he would like that cost included in the wording of the Consent Agenda item itself
367 in the future.

368
369 Councilmember Smith generally expressed support for this idea.

370
371 The Council asked staff to include in the wording of the Consent Agenda the amount of
372 the expenditure associated with each item, as appropriate, and how each item is being
373 funded.

374
375 The council took no formal action related to this item.

376
377 X. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
378 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

- 379
380 1. Departmental Reports
381 Police Department Monthly Report - April 2011
382 Finance Department Monthly Report - April 2011
383 Recreation Monthly Report - April 2011
384 Harbor PD Report - April 2011
385 Fire Department Monthly Reports - April 2011
386 Building Inspection Monthly Report - April 2011
387 Internal Operations Department Monthly Report - April 2011

- 388 2. City Manager's Report

389
390 City Manager Julie Couch and Planning Director Robert LaCroix provided an update to
391 Council related to future placement of certain way finding signage, the approval of which
392 is currently being worked out with the Texas Department of Transportation (TXDOT).
393 Staff believes that final approval from TXDOT should be forthcoming, hopefully in the
394 near future.
395

396 Brief discussion then took place related to signage that will be erected in the future to
397 point drivers and passersby to the 'events' portion of the city's website so that they can
398 view future non-profit, community related events. These signs will take the place of
399 current non-profit event banner signage, the elimination of which will begin being
400 enforced in August of this year. Director of Streets and Rights of Ways, Brad Griggs,
401 indicated that these signs have been sent to TXDOT for review and approval.
402

403 Couch indicated that construction has begun on reconstruction of Airport Road. She
404 also indicated that she spoke with John Dunn on Friday, and The Shores has officially
405 been purchased. The groundbreaking ceremony for The Shores golf course is scheduled
406 for tomorrow.
407

408 Couch indicated that it is necessary to schedule a Capital Improvement Planning (CIP)
409 work session with the city council in order to review where we are with the process and
410 discuss future actions related to the CIP process. Couch will email possible date options
411 to council members for consideration.
412

413 Mayor Sweet then briefly thanked former Mayor Bill Cecil for his service to the
414 community.
415

416 Mayor Sweet adjourned the public meeting at 7:27 p.m.
417

418 **XI. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
419 **GOVERNMENT CODE TO DISCUSS:**
420

- 421 1. Deliberation regarding the purchase, exchange, lease, or value of real
422 property.
- 423 2. Personnel Issues, including Board, Commission, and Committee
424 Appointments, and Related Matters and regarding selection of a Mayor
425 Pro Tem.
- 426 3. Commercial or financial information regarding business prospects that the
427 City seeks to have locate, stay, or expand in or near the territory of the
428 City of Rockwall and with which the Board is conducting economic
429 development negotiations.
- 430 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
431 with attorney with regard to a matter that it is the duty of the attorney to
432 consult with the Council pursuant to the Attorney Client Privilege under
433 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
434 Texas.

435
436 **XII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
437

438 The Council did not reconvene back into Executive Session following the close of the
439 public meeting. Therefore, no action was taken as a result of end-of-meeting Executive
440 Session.
441
442
443


444 XIII. ADJOURNMENT

445
446 The public meeting was adjourned at 7:27 p.m.
447

448
449 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
450 this 20th day of June, 2011.

451
452 
453 _____
David Sweet, Mayor

454 ATTEST:

455
456 
457 _____
458 Kristy Ashberry, City Secretary



**MINUTES
ROCKWALL CITY COUNCIL**

Monday, June 20, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith and Bennie Daniels. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council member Cliff Sevier was absent from the meeting. Mayor Sweet immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

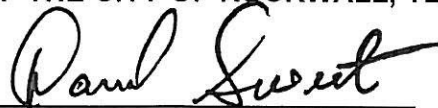
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Please see start of public meeting below for actions taken as a result of Executive Session.

IV. ADJOURNMENT


Executive Session was adjourned at 5:45 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 5th day of July, 2011.**

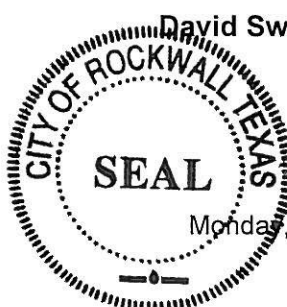


David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, June 20, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith and Bennie Daniels. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council member Cliff Sevier was absent from the meeting.

As a result of Executive Session, Mayor Pro Tem Russo made a motion to approve the right of way acquisition of the Gibson and Athey tracts. Councilmember Smith seconded the motion. The motion passed unanimously of those present (Sevier absent).

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SMITH

Councilmember Smith delivered the invocation and led the Pledge of Allegiance.

III. CONSENT AGENDA

1. Consider approval of the minutes from the June 6, 2011 regular city council meeting, and take any action necessary.
2. Consider approval of an **ordinance** for the water standards of service for utilities providing water utility service within the City of Rockwall and take any action necessary. **(2nd Reading)**
3. Consider approval of an **ordinance** for the wastewater standards of service for utilities providing wastewater utility service within the City of Rockwall and take any action necessary. **(2nd Reading)**

Councilmember Nielsen made a motion to approve all Consent Agenda items. Mayor Pro Tem Russo seconded the motion. The ordinances were read as follows.

ORDINANCE NO. 11- 27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 44 UTILITIES, ARTICLE V WATER OF THE CODE OF ORDINANCES; SETTING REQUIREMENTS TO BE SATISFIED BY UTILITIES PROVIDING WATER UTILITY SERVICE WITHIN ITS CORPORATE LIMITS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 11- 28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 44 UTILITIES, ARTICLE

IV SEWERS AND SEWAGE DISPOSAL OF THE CODE OF ORDINANCES; SETTING REQUIREMENTS TO BE SATISFIED BY UTILITIES PROVIDING SEWER UTILITY SERVICE WITHIN ITS CORPORATE LIMITS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously of those present (6 ayes with Sevier absent).

IV. APPOINTMENTS

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

Connie Jackson, member of the Planning and Zoning Commission, came forth and offered brief comments related to the recommendations of the commission relative to items on tonight's city council agenda.

2. Appointment with Julie Farris, Child Nutrition Director for Rockwall Independent School District, to discuss the Department of Agriculture's Mayors Challenge and take any action necessary.

Julie Farris came forth and offered a brief presentation related to the "Mayors Challenge," which is a summer feeding program for children in the Rockwall community. She indicated that roughly 3,700 or twenty-six percent of children enrolled in Rockwall schools are financially eligible for feeding assistance. She asked the Mayor and council to consider helping promote the summer feeding program by partnering with RISD.

Councilmember Nielsen expressed that she is thankful that RISD is providing this program, and Mayor Sweet indicated that he is in support of this program.

City Manager Julie Couch indicated that we can include information related to this program on our city website, our Facebook and our Twitter page.

3. Appointment with Debra and Gary Freedman to hear concerns related to elimination of non-profit banner signs within the city and take any action necessary.

Debra and Gary Freedman
1404 Willow Lane
Rockwall, Texas

Mr. Freedman indicated that he wants to speak to the Council related to possible repeal of the ordinance which will eliminate the non-profit banner signs beginning in August. He wants them to consider allowing banners one week to ten days prior to a non-profit event and then have the banner removed within twenty-four to forty-eight hours after the conclusion of the event.

Mrs. Freedman generally indicated that she is not one who spends a large amount of time on the internet and therefore is concerned about replacing banner signs with an electronic, online version (virtual community calendar).

She also suggested the city begin tracking citizen related complaints via the use of a survey tool of some sort whereby the data can be manipulated electronically in order to determine which topics citizens are truly concerned about.

The mayor and council had no questions of Mr. and Mrs. Freedman, and the Council took no formal action related to this item.

4. Appointment with Raymond Turco & Associates to hear presentation regarding the results of the 2011 Citizen Survey and take any action necessary.

Ray Turco from Raymond Turco and Associates, out of Arlington, TX, came forth and provided a lengthy presentation to the Council related to the results of the 2011 Citizen Survey.

Councilmember Nielsen indicated that the city is about five percent down from the number of respondents who have usually completed and returned the survey instrument in past years. She also expressed a desire to see more surveys returned from the younger generations living in the city compared to the older generations.

Councilmember Smith asked if the city can do more to try and educate the public on our volunteer/paid fire department. City Manager Julie Couch indicated that staff has made a heavy push in the last several years to educate citizens on our fire department; however, based on the survey results, it does not appear that those education efforts are proving altogether effective. Staff will continue its push to educate the public on our fire department.

Mayor Sweet then called for a break.

The meeting was called back to order by Mayor Pro Tem Russo, and Public Hearing item #4 was then addressed.

V. PUBLIC HEARING ITEMS

1. Z2011-010 - Hold a public hearing and consider approval of an **ordinance** for a request by Mark Lowen of The Lenity Group LLC for approval of a zoning change from (GR) General Retail district to (PD) Planned Development district, specifically to allow for a congregate care/elderly housing facility on a 4.279-acre tract known as Tract 16-5, Abstract 145, J. D. McFarland Survey, situated along the southeast side of Yellowjacket Lane east of Kyle Drive, and take any action necessary.
(1st Reading)

Planning Director Robert LaCroix provided background information related to this agenda item. He indicated that The Lenity Group sent out a notice to adjacent property owners on its own and held a meeting with those residents, though it was not well attended. The presented of Waterstone Estates, Harold Snyder, was present at that meeting, and The Lenity Group can let the council know the nature of that interaction if interested.

Planning Director Robert LaCroix indicated that the city did notify property owners located within two hundred feet of this proposed development district. The Planning & Zoning Commission did recommend approval of this item by a vote of 4 ayes to 0 nays.

Mayor Sweet opened the public hearing and called the applicant forth for comments.

Mark Lowen
The Lenity Group
471 High Street SE, Suite 10
Salem, Oregon 97301

Mr. Lowen came forth and offered information related to the proposed design and intent of this congregate care facility.

Mayor Pro Tem Russo asked general questions related to who The Lenity Group is affiliated with as well as occupancy rates and resident turnover.

Carol Childress
1507 Murphy Drive
Rockwall, Texas 75087

Ms. Childress indicated that she lives in the Waterstone Estates subdivision. She asked if this project is privately funded, or if any federal funds are involved. Mr. Lowen indicated that it is fully privately funded. The minimum age is sixty-two in Rockwall with no maximum age as long as the resident is capable of taking care of himself / herself.

Mr. Ben Weible
215 Trout Street
Rockwall, Texas 75032

Mr. Weible generally expressed positive comments and support for this type of facility and for this agenda item.

There being no one else to come forth and speak, Mayor Sweet then closed the public hearing.

Councilmember Smith asked if this type of facility can assist residents with administering their medications. Mr. Lowen indicated that congregate care facilities are not in place to help residents with this type of care; however, residents are able to contract with a home health care agency, if so desired, to help them with administration of their medications.

Councilmember White made a motion to table action on this item until the next regular council meeting. Mayor Pro Tem Russo seconded the motion.

The motion passed by a vote of 6 ayes with 1 absent (Sevier).

2. Z2011-009 - Hold a public hearing and consider approval of approval of an **ordinance** for a city-initiated request to amend the Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, relative to the provisions and standards for "Assisted Living

Facilities," "Congregate Care Facilities," "Convalescent Care Facilities/Nursing Homes" and other similar uses, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided background information related to this item indicating that the city's current development regulations do not include congregate care facilities. The council previously expressed a desire to require that congregate care as well as assisted living facilities be required to obtain a specific use permit (SUP) prior to development in all zoning districts within the city. Notices were sent out and posted on the website fifteen days prior to the public hearing. The Planning & Zoning Commission has recommended approval of this amendment to the UDC.

Councilmember Nielsen expressed a desire to see an updated city zoning map. She is generally concerned about congregate care, assisted living and / or Alzheimer's related facilities popping up in General Retail and Commercial districts around the city where they may not fit in very well.

Mayor Sweet then opened the public hearing.

Ben Weible
215 Trout
Rockwall, Texas

Mr. Weible offered brief, general comments related to property rights.

There being no one else to come forth and speak, Mayor Sweet then closed the public hearing.

Councilmember Smith made a motion to table this item for one month. No one seconded the motion, so the motion died for lack of a second.

City Manager Couch offered possible options that the council can consider relative to this public hearing item.

Councilmember Nielsen then made a motion to accept the amendments to the Code as proposed by staff with the addition of a requirement that an SUP be required associated with Assisted Living and Congregate Care Facilities. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING ARTICLE IV. PERMISSIBLE USES; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 ayes with 2 against (Smith and Russo) and one absent (Sevier).

3. Z2011-011 - Hold a public hearing and consider approval of an **ordinance** for a request by Misty Phillips (and others) for approval of a zoning change from (Ag) Agricultural district to (RO) Residential Office district, on property totaling approximately 3.25-acres overall and comprised of Tract 6 (4031 North Goliad), Tract 21 (4037 North Goliad) and Tract 22 (4035 North Goliad) of Abstract 187, J. Strickland Survey, situated along the west side of North Goliad south of Windham Drive, within the North SH 205 Overlay district, and take any action necessary.
(1st Reading)

Planning Director Robert LaCroix offered background information related to this item. Notices were sent out to twenty-nine property owners within two hundred feet of the area. Two notices in opposition have been received back to date. The Planning & Zoning Commission voted 4 to 0 to recommend approval of this item.

Mayor Sweet then opened the public hearing.

Misty Phillips
2008 South Lakeshore
Rockwall, Texas

Mrs. Phillips generally asked the council to consider approving this zoning change request.

Nelly Mills
4035 North Goliad
Rockwall, Texas

Ms. Mills indicated that she lives in the center of this area and really needs to sell her home at this time. However, she does not believe her home will sell if it continues to be zoned as residential. Therefore, she believes it would be best if the zoning were changed so that she can hopefully sell her home.

Jennifer Damons
519 Cellars Court
Rockwall, TX

Jennifer indicated that her home backs up to these properties. She expressed concern about lack of a specific future plan before the property is rezoned. She is concerned about the type of business that may go into these locations because her children play in the back yard and she would like some assurance that whatever goes into these homes would be quality and appropriate.

Shirley Black
5510 Canada Court
Rockwall, Texas

Mrs. Black generally indicated support for rezoning this area to Retail / Office (RO) at this time.

Yvonne Sullivan
521 Cellars Court
Rockwall, Texas

Ms. Sullivan generally indicated that she is not in support of rezoning these homes to RO. She prefers that they remain zoned as residential.

Councilmember Nielsen asked if a development plan can be requested prior to rezoning occurring. Mr. LaCroix indicated that the only plan that could be brought forth at this time is a parking plan. LaCroix indicated that the city's residential adjacency standards will address buffering at these properties.

There being no one else to come forth and speak at this time, Mayor Sweet then closed the public hearing.

Councilmember Nielsen made a motion to approve Z2011-011 and associated ordinance as presented. Mayor Pro Tem Russo seconded the motion. Mayor Sweet then expressed that he is in support of the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 11-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (RO) RESIDENTIAL OFFICE DISTRICT, ON PROPERTY TOTALING APPROXIMATELY 3.25-ACRES OVERALL AND COMPRISED OF TRACT 6 (4031 NORTH GOLIAD), TRACT 21 (4037 NORTH GOLIAD) AND TRACT 22 (4035 NORTH GOLIAD) OF ABSTRACT 187, J. STRICKLAND SURVEY, AND MORE SPECIFICALLY REPRESENTED HEREIN AS EXHIBIT "A"; 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 with 1 absent (Sevier).

4. Z2011-012 - Hold a public hearing and consider approval of an **ordinance** for a request by Christina Konrad of Kroger Texas LP for approval of an amendment to (PD-9) Planned Development No. 9 district, specifically to allow for a proposed fuel center in conjunction with the existing Kroger store located on Lot 18, Block A, Horizon Ridge Addition, being 7.1779-acres situated at 2935 Ridge Road within the Scenic Overlay district, and take any action necessary. **(1st Reading)**

Mayor Sweet recused himself from this item due to a potential conflict of interest since he is a distributor for a company who does business with Kroger.

Planning Director Robert LaCroix offered background information related to this item. He indicated that the Planning & Zoning Commission met and recommended approval of this item by a vote of 3 to 1.

Mayor Pro Tem Russo then opened the public hearing.

Gary Holtston
Director of Consumer Affairs
1331 E. Airport Freeway
Irving, TX

Mr. Holston indicated that he represents Kroger and asked that the council consider approving this PD amendment to allow for a fuel center at the Rockwall Kroger.

Mayor Pro Tem Russo opened the public hearing. There being no one in the audience to come forth and speak during this time, Russo then closed the public hearing.

Councilmember Nielsen offered brief comments indicating her support for this item. Nielsen then made a motion to approve this item, including the ordinance, as presented. Councilmember Smith seconded the motion.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 11-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND (PD-9) PLANNED DEVELOPMENT NO. 9 DISTRICT , SPECIFICALLY TO ALLOW FOR A PROPOSED FUEL CENTER IN CONJUNCTION WITH THE EXISTING KROGER STORE LOCATED ON LOT 18, BLOCK A, HORIZON RIDGE ADDITION, BEING 7.1779-ACRES AND LOCATED AT 2935 RIDGE ROAD, AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A"; 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 unanimously of those present (Sevier absent, Sweet recusal).

5. Z2011-013 - Hold a public hearing and consider approval of an **ordinance** for a request by Don Lord, on behalf of Jim Menconi of Empire Self Storage, for approval of a Specific Use Permit (SUP) to allow for the expansion of the existing "Buffalo Ridge" mini-warehouse facility located on Tracts 26, 26-4 and 26-6, Abstract 80, W. W. Ford Survey, being 8.84-acres overall zoned (C) Commercial district and situated at 5543 and 5573 FM 3097 (Horizon Rd), and take any action necessary. **(1st Reading – TO BE CONTINUED)**

Planning Director indicated that this public hearing item needs to be opened and continued until the July 5 regular city council meeting.

Mayor Sweet then opened the public hearing and made a motion to continue the public hearing until July 5, 2011. Councilmember Smith seconded the motion, which passed unanimously (6 ayes with 1 absent (Sevier)).

VI. ACTION ITEMS

1. Z2011-008 - Discuss and consider approval of an ordinance for a request by Brad and Amy Thomas for approval of a Specific Use Permit (SUP) to allow for a temporary portable beverage service facility within the (GR) General Retail district, on the rear part of a 0.79-acre tract located at 2002 South Goliad and described as Lot 2, Loretta Anderson Addition (aka Luigi's Restaurant), and take any action necessary. (2nd Reading – Requires $\frac{3}{4}$ "super-majority" vote for approval)

Planning Director Robert LaCroix indicated that one additional letter in opposition to this request was received the day after 1st reading at the June 6 council meeting. Therefore, upon second reading tonight, it will take a super majority vote for approval.

Mayor Pro Tem Russo made a motion to approve this item. Councilmember Smith seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 11-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A TEMPORARY PORTABLE BEVERAGE SERVICE FACILITY ON A 0.79 ACRE TRACT OF LAND KNOWN AS LOT 2, LORETTA ANDERSON ADDITION, LOCATED AT 2002 S. GOLIAD; 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 with 1 absent (Sevier).

2. Discuss and consider approval of the transfer and term renewal of the Chandlers Landing Marina Concession Agreement, and take any action necessary.

Parks Director Brad Griggs offered background information related to this item, indicating that the Park Board is satisfied with this agenda item.

Councilmember Nielsen made a motion to authorize the City Manager to execute a transfer of the Chandlers Landing Marina concession agreement from MQCLM, LLC to Suntex Ventures, to amend the concession agreement term to expire in 2031 and to extend the deadline for completion of 31 of the 50 docks planned for EE dock to March 30, 2012. Councilmember Daniels seconded the motion. The motion passed by a vote of 6 ayes with 1 absent (Sevier).

3. Discuss and consider award of an emergency construction contract for the repair of the Chandlers Marina sanitary sewer lift station and take any action necessary.

City Engineer Chuck Todd indicated that this lift station is in need of repair at this time because the pumps have failed. Mayor Pro Tem Russo made a motion to approve the emergency construction contract. Councilmember Nielsen seconded the motion. The motion passed by a vote of 6 ayes with 1 absent (Sevier).

VII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


The Council did not reconvene back into Executive Session following the public meeting. Therefore, no action was taken as a result of end-of-meeting Executive Session. Please see start of public meeting above for actions taken as a result of pre-meeting executive session.

IX. ADJOURNMENT

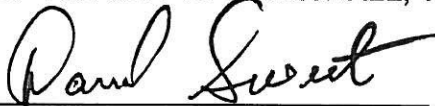
The public meeting was adjourned at 8:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 5th day of July, 2011.

ATTEST:



Kristy Ashberry, City Secretary



David Sweet, Mayor



1
2
3
4
5
6

MINUTES
ROCKWALL CITY COUNCIL
Tuesday, July 05, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL TO ORDER

8
9 Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet,
10 Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle
11 Smith and Bennie Daniels. Also present were City Manager Julie Couch and City
12 Attorney Pete Eckert. Council Member Cliff Sevier was absent from the meeting. Mayor
13 Sweet immediately recessed the public meeting into Executive Session.
14

15 II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF
16 TEXAS GOVERNMENT CODE TO DISCUSS:

- 17 1. Deliberation regarding the purchase, exchange, lease, or value of real
18 property.
- 19 2. Personnel Issues, including Board, Commission, and Committee
20 Appointments, and Related Matters.
- 21 3. Commercial or financial information regarding business prospects that the
22 City seeks to have locate, stay, or expand in or near the territory of the
23 City of Rockwall and with which the Board is conducting economic
24 development negotiations.
- 25 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
26 with attorney with regard to a matter that it is the duty of the attorney to
27 consult with the Council pursuant to the Attorney Client Privilege under
28 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
29 Texas.

30 III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

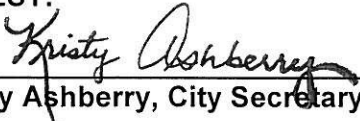
31
32 Please see end of meeting Executive Session for actions taken.
33

34 IV. ADJOURNMENT

35
36 Executive Session was adjourned at 5:50 p.m.
37

38 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
39 this 18th day of July, 2011.

40
41 ATTEST:

42
43 
44 Kristy Ashberry, City Secretary


David Sweet, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Tuesday, July 05, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the public meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith and Bennie Daniels. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Council Member Cliff Sevier was absent from the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

Councilmember Daniels delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Eagle Scout Benjamin Levi Long

Mayor Sweet called Benjamin Long forth; however, he was not present. Therefore, this item was not addressed by the council.

IV. OPEN FORUM

Mayor Sweet explained how Open Forum is conducted and asked if anyone in the audience would like to come forth and address the Council at this time.

Ben Weible
215 Trout Road
Rockwall, Texas 75087
bcweible@yahoo.com

Mr. Weible came forth and expressed thanks for several recent actions taken by council and staff including posting the code of ordinances on the website, adding cost and budget sources for consent agenda items and streaming audio of the council meetings on the internet. Mr. Weible expressed that he would like the city council to consider audio recording its Executive Sessions. He also encouraged the council to consider keeping these recordings for up to four years despite the two year retention required by the state retention schedules.

Councilmember Nielsen asked City Attorney Pete Eckert to look into these suggestions and then return to the council at the next meeting with an evaluation of these recommendations.

Dennis Dayman
519 Cellars Court
Rockwall, TX 75087

95 Mr. Dayman indicated that he and his wife have concerns regarding Z2011-011, which is a
96 change in zoning being requested by Misty Phillips (and others). He is concerned about
97 the council and city staff lacking a specific plan with regards to two of these properties.
98

99 Pastor Joe Robbins
100 805 Peters Colony
101 Rockwall, TX 75087
102

103 Mr. Robbins greeted the new mayor and council members and apologized for not being
104 present at the recent Juneteenth celebration. He was at a high school class reunion.
105

106 There being no one else to come forth and speak, Mayor Sweet then closed Open Forum.
107

108 **V. CONSENT AGENDA**
109

- 110 1. Consider approval of the minutes from the June 20, 2011 regular city
111 council meeting, and take any action necessary.
- 112 2. P2011-008 - Consider a request for approval of a replat of Lot 8, Skyview
113 Country Estates, being 4.73-acres located at the southeast corner of
114 Breezy Hill Lane and Kimberly Lane within the extra-territorial jurisdiction
115 (ETJ) of the City of Rockwall, and take any action necessary.
- 116 3. Z2011-009 - Consider approval of approval of an **ordinance** for a city-
117 initiated request to amend the Unified Development Code (Ord. No. 04-
118 38), specifically Article IV, Permissible Uses, relative to the provisions and
119 standards for "Assisted Living Facilities," "Congregate Care Facilities,"
120 "Convalescent Care Facilities/Nursing Homes" and other similar uses,
121 and take any action necessary. **(2nd Reading)**
- 122 4. Z2011-011 - Consider approval of an **ordinance** for a request by Misty
123 Phillips (and others) for approval of a zoning change from (Ag)
124 Agricultural district to (RO) Residential Office district, on property totaling
125 approximately 3.25-acres overall and comprised of Tract 6 (4031 North
126 Goliad), Tract 21 (4037 North Goliad) and Tract 22 (4035 North Goliad) of
127 Abstract 187, J. Strickland Survey, situated along the west side of North
128 Goliad south of Windham Drive, within the North SH 205 Overlay district,
129 and take any action necessary. **(2nd Reading)**
- 130 5. Z2011-012 - Consider approval of an **ordinance** for a request by
131 Christina Konrad of Kroger Texas LP for approval of an amendment to
132 (PD-9) Planned Development No. 9 district, specifically to allow for a
133 proposed fuel center in conjunction with the existing Kroger store located
134 on Lot 18, Block A, Horizon Ridge Addition, being 7.1779-acres situated
135 at 2935 Ridge Road within the Scenic Overlay district, and take any
136 action necessary. **(2nd Reading)**
- 137 6. Consider the bid award for new HVAC units to the low bidder, Innovation
138 Mechanical, in the amount of \$67,320 (funding provided by SECO grant
139 of \$86,000), and take any action necessary.
- 140 7. Consider a resolution supporting a temporary roadway closure permit to
141 TXDOT to allow the closure of the IH-30 exit ramp near Industrial Blvd. for
142 the 2011 Hot Rocks bike race/ride and take any action necessary.

- 143 8. Consider a resolution supporting a temporary roadway closure permit to
144 TXDOT to allow the closure of the IH-30 exit ramp near Industrial Blvd.
145 and a section of the IH-30 westbound service road, west of John King, for
146 the 2011 Tri-Rock Triathlon and take any action necessary.

147 **Mayor Pro Tem Russo pulled items #3 and #5 for separate discussion.**

148
149 **Councilmember Nielsen made a motion to approve the remaining consent agenda items**
150 **(#1, 2, 4, 6, 7 and 8). Councilmember Smith seconded the motion. The ordinance was**
151 **read as follows (Consent #4):**

152
153 CITY OF ROCKWALL
154 ORDINANCE NO. 11-30
155

156 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
157 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
158 ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE
159 IN ZONING FROM (AG) AGRICULTURAL DISTRICT TO (RO) RESIDENTIAL
160 OFFICE DISTRICT, ON PROPERTY TOTALING APPROXIMATELY 3.25-
161 ACRES OVERALL AND COMPRISED OF TRACT 6 (4031 NORTH GOLIAD),
162 TRACT 21 (4037 NORTH GOLIAD) AND TRACT 22 (4035 NORTH GOLIAD)
163 OF ABSTRACT 187, J. STRICKLAND SURVEY, AND MORE SPECIFICALLY
164 REPRESENTED HEREIN AS EXHIBIT "A"; PROVIDING FOR A PENALTY OF
165 FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
166 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
167 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
168 EFFECTIVE DATE.
169

170 **The motion passed by a vote of 6 ayes with 1 absent (Sevier).**

171
172 **Councilmember Russo generally expressed that due to concerns related to the Fair**
173 **Housing Act, he will not be supporting this item tonight.**

174
175 **Councilmember Nielsen made a motion to approve Consent Agenda item #3.**
176 **Councilmember White seconded the motion.**
177

178 **Councilmember Smith expressed concern about this item, asking for a slight amendment**
179 **to the ordinance to remove the assisted living portion and associated requirement for**
180 **first obtaining a Specific Use Permit (SUP) with regards to this type of development.**
181 **After brief discussion, Councilmember Nielsen expressed that she would like her motion**
182 **to stand 'as is' because she would like multi-family type housing to always come before**
183 **the council for consideration before it moves forward so that the council can review the**
184 **location in which it is proposed to be located to ensure the location makes the most**
185 **sense.**

186
187 **The ordinance was read as follows:**

188
189 CITY OF ROCKWALL
190 ORDINANCE NO. 11-29
191

192 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
193 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-38)
194 OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY AMENDING
195 ARTICLE IV. PERMISSIBLE USES; PROVIDING FOR A PENALTY OF FINE
196 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
197 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;

198 PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN
199 EFFECTIVE DATE.

200
201 **The motion passed by a vote of 4 ayes with 2 nays (Smith and Russo) with Sevier being**
202 **absent.**

203
204 **Regarding Consent Agenda item #5, Mayor Sweet indicated that he will recuse himself.**
205 **Councilmember White made a motion to approve this item (Z2011-012). Councilmember**
206 **Smith seconded the motion. The ordinance was read as follows:**

207
208 CITY OF ROCKWALL
209 ORDINANCE NO. 11-31

210
211 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
212 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
213 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND (PD-
214 9) PLANNED DEVELOPMENT NO. 9 DISTRICT , SPECIFICALLY TO ALLOW
215 FOR A PROPOSED FUEL CENTER IN CONJUNCTION WITH THE EXISTING
216 KROGER STORE LOCATED ON LOT 18, BLOCK A, HORIZON RIDGE
217 ADDITION, BEING 7.1779-ACRES AND LOCATED AT 2935 RIDGE ROAD,
218 AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A"; PROVIDING FOR
219 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
220 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
221 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
222 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

223
224 **The motion passed by a vote of 5 ayes with 1 recusal (Sweet) and 1 absent (Sevier).**

225
226 **VI. PUBLIC HEARING ITEMS**

- 227
228 1. Z2011-013 - Continue a public hearing and consider approval of an
229 **ordinance** for a request by Don Lord, on behalf of Jim Menconi of Empire
230 Self Storage, for approval of a Specific Use Permit (SUP) to allow for the
231 expansion of the existing "Buffalo Ridge" mini-warehouse facility located
232 on Tracts 26, 26-4 and 26-6, Abstract 80, W. W. Ford Survey, being 8.84-
233 acres overall zoned (C) Commercial district and situated at 5543 and
234 5573 FM 3097 (Horizon Rd), and take any action necessary. **(1st**
235 **Reading –TO BE CONTINUED)**

236 **Planning Director Robert LaCroix indicated that the applicant would like this item to be**
237 **continued until the next regularly scheduled Planning & Zoning Commission meeting**
238 **and city council meeting.**

239
240 **Mayor Pro Tem Russo then made a motion to continue the public hearing until the July**
241 **18, 2011 City Council meeting. Councilmember Daniels seconded the motion, which**
242 **passed by a vote of 6 ayes with 1 absent (Sevier).**

243
244 **VII. ACTION ITEMS**

- 245
246 1. Z2011-010 - Discuss and consider approval of an **ordinance** for a
247 request by Mark Lowen of The Lenity Group LLC for approval of a zoning
248 change from (GR) General Retail district to (PD) Planned Development
249 district, specifically to allow for a congregate care/elderly housing facility
250 on a 4.279-acre tract known as Tract 16-5, Abstract 145, J. D. McFarland

251 Survey, situated along the southeast side of Yellowjacket Lane east of
252 Kyle Drive, and take any action necessary. (1st Reading)

253 **Planning Director Robert LaCroix indicated that the council did conduct a public hearing**
254 **at the last regular council meeting; however, the council is welcome to take additional**
255 **public input or input from the applicant if so desired.**

256 **Councilmember White then made a motion to approve this item. Councilmember Daniels**
257 **seconded the motion.**

258 **Councilmember Smith asked Mark Lowen, the applicant, to come forth. She asked Mr.**
259 **Lowen if the facility being proposed to be built in Rockwall will be a smoking or smoke**
260 **free facility. Mr. Lowen indicated that his company has a few facilities that are**
261 **completely smoke free; however, some of their residents do smoke and some wish to**
262 **smoke in their rooms. If a local ordinance prohibits smoking in this type of facility, they**
263 **will also prohibit it. Mr. Lowen also indicated that this facility will be equipped with a fire**
264 **sprinkler system in order to hopefully protect against / suppress any potential fires.**
265 **Brief discussion took place related to possible dementia patients, patients on oxygen**
266 **and home health care services at this type of facility.**

267 **Mr. Lowen indicated that facilities in the Dallas / Fort Worth region recently visited by**
268 **some council members are not actually Hawthorne facilities. They are very similar but**
269 **are not entirely representative of the facility that is proposed to be built in Rockwall.**

270 **Councilmember Smith asked Mr. Lowen if his company will consider making this facility**
271 **in Rockwall a non-smoking facility in an effort to promote safety. Mr. Lowen indicated**
272 **that his company will consider this, although he is not the final decision maker in this**
273 **regard.**

274 **At the request of Mayor Pro Tem Russo, Mr. Lowen provided a brief explanation of ‘resort**
275 **style’ living.**

276 **Councilmember Daniels asked what the average stay is for residents at these types of**
277 **facilities. Mr. Lowen indicated that the typical stay is about three to five or seven years.**
278 **It is considered to be a pre-assisted living type of facility. Mr. Lowen further indicated**
279 **that this is the type of facility that residents bring and move in their own things and their**
280 **own personal furnishings.**

281 **Mayor Sweet indicated that he is not in support of this item because he does not believe**
282 **this is the best use of this particular property.**

284 **The ordinance was read as follows:**

286 CITY OF ROCKWALL

288 ORDINANCE NO. 11-

290 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
292 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE
294 OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO
296 APPROVE A CHANGE IN ZONING FROM (GR) GENERAL RETAIL
298 DISTRICT TO (PD-) PLANNED DEVELOPMENT NO. DISTRICT,
300 ON A TRACT OF LAND CONTAINING APPROXIMATELY 4.279-ACRES
302 AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT “A”;
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.

303
304 **The motion failed by a vote of 3 ayes to 3 nays (Sweet, Smith, and Russo) with 1 absent**
305 **(Sevier).**

306 **2.** Discuss and consider approval of a Settlement and Release Agreement
307 between the City of Rockwall and Charter Communications, VI, LLC,
308 pursuant to a review and audit of the franchise agreement, and take any
309 action necessary.

310 **City Manager Julie Couch provided brief background information related to this item.**
311 **She recommended that this settlement agreement be approved by Council at this time.**

312
313 **Councilmember Nielsen made a motion to approve the Franchise Review and Audit**
314 **Settlement Agreement with Charter Communications. Councilmember White seconded**
315 **the motion, which passed by a vote of 6 ayes with 1 absent (Sevier).**

316
317 **VIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
318 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

319
320 **1.** Departmental Reports
321 Police Department Monthly Report - May 2011
322 Recreation Monthly Report - May 2011
323 Harbor PD Report - May 2011
324 Finance Department Monthly Report - May 2011
325 Building Inspection Monthly Report - May 2011
326 Internal Operations Monthly Report - May 2011
327 Fire Department Monthly Reports - May 2011

328 **2.** City Manager's Report

329
330 **City Manager Julie Couch offered brief comments related to the recent city sponsored**
331 **4th of July fireworks. She asked if the council members have any specific questions**
332 **related to the departmental reports that were provided in their packets. There being no**
333 **questions, Mayor Sweet adjourned the public meeting and called for a five minute break**
334 **before reconvening back into Executive Session.**

335
336 **The public meeting ended at 6:48 p.m.**

337
338 **IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
339 **GOVERNMENT CODE TO DISCUSS:**

340
341 **1.** Deliberation regarding the purchase, exchange, lease, or value of real
342 property.

343 **2.** Personnel Issues, including Board, Commission, and Committee
344 Appointments, and Related Matters.

345 **3.** Commercial or financial information regarding business prospects that the
346 City seeks to have locate, stay, or expand in or near the territory of the
347 City of Rockwall and with which the Board is conducting economic
348 development negotiations.

349 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
350 with attorney with regard to a matter that it is the duty of the attorney to
351 consult with the Council pursuant to the Attorney Client Privilege under
352 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
353 Texas.

354 X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

355
356 The public meeting was called back to order. Mayor Pro Tem Russo made a motion to
357 appoint Bob Amick to the Rockwall Economic Development Corporation (REDC) to
358 replace Mike Lucas with an initial term to expire in December of 2012. Councilmember
359 White seconded the motion. The motion passed by a vote of 6 ayes with 1 absent
360 (Sevier).

361
362 XI. ADJOURNMENT

363
364 The meeting was adjourned at 8:30 p.m.

365
366
367 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
368 this 18th day of July, 2011.

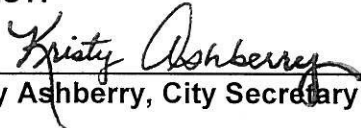
369

370 ATTEST:

371

372

373



Kristy Ashberry, City Secretary



David Sweet, Mayor



1
2
3
4
5
6
7

MINUTES
ROCKWALL CITY COUNCIL

Monday, July 11, 2011

5:30 p.m. Special Meeting / Work Session

City Courts Building, 205 W. Rusk Rockwall, Texas 75087

8
9

I. (5:30 P.M.) CALL TO ORDER & COUNCIL / STAFF DINNER

10 Mayor Sweet called the meeting to order at 5:30 p.m. Present were Mayor David Sweet,
11 Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle
12 Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and
13 City Attorney Pete Eckert. Mayor Sweet recessed the public meeting into Executive
14 Session.

15
16 II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087
17 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- 18 1. Deliberation regarding the purchase, exchange, lease, or value of real property.
19 2. Personnel Issues, including Board, Commission, and Committee Appointments,
20 and Related Matters.
21 3. Commercial or financial information regarding business prospects that the City
22 seeks to have locate, stay, or expand in or near the territory of the City of
23 Rockwall and with which the Board is conducting economic development
24 negotiations.
25 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
26 attorney with regard to a matter that it is the duty of the attorney to consult with
27 the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary
28 Rules of Professional Conduct of the State Bar of Texas.

29 III. Take Any Action as Result of Executive Session

30
31 The Council took no action as a result of Executive Session.

32
33 IV. HOLD WORK SESSION TO DISCUSS AND CONSIDER:

34
35 a. CAPITAL IMPROVEMENT PROJECT (CIP) PLANNING

36
37 Staff briefed the council on the various potential CIP projects including an athletic fields
38 complex, Rockwall Heritage Park, historic downtown improvements and miscellaneous
39 road projects. Lengthy, general discussion took place concerning each of these
40 projects. City Manager Julie Couch indicated that the CIP Committee will be meeting one
41 or two more times and presenting their recommendations to the Council very soon. If
42 the Council does choose to move forward with calling a bond election for November, it
43 will need to do so by mid-August. No formal action was taken on the part of council
44 related to these discussions.

45
46 b. FISCAL YEAR 2011-2012 BUDGET

47
48 City Manager Julie Couch provided the council with a memo and a brief outline of her
49 anticipated budget proposal, which will be discussed in greater depth and detail with city

50 council members at the August budget work session. The council took no action related
51 to this discussion.

52
53 c. COUNTYWIDE ROAD PLANNING

54
55 City Manager Julie Couch provided information to the council related to this topic,
56 indicating that several years ago county voters approved certain roadway improvements
57 within the county, some of which will affect the City of Rockwall. She also indicated that
58 a new law dictates that new roadways now need to be built wider to accommodate
59 bicyclers. She anticipates this change will drive up the cost of road projects moving
60 forward, especially since this will result in the need for additional right-of-way
61 acquisition. General discussion took place relative to this agenda item, though no formal
62 action was taken by the council.

63
64 AND TAKE ANY ACTION NECESSARY.

65
66 The City Council took no action related to any of the discussion items as noted above.

67
68 V. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087
69 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- 70 1. Deliberation regarding the purchase, exchange, lease, or value of real property.
71 2. Personnel Issues, including Board, Commission, and Committee Appointments,
72 and Related Matters.
73 3. Commercial or financial information regarding business prospects that the City
74 seeks to have locate, stay, or expand in or near the territory of the City of
75 Rockwall and with which the Board is conducting economic development
76 negotiations.
77 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
78 attorney with regard to a matter that it is the duty of the attorney to consult with
79 the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary
80 Rules of Professional Conduct of the State Bar of Texas.

81 IV. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

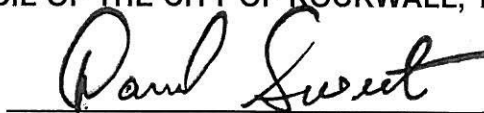
82
83 The City Council did not reconvene back into Executive Session at the close of the public
84 meeting, and no action was taken.

85
86 V. ADJOURNMENT

87
88 The meeting was adjourned at 10:03 p.m.


89
90 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

91 this 18th day of July, 2011.



David Sweet, Mayor

92
93 ATTEST:

94 
95 _____
96 Kristy Ashberry, City Secretary



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

MINUTES
ROCKWALL CITY COUNCIL

Monday, July 18, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor David Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Councilmember Margo Nielsen was absent from the meeting. Mayor Sweet immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 1st day of August, 2011.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



41
42
43
44
45
46

MINUTES
ROCKWALL CITY COUNCIL
Monday, July 18, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

47 **I. CALL TO ORDER**

48
49 **Mayor David Sweet called the meeting to order at 6:00 p.m. Present were Mayor David**
50 **Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Michelle Smith,**
51 **Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and City**
52 **Attorney Pete Eckert. Councilmember Margo Nielsen was absent from the meeting.**

53
54 **Mayor Pro Tem Russo made a motion to authorize the right to serve water to three areas**
55 **of land currently served by Blackland Water Supply Corporation with an amount not to**
56 **exceed the sum of \$29,386.50. Councilmember Smith seconded the motion, which**
57 **passed unanimously (6 ayes with 1 absent (Nielsen)).**

58
59 **II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SEVIER**

60
61 **III. CONSENT AGENDA**

- 62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
1. Consider approval of the minutes from the July 5, 2011 regular city council meeting, and take any action necessary.
 2. Consider approval of the minutes from the July 11, 2011 special city council meeting, and take any action necessary.
 3. P2011-005 - Discuss and consider a request by Brad Larsen of Galaxy Ranch Shopping Center for approval of a replat of Lot 2, The Larsen School Addition, being 6.80-acres zoned (PD-10) Planned Development No. 10 district and designated for Commercial uses, located along the northwest side of the future realignment of SH 276 and east of Townsend Rd, and take any action necessary.
 4. P2011-006 - Discuss and consider a request by Adam Buczek of The Skorburg Company for approval of a final plat of Stone Creek Phase II-A, being 41 single-family lots on 13.121-acres zoned (PD-70) Planned Development No. 70 district and situated south of Featherstone Drive and east of Deverson Drive, and take any action necessary.
 5. P2011-007 - Discuss and consider a request by Adam Buczek of The Skorburg Company for approval of a final plat of Stone Creek Phase II-B, being 52 single-family lots on 10.315-acres zoned (PD-70) Planned Development No. 70 district and situated north and east of Bordeaux Drive and northwest of Featherstone Drive, and take any action necessary.
 6. Consider the revised Stone Creek retail/Stone Creek residential facility agreement and take any action necessary.

87 Councilmember Sevier pulled item #1 and then made a motion to approve the remaining
88 Consent Agenda items (#2, 3, 4, 5, and 6). Councilmember Daniels seconded the motion,
89 which passed by a vote of 6 ayes with 1 absent (Nielsen).
90

91 Councilmember Sevier indicated that he will abstain from voting on Consent Agenda
92 item #1 since he was absent from that particular meeting. Mayor Pro Tem Russo made a
93 motion to approve item #1. Mayor Sweet seconded the motion, which passed by a vote
94 of 5 ayes, 1 absent (Nielsen), and 1 abstention (Sevier).
95

96 **IV. APPOINTMENTS**
97

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

101 **Planning & Zoning Commission chairman, Phillip Herbst, was present and came forth to**
102 **brief the council on the P&Z Commission's recommendations relative to items on**
103 **tonight's city council agenda. The council took no action related to this agenda item.**
104

- 105 2. MIS2011-005 - Appointment with Dan DeMeyer of Rockwall Area Habitat
106 for Humanity to discuss and consider a request for a waiver to the front
107 yard setback requirements set forth in Article V, Section 6.4, Southside
108 Residential Neighborhood Overlay (SRO) District, of the City of Rockwall
109 Unified Development Code for a proposed single-family home located on
110 Lot 42, Canup Addition, being 904 Davey Crocket, which is zoned SF-7
111 District and located within the (SRO) Southside Residential Neighborhood
112 Overlay District, and take any action necessary.

113 **Mr. Dan DeMeyer**
114 **620 Knollwood**
115 **Rockwall, Texas**
116

117 **Mr. DeMeyer came forth and offered an explanation of his request associated with**
118 **waiving the city's front yard fence requirement.**
119

120 **Councilmember Smith then made a motion to approve MIS2011-005 and the associated**
121 **waiver request. Councilmember Sevier seconded the motion, which passed by a vote of**
122 **6 ayes with 1 absent (Nielsen).**
123

- 124 3. Appointment with Chris and Jill Blase to discuss zoning regulations
125 related to their 13.3 acres located on the north side of East Fork Drive,
126 and take any action necessary.

127 **Chris Blase**
128 **1220 East Fork Drive**
129 **Rockwall, Texas**
130

131 **Mr. Blase came forth and presented his family's plan for establishing the "Blase Family**
132 **Farm" in Rockwall. He explained the backgrounds of both himself and his wife,**
133 **indicating that his family has established itself in Rockwall and would like to provide the**
134 **community with a nice attraction while also creating a deeper sense of community**
135 **through establishment of the "Blase Family Farm." Mr. Blase indicated that his farm**

136 would be proposed to offer the following activities: blueberry picking, a pumpkin patch,
137 a petting zoo, hay rides, picture opportunities and other events. He generally indicated
138 he would like to create a family initiated, urban farm for families to enjoy in the Rockwall
139 community.

140
141 City Manager Julie Couch indicated that tonight's presentation was an opportunity for
142 Mr. Blase to come forth and introduce his ideas to the council for future consideration.
143 He will still need to move forward with going through the normal planning and zoning
144 process, including going before the Planning & Zoning Commission for review and
145 recommendations before coming back to a council meeting at a future date. Couch
146 indicated that some changes in the city's zoning regulations may need to be made before
147 Mr. Blase can move forward with the P&Z Commission and City Council review and
148 approval process.

149
150 Some general discussion then ensued related to current regulations limiting the number
151 of animals on properties located within the city as well as a potential, future traffic study
152 and possible impacts on surrounding areas, including parking and traffic.

153
154 Mayor Sweet asked what timing is desired of the applicant. Mr. Blase indicated that he
155 would like to have his proposal reviewed and approved so that he can begin operating in
156 late September or early October of this year. Planning Director Robert LaCroix indicated
157 that this timeframe is possible, but he cautioned that the process will need to begin right
158 away if this timing is to potentially be met.

159
160 The council took no formal action related to this agenda item.

161
162 **V. PUBLIC HEARING ITEMS**

- 163
164 1. Z2011-013 - Continue a public hearing and consider approval of an
165 ordinance for a request by Don Lord, on behalf of Jim Menconi of Empire
166 Self Storage, for approval of a Specific Use Permit (SUP) to allow for the
167 expansion of the existing "Buffalo Ridge" mini-warehouse facility located
168 on Tracts 26, 26-4 and 26-6, Abstract 80, W. W. Ford Survey, being 8.84-
169 acres overall zoned (C) Commercial district and situated at 5543 and
170 5573 FM 3097 (Horizon Rd), and take any action necessary. (1st
171 Reading)

172 Planning Director Robert LaCroix provided brief background information related to this
173 item, including several requests of the applicant relative, in part, to stone requirements,
174 setback requirements, screening requirements, access for ingress and egress, and fire
175 suppression requirements, Mr. LaCroix indicated that properties located within 200 feet
176 of the property were sent a notice; however, city staff has received no replies back to
177 date as a result of the notification letters being sent.

178
179 Mayor Sweet then called the applicant forth to speak.

180
181 **Jim Menconi**
182 **Santa Rosa, California**
183

184 Mr. Menconi indicated that he owns this property but lives in California. He is proposing
185 to do a lot of improvements to the property so that it will be made more attractive from
186 the road.

187
188 Councilmember Daniels asked what his plans are for possibly developing pad sites on
189 this property in the future. Mr. Menconi indicated that he does have some ideas in mind
190 for future development in addition to the storage units; however, he is not prepared to
191 talk about those ideas at this time. He indicated that the pad sites are zoned commercial
192 but are not for sale at this time. He does not envision selling these sites or having any
193 future development on the property in the immediate future.

194
195 Mayor Sweet opened the public hearing. There being no one to come forth and speak
196 related to this item, Mayor Sweet then closed the public hearing.

197
198 Councilmember White made a motion to approve this item (Z2011-013). Councilmember
199 Sevier seconded the motion. Sevier then asked if the size of this development will
200 warrant it having to be sprinkled for fire protection. LaCroix and Fire Chief Poindexter
201 indicated that the facility will in fact need to be equipped with a fire sprinkler system.

202
203 The ordinance was read as follows:

204
205 CITY OF ROCKWALL
206 ORDINANCE NO. 11-

207
208 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
209 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
210 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
211 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "MINI-WAREHOUSE"
212 DEVELOPMENT WITHIN THE (C) COMMERCIAL DISTRICT, LOCATED AT
213 5543 AND 5573 FM 3097, BEING AN 8.84-ACRE TRACT KNOWN AS
214 TRACTS 26, 26-4 AND 26-6, ABSTRACT 80, W. W. FORD SURVEY;
215 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
216 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
217 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
218 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
219 EFFECTIVE DATE.

220
221 The motion passed by a vote of 6 ayes with 1 absent (Nielsen).

- 222
223 2. Z2011-014 - Hold a public hearing and consider approval of an
224 ordinance for a request by Jerry Archer of Archer Car Care for approval
225 of a Specific Use Permit (SUP) to allow for "Auto Repair, Minor" within the
226 (DT) Downtown district, on a 0.23-acre tract known as the west part of
227 Lots 1-4, Block U, Rockwall Old Town Addition and located at 306 E.
228 Washington, and take any action necessary. (1st Reading)

229 Planning Director Robert LaCroix provided extensive background information related to
230 this item.

231
232 Mayor Sweet then opened the public hearing and called Mr. Archer forth to address the
233 council.

236 Jerry Archer
237 306 East Washington
238 Rockwall, Texas

239
240 Mr. Mike Swiercinsky
241 103 North Goliad
242 Rockwall, TX 75087

243
244 Mr. Archer indicated that the owner, Mr. Swiercinsky, is present this evening to discuss
245 his SUP request. He indicated that he is willing to split the cost, which is about \$50,000,
246 of the fire sprinkler suppression system that is required if Mr. Archer's business is to
247 remain in its current location, occupying this space.

248
249 Mayor Sweet asked if anyone would like to come forth and speak at this time.

250
251 Pastor Joe Robbins
252 805 Peters Colony
253 Rockwall, TX

254
255 Mr. Robbins indicated that he believes Archer Car Care has been a great asset to the
256 Rockwall community for a long time. He is in support of this item tonight.

257
258 Ben Weible
259 215 Trout
260 Rockwall, TX

261
262 Mr. Weible indicated that he believes this business and its partnership are a benefit to
263 the Rockwall community. He offered compliments to Mr. Archer related to his business
264 and the way in which he operates it. He is in favor of this item tonight.

265
266 There being no one else to come forth, Mayor Sweet the closed the public hearing.

267
268 Councilmember White asked what the liability of the city might be if the fire sprinkler
269 requirement is waived and a fire occurs sometime in the future. City Attorney Pete
270 Eckert indicated that the city would likely not be held liable if it burned unless it could be
271 proven that there was gross negligence involved. After brief comments on the part of
272 councilmember White, he indicated he leans towards not requiring Mr. Archer and the
273 building owner to install the fire suppression system.

274
275 Fire Chief Mark Poindexter came forth and provided background information related to
276 this item, indicating that the city council adopted the International Fire Code several
277 years ago and that installation of a fire suppression system is required under these
278 regulations, not because of the size of the space, but because of the use.

279
280 Councilmember Daniels indicated an appreciation of his business and service to the
281 community. However, he is concerned about the safety of the frame structures located
282 to the east of his business if his business were to catch fire and burn at some point.
283 Therefore, he cannot support waiving the fire sprinkler suppression system requirement.

284
285 Councilmember Sevier indicated that the city council has extended Mr. Archer's time for
286 installation of the fire sprinkler suppression system numerous times over the course of

287 several years. Also, Mr. Archer has indicated numerous times that he will install the
288 system – he just needed more time. He generally expressed concern about waiving the
289 fire suppression system requirement because of the type of business he operates.
290

291 Mayor Pro Tem Russo made a motion to approve Z2011-014 with staff recommendations.
292 Councilmember Smith seconded the motion. The ordinance was read as follows:
293

294 CITY OF ROCKWALL
295 ORDINANCE NO. 11-
296

297 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
298 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
299 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
300 SPECIFIC USE PERMIT TO ALLOW FOR AN "AUTO REPAIR GARAGE,
301 MINOR" WITHIN THE (DT) DOWNTOWN DISTRICT ON A 0.23-ACRE
302 TRACT OF LAND KNOWN AS THE WEST PART OF LOTS 1-4, BLOCK U,
303 ROCKWALL OLD TOWN ADDITION, LOCATED AT 306 E. WASHINGTON,
304 SUITE C; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
305 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
306 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
307 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
308 PROVIDING FOR AN EFFECTIVE DATE.
309

310 The motion passed by a vote of 6 ayes with 1 absent (Nielsen).
311

- 312 3. Z2011-016 - Hold a public hearing and consider approval of an
313 ordinance for a request by Richard Skorburg of Stone Creek Balance,
314 Ltd., for proposed amendments to (PD-70) Planned Development District
315 No. 70, being 395-acres of land overall and generally known as the Stone
316 Creek Development, located along the east side SH 205, south side of
317 FM 552, west of Hays Road and John King Boulevard and north of Quail
318 Run Road, and take any action necessary. (1st Reading)

319 Planning Director Robert LaCroix provided background information related to this item.
320 He indicated that notices were sent out to those located within 200 feet of the property.
321 One notice was received back in opposition.
322

323 Mayor Sweet opened the public hearing and asked if a representative of Skorburg or
324 Stone Creek Balance is present. The applicant not being present, Mayor Pro Tem Russo
325 made a motion to continue the public hearing until the August 1, 2011 regular city
326 council meeting. Councilmember White seconded the motion. The motion passed by a
327 vote of 6 ayes with 1 absent (Nielsen).
328

329 VI. ACTION ITEMS
330

- 331 1. Discuss and consider amendments to the franchise agreement with Sail
332 with Scott, LLC, and take any action necessary.

333 Parks Director Brad Griggs offered background information related to this item. He
334 indicated that Mr. Self would like to expand his business to add a larger, motor powered
335 sail boat to his current boat, the Sea Wolf. He would like to offer service back and forth
336 between The Harbor and Bass Pro Shops as well as offer charter service. The original
337 franchise agreement signed by the city and Mr. Self in 2007 was a five year agreement.

338 Mr. Griggs indicated if the council wishes to approve the modifications to the agreement,
339 staff recommends restarting the five year contract to run for an additional five years with
340 a five year renewal option at the end.

341
342 Scott Self came forth and offered compliments to the City Council for building such a
343 beautiful facility called The Harbor. He asked the council to consider approving the
344 proposed changes to the existing franchise agreement to allow him to add a year round
345 vessel to his current fleet. He indicated that about 36,000 people have ridden on The Sea
346 Wolf since it launched in 2008.

347
348 After brief discussion, Councilmember White made a motion to authorize the city
349 manager to execute the franchise agreement with the changes pointed out by and
350 recommended by staff, contingent upon city attorney review of said agreement. Mayor
351 Pro Tem Russo seconded the motion.

352
353 The motion passed by a vote of 6 ayes with 1 absent (Nielsen).

- 354
355 2. Discuss and consider a request from Joy E. Palazzo for approval of a
356 wrought iron front yard fence at 1160 Lake Glen Circle and take any
357 action necessary.

358 Planning Director Robert LaCroix provided background information related to this item.
359 He indicated that all front yard fences require council review and approval before they
360 are installed. He indicated that this particular wrought iron front yard fence does meet
361 the appropriate height regulations.

362
363 Mr. Palazzo
364 1160 Lake Glen Circle
365 Rockwall, TX

366
367 Mr. Palazzo indicated that he would like to install this fence for the safety of those who
368 may come onto his property. A family member recently fell off the drop off in his front
369 yard and sustained a serious spine injury.

370
371 Councilmember Sevier made a motion to approve this wrought iron fence and its
372 installation. Councilmember White seconded the motion. The motion passed by a vote
373 of 6 ayes with 1 absent (Nielsen).

- 374
375 3. Discuss and consider the City's Vehicle and Heavy Equipment Acquisition
376 and Replacement Policy, and take any action necessary.

377 Councilmember Sevier indicated that he is bringing this item forth for discussion at this
378 time because it has been five years since it went into affect and he has some thoughts
379 and suggestions associated with this policy. Sevier wants to possibly add to the policy a
380 provision that if a certain amount of money is not being spent on vehicle repairs and
381 maintenance, then staff should not get rid of those vehicles within the timeframe
382 currently specified in the existing policy.

383
384 Mr. White indicated that he would like more information and additional time to digest this
385 information before making any sort of decisions.
386

387 Couch indicated that staff does keep vehicles for longer than what is specified in the
388 existing vehicle replacement policy. She is happy to provide the Council with a history
389 of vehicles purchased, their maintenance and repair records and when those vehicles
390 actually get replaced. She suggested that staff do some analysis on this issue and that it
391 be brought forth for additional discussion during the upcoming budget process.
392

393 Mayor Sweet asked what type of analysis takes place regarding the type of vehicle that is
394 appropriate for the job at hand in various city departments. Couch provided brief
395 clarification in this regard and again indicated that staff is happy to provide council with
396 information necessary to revisit this topic at a future budget discussion.
397

398 The council took no formal action related to this item.
399

400 Mayor Sweet adjourned the public meeting at 7:41 p.m.
401

402 VII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
403 GOVERNMENT CODE TO DISCUSS:

- 404
- 405 1. Deliberation regarding the purchase, exchange, lease, or value of real property.
 - 406 2. Personnel Issues, including Board, Commission, and Committee Appointments,
407 and Related Matters.
 - 408 3. Commercial or financial information regarding business prospects that the City
409 seeks to have locate, stay, or expand in or near the territory of the City of
410 Rockwall and with which the Board is conducting economic development
411 negotiations.
 - 412 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
413 attorney with regard to a matter that it is the duty of the attorney to consult with
414 the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary
415 Rules of Professional Conduct of the State Bar of Texas.

416 VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
417

418 The Council did not reconvene back into Executive Session at the close of the public
419 meeting. Therefore, no action was taken at the end of the public meeting. Please see
420 start of public meeting above for actions taken out of pre-public meeting Executive
421 Session.
422

423 IX. ADJOURNMENT
424

425 The public meeting was adjourned at 7:41 p.m.
426

427 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
428 this 1st day of August, 2011.

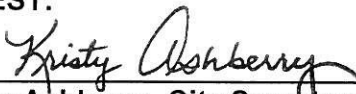
429

430 ATTEST:

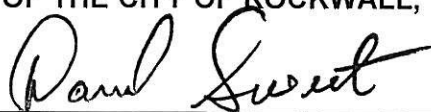
431

432

433



Kristy Ashberry, City Secretary



David Sweet, Mayor



MINUTES

ROCKWALL CITY COUNCIL

Wednesday, July 27, 2011

5:00 p.m. Special Meeting / Work Session

The Center – Lone Star Room, 108 E. Washington Rockwall, Texas 75087

I. CALL TO ORDER & COUNCIL / STAFF DINNER

Mayor Sweet called the meeting to order at 5:00 p.m. Present were Mayor David Sweet and council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present was Assistant City Manager Rick Crowley. Councilmember Mark Russo was not present at the start of the meeting.

Between 5:00 and 6:00 p.m. members of the city council engaged in a question and answer session with members of the construction management firms associated with each of the four potential capital improvement programs. No action was taken by Council.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. Take Any Action as Result of Executive Session

IV. HOLD JOINT WORK SESSION WITH CIP COMMITTEE TO DISCUSS AND CONSIDER CAPITAL IMPROVEMENT PROJECT (CIP) PLANNING AND TAKE ANY ACTION NECESSARY.

City Manager Julie Couch joined the meeting at this time (6:00 p.m.) Mayor Sweet initiated introductions of council members, CIP Committee Members and staff. Members of the CIP Committee who were present included the following: Sarah Kesting, Betty Fulmer, Amy Albritton Eaker, Jeff Shell, Rob Estes, Brad Bassett, Barb Coleson, Deidra Roe, Ross Ramsay, Bob Cotti and Kathleen Morrow. CIP Committee members absent from the meeting included: Frank Conselman, Lisa Werschky and Shawn Britton. Mayor Pro Tem Mark Russo arrived to the meeting at 6:20 p.m. CIP Committee member Kevin Fowler arrived to the meeting at 6:50 p.m.

Discussion regarding recommendations of the CIP Committee relative to each of the four potential projects took place. In general, the four projects include an historic park, an athletic fields complex, improvements to the historic downtown area and miscellaneous streets and roadway improvements. Members of the CIP Committee recommended presenting each of the four projects as stand alone propositions on a bond election ballot. The CIP Committee recommended to the Council that they move forward with placing the athletic fields complex

on an upcoming bond election ballot 'as is.' Regarding the historic park, the CIP Committee recommended adding a north entry point / walkway for neighborhood access; expansion of the public performance area in 'the meadow' and a recommendation that the city work with art groups to change out displayed artwork over time. Regarding downtown improvements, the CIP Committee recommended including both phases of the fire sprinkler system installation along with creation and implementation of a policy for recouping money from private businesses over time. In regard to miscellaneous roadway improvements, the CIP Committee recommended adding some additional road projects which would slightly increase the amount of the proposed bond proposition. General discussion took place related to increasing this particular proposition more in order to create funding for miscellaneous neighborhood street and sidewalk reconstruction projects.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

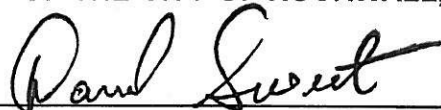
IV. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Russo made a motion to appoint Councilmember Bennie Daniels to serve on the Rockwall Fire Department Pension Board. Councilmember Nielsen seconded the motion, which passed by a vote of 7 ayes with 0 nays.

V. ADJOURNMENT


The meeting was adjourned at 7:15 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 1st day of August, 2011.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

MINUTES
ROCKWALL CITY COUNCIL

Monday, August 01, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

I. CALL TO ORDER

Mayor David Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

39
40
41
42

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

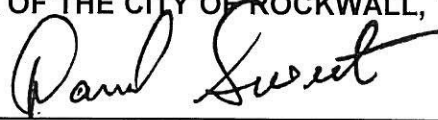
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of the public meeting below for actions taken out of Executive Session.

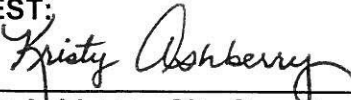
IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 15th day of August, 2011.

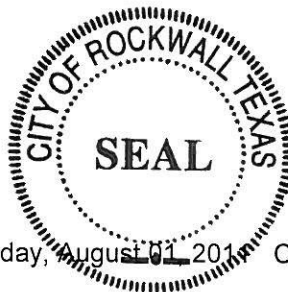


David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



43
44
45
46
47
48

MINUTES
ROCKWALL CITY COUNCIL
Monday, August 01, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

49 **I. CALL TO ORDER**

50
51 Mayor David Sweet called the meeting to order at 6:00 p.m. Present were Mayor David
52 Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen,
53 Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie
54 Couch and City Attorney Pete Eckert.

55
56 Mayor Pro Tem Russo made a motion to approve purchase of the Squabble Creek
57 sanitary sewer easement in the amount of \$4,527.60 Councilmember White seconded the
58 motion, which passed by a vote of 7 ayes to 0 nays.

59
60 Mayor Pro Tem Russo made a motion to make the following appointments to city boards
61 and commissions:

- 62
63 • appointment of Eric Chodun to the city's Building and Standards Commission to
64 fill the open position vacated by John McCutcheon with an initial term to expire in
65 August of 2012;
66
67 • appointment of Michael Adrian to the Main Street Advisory Board to replace Pat
68 Coble with an initial term to expire in January of 2012;
69
70 • and appointment of Dennis Lewis to the Planning & Zoning Commission to
71 replace Mark Stubbs with an initial term to expire in August of 2014.
72

73 Councilmember Nielsen seconded the motion. The motion passed by a vote of 7 ayes
74 with 0 nays.

75
76 **II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE**

77
78 Mayor Pro Tem Russo commented about the recent passing away of Rockwall resident
79 Wayne Rogers and offered his condolences to Mr. Rogers' family.

80
81 Councilmember White then delivered the invocation and led the Pledge of Allegiance.
82

83 **III. OPEN FORUM**

84
85 Mayor Sweet explained how Open Forum is conducted. He then invited members of the
86 public forth for comment.

87
88 John White
89 1929 South Lakeshore
90 Rockwall, Texas
91

92 Mr. White encouraged the council to consider postponing calling the bond election until
93 May of 2012. He generally expressed concern related to current economic uncertainty
94 from the local level up through the federal level of government.
95

96 Joseph Maguire
97 2005 Club Lake Circle
98 Rockwall, Texas
99

100 Mr. Maguire indicated that he is representing the Rockwall Girls Softball Association and
101 is present to speak in favor of the proposed sports athletic complex. He indicated that
102 he hopes to see it go to the voters for a bond election as early as this fall. He generally
103 indicated that he believes softball fields in Rockwall will be very beneficial to youth girls
104 in the Rockwall community. He also offered comments related to the positive impacts on
105 the local economy if and when tournaments are brought into a city.
106

107 Dennis Dayman
108 519 Cellars Court
109 Rockwall, Texas 75087
110

111 Mr. Dayman came forth and indicated that he is in favor of the bond related to the
112 proposed sports complex. He expressed several inadequacies associated with the
113 current city facilities, including some safety concerns and scheduling concerns.
114

115 Mr. Dayman also expressed some concern related to certain roadways in the city. He is
116 generally concerned about the thirty-five (35) miles per hour speed limit on the new, six
117 lane portion. He believes the speed limit is set too low. He also expressed concern
118 about Ridge Road coming from IH-30 towards Yellow Jacket Lane. He is concerned that
119 tree limbs may be inhibiting drivers' ability to see this signal light in a timely manner.
120

121 Marilyn King
122 511 Sunset Hill Drive
123 Rockwall, Texas
124

125 Mrs. King indicated she has been a resident since 1990. She generally indicated that she
126 would like the council to consider delaying the bond election later than November of
127 2011, perhaps during a future primary election.
128

129 Jamie Worth
130 1628 Deerwood Drive
131 Rockwall, Texas
132

133 Ms. Worth indicated that she is currently the president of the Rockwall Baseball
134 Association (RBA) and a mother of four children. Ms. Worth indicated that personal
135 concerns related to the childhood obesity epidemic have contributed, in part, to her
136 support for the proposed athletic fields complex. The current baseball fields in Rockwall
137 are insufficient for several reasons. She believes that tournaments would be
138 economically beneficial to the Rockwall community. She also believes the sports
139 complex would be beneficial to the local Angel League and other special needs programs
140 since current fields are not wheelchair friendly. She expressed various positive impacts
141 associated with children who are involved in sports teams. She generally indicated that

142 she would like the Council to consider putting forth the sports complex to the voters to
143 allow citizens to choose.

144
145 **Fred Lively**
146 **1545 Summer Lee Drive**
147 **Rockwall, Texas**
148

149 **Mr. Lively generally indicated that he is not present to speak for or against any of the**
150 **potential bond election projects. He is, however, here to speak against adding to the**
151 **local debt that has already been issued and spent. He encouraged the council to be**
152 **prudent before spending any additional tax payer dollars. He also asked the Council to**
153 **consider the ‘needs of the masses’ versus the ‘wants of the few.’**
154

155 **Ken Dixon**
156 **205 Meadowdale**
157 **Rockwall, Texas**
158

159 **Mr. Dixon indicated that he has lived in Rockwall for over thirty-five years. He is**
160 **generally concerned about discussing CIP projects during the current economic times.**
161 **He indicated that we currently have a debt crisis and a spending crisis in our country. He**
162 **pointed out recent layoffs of teachers and the economic hardships currently experienced**
163 **at the state and federal levels. Mr. Dixon indicated the belief that, fundamentally,**
164 **Rockwall residents can do without the proposed bond projects. He generally**
165 **encouraged the council to reconsider putting forth the bond projects before the voters.**
166 **He believes Rockwall has 171 home foreclosures as well as unemployed and**
167 **underemployed residents who are currently struggling financially.**
168

169 **Jeff Morgan**
170 **1918 Random Oaks Drive**
171 **Rockwall, Texas**
172

173 **Mr. Morgan indicated that he is shocked to learn that the city is considering a \$60 million**
174 **dollars in bond propositions. He strongly indicated opposition to the proposed bond**
175 **projects and the cost associated with each and with the bond projects as a whole. He**
176 **encouraged the city to consider setting up a fund to raise money for a down payment on**
177 **some of these projects. He views that, if the council puts forth the projects to the voters,**
178 **it is an indication that council members themselves are in favor of the projects.**
179

180 **Johanna Runnels**
181 **7140 Harlan Drive**
182 **Rockwall, Texas**
183

184 **Mrs. Runnels has lived in Rockwall since 1993. Mrs. Runnels emphasized that she is**
185 **concerned about the fiscal condition of our city. She is concerned about the over \$100**
186 **million in debt that the city currently carries. Mrs. Runnels generally indicated that the**
187 **projects being proposed are ‘wants’ rather than true needs. She encouraged the council**
188 **to spend responsibly. She agrees the projects are good projects; however, she believes**
189 **they would be better presented in more stable economic times. She is concerned about**
190 **the current economic decisions being made at the federal level related to our national**
191 **debt. She offered some comments of concern related to the expense associated with the**

192 sports complex and some of the design aspects associated with the proposed Heritage
193 Park. Mrs. Runnels encouraged fiscal conservatism.

194
195 **Ben Weible**
196 **215 Trout Drive**
197 **Rockwall, Texas**

198
199 **Mr. Weible** expressed that these proposed CIP projects are good projects; however, he is
200 concerned about those who want these projects spreading the debt burden across the
201 population of Rockwall as a whole. He views these projects as 'luxuries.' He believes it
202 is not proper for the government to be involved in these types of projects. He thinks that
203 those who will directly benefit from these projects should front the money for them
204 instead of having the population as a whole pay for them. Mr. Weible generally
205 encouraged the city council to not put these projects forth due to current economic
206 uncertainties.

207
208 **David Bota**
209 **2755 Green Gables Court**

210 **Mr. Bota** indicated that at this time, it is not a wise decision to move forward with these
211 projects. He stated that his home is located right near a public park, and the city police
212 often have to run kids off, out of the park, at 2:00 and 3:00 in the morning. He generally
213 indicated he is not in favor of putting forth these projects.

214
215 **Shannon Nerren**
216 **401 Forest Trace**
217 **Rockwall, Texas**

218
219 **Mr. Nerren** generally indicated that he is not in favor of putting these projects forth at this
220 time. He encouraged the council to separate out the bond propositions on the ballot if it
221 is decided to put the items

222
223 **Sharon McGuire**
224 **2005 Club Lake Circle**
225 **Rockwall, Texas**

226
227 **Ms. McGuire** indicated that she plays in the RGSA (Rockwall Girls Softball Association),
228 and she plays select softball. She stated that the fields at Tuttle are not sufficient for her
229 select softball team. She expressed concern that youth in the community are being
230 referred to as 'the minority.' She generally encouraged the council to support the
231 proposed sports / athletic complex for the youth in the community.

232
233 **Bob Cotti**
234 **405 Driftwood**
235 **Rockwall, Texas**

236
237 **Mr. Cotti** came forth and indicated that he served on this current CIP Committee. He
238 asked the city council to consider allowing all of the citizens of Rockwall an opportunity
239 to vote in favor or in opposition to the four proposed projects through holding a bond
240 election in November of 2011.

241
242 There being no one else to come forth and speak, Mayor Sweet closed Open Forum.

243
244 **IV. CONSENT AGENDA**
245

- 246 1. Consider approval of the minutes from the July 18, 2011 regular city
247 council meeting, and take any action necessary.
- 248 2. Consider approval of the minutes from the July 27, 2011 special city
249 council meeting, and take any action necessary.
- 250 3. Z2011-013 - Consider approval of an **ordinance** for a request by Don
251 Lord, on behalf of Jim Menconi of Empire Self Storage, for approval of a
252 Specific Use Permit (SUP) to allow for the expansion of the existing
253 "Buffalo Ridge" mini-warehouse facility located on Tracts 26, 26-4 and 26-
254 6, Abstract 80, W. W. Ford Survey, being 8.84-acres overall zoned (C)
255 Commercial district and situated at 5543 and 5573 FM 3097 (Horizon
256 Rd), and take any action necessary. **(2nd Reading)**
- 257 4. Z2011-014 - Consider approval of an **ordinance** for a request by Jerry
258 Archer of Archer Car Care for approval of a Specific Use Permit (SUP) to
259 allow for "Auto Repair, Minor" within the (DT) Downtown district, on a
260 0.23-acre tract known as the west part of Lots 1-4, Block U, Rockwall Old
261 Town Addition and located at 306 E. Washington, and take any action
262 necessary. **(2nd Reading)**
- 263 5. Consider granting an easement to AT&T for telephone equipment in
264 Timber Creek Estates and take any action necessary.
- 265 6. Consider approval of a resolution of the City Council of the City of
266 Rockwall, Texas, adopting an official city limits and extraterritorial
267 jurisdiction map exhibiting the exterritorial jurisdiction (ETJ) of the City of
268 Rockwall into the unincorporated land within two miles of the City of
269 Rockwall, and take any action necessary.

270
271 **Councilmember Nielsen pulled item #1 because she was not present for the July 18**
272 **council meeting.**
273

274 **Councilmember Nielsen then made a motion to approve the remaining Consent Agenda**
275 **items (#2, 3, 4, 5, and 6). Mayor Pro Tem Russo seconded the motion. The ordinances**
276 **were read as follows:**

277 **CITY OF ROCKWALL**
278 **ORDINANCE NO. 11-33**
279

280 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
281 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY**
282 **OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT**
283 **A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "MINI-WAREHOUSE"**
284 **DEVELOPMENT WITHIN THE (C) COMMERCIAL DISTRICT, LOCATED AT**
285 **5543 AND 5573 FM 3097, BEING AN 8.84-ACRE TRACT KNOWN AS**
286 **TRACTS 26, 26-4 AND 26-6, ABSTRACT 80, W. W. FORD SURVEY;**
287 **PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY**
288 **OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS**
289 **(\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY**
290 **CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN**
291 **EFFECTIVE DATE.**

CITY OF ROCKWALL
ORDINANCE NO. 11-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW FOR AN "AUTO REPAIR GARAGE, MINOR" WITHIN THE (DT) DOWNTOWN DISTRICT ON A 0.23-ACRE TRACT OF LAND KNOWN AS THE WEST PART OF LOTS 1-4, BLOCK U, ROCKWALL OLD TOWN ADDITION, LOCATED AT 306 E. WASHINGTON, SUITE C; 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 7 ayes to 0 nays.

Councilmember Nielsen indicated that she pulled item #1 because she needs to abstain from the vote. Councilmember Sevier made a motion to approve Consent Agenda item #1. Councilmember Smith seconded the motion, which passed by a vote of 7 ayes with 0 nays.

V. APPOINTMENTS

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

Connie Jackson, Vice Chair of the Planning & Zoning Commission, came forth and offered information to the council relative to the recommendations of the Commission associated with MIS2011-006. She explained the recommendation of the Commission, which was approved by a vote of 6 ayes with 1 commissioner absent.

VI. PUBLIC HEARING ITEMS

1. Z2011-016 - Continue a public hearing and consider approval of an **ordinance** for a request by Richard Skorburg of Stone Creek Balance, Ltd., for proposed amendments to (PD-70) Planned Development District No. 70, being 395-acres of land overall and generally known as the Stone Creek Development, located along the east side SH 205, south side of FM 552, west of Hays Road and John King Boulevard and north of Quail Run Road, and take any action necessary. **(1st Reading)**

Planning Manager Michael Hampton provided brief background information related to this public hearing item. The Planning & Zoning commission met on July 12 and recommended approval of this item by a vote of 7 ayes to 0 nays. Notices were sent out to property owners within 200 feet and all residents within the Quail Run subdivision. To date, only one response has been received back, and it expressed opposition.

342 Brief, general discussion took place related to the proposed plan, including ingress and
343 egress points.

344
345 Mayor Sweet then opened the continuation of this Public Hearing Item.

346
347 Adam Buczek
348 8214 West Chester Drive, Suite 710
349 Dallas, TX 75225

350
351 Mr. Buczek stated he is representing the Skorburg Company. He showed some aerial
352 photographs and offered comments related to the proposed development, including
353 aspects of the tree preservation plan and the access points for the development.

354
355 Mayor Sweet asked if anyone would like to come forth and speak during the Public
356 Hearing. There being no one to come forth and speak, Mayor Sweet then closed the
357 public hearing.

358
359 Councilmember Smith then made a motion to approve Z2011-016. Councilmember White
360 seconded the motion. The ordinance was read as follows:

361
362 CITY OF ROCKWALL
363 ORDINANCE NO. 11-

364
365 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
366 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
367 CODE (ORD. NO. 04-38), ORDINANCE NO. 07-13 AND ORDINANCE
368 NO. 09-44, OF THE CITY OF ROCKWALL, AS HERETOFORE
369 AMENDED, SO AS TO AMEND THE PD CONCEPT PLAN FOR (PD-
370 70) PLANNED DEVELOPMENT NO. 70 DISTRICT, SPECIFICALLY TO
371 RECONFIGURE AND ENLARGE FROM 7.0-ACRES TO
372 APPROXIMATELY 8.402-ACRES THE "COMMERCIAL" TRACT
373 DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; PROVIDING FOR
374 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT
375 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
376 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
377 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
378 EFFECTIVE DATE.

379
380 The motion passed unanimously of council.

381
382 VII. SITE PLANS / PLATS

- 383
384 1. MIS2011-006 - Discuss and consider a request by Juventino and Maria
385 Acosta for approval of a special request to the standards of the (PD-75)
386 Planned Development No. 75 district (Ord 09-37), specifically for the
387 replacement of a carport structure that encroaches into the minimum front
388 yard setback, located at 251 Bass Road, being Lot 438, Block D,
389 Rockwall Lake Estates #1, and take any action necessary.

390 Planning Manager Michael Hampton provided background information related to this
391 item, including aerial and other photographs of the lot on which the carport is proposed
392 to be replaced. Mr. Hampton indicated that it is not recommended the expansion of the
393 carport be granted; however, replacement of the structure with no expansion of size is

394 recommended by staff. The Planning & Zoning Commission recommended approval of
395 the replacement of the carport and the granting of one additional foot for expansion.
396

397 Councilmember White made a motion to approve MIS2011-006 with recommendations of
398 staff and Planning and Zoning Commission. Mayor Pro Tem Russo seconded the
399 motion. The motion and second were clarified to allow a 20'x20' structure. The motion
400 passed by a vote of 7 ayes with 0 nays.
401

402 **VIII. ACTION ITEMS**
403

- 404 1. Discuss and consider an **ordinance** regarding recommendation by the
405 Atmos Cities Steering Committee approving a negotiated settlement with
406 Atmos Energy Mid-Tex Division for a rate increase and take any action
407 necessary.

408 City Manager Julie Couch provided background information related to this agenda item.
409 She indicated that the city is a part of a statewide rate case review committee. The
410 ordinance before the council this evening has come forth from the Atmos Steering
411 Committee and is a partial settlement with Atmos and the cities served by Atmos. Couch
412 explained the potential ramifications if the council chose not to approve the presented
413 ordinance.
414

415 Councilmember Nielsen made a motion to approve the ordinance and associated rate
416 increase as described in the staff memo. Councilmember White seconded the motion.
417 He clarified the rate increase impact on residential and commercial customers. The
418 ordinance was then read as follows:
419

420 **CITY OF ROCKWALL, TEXAS**
421 **ORDINANCE # 11-32**
422

423 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
424 ROCKWALL, TEXAS, ("CITY") APPROVING A NEGOTIATED
425 RESOLUTION BETWEEN THE ATMOS CITIES STEERING
426 COMMITTEE ("ACSC" OR "STEERING COMMITTEE") AND ATMOS
427 ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR
428 "COMPANY") REGARDING THE COMPANY'S FOURTH ANNUAL
429 RATE REVIEW MECHANISM ("RRM") FILING IN ALL CITIES
430 EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING
431 RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT
432 REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE
433 NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET
434 BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE;
435 REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE
436 RATEMAKING EXPENSES; REPEALING CONFLICTING
437 RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS
438 ORDINANCE WAS PASSED IN ACCORDANCE WITH THE
439 REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT;
440 ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE
441 DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE
442 COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.
443

444 The motion passed unanimously of council.
445

- 446 2. Discuss and consider Capital Improvement Planning (CIP) and take any
447 action necessary.

448 **City Manager Julie Couch provided background information related to this item,**
449 **indicating that the council now needs to make a decision with regards to whether or not**
450 **the council chooses to move forth with calling a bond election at the next regular city**
451 **council meeting.**

452
453 **Councilmember Smith asked how much it will cost to hold an election. Couch indicated**
454 **that an election would cost approximately \$10,000 whether it is held in November or May.**

455
456 **Councilmember Russo offered comments related to the proposed bond projects. He**
457 **generally indicated that he believes the timing is not currently appropriate to put some of**
458 **these projects forth before the voters. He believes that roads are a necessity; however,**
459 **he does not believe that this November is necessarily the appropriate time to hold a bond**
460 **election. He generally indicated that he does believe in allowing voters to have a say. He**
461 **will make his decision on what he believes is the best for the future of Rockwall.**

462
463 **Councilmember Sevier indicated that each project would be put forth as separate bond**
464 **proposals, each of which can be voted for or against by city voters. Sevier suggested**
465 **that it may be a good idea to postpone putting forth these bond propositions before the**
466 **voters until a future date when the state of the economy is more stable and better known.**
467 **He emphasized the importance of allowing the citizens to have a voice and a say in**
468 **whether or not each of these projects is desired.**

469
470 **Councilmember Nielsen indicated that about a year ago, Rockwall parents and children**
471 **flooded the council chambers expressing a desire for new ball fields on which local**
472 **youth can play. She provided comments relative to the last bond election and the**
473 **projects associated with that election, which amounted to just over \$75 million dollars.**
474 **She generally stated she desires to put the issues before the voters for their**
475 **consideration.**

476
477 **Councilmember Smith thanked the citizens and the CIP Committee for their input related**
478 **to these bond projects. She generally indicated that she would rather see these issues**
479 **go before the voters at a later date, rather than a special election in November.**

480
481 **Councilmember Daniels thanked everyone who worked on these bond project**
482 **propositions and for those who came forth to address the council. Daniels indicated he**
483 **believes these projects should go forth to the citizens for consideration. He generally**
484 **indicated that he believes the best time to put these items forth is not this November.**
485 **Instead, he prefers they be put forth before the citizens for a vote in May instead of**
486 **November (six months later). He encouraged the citizens to think about these issues**
487 **between now and then and utilize the extra six months to discuss and think about these**
488 **proposed items.**

489
490 **Mayor Pro Tem Russo thanked everyone who spoke and offered a series of comments.**
491 **Russo then made a motion to perform a financial review / outlook in January of 2012 and**
492 **thereafter consider putting forth a bond package before the voters for consideration in**
493 **May of 2012 or the next date proposed for a City Council Election. Councilmember**
494 **Sevier seconded the motion.**
495

496 Councilmember Smith indicated that she prefers the issues be put before the voters
497 during a primary election date in November (not this November). Brief discussion
498 ensued related to primary versus general election dates.
499

500 Mayor Sweet offered comments related to the bond issues and the opinions and
501 concerns of Rockwall citizens who have come forth to speak to the council. He
502 expressed that he does not believe the council will be supporting calling a bond election
503 this November.
504

505 The motion on the floor passed by a vote of 7 ayes to 0 nays.
506

507 3. Discuss a Convention and Visitor's Bureau function, and take any action
508 necessary.

509 Mayor Sweet provided brief comments relative to this agenda item, indicating that he
510 requested this item be placed on the council agenda for discussion. City Manager
511 Couch then provided some background information related to a Convention and Visitor's
512 Bureau (CVB). Couch indicated that CVBs are typically funded through hotel / motel tax
513 revenues. While these revenue funds have increased slightly in recent years, the city
514 still does not have a lot of hotels / motels and the funding necessary to support a stand
515 alone CVB. She generally indicated that it may be a good idea to continue allowing the
516 Chamber to perform CVB functions.
517

518 After brief discussion, Councilmember Nielsen expressed that she would initially like to
519 see a three year contract, rather than a five year contract.
520

521 Councilmember Sevier clarified that hotel / motel revenues can be utilized to fund a CVB
522 position. Couch indicated that this is the case.
523

524 After additional, brief discussion, the council took no formal action related to this item.
525

526 4. Discuss documentation of city council executive sessions and take any
527 action necessary.

528 City Manager Couch indicated that Councilmember Nielsen asked staff to evaluate this
529 topic after a resident came forth and asked questions relative to this topic.
530

531 Councilmember White made a motion to begin audio recording Executive Session.
532 Mayor Pro Tem Russo seconded the motion.
533

534 Councilmember White rescinded his motion and offered a motion to table this item until
535 the next regular council meeting. Mayor Pro Tem Russo seconded the motion, which
536 passed by a vote of 7 ayes to 0 nays.
537

538 5. Discuss and consider awarding a bid for the construction of a mobile
539 animal adoption unit to Deerskin Mfg. Inc. in the amount of \$34,000.00
540 (funding is available from donations by citizens and local businesses),
541 and take any action necessary.

542 Director of Animal Services, Jeffrey Widmer, provided brief background information
543 related to this item, indicating that this mobile adoption unit is being funded entirely
544 through donations from residents and businesses.

545
546 Councilmember Nielsen made a motion to move forward with the purchase of this animal
547 adoption unit in the amount of \$34,000. Councilmember Sevier seconded the motion.
548

549 The motion passed by a vote of 7 ayes to 0 nays.
550

551 IX. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
552 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.
553

- 554 1. Departmental Reports
555 Finance Department Monthly Report - June 2011
556 Recreation Monthly Report - June 2011
557 Harbor PD Monthly Report - June 2011
558 Building Inspections Monthly Report - June 2011
559 STAR Transit Quarterly Report
560 Rockwall County Committee on Aging Quarterly Report
561 Police Department Monthly Report - June 2011
562 Fire Department Monthly Reports - June 2011
563 Internal Operations Department Monthly Report - June 2011
564 2. City Manager's Report
565

566 Assistant City Manager Rick Crowley indicated that the necessity for the city to move to
567 Stage 3 Water Conservation efforts is likely approaching in the near future. The North
568 Texas Municipal Water District (NTMWD) is recommending that the city go to Stage 2
569 water conservation efforts by mid-August. Crowley briefed the council on general
570 actions that the city will need to take with regards to both Stage 2 and Stage 3 water
571 conservation efforts.
572

573 Couch updated the Council regarding the lack of construction work being done on FM-
574 740. Construction has currently reached a lull due to the extreme heat and an inability to
575 pour concrete in the extreme heat. TXDOT has asked the city for permission to work at
576 night instead of during daytime hours in order to avoid the daytime heat. A city
577 ordinance currently prohibits night time construction work near adjacent residential
578 areas unless special permission is granted by the city. Couch indicated that allowing
579 night time construction will impact adjacent residents for an hour or so at night due to
580 loud construction related equipment passing near their home. If the city does grant
581 permission for construction crews to work at night, the city would notify adjacent
582 property owners of the night time construction and its potential noise impacts.
583

584 There being no further discussion, Mayor Sweet adjourned the public meeting at 8:38
585 p.m.
586

587 X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
588 GOVERNMENT CODE TO DISCUSS:
589

- 590 1. Deliberation regarding the purchase, exchange, lease, or value of real
591 property.
592 2. Personnel Issues, including Board, Commission, and Committee
593 Appointments, and Related Matters.

- 594
595
596
597
598
599
600
601
602
3. 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.
 4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

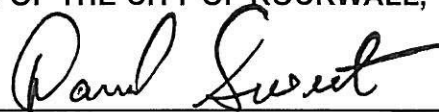
603 **XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

604
605 **The Council did not reconvene back into Executive Session at the close of the public**
606 **meeting; therefore, no action was taken as a result of this Executive Session item (see**
607 **start of public meeting above for actions taken out of pre-public meeting Executive**
608 **Session).**

609
610 **XII. ADJOURNMENT**

611
612 **The public meeting was adjourned at 8:38 p.m.**
613
614

615 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
616 **this 15th day of August, 2011.**



David Sweet, Mayor

617
618 **ATTEST:**

619 
620 _____
621 **Kristy Ashberry, City Secretary**



1
2
3
4
5
6
7

MINUTES
ROCKWALL CITY COUNCIL

Friday, August 12, 2011
8:30 a.m. Budget Work Session
City Courts Building, 205 W. Rusk Rockwall, Texas 75087

8 **1. CALL TO ORDER / BREAKFAST**

9
10 Mayor Sweet called the meeting to order at 8:30 a.m. Present were Mayor David Sweet,
11 Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle
12 Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch,
13 Assistant City Manager Rick Crowley and Finance Director Mary Smith.

14
15 **2. HOLD BUDGET WORK SESSION AND TAKE ANY ACTION NECESSARY.**

16
17 Julie Couch provided a brief overview of the proposed budget for FY 2012, indicating that
18 FY 2012 will represent a continuation of the economic conditions experienced in FY 2011.
19 It is anticipated that limited continued commercial growth and a continued slow down in
20 residential development can be expected. However, it is anticipated that revenues will
21 increase slightly in 2012. Couch explained that the primary goals of the proposed budget
22 for FY 12 are to maintain the current tax rate, meet any statutory or required
23 programmatic increases and work to reinstitute merit increases for employees.

24
25 General discussion took place relative to the proposed general fund budget, debt service
26 budget and budgets for each city department and/or function. Members of the Council
27 indicated that they would like to review some additional information related to the budget
28 prior to its adoption.

29
30 The Council took no action related to the budget work session discussion.

31
32 **3. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072 AND 551.087 OF TEXAS**
33 **GOVERNMENT CODE TO DISCUSS:**

- 34 a. Deliberation regarding the purchase, exchange, lease, or value of real
35 property.
- 36 b. Commercial or financial information regarding business prospects that the
37 City seeks to have locate, stay, or expand in or near the territory of the
38 City of Rockwall and with which the Board is conducting economic
39 development negotiations.
- 40 c. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
41 with attorney with regard to a matter that it is the duty of the attorney to
42 consult with the Council pursuant to the Attorney Client Privilege under
43 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
44 Texas.

45 **4. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

46
47 The Council took no action as a result of Executive Session.

49 5. ADJOURNMENT

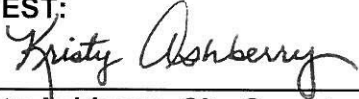
50
51 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
52 this 6th day of September, 2011.

53
54
55



David Sweet, Mayor

56 ATTEST:

57 

58
59 Kristy Ashberry, City Secretary



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

MINUTES
ROCKWALL CITY COUNCIL
Monday, August 15, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Mark Russo, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

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

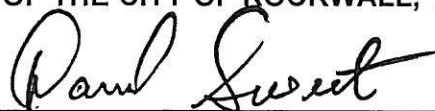
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of public meeting below for actions taken.

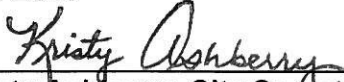
IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 6th day of September, 2011.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

42
43
44
45
46
47

**MINUTES
ROCKWALL CITY COUNCIL**

Monday, August 15, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

48 I. CALL TO ORDER

49
50 Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,
51 Mayor Pro Tem Mark Russo and Council Members David White, Mark Russo, Margo
52 Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager
53 Julie Couch and City Attorney Pete Eckert.

54
55 As a result of Executive Session, Mayor Pro Tem Russo made a motion to make the
56 following appointments to city boards and commissions:

- 57
- 58 • Appoint Michael Townsend to replace Pam Kitkoski on the Park Board with an
59 initial term to expire in August of 2013.
 - 60 • Reappoint Chandra Karlen to the Park Board with a term to expire in August of
61 2013
 - 62 • Appoint Bob Lewis to replace Glen Varner on the Park Board with an initial term
63 to expire in August of 2013.

64
65 Councilmember Sevier seconded the motion, which passed unanimously (7 ayes to 0
66 nays).

67
68 II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM RUSSO

69
70 Mayor Pro Tem Russo delivered the invocation and led the Pledge of Allegiance.

71
72 III. PROCLAMATIONS / AWARDS

- 73
74 1. Texas Sports Red 9U World Series Championship Day

75
76 Mayor Sweet spoke a few words and invited the coach to introduce his team and speak
77 about his player's accomplishments. Mayor Sweet then read and presented the
78 proclamation to the boy's baseball team.

79
80 IV. CONSENT AGENDA

- 81
82 1. Consider approval of the minutes from the August 1, 2011 regular city
83 council meeting, and take any action necessary.
- 84 2. Consider adoption of an **ordinance** amending an ordinance authorizing
85 the issuance of City of Rockwall, Texas, Combination Tax and Limited
86 Surplus Revenue Certificates of Obligation, Series 2011; providing an
87 effective date; enacting other provisions relating to the subject and take
88 any action necessary.

- 89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
3. P2011-009 - Discuss and consider a request by Chris Cuny of F.C. Cuny Corp for approval of a final plat of Eagle Point Estates, being 13 lots on 7.054-acres zoned (SF-10) Single Family Residential district and including the property currently addressed as 1310 Ridge Road (i.e. Tracts 16 and 16-1, Abstract 1, D. Atkins Survey) and 1400 Ridge Road (i.e. part of Lot 1, Block A, Carroll Estates Subdivision).
 4. Z2011-016 - Consider approval of an **ordinance** for a request by Richard Skorburg of Stone Creek Balance, Ltd., for proposed amendments to (PD-70) Planned Development District No. 70, being 395-acres of land overall and generally known as the Stone Creek Development, located along the east side SH 205, south side of FM 552, west of Hays Road and John King Boulevard and north of Quail Run Road, and take any action necessary. **(2nd Reading)**
 5. Consider authorizing the City Manager to execute a facility use agreement with the Rockwall Baseball Association and the Rockwall Girl's Softball Association, and take any action necessary.
 6. Consider granting a utility easement to Oncor for the electrical service to the automated weather observation system at the Rockwall Airport and take any action necessary.

108 **Councilmember Nielsen made a motion to approve the entire Consent Agenda (#s 1 - 6).**
109 **Councilmember Sevier seconded the motion. The ordinances were read as follows:**

110
111
112 CITY OF ROCKWALL

113
114 ORDINANCE NO. 11-36

115
116 ORDINANCE AMENDING AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF
117 ROCKWALL, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE
118 CERTIFICATES OF OBLIGATION, SERIES 2011; PROVIDING AN EFFECTIVE DATE; AND
119 ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

120
121
122 CITY OF ROCKWALL
123 ORDINANCE NO. 11-35

124
125 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
126 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-
127 38), ORDINANCE NO. 07-13 AND ORDINANCE NO. 09-44, OF THE CITY OF
128 ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND THE PD
129 CONCEPT PLAN FOR (PD-70) PLANNED DEVELOPMENT NO. 70
130 DISTRICT, SPECIFICALLY TO RECONFIGURE AND ENLARGE FROM 7.0-
131 ACRES TO APPROXIMATELY 8.402-ACRES THE "COMMERCIAL" TRACT
132 DESCRIBED IN EXHIBIT "A" ATTACHED HEREIN; PROVIDING FOR
133 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
134 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
135 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
136 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

139 The motion passed unanimously of Council (7 ayes to 0 nays).
140

141 **V. APPOINTMENTS**
142

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

146 **Connie Jackson, Vice Chair of the Planning and Zoning Commission, came forth and**
147 **briefed the council on the recommendations of the Commission relative to items on**
148 **tonight's city council agenda. The Council took no action related to this item.**
149

150 **VI. PUBLIC HEARING ITEMS**
151

- 152 1. Z2011-017 - Hold a public hearing and consider approval of an
153 **ordinance** for a request by Stuart and Brenda Meyers for approval of an
154 amendment to an existing Specific Use Permit (Ord. No. 06-52), including
155 a request to allow for a "Hair Salon" and a "General Retail Store" in
156 conjunction with the existing "restaurant of less than 2,000-sf," within (PD-
157 50) Planned Development No. 50 district, specifically on Lot 1, Abate
158 Injury Rehab Center Addition, located at 506 N. Goliad, and take any
159 action necessary. **(1st Reading)**

160 **Planning Director Robert LaCroix offered detailed background information related to this**
161 **item. He indicated that notices were sent out to property owners located within two**
162 **hundred feet in accordance with state law. Three notices were received back in favor of**
163 **the SUP amendment. One response was received back in opposition from an individual**
164 **who owns three adjacent lots. This opposing response constitutes twenty percent**
165 **because it collectively results in a large bit of land. This twenty percent opposition,**
166 **therefore, triggers the need for a super majority approval of the city council.**
167

168 **Mayor Sweet opened the Public Hearing and invited the applicant forth to speak**
169

170 **Mr. Standifer**
171 **2771 Massey Lane**
172

173 **Mr. Standifer came forth and offered an explanation of the portion of this location that is**
174 **proposed to be used as a small retail space. He explained that they hope to sell disc golf**
175 **equipment and related items. He also indicated that they plan to offer organic coffee, tea**
176 **and baked goods.**
177

178 **Stuart & Brenda Meyers**
179 **506 North Goliad**
180 **Rockwall, TX**
181

182 **Mr. Meyers indicated that he and his wife own this property. He briefly explained what he**
183 **and his wife plan to do with regards to this property. He gave indication that the**
184 **potential salon tenant has now backed out on her lease agreement and will no longer be**
185 **occupying a portion of this space.**
186

187 Councilmember Smith offered brief comments indicating that she has spoken with the
188 Meyers' and believes that they can place signage to discourage any sort of negative
189 impacts on the adjacent property owner with regards to the driveway.

190
191 Shirley Black
192 502 North Goliad
193 Rockwall, Texas

194
195 Mrs. Black generally spoke in favor of this request. She indicated that the adjacent
196 property owner's concerns related to the driveway usage will, in her opinion, not be
197 problematic.

198
199 Councilmember Smith made a motion to approve this item with the understanding that
200 the portion designated in the ordinance for use as a hair salon can be utilized for either a
201 hair salon or for general retail. Mayor Pro Tem Russo seconded the motion. The
202 ordinance was read as follows:

203
204 CITY OF ROCKWALL
205 ORDINANCE NO. 11-37

206
207 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
208 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
209 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND A
210 SPECIFIC USE PERMIT (ORD. 06-52), SPECIFICALLY TO ALLOW FOR A
211 HAIR SALON AND A GENERAL RETAIL STORE IN CONJUNCTION WITH
212 THE EXISTING RESTAURANT OF LESS THAN 2000 SQ-FT WITHIN (PD-50)
213 PLANNED DEVELOPMENT NO. 50 DISTRICT, ON A TRACT OF LAND
214 KNOWN AS LOT 1, ABATE INJURY REHAB CENTER ADDITION AND
215 LOCATED AT 506 N. GOLIAD STREET; PROVIDING FOR SPECIAL
216 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
217 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
218 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
219 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

220
221 The motion passed unanimously of Council (7 ayes to 0 nays).

- 222
223 2. Z2011-018 - Hold a public hearing and consider approval of an
224 ordinance for a request by Mark Lowen of The Lenity Group LLC for
225 approval of a Specific Use Permit (SUP) to allow for a "congregate care
226 facility" within the (GR) General Retail district, specifically on a 4.26-acre
227 tract known as Tract 16-5, Abstract 145, J. D. McFarland Survey, situated
228 along the southeast side of Yellowjacket Lane east of Kyle Drive, and
229 take any action necessary. (1st Reading)

230 Planning Director Robert LaCroix provided detailed background information related to
231 this item. In accordance with state law, legal notices were sent out to adjacent property
232 owners and several were received back by staff.

233
234 Dan Roach
235 Lenity Group on behalf of Hawthorne Retirement Group
236 471 High Street SE, Suite 10
237 Salem, Oregon 97301
238

239 Mr. Roach came forth and walked the Council through an in-depth presentation related to
240 this proposed development. Mr. Roach indicated that two neighborhood meetings were
241 held, and collectively about ten residents showed up to these meetings to discuss the
242 proposed project. Mr. Roach generally expressed the belief that both of these meetings
243 resulted in attendees leaving the meetings feeling comfortable with this proposed
244 development.

245
246 Some discussion took place related to tenure of ownership of these types of facilities as
247 well as availability of handicap parking and handicap accessible rooms and spaces
248 within the facility.

249
250 Mayor Sweet opened the Public Hearing and asked if anyone would like to come forth
251 and speak.

252
253 Carol Childress
254 1507 Murphy Drive
255 Rockwall, Texas

256
257 Mrs. Childress indicated that she lives in the Waterstone Estates subdivision very close
258 to this proposed development. She generally indicated that she has educated herself on
259 past discussions related to this proposed development and believes that this is the
260 'highest and best use' for this particular property. She, therefore, expressed that she
261 believes the City Council should approve this development for several reasons. She
262 then offered various reasons for her support for this development.

263
264 Harold Snyder
265 1519 Murphy Drive
266 Rockwall, Texas

267
268 Mr. Snyder indicated that he is here in part to represent the residents of Waterstone
269 Estates as part of its Homeowners Association and in part to represent himself as a
270 homeowner. Mr. Snyder generally indicated that he still has some concerns about this
271 development but that his remaining concerns are somewhat minor. Mr. Snyder indicated
272 that a petition was recently conducted and that a different resident of Waterstone Estates
273 will come forth shortly to speak regarding the results of this particular petition. Mr.
274 Snyder indicated that he canvassed the neighborhood over the weekend and that thirty-
275 eight residents expressed that they are in opposition to this proposed development. He
276 also indicated that of those residents he was able to speak with located within two
277 hundred feet of the property, five to six indicated they are in opposition to the proposed
278 development. He also generally indicated that many of the residents indicated they
279 never received the public notice sent out by the city relative to the proposed
280 development and scheduled public hearings. He further indicated the general consensus
281 of the Waterstone Estates HOA is that the HOA board is not in support of this proposed
282 development.

283
284 Planning Director Robert LaCroix indicated that members of city staff have not received
285 formal responses back in favor or in opposition from property owners located within two
286 hundred feet of the proposed property at this time.

287
288 Marlin Roberts
289 323 Julian Drive

290 Rockwall, Texas

291
292 Mr. Roberts indicated that he asked his real estate agent about the zoning on this
293 particular piece of property prior to purchasing his home, so he knew the nature of the
294 zoning on the property before he moved in. He generally expressed confusion on what
295 has changed between the council previously turning down this development and now
296 when it is being considered a second time. He expressed some concern about creation
297 of additional traffic on Yellow Jacket Lane. He stated that he was unaware of any petition
298 that was in circulation. He feels that communication related to this development has
299 been lax.

300
301 Phyllis & Dennis Hillary
302 143 Pelican Cove
303 Rockwall, Texas

304
305 Mr. Hillary indicated that he is a resident of Waterstone Estates and is responsible for
306 one of the petitions that was circulating throughout the neighborhood. He indicated that
307 he is not located within the 200 foot notification area; however, he is not in support of
308 this development. He prefers a low density residential development that is attractive and
309 fits with the zoning regulations. Mr. Hillary indicated that he received a notice from the
310 Lenity Group and attended one meeting relative to this development. Mrs. Hillary
311 indicated that she has concerns about this development since Waterstone Estates only
312 has one entryway into the subdivision. Mrs. Hillary briefly spoke related to a petition she
313 and her husband circulated. Mr. and Mrs. Hillary generally indicated, despite their
314 concerns, that they are for this development.

315
316 David English
317 1870 English Road

318
319 Mr. English indicated that he is a commercial real estate broker. Part of his job is to find
320 the highest, best use for particular properties. Mr. English indicated that in his years of
321 work, this is his second time to come before the Rockwall city council to address a
322 particular issue. Mr. English offered very favorable comments relative to this proposed
323 development as he very passionately believes it presents the highest, best use for this
324 particular piece of property. He indicated that this type of development is quite and
325 peaceful and that he would love to live next to this type of development.

326
327 Misty Phillips
328 2008 South Lakeshore Drive
329 Rockwall, Texas

330
331 Mrs. Phillips expressed support for this development and encouraged the council to
332 approve moving forward with this development.

333
334 Bill Andrews
335 2725 Mannerwood Trail
336 Fort Worth, Texas

337
338 Mr. Andrews indicated that he is the owner of this particular piece of property and has
339 been the owner since the 1970s. He is the person who sold the property that the Ford
340 dealership now sits on. Mr. Andrews indicated that he has been a caregiver for five

341 separate members of his family. He believes that if this development is not approved
342 here locally, local Rockwall residents will be forced to place their elderly relatives in the
343 Dallas area rather than here in Rockwall. He offered general comments relative to what
344 he believes are the benefits of this type of facility. He believes this development will be
345 beneficial to the residents of the City of Rockwall and believes it will be good for the
346 community.

347
348 **John White**
349 **1929 South Lakeshore**
350 **Rockwall, Texas**

351
352 **Mr. White indicated that he believes this is a marvelous development and represents the**
353 **highest, best use of this particular property. He pointed out that this property is zoned**
354 **as general retail and that a number of developments could go into this area. He indicated**
355 **he believes this property will add to the community, not take away from it.**

356
357 **Shannon Nerrin**
358 **401 Forrest Trace**
359 **Rockwall, Texas**

360
361 **Mr. Nerrin generally offered comments in favor of this development.**

362
363 **Mr. Roach, the applicant, came forth again and addressed some of the public**
364 **commentary. He indicated that his company, Hawthorne, will serve as the developer and**
365 **the operator of this facility. He does not anticipate selling this development off any time**
366 **in the near future. He believes Hawthorne will be a long term presence in the community**
367 **through this development.**

368
369 **Councilmember White made a motion to approve Z2011-018 with the designation that the**
370 **facility will be a non-smoking facility. Councilmember Nielsen seconded the motion.**

371
372 **City Attorney, Pete Eckert, asked the Council to take a ten minute recess to allow staff**
373 **and himself time to calculate those who have expressed opposition to the proposed**
374 **development.**

375
376 **Following the break, City Attorney Pete Eckert indicated that state law provides for**
377 **receipt of written notification, either for or against, from those living in the area located**
378 **within 200 feet of the proposed change. Based on this, it appears that, at best, the city**
379 **has received probably seven to eight percent opposition, which does not meet the twenty**
380 **percent threshold requiring a super majority vote.**

381
382 **Mayor Sweet offered comments relative to the proposed development, summarizing**
383 **many of the issues surrounding this case and the various factors that have to be**
384 **evaluated before making a decision. Sweet generally indicated that he believes this**
385 **project represents the best use for this particular piece of property, so he will be**
386 **changing his previous vote and will vote in favor of this proposed development tonight.**

387
388 **Councilmember Sevier provided some background on decision making he has made**
389 **while serving on the Council relative to multi family housing, including other senior /**
390 **assisted living facilities. He generally indicated that he will vote tonight in the same way**
391 **he has always voted.**

392
393 Councilmember Smith indicated that she previously voted against this development
394 because of safety concerns. She believes that the Lenity Group bringing this proposal
395 back this time as a non-smoking facility with two hour fire wall protection addresses her
396 previous concerns. She generally believes the council has received equal comments for
397 and against this proposed development; however, she will be voting in favor of this
398 project tonight.

399
400 Mayor Pro Tem Russo offered comments indicating that more density has been added to
401 the city in the time he has served on Council. He indicated that his decision making will
402 be based tonight on what he believes is best for the future of Rockwall.

403
404 The ordinance was read as follows:

405
406 CITY OF ROCKWALL
407 ORDINANCE NO. 11-38

408
409 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
410 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
411 ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A
412 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "CONGREGATE CARE
413 FACILITY" WITHIN THE (GR) GENERAL RETAIL DISTRICT, ON A TRACT
414 OF LAND CONTAINING APPROXIMATELY 4.279-ACRES AND MORE
415 SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR
416 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
417 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
418 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
419 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

420
421 The motion passed by a vote of 5 ayes with 2 nays (Russo and Sevier).

- 422
423 3. Z2011-019 - Hold a public hearing and consider approval of an
424 ordinance for a city-initiated request to amend the Unified Development
425 Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, relative
426 to the addition of new listed uses and standards for "Urban Agriculture,"
427 and take any action necessary. (1st Reading)

428 Planning Director Robert LaCroix provided background information related to this item,
429 indicating that staff is proposing the addition of language to the city's Unified
430 Development Code regulations to allow for "Urban Agriculture" type developments such
431 as the recent proposal for a pumpkin patch / blueberry picking type of farm.

432
433 Mayor Sweet opened the public hearing. There being no one to come forth and speak
434 during the public hearing, Mayor Sweet then closed the public hearing.

435
436 Councilmember White made a motion to approve Z2011-019. Councilmember Smith
437 seconded the motion.

438
439 General discussion took place related to possibly allowing animals associated with the
440 "Urban Agriculture" type of zoning.

441
442
443

444 The ordinance was read as follows:

445
446 CITY OF ROCKWALL
447 ORDINANCE NO. 11-
448

449 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
450 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-
451 38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY
452 AMENDING ARTICLE IV. PERMISSIBLE USES; PROVIDING FOR A
453 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
454 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
455 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND
456 PROVIDING FOR AN EFFECTIVE DATE.
457

458 The motion passed unanimously of council (7 ayes to 0 nays).

459
460 VII. ACTION ITEMS

- 461
462 1. Discuss and consider animal adoption enhancement program and take
463 any action necessary.

464 Jeffrey Widmer, Director of Animal Services, provided background information related to
465 this item. He indicated that Animal Services moved into its new facility in June of 2008.
466 At that time, services offered by the city were enhanced, and the department's "live
467 outcome" ratios began to improve through increases in animals adopted. Most recently,
468 thus far in 2011, the city has achieved a 77% live outcome. In April and June of 2011, the
469 city achieved a live outcome ratio of 86%. Staff and the City Manager are now proposing
470 the council consider approval of a live outcome ratio goal of 90%.

471 Councilmember Nielsen thanked staff and thanked the volunteers for their efforts
472 towards getting animals adopted.

473 Councilmember Nielsen made a motion to adopt the goal of a live outcome of 90%.
474 Nielsen indicated she would like staff to come back, within three weeks, with a proposed
475 euthanasia selection protocol for the council to consider at the September 6 council
476 meeting. Councilmember White seconded the motion.

477 Councilmember White asked why the goal cannot be 100%. Nielsen indicated that 90% is
478 the national standard for a shelter to be considered a 'no kill' shelter. Some animals will,
479 unfortunately, have to be put down due to being vicious or ill.

480 Mayor Pro Tem Russo thanked the volunteers, including Pam and Mike Kitkoski as well
481 as Mr. Widmer.

482 Councilmember Sevier offered brief, positive comments related to the volunteers and
483 staff involved with the Animal Adoption Center.

484 Mayor Sweet asked if Mr. Widmer can speak to how euthanasia of animals is currently
485 handled or decided upon. Mr. Widmer provided brief comments relative to space issues,
486 issues associated with the individual animal and cost considerations.

487 Sweet offered general, positive comments related to the volunteers and the Animal
488 Adoption Program.

489 After additional, brief discussion, the motion passed unanimously of Council (7 ayes to 0
490 nays).

491 2. Discuss and consider modifications to the city's "Vehicle and Heavy
492 Equipment Acquisition and Replacement Policy" and take any action
493 necessary.

494 **Councilmember Sevier brought this item forth for discussion and consideration by**
495 **Council. He asked if any member of Council wishes to make any modifications to the**
496 **existing policy.**

497
498 **Mayor Sweet indicated that a solid discussion took place at the budget work session with**
499 **staff this past Friday relative to this policy. He believes the issues were aptly talked**
500 **through with staff at that work session.**

501
502 **Daniels offered some clarifications relative to his understanding of this policy. He**
503 **indicated he is comfortable with the policy 'as is.'**

504
505 **Councilmember Sevier then offered some clarifying comments and observations,**
506 **especially related to the city utilizing trucks, including F-150 vehicles. He briefly**
507 **addressed the police department's plans to purchase Chevy Tahoes in lieu of Crown**
508 **Victorias during the coming budget year.**

509
510 **Councilmember Smith indicated that a lot of good information was presented and**
511 **discussed at the budget work session this past Friday.**

512
513 **After brief discussion, the council took no action related to this agenda item.**

514
515 3. Discuss and consider FY 2012 Budget and take any action necessary.

516
517 **City Manager Couch indicated that some of the more detailed information requested by**
518 **Council at the work session on Friday has been distributed to Council for further**
519 **evaluation this evening. Additional information requested by the Council is forthcoming**
520 **from staff. Staff will be emailing to Council Members tomorrow more specific**
521 **information explaining each account that is utilized in the budget and the types of**
522 **expenditures that may appear within each of these categories.**

523 **With regards to a timeline associated with the proposed budget, City Manager Couch**
524 **indicated that there will be a public hearing held on the September 6 council meeting.**
525 **Then, at the second meeting in September, Council will be asked to take action to**
526 **approve the budget because it must be approved prior to September 30th.**

527 **The Council took no action related to this item.**

528 4. Discuss and consider directional / wayfinding signage in the city and take
529 any action necessary.

530 **Councilmember Sevier indicated that he requested this agenda item in order to find out**
531 **where the city stands with regards to getting these signs erected.**

532 **Couch indicated that the goal is to have these signs up in September as long as there are**
533 **no further obstacles presented by TXDOT. Couch indicated that these way finding signs**
534 **will point passers by to downtown. Brief discussion took place related to signage that a**
535 **private company might place in a city and rent out space on those signs.**

536 5. Discuss and consider municipal elections and future potential impacts of
537 Senate Bill 100 and take any action necessary.

538 **City Manger Couch provided brief background information related to this item, explaining**
539 **several of the potential impacts of this bill relative to municipal elections. Couch**
540 **indicated that several other cities are taking a 'wait and see' stance because there is**
541 **some thought that the state legislature might make some adjustments to these new**
542 **regulations during the next legislative session. She generally indicated that a lot of**
543 **unanswered questions exist with regards to this new bill. Staff is proposing to allow the**
544 **County Elections Administrator to perform election services on the city's behalf in May**
545 **of 2012 as usual.**

546 **The Council took no action related to this agenda item.**

547 6. Discuss documentation of city council executive sessions and take any
548 action necessary.

549 **City Manager Julie Couch provided background information related to this item. She**
550 **explained that the state requires maintaining a certified agenda, not a set of certified**
551 **minutes. If the council desires to switch to audio recording of executive sessions, it**
552 **would result in an estimated expense of about \$2,500 for the purchase of lapel**
553 **microphones that would need to be worn by each council member during the executive**
554 **sessions.**

555
556 **Councilmember Nielsen clarified that no one ever sees the certified agendas, other than**
557 **council members, aside from the certified agendas possibly being subpoenaed by a**
558 **judge during litigation. She generally expressed that she does not believe this issue**
559 **represents a transparency issue, so she cannot support moving to an audio recording at**
560 **this time.**

561
562 **Councilmember Smith generally expressed a desire to see the certified agendas and**
563 **have an opportunity to initial those documents prior to them being filed, similar to how**
564 **the City of Grapevine formats its certified agendas.**

565
566 **Mayor Pro Tem Russo indicated that he supports the idea of each council member**
567 **initialing off on the certified agenda at the next council meeting.**

568
569 **Councilmember Smith made a motion to begin a certified agenda process whereby each**
570 **council member will view it and initial off on the certified agenda at the following council**
571 **meeting prior to it being filed. Mayor Pro Tem Russo asked for clarification on the**
572 **motion and then offered a second to the motion. The motion passed by a vote of 7 ayes**
573 **to 0 nays.**

574
575 7. Discuss and consider (a) acceptance of a grant awarded to the city
576 through the U.S. Fire Administration's Assistance to Firefighters Grant
577 Program (\$233,515) (b) approval of the required 10% matching funds (in
578 the amount of \$23,351 (funds to paid out of the radio system funds)), and
579 (c) authorizing the city manager to execute contracts associated with the
580 P25 UHF Conventional Interoperability Radio System, and take any
581 action necessary.

582 **Fire Chief Mark Poindexter indicated that this is the third radio system related grant**
583 **applied for and received by the fire department. He then offered information relative to**

584 this particular grant and the equipment that is proposed to be purchased through
585 utilization of these grant funds. He generally indicated that Council is being asked by
586 staff to make three separate motions, as detailed in the agenda item language.
587

588 Councilmember White made a motion to accept the grant awarded in the amount of
589 \$233,515, approve the required 10% matching funds (not to exceed \$23,351) and
590 authorize the city manager to execute contracts associated with the radio system as
591 described. Councilmember Sevier seconded the motion. Sevier thanked staff for their
592 hard work towards obtaining these grant funds. The motion passed by a vote of 7 ayes
593 to 0 nays.
594

595 At 9:33 p.m., Mayor Sweet recessed the public meeting back into executive session.
596

597 VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
598 GOVERNMENT CODE TO DISCUSS:
599

- 600 1. Deliberation regarding the purchase, exchange, lease, or value of real
601 property.
- 602 2. Personnel Issues, including Board, Commission, and Committee
603 Appointments, and Related Matters.
- 604 3. Commercial or financial information regarding business prospects that the
605 City seeks to have locate, stay, or expand in or near the territory of the
606 City of Rockwall and with which the Board is conducting economic
607 development negotiations.
- 608 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
609 with attorney with regard to a matter that it is the duty of the attorney to
610 consult with the Council pursuant to the Attorney Client Privilege under
611 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
612 Texas.

613 IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
614

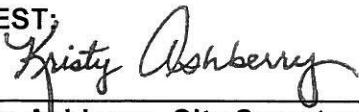
615 The Council took no action as a result of end of public meeting Executive Session. See
616 start of public meeting above for actions taken as a result of pre-meeting Executive
617 Session.
618

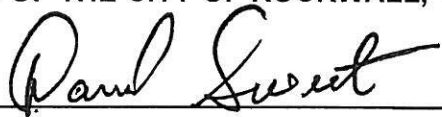
619 X. ADJOURNMENT
620

621 Council came out of Executive Session and adjourned the meeting at 11:08 p.m.

622 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
623 this 6th day of September, 2011.

624
625 ATTEST:

626 
627 _____
628 Kristy Ashberry, City Secretary



David Sweet, Mayor



1
2
3
4
5
6

MINUTES
ROCKWALL CITY COUNCIL

Tuesday, September 06, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7
8

I. CALL TO ORDER

9
10
11
12
13
14

Mayor David Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were city manager Julie Couch and city attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

15
16

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

- 17
18
19
20
21
22
23
24
25
26
27
28
29
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
 2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
 3. 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.
 4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to include Investment Enterprises Inc. v. Rockwall PD.

30
31

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

32
33

See start of public meeting below for actions taken out of Executive Session.

34
35

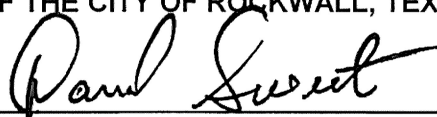
IV. ADJOURNMENT

36
37

Executive Session was adjourned at 5:43 p.m.

38
39
40


PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 19th day of September, 2011.



David Sweet, Mayor

41
42
43
44

ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Tuesday, September 06, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor David Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were city manager Julie Couch and city attorney Pete Eckert.

As a result of Executive Session, Mayor Pro Tem Russo made a motion to adopt a resolution to abandon a portion of Olive Street right of way west of SH-205 adjacent to Candles by Carol, granting it to Roland and Carol Leal. Council member Smith seconded the motion. The motion passed unanimously of Council (7 ayes to 0 nays).

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

Council Member Nielsen delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. 9/11 Remembrance

Mayor Sweet read and presented a document to law enforcement and fire department personnel reflecting on the tragic events of September 11, 2001.

2. Senator Bob Deuell Appreciation

Mayor Sweet and Mayor Pro Tem Russo recognized Senator Bob Deuell for his recent legislative efforts on behalf of the city.

3. Rockwall Yellow Jackets Day

Mayor Sweet read and presented a proclamation to various Rockwall High School students to recognize them and to wish them a happy and successful school year.

4. National Preparedness Month

Joe DeLane, Rockwall County Emergency Management Coordinator, was present to receive this proclamation which was read and presented by Mayor Sweet.

5. Recognition of Rockwall University Graduates

Recent graduates of this internal leadership and learning development program include city personnel Brenda Craft of the Building Inspections Department, Vicky Morton of Building Inspections and John Ankrum of the Planning Department. Mayor Sweet recognized each of these graduates for their accomplishments in finishing this program.

95 IV. OPEN FORUM

96
97 Roy Kurkowski
98 166 Hendry Chandler Drive
99 Rockwall, Texas

100
101 Mr. Kurkowski indicated he owns a condominium in the Henry M. Chandler subdivision.
102 He briefly spoke about the need and desire for street lights to be installed along Henry M.
103 Chandler from the entryway on down to the waterfront / marina area. He generally urged
104 the Council to consider this request and need.

105
106 V. CONSENT AGENDA

- 107
108 1. Consider approval of the minutes from the August 12, 2011 special city
109 council meeting, and take any action necessary.
- 110 2. Consider approval of the minutes from the August 15, 2011 regular city
111 council meeting, and take any action necessary.
- 112 3. Consider authorizing the City Manager to sign and submit to the state
113 comptroller an eminent domain authorization letter in accordance with
114 Senate Bill 18, and take any action necessary.
- 115 4. Consider authorizing the City Manager to enter into a two year interlocal
116 agreement with North Central TX Council of Governments (NCTCOG) for
117 E9-1-1 Services and equipment, and take any action necessary.
- 118 5. Consider authorizing the City Manager to enter into an agreement with
119 Medic Rescue for leasing space at Fire Station #4 to house EMS
120 equipment and personnel, and take any action necessary.
- 121 6. Discuss and consider awarding a bid for foundation repair of the Rockwall
122 communication tower located at Fire Station #1 to Diverse Construction,
123 Inc. in the amount of \$31,652.00 (contingency funds are available in the
124 radio system project account), authorizing the City Manager to execute a
125 contract associated with the scope of work designed by Malouf
126 Engineering, and take any action necessary.
- 127 7. Z2011-017 - Consider approval of an **ordinance** for a request by Stuart
128 and Brenda Meyers for approval of an amendment to an existing Specific
129 Use Permit (Ord. No. 06-52), including a request to allow for a "Hair
130 Salon" and a "General Retail Store" in conjunction with the existing
131 "restaurant of less than 2,000-sf," within (PD-50) Planned Development
132 No. 50 district, specifically on Lot 1, Abate Injury Rehab Center Addition,
133 located at 506 N. Goliad, and take any action necessary. **(2nd Reading)**
- 134 8. Z2011-018 - Consider approval of an **ordinance** for a request by Mark
135 Lowen of The Lenity Group LLC for approval of a Specific Use Permit
136 (SUP) to allow for a "congregate care facility" within the (GR) General
137 Retail district, specifically on a 4.26-acre tract known as Tract 16-5,
138 Abstract 145, J. D. McFarland Survey, situated along the southeast side
139 of Yellowjacket Lane east of Kyle Drive, and take any action necessary.
140 **(2nd Reading)**

- 141 9. Z2011-019 - Consider approval of an **ordinance** for a city-initiated
142 request to amend the Unified Development Code (Ord. No. 04-38),
143 specifically Article IV, Permissible Uses, relative to the addition of new
144 listed uses and standards for "Urban Agriculture," and take any action
145 necessary. **(2nd Reading)**
- 146 10. P2011-011 - Discuss and consider a request by Jay Bedford of AJ
147 Bedford Group, Inc. for approval of a replat of Lots 1, 4 and 5, Block A,
148 Original Town of Rockwall Addition, being 0.356-acre zoned (DT)
149 Downtown district and including the properties located at 301 North
150 Alamo and 303 North Alamo, and take any action necessary.
- 151 11. P2011-015 - Discuss and consider a request by Jack DeGagne of Darden
152 SW, LLC for approval of a replat of Lot 10, Rockwall Business Park East
153 Addition, being 12.661-acres overall zoned (C) Commercial district and
154 situated along the south side of IH-30, west of SH 205 and along the
155 north side of Ralph Hall Pkwy, and take any action necessary.

156
157 **Councilmember Sevier pulled items #6 and #8 for further discussion.**

158
159 **Councilmember White then made a motion to approve the remaining Consent Agenda**
160 **items (1, 2, 3, 4, 5, 7 and 9). Mayor Pro Tem Russo seconded the motion. The ordinances**
161 **for items #7 and #9 were read as follows:**

162
163 CITY OF ROCKWALL
164 ORDINANCE NO. 11-37

165
166 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
167 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
168 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND A
169 SPECIFIC USE PERMIT (ORD. 06-52), SPECIFICALLY TO ALLOW FOR A
170 HAIR SALON AND A GENERAL RETAIL STORE IN CONJUNCTION WITH
171 THE EXISTING RESTAURANT OF LESS THAN 2000 SQ-FT WITHIN (PD-50)
172 PLANNED DEVELOPMENT NO. 50 DISTRICT, ON A TRACT OF LAND
173 KNOWN AS LOT 1, ABATE INJURY REHAB CENTER ADDITION AND
174 LOCATED AT 506 N. GOLIAD STREET; PROVIDING FOR SPECIAL
175 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE
176 SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
177 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
178 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

179
180 CITY OF ROCKWALL
181 ORDINANCE NO. 11-39

182
183 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
184 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
185 CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS
186 HERETOFORE AMENDED BY AMENDING ARTICLE IV.
187 PERMISSIBLE USES; PROVIDING FOR A PENALTY OF FINE NOT
188 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
189 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
190 PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN
191 EFFECTIVE DATE.

194 The motion passed unanimously of Council (7 ayes to 0 nays).

195
196 Regarding Consent Agenda item #6, Councilmember Sevier asked for clarification related
197 to the bid responses. He then made a motion to accept Consent Agenda item #6.
198 Councilmember White seconded the motion, which passed unanimously of Council (7
199 ayes to 0 nays).

200
201 Regarding Consent Agenda item #8, Councilmember Sevier indicated that he did not vote
202 for this on 1st reading, and he will not vote in favor of it tonight. He then made a motion
203 to accept Consent Agenda item #8. Councilmember Daniels seconded the motion. The
204 ordinance was read as follows:

205
206 CITY OF ROCKWALL
207 ORDINANCE NO. 11-38
208

209 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
210 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
211 ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A SPECIFIC
212 USE PERMIT (SUP) TO ALLOW FOR A "CONGREGATE CARE FACILITY"
213 WITHIN THE (GR) GENERAL RETAIL DISTRICT, ON A TRACT OF LAND
214 CONTAINING APPROXIMATELY 4.279-ACRES AND MORE SPECIFICALLY
215 DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL
216 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE
217 SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
218 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
219 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

220
221 The motion passed by a vote of 5 in favor and two opposed (Russo and Sevier).

222
223 VI. APPOINTMENTS

- 224
225 1. Appointment with the Planning and Zoning Chairman to discuss and
226 answer any questions regarding cases on the agenda and related issues
227 and take any action necessary.

228 There being no one from the Planning & Zoning Commission to come forth, Mayor Sweet
229 moved to the next agenda item. Council took no action related to this item.

230
231 VII. PUBLIC HEARING ITEMS

- 232
233 1. Hold a public hearing to receive comments on the proposed fiscal year
234 2012 budget and take any action necessary.

235
236 Finance Director Mary Smith provided brief background information related to the
237 proposed budget for FY 2012. She indicated that this public hearing has been advertised
238 in accordance with state law.

239
240 Mayor Sweet then opened the Public Hearing and asked if anyone would like to come
241 forth and speak related to this item.

242
243 There being no one present wishing to speak, Mayor Sweet then closed the public
244 hearing. The Council took no action related to this item.

246 **VIII. SITE PLANS / PLATS**

- 247
- 248 1. MIS2011-008 - Discuss and consider a request by Rob Gates of Cole
249 Mountain, Inc. for approval of variances to the architectural requirements
250 of the SH 205 Overlay district, relative to proposed exterior modifications
251 to the existing façade of the building located at 1407 South Goliad (former
252 Richard's BBQ, etc), being a 0.5-acre tract known as Tract 34, Abstract
253 255, B. J. T. Lewis Survey, and take any action necessary. (3/4 vote for
254 approval by City Council required)

255 **Planning Director Robert LaCroix provided brief background information related to this**
256 **item indicating that the applicant wishes to establish his business in this location and**
257 **remodel the outdoor façade of the portion of the building he will be leasing. The**
258 **Architectural Review Committee has reviewed this item and recommended that the**
259 **applicant discuss with the building owner the possibility of redoing the outdoor façade of**
260 **the entire building.**

261

262 **Rob Gates**
263 **104 North Clark Street**
264 **Rockwall, Texas**

265

266 **Mr. Gates come forth and offered brief comments asking the council to consider allowing**
267 **him to move forward with altering the façade of only the portion of the building he is**
268 **leasing.**

269

270 **Councilmember Smith made a motion to approve this item without the applicant having**
271 **to also make improvements to the neighboring business establishment located in the**
272 **same building. Mayor Pro Tem Russo seconded the motion. The motion passed**
273 **unanimously of Council (7 ayes to 0 nays).**

274

275 **IX. ACTION ITEMS**

- 276
- 277 1. Discuss and consider lighting a portion of Henry M. Chandler, and take
278 any action necessary.

279 **Mayor Pro Tem Russo began discussion of this agenda item, indicating that he**
280 **requested this item be placed on the council agenda for discussion and consideration.**

281 **Assistant City Manager Rick Crowley stated that the Rockwall Police Department did visit**
282 **the site during the night hours and has indicated that additional lighting on this street**
283 **would be beneficial. Staff has prepared a rough, preliminary cost estimate for how much**
284 **it would cost to add lighting on this street.**

285 **Director or Rights of Way, Brad Griggs, indicated that the very rough cost estimate**
286 **arrived at about \$44,000.00 if the city does the engineering. This project would require**
287 **the city to enter into an agreement with TXU. He offered a brief description of the**
288 **possible spacing of lights and the type of lighting that could possibly be used as well as**
289 **the potential concerns related to this light installation.**

290 **Councilmember Smith asked staff to look into alternative lighting that would limit as**
291 **much as possible any negative impacts on adjacent residents.**

292 **Councilmember Nielsen indicated that she believes additional lighting would be**
293 **beneficial, especially from a safety standpoint.**

294 City Manager Couch indicated to the Council that this is not a budgeted item, so if the
295 council wishes to move forward with this item, it would need to be funded out of
296 reserves.

297 Councilmember White indicated that he visited the street last night, and he did not see
298 anything wrong with the existing conditions. He expressed concerns about how
299 homeowners adjacent to these proposed lights may feel about their installation.

300 Staff indicated that they will work on bringing back a recommendation to the Council
301 related to installation of additional lighting on this street. The council took no formal
302 action related to this item.

303 2. Discuss and consider status of development of a euthanasia protocol for
304 the Rockwall Animal Adoption Center, and take any action necessary.

305 City Manger Julie Couch provided brief background information related to this item. She
306 stated that this past month, the Animal Adoption Center achieved a 95% live outcome
307 ratio for the month. Couch indicated that staff has provided an update to the Council
308 relative to this item; however, staff will not be ready to formally present this protocol for
309 discussion and consideration until the next regular council meeting.

310 Councilmember Nielsen indicated that she believes this is a very important issue and will
311 look forward to discussing this at the next council meeting. She further offered
312 congratulatory comments to staff and volunteers with regards to the achievement of the
313 95% live outcome ratio this past month.

314 The council took no formal action related to this item.

315 3. Discuss and consider the proposed operating budget for fiscal year 2012
316 and take any action necessary.

317 Regarding this item, Finance Director Mary Smith provided brief background information
318 related to this item including some of the supplemental items council members had
319 requested with regards to certain proposed budget items.

320 Assistant City Manager offered brief comments related to the potential challenges
321 associated with painting and placing identifying logos on fuel tanker trucks located at
322 the Rockwall Municipal Airport. He also offered some possible options and alternatives
323 related to this issue.

324 Councilmember Sevier pointed out that the city has a vehicle replacement policy in
325 place. He suggested that the council consider abiding by this vehicle replacement policy
326 and possibly consider replacing these airport vehicles / equipment in the near future.

327 City Manager Couch indicated that these vehicles are provided to the fixed based
328 operator (FBO) for his use; however, the city is not necessarily obligated to provide this
329 type of vehicle to the FBO. She recommended reevaluating these vehicles when the FBO
330 contract is revisited at its expiration next year.

331 Brief discussion took place related to possible costs associated with painting and adding
332 logos to these vehicles on an interim basis.

333 Couch stated that staff has provided a proposed funding mechanism to fund the one
334 additional police officer requested by Council. At the request of Councilmember Smith,
335 Mary Smith further provided clarification related to the funding sources for this
336 additional officer.

337 Regarding the budget for the Rockwall Economic Development Corporation (REDC),
338 Councilmember Sevier requested additional clarification and breakdowns before the
339 council takes action to adopt it on September 19.

- 340 4. Discuss and consider applying for the Texas Capital Fund Grant to
341 replace or construct inadequate infrastructure in certain areas of the
342 Downtown District, including deteriorated walkways and steps, absence
343 of accessibility (ramps and handrails) for persons with disabilities to
344 commercial and other public buildings in the area, and inadequate lighting
345 in the downtown area of the City, and take any action necessary.

346 City Manager Couch provided brief background information related to this item.
347 Planning Director Robert LaCroix then indicated that the application for this grant is due
348 in early October, so moving forward very quickly on this application is essential. He then
349 explained various aspects of the grant and the required application, indicating that the
350 City of Rockwall is eligible to apply for this grant because it is a designated Main Street
351 Program city. These grant funds, if received, would benefit the historic downtown area.
352 LaCroix indicated that the minimum grant award the city could receive is \$50,000 with the
353 maximum possible grant funds received being \$150,000. Staff is recommending that the
354 council consider moving forth with a 30% matching funds pledge, as this will increase
355 the city's chances of receiving the requested grant funds. He further explained the
356 timeline associated with the various actions that the council and staff will need to take
357 between now and the first part of October in order to submit the formal grant application
358 by the required October 4, 2011 submission deadline.

359 Some questions arose related to possible use of grant funds for certain sidewalks in the
360 downtown area as well as the public parking lot area. Couch indicated that while this
361 year's grant application will focus on some of the sidewalks in the downtown area,
362 focusing on some of the more expensive sidewalks and the public parking lot might be a
363 more appropriate focus for future grant applications under this program.

364 Mayor Pro Tem Russo made a motion to instruct staff to move forward with the
365 application process. Councilmember Sevier seconded the motion, which passed by a
366 vote of 6 ayes with 1 against (White).

- 367 5. Discuss and consider approval of a resolution by the City Council
368 adopting outside dining guidelines for Planned Development No. 7 District
369 (PD-7), also known as the Harbor Retail Area, and take any action
370 necessary.

371 Planning Director Robert LaCroix provided brief background information related to this
372 item, indicating that a lot of the restaurants at The Harbor have indicated a desire to have
373 additional outdoor seating for patrons dining in their establishments. Some restaurants
374 have actually gone ahead and expanded their outdoor seating; however, some of these
375 expansions have negatively encroached on public pedestrian access space and
376 walkways and permission from the city was not first sought. LaCroix indicated that city
377 staff has been evaluating this issue for quite some time and has been working with an
378 architect for guidance on addressing expansion of many of these outdoor dining areas.

379
380 Mayor Pro Tem Russo indicated that he is not in favor of these proposed guidelines
381 because he believes it places unnecessary restrictions and burdens on the businesses at
382 The Harbor.
383

384 Councilmember Nielsen indicated that she does believe these guidelines are necessary,
385 and she is in favor of setting these parameters.
386

387 Assistant City Manager Rick Crowley provided comments related to these proposed
388 guidelines, indicating that these are being brought forth in an effort on the part of the city
389 to accommodate restaurants who wish to provide additional outdoor dining areas while
390 still allowing proper pedestrian access and emergency access in the walkway areas.
391

392 Couch offered follow up comments related to the need to provide ample pedestrian
393 access for ingress and egress as well as equitably accommodate, as much as possible,
394 business who wish to provide additional square footage for outdoor seating / dining.
395

396 Councilmember Daniels indicated that he is in favor of these proposed guidelines
397 because he believes they are necessary to provide proper walkway accommodations for
398 pedestrians at The Harbor.
399

400 Councilmember White made a motion to accept the footprint plan (only) which defines
401 the allowed outdoor seating areas but to not adopt the remaining portions of the
402 proposed guidelines. Councilmember Sevier seconded the motion.
403

404 Councilmember Smith generally indicated that she believes standards and uniformity at
405 The Harbor as well as sufficient pedestrian access are all necessary.
406

407 Councilmember Nielsen indicated that she is not in support of the motion
408 Councilmember White has made at this point.
409

410 After additional discussion, the motion passed by a vote of six in favor of with 1 opposed
411 (Nielsen).
412

413 Councilmember Daniels then made a motion to adopt all the other guidelines not
414 included in the previous motion and vote. Councilmember Nielsen seconded the motion.
415

416 Couch and LaCroix then provided clarification with regards to all the other various
417 aspects of the proposed guidelines.
418

419 After additional, lengthy discussion, the motion passed by a vote of 2 ayes (Nielsen and
420 Daniels) with 5 against (Russo, White, Sweet, Smith and Sevier).
421

422 Mayor Sweet then recessed the public meeting at 8:36 p.m. and Council reconvened back
423 into Executive Session.
424

425 X. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
426 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.
427

428 Neither discussion nor action took place relative to the city manager or departmental
429 reports.
430

- 431 1. Departmental Reports
432 July 2011 Recreation Graph
433 July 2011 Harbor PD Report
434 Finance Department Monthly Report - July 2011

435 Police Department Monthly Report - July 2011
436 Building Inspections Monthly Report - July 2011
437 Internal Operations Department Monthly Report - July 2011
438 Fire Department Monthly Reports - July 2011

439 2. City Manager's Report
440

441 **XI. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
442 **GOVERNMENT CODE TO DISCUSS:**
443

444 1. Deliberation regarding the purchase, exchange, lease, or value of real
445 property.

446 2. Personnel Issues, including Board, Commission, and Committee
447 Appointments, and Related Matters.

448 3. Commercial or financial information regarding business prospects that the
449 City seeks to have locate, stay, or expand in or near the territory of the
450 City of Rockwall and with which the Board is conducting economic
451 development negotiations.

452 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
453 with attorney with regard to a matter that it is the duty of the attorney to
454 consult with the Council pursuant to the Attorney Client Privilege under
455 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
456 Texas to include Investment Enterprises Inc. v. Rockwall PD.

457

458 **XII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
459

460 **No action was taken as a result of end of meeting executive session. See start of public**
461 **meeting above for actions taken as a result of pre-meeting executive session.**
462

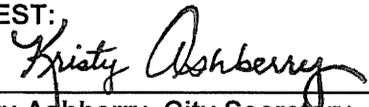
463 **XIII. ADJOURNMENT**
464

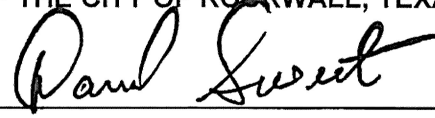
465 Mayor Sweet adjourned the meeting at 9:28 p.m.
466

467 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this**
468 **19th day of September, 2011.**
469

470

471 **ATTEST:**

472 
473 Kristy Ashberry, City Secretary



David Sweet, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, September 19, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor David Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

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


1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See the start of the public meeting below for actions taken out of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 3rd day of October, 2011.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, September 19, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor David Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

Mayor Pro Tem Russo made a motion to appoint Jay Teinert to the Historical Preservation Advisory Board to fill a vacancy left by John Harper, with an initial term to expire in August of 2013. Councilmember Sevier seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).

Mayor Pro Tem Russo made a motion to appoint Sarah Freed to the Main Street Advisory Board to fill a vacancy left by former member Pat Turner with an initial term to expire in January of 2013. Councilmember Sevier seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR SWEET

Mayor Sweet delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Constitution Week

Mayor Sweet read and presented the proclamation to members of the Daughters of the American Revolution.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the September 6, 2011 regular city council meeting, and take any action necessary.
2. Consider approval of a resolution adopting and enacting the provisions of the County of Rockwall burn ban, and extending those provisions to properties located within the city limits of the City of Rockwall, and take any action necessary.
3. Consider approval of an Interlocal Agreement for Fire Protection Services with Rockwall County, and take any action necessary.
4. Consider approval of the bid award for the annual grounds maintenance services contract in the amount of \$129,690 (funded through General Fund, Parks Operations) and take any action necessary.

5. P2011-014 - Discuss and consider a request by Chris Cuny of F. C. Cuny Corp for approval of a preliminary plat of the Harbor District Addition, being 10.812-acres overall zoned (PD-32) Planned Development No. 32 district and situated along the south side of IH-30, north of Summer Lee Dr and east of Shoreline Dr, and take any action necessary.
6. P2011-016 - Discuss and consider a request by David and Anne Ruff for approval of a final plat of the Ruff and Sartain Addition, being 0.71-acres overall zoned (SF-7) Single Family Residential district and including properties currently described as Tract 27-01, Abstract 29, R. Ballard Survey (206 Hammack Ln) and Tract 56, Abstract 29, R. Ballard Survey (805 Aluminum Plant Rd), and take any action necessary.
7. Discuss and consider authorizing the City Manager to engage Rutledge, Crain & Company PC to conduct the City's audit for the fiscal year ended September 30, 2010 and take any action necessary.
8. Consider waiver of Water, Wastewater and Roadway Impact Fees for the Rockwall Area Habitat for Humanity's proposed single family homes on Sam Houston and take any action necessary.

Councilmember Sevier made a motion to approve the entire Consent Agenda (#s 1 - 8). Councilmember White seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

V. APPOINTMENTS

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

Chairman Phillip Herbst came forth and offered background information pertaining to planning & zoning related items on tonight's council agenda and recommendations of the commission relative to these items.

The Council took no action related to this item.

VI. PUBLIC HEARING ITEMS

1. Hold a public hearing in consideration of the Texas Capital Fund Main Street Program Grant application to allow citizens an opportunity to discuss the citizen participation plan, the development of local housing and community development needs, the amount of funding available and all eligible funding activities, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this item.

Mayor Sweet then opened the public hearing.

**Norma Viaz
El Cayote Rojo (business owner)
308 N. Fannin Street
Rockwall, Texas**

Ms. Viaz expressed support for this proposed grant application, indicating that she believes the downtown area can benefit from additional lighting and better, improved sidewalks.

There being no one else to come forth and speak, Mayor Sweet then closed the public hearing.

The Council took no action related to this item.

2. P2011-012 - Hold a public hearing and consider a request by Dan Demeyer of Rockwall Area Habitat for Humanity for approval of a residential replat of the west part of Lot 1, Block J, Sanger Brothers Addition, specifically to create two (2) residential lots, being 0.28-acre overall zoned (SF-7) Single Family Residential district and located at the southeastern corner of Sam Houston and Ross within the (SRO) Southside Residential Overlay district, and take any action necessary.

Planning Director Robert LaCroix provided background information on this item. Notices were mailed out to adjacent property owners in accordance with state law. No replies have been received back by staff at this time.

Mayor Sweet then opened the public hearing. There being no one to come forth and speak on this item, Mayor Sweet then closed the public hearing.

Mr. Dan Demeyer
620 Knollwood
Rockwall, Texas

Mr. Demeyer provided brief comments, indicating that he would like the council to consider allowing him to split this lot in two.

Councilmember White then made a motion to approve P2011-012. Councilmember Smith seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

3. Z2011-020 - Hold a public hearing and consider approval of an **ordinance** for a request by Rob Whittle for approval of a "PD Development Plan" within (PD-32) Planned Development No. 32 district, in accordance with Ordinance No. 10-21, specifically on tracts of land totaling approximately 12.72-acres and comprised of Tracts 12, 12-1, 16 and 16-1, Abstract 11, M. J. Barksdale Survey; Lot 1-1, Block A, Henry Africa Subdivision; and Lot 3A, Block A, Shoreline Plaza Addition; said 12.72-acres being situated along the south side of the IH-30 service road west of Shoreline Drive and more specifically described in legal descriptions on file at the City of Rockwall Planning Department office, and take any action necessary. **(1st Reading)**

Planning Director Robert LaCroix provided extensive background information related to this item, explaining the various aspects of this proposed Planned Development District. He indicated that the Planning & Zoning Commission unanimously recommended approval of this item. Staff also recommends approval with certain conditions.

Rob Whittle
P.O. Box 369

Rockwall, Texas

Mr. Whittle came forth and indicated that this PD represents the second phase of The Harbor development. He briefly explained overall details of this proposed PD.

Jim McClintock
166 Yorkshire
Heath, TX

Mr. McClintock came forth and indicated that he is very much in support of The Harbor and is in support of this proposed Phase II. He requested the council consider building out a certain roadway associated with this development.

There being no one else to come forth and speak on this item, Mayor Sweet then closed the public hearing.

Councilmember Nielsen made a motion to approve this item with staff conditions included. Councilmember Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays. (See end of the public meeting for reading of this ordinance.)

VII. ACTION ITEMS

1. Discuss and consider status of development of a euthanasia protocol for the Rockwall Animal Adoption Center, and take any action necessary.

City Manager Julie Couch provided background information related to this item.

Councilmember Nielsen made some suggestions relative to some of the language included in the draft protocol and asked staff some clarifying questions.

Mayor Pro Tem Russo suggested that the council revisit the city's current ordinance related to the number of animals that can be kept by a resident within the city. He indicated that he would like the city to consider expanding the number of animals that an animal foster family or a regular resident can keep in his or her home.

Councilmember Sevier expressed concern related to the 'no more space available' issues at the Animal Adoption Center.

Councilmember Smith asked some clarifying questions related to space capacity at the Adoption Center.

Mayor Pro Tem Russo made a motion to approve the protocol presented by staff and to review the city's current ordinance related to the number of animals that can be kept by a resident with special provisions made for those residents who may wish to foster animals. Councilmember Daniels seconded the motion.

Councilmember Daniels indicated that the city unfortunately has limited space and limited budget funds. He would like to see a documented effort that staff has exhausted all possibilities before an animal is even considered to be put down. He suggested that the 72 hour notification to volunteer or rescue groups perhaps be extended to 96 hours instead if this would help. City Manager Couch indicated that staff will absolutely work

with volunteers and rescue groups to exhaust all possibilities before an animal is put down. Daniels then clarified his understanding that the city council adopted a 90% live outcome rate, not a “no kill” initiative.

Councilmember Nielsen asked the council to consider postponing this euthanasia protocol discussion and vote until the next regular council meeting.

Mayor Pro Tem Russo withdrew his original motion and then made a motion to move forward with reviewing the animal ordinance with regards to the number of animals a resident can keep and special provisions associated with residents fostering animals. Councilmember Nielsen seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Couch indicated that staff will need 4 to 6 weeks to review the current ordinance regulations related to the number of animals that can be kept by a resident before bringing back recommendations for the council to review.

Mayor Pro Tem Russo made a motion to table the protocol item until the next council meeting. Councilmember White seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider the Hotel/Motel Tax Subcommittee recommendations for funding in fiscal year 2012 and take any action necessary.

Finance Director Mary Smith provided background information related to this item, indicating that the council’s hotel/motel tax subcommittee (made up of Sweet, Smith and White) has met twice and has formed these recommendations.

Councilmember Sevier suggested that the application process associated with these funds be tightened up to ensure state regulations are being met with regards to granting these funds.

Mayor Pro Tem Russo indicated that he serves on the board for the Alliance for the Arts, so he would like to recuse himself from voting on that portion of this item.

Councilmember Nielsen made a motion to approve the subcommittee’s recommendation for \$75,000 of funding to the Chamber of Commerce with no restrictions associated with funds being used for the website. Mayor Pro Tem Russo seconded the motion. After brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

Russo made a motion to approve the Lonestar Casa funding recommendations. Councilmember Sevier seconded the motion. The motion passed by a vote of 6 ayes with 1 abstention (White).

Councilmember Sevier made a motion to approve the funding recommendations associated with the Alliance for the Arts. Councilmember White seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Russo).

Councilmember Nielsen made a motion to approve the remainder of the recommendations from the subcommittee related to hotel/motel tax funding. Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider approval of an ordinance amending the budget for fiscal year 2011 and take any action necessary.

City Manager Couch offered very brief comments related to this item. Councilmember Nielsen made a motion to amend the FY 2011 budget as outlined in the draft budget document. Mayor Pro Tem Russo seconded the motion.

After additional discussion, the ordinance was read as follows:

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 11-40

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider approval of an ordinance adopting the budget for fiscal year 2012 and take any action necessary.

City Manager Couch provided background information related to this item.

Councilmember Nielsen then made a motion to adopt the 2012 fiscal year budget, including adding funding for a portable restroom facility to be funded out of recreational development funds. She then read the following statement into the record:

“This budget will raise more total property taxes than last year’s budget by \$153,700 and of that amount \$405,462 is tax revenue to be raised from new property added to the tax roll this year.”

Mayor Pro Tem Russo seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 11-41

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2011, THROUGH SEPTEMBER 30, 2012; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes to 1 nay (White).

5. Discuss and consider approval of an ordinance levying ad valorem taxes for the tax year 2011 and take any action necessary.

City Manager Couch provided brief background information related to this item.

Councilmember Nielsen made a motion to adopt a tax rate of 50.31 cents per \$100 of assessed value. Councilmember Smith seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 11-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2011 AT A RATE OF \$.5031 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2011 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2011 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 against (White).

6. Discuss and consider the Rockwall Economic Development Corporation budget for fiscal year 2012 and amended budget for fiscal year 2011 and take any action necessary.

Mayor Sweet indicated that Councilmember Nielsen will be recusing herself from Action Items #6 and #7.

Sheri Franza of the REDC came forth and indicated that the city council has reviewed this budget, and the REDC board has approved this proposed budget.

Tim McCallum, board member for the REDC, then came forth and provided extensive comments relative to the Rockwall Technology Park and associated funds being requested.

Mayor Pro Tem Russo made a motion to approve the REDC budget as proposed. Councilmember Smith seconded the motion. The motion passed by a vote of 5 ayes, 1 nay (White), and 1 abstention (Nielsen).

7. Discuss and consider the Rockwall Technology Park Association budget for fiscal year 2012 and amended budget for fiscal year 2011 and take any action necessary.

Mayor Pro Tem Russo made a motion to approve this budget as presented. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Nielsen).

8. Discuss and consider approval of a resolution adopting the boundary of the Main Street District, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this item. He indicated that this resolution is part of a series of steps that the city needs to take in order to apply for Texas Capital Fund grant funding.

Mayor Pro Tem Russo made a motion to approve the boundary as presented with a provision that certain amendments to the boundary be considered at a later date. Councilmember Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

9. Discuss and consider approval of a Citizen Participation Plan in association with the Texas Capital Fund Main Street Program Grant, including public hearing provisions, complaint procedures and technical assistance, and take any action necessary.

Planning Director Robert LaCroix provided brief information related to this item, indicating that this is another step in the process of applying for these grant funds.

Mayor Pro Tem Russo made a motion to approve the plan as presented. Councilmember Smith seconded the motion, which passed by a vote of 7 ayes to 0 nays.

10. Discuss and consider approval of a resolution determining that a certain area of the Downtown District constitutes a blighted area, and take any action necessary.

LaCroix provided brief information related to this item, indicating that this action is also part of a series of steps necessary for the city to submit its application for the Texas Capital Fund Main Street Program Grant.

Mayor Sweet made a motion to adopt the resolution as presented. Councilmember Smith seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

11. Discuss and consider approval of a resolution authorizing the submission of a Texas Capital Fund Main Street Program Grant Application, and take any action necessary.

LaCroix indicated that this resolution authorizes staff to make application for this grant.

Councilmember Nielsen made a motion to approve this resolution and authorize the submission of this grant application. Mayor Pro Tem Russo seconded the motion. The motion passed by a vote of 6 ayes with 1 nay (White).

12. Discuss and consider approval of a resolution approving an application for funding through the Texas Department of Agriculture Main Street Program, and take any action necessary.

LaCroix provided brief information on this item.

Mayor Pro Tem Russo made a motion to approve this resolution and the associated application for funding. Councilmember Daniels seconded the motion. After brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

13. Discuss and consider partnering with other cities regarding student participation in the Rockwall Youth Advisory Council and take any action necessary.

City Manager Julie Couch provided brief background information related to this item. Councilmember White made a motion to approve the changes in the bylaws through adoption of the proposed resolution. Councilmember Daniels seconded the motion.

General discussion took place related to the proposed bylaw changes, specifically regarding those applicants not living within the city limits needing to find a sponsor to fund their YAC participation if the Rockwall City Council chooses them to serve on the YAC. Sponsors could include the governing body of the city or jurisdiction in which they live, a private individual, business or organization.

After this discussion, Councilmember White made a motion to approve the resolution and associated bylaws as amended and specified in the discussion noted above. Councilmember Daniels seconded the amended motion.

After additional discussion, the motion passed by a vote of 7 ayes to 0 nays.

14. Discuss and consider appointment of students to the youth advisory council, and take any action necessary.

Councilmember White made a motion to appoint the eleven (11) students to the YAC as recommended. Mayor Pro Tem Russo seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Mayor Sweet stated that a mistake was made earlier during Public Hearing item #3. The ordinance was inadvertently not read. So he called for the reading of the ordinance at this time. The ordinance for Public Hearing #3 was then read by the City Secretary as follows:

CITY OF ROCKWALL
ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AND (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT (ORDINANCE NO. 10-21), SO AS TO APPROVE A DEVELOPMENT PLAN ON APPROXIMATELY 12.72-ACRES COMPRISED OF TRACTS 12, 12-1, 16 AND 16-1, ABSTRACT 11, M. J. BARKSDALE SURVEY, LOT 1-1, BLOCK A, HENRY AFRICA SUBDIVISION AND LOT 3A, BLOCK A, SHORELINE PLAZA ADDITION, SAID 12.72-ACRES MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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.

Mayor Sweet then recessed the public meeting back into Executive Session (at 8:57 p.m.).

VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.

2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

No action was taken as a result of post meeting Executive Session. Please see start of public meeting above for actions taken out of pre-meeting Executive Session.

X. ADJOURNMENT

The Mayor adjourned the meeting at 9:48 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 3rd day of October, 2011.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

MINUTES
ROCKWALL CITY COUNCIL
Monday, October 03, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

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

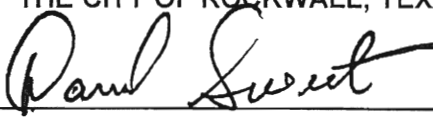
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of public meeting below for actions taken as a result of Executive Session.

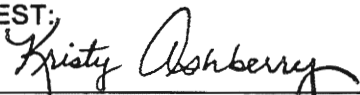
IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 17th day of October, 2011.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



41
42
43
44
45
46

MINUTES
ROCKWALL CITY COUNCIL

Monday, October 03, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

47 I. CALL TO ORDER

48
49 Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,
50 Mayor Pro Tem Mark Russo and council members David White, Margo Nielsen, Michelle
51 Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and
52 City Attorney Pete Eckert.

53
54 Mayor Pro Tem Russo made a motion to appoint Elmer Stone to the Historic Preservation
55 Advisory Board to serve as an 'interested citizen' with an initial two year term to expire in
56 August of 2013. Councilmember Sevier seconded the motion, which passed by a vote of
57 7 ayes to 0 nays.

58
59 Mayor Pro Tem Russo made a motion to reappoint Craig Renfro, Kristen Minth and
60 Connie Jackson to the Planning & Zoning Commission, each for a three year term to
61 expire in August of 2014. Councilmember Sevier seconded the motion, which passed by
62 a vote of 7 ayes to 0 nays.

63
64 II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SMITH

65
66 Councilmember Smith delivered the invocation and led the Pledge of Allegiance.

67
68 III. PROCLAMATIONS / AWARDS

69
70 1. Water and Wastewater Proclamation

71
72 Mayor Sweet came forth and invited staff member Rick Sherer and members of his staff
73 forward to be recognized. He then read and presented the proclamation to these
74 individuals.

75
76 2. Boys and Girls Club's Day for Kids

77
78 Mayor Sweet then called Stephen Straughan, board member for the Rockwall Boys and
79 Girls Club, forward to read and present this proclamation to him.

80
81 3. Fire Prevention Month

82
83 Rockwall Fire Chief Mark Poindexter came forth to accept this proclamation from Mayor
84 Sweet. He then invited everyone to attend this weekend's Fire Department Open House
85 event.

86
87 4. Texas Night Out

88
89 Mayor Sweet called Rockwall Police Chief Mark Moeller forward to read and present the
90 proclamation to him.

91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141

IV. OPEN FORUM

Mayor Sweet explained the guidelines associated with Open Forum and asked if anyone would like to come forward and speak.

**Gina King
606 Price Drive
Rockwall, Texas 75087**

Ms. King came forth and expressed some concern related to the animal shelter, generally expressing dissatisfaction with the recent virus outbreak.

**Kali Harris
138 Woodcreek
Rockwall, TX 75032**

Ms. Harris indicated she is part of a pit bull rescue group. She spoke in support of the Rockwall Animal Adoption Center being a no kill shelter. She stressed the importance of people spaying and neutering their pets.

**Patti Watson
2826 N. FM 3549
Rockwall, TX 75087**

Ms. Watson expressed support for Rockwall Pets and Rockwall PAWS. She generally expressed support for the Rockwall Animal Shelter being 'no kill.'

**Jill Randolph
3314 Anna Cade Circle
Rockwall, TX 75087**

Ms. Randolph expressed concern about animals that may have been euthanized last week without a proper diagnosis. She also generally expressed support for Rockwall Pets and the 'no kill' movement.

**Jill Hubbell
410 McKinzie Place
Rockwall, TX 75087**

Ms. Hubbell indicated she is a volunteer at the Rockwall Animal Shelter. She works with Rockwall Pets and is concerned about last week's events, expressing concern for volunteers not having been brought into the circle as much as they should have. She expressed a lot of concern about the proposed euthanasia policy.

**Darla Rupert
5925 Volunteer Place
Rockwall, TX 75032**

Ms. Rupert is a volunteer at our Animal Shelter, and she walks dogs every Saturday and Sunday as well as contributes \$100 / month to Rockwall Pets. She expressed a desire to

142 see the test results of a particular dog's diagnosis (Rosie) before it was euthanized and
143 she would also like to know the name of the vet who issued the diagnosis. She
144 expressed general concern about animals being put down at the shelter.
145

146 Pam Kitkoski
147 2500 Shore Crest
148 Rockwall, Texas
149

150 Mrs. Kitkoski expressed that she has given previous service to the community in various
151 volunteer capacities and roles, including her most recent role associated with
152 volunteering at the Animal Adoption Center. She indicated she has concerns about
153 recent and past euthanasia of numerous animals at the shelter. She expressed concern
154 about shelter staff not working enough with volunteer groups to get animals adopted out.
155

156 Mike Kitkoski
157 2500 Shore Crest
158 Rockwall, Texas
159

160 Mr. Kitkoski indicated he has volunteered in various capacities throughout the last ten
161 years of living in the city. He expressed concern related to last week's events at the
162 shelter regarding the spread of an infection that he says started more than a month ago.
163 He generally indicated dissatisfaction with staff not working with volunteers to help out
164 during this sickness outbreak.
165

166 Kathy McCauley
167 3002 Lakeside Village Drive
168 Rockwall, TX 75087
169

170 Mrs. McCauley came forth and very vocally expressed concern about a certain Facebook
171 page that she finds appalling. She is very disappointed in the way the Facebook page is
172 presenting Texas and Rockwall. She is also very dissatisfied in people on the Facebook
173 page calling out shelter staff by name in a derogatory way. She further expressed
174 concerned about recent 'hate calls' received by shelter staff at the facility.
175

176 Malinda McKnight
177 119 Reba Road
178 Heath, TX 75032
179

180 Ms. McKnight expressed she is neutral on the issues related to the Animal Adoption
181 Center. She indicated that she would like to trust the Mayor and city leaders to do the
182 right thing related to shelter animals. She hopes that the city is employing a trustworthy
183 vet who issues clear and accurate professional advice regarding proper actions to be
184 taken at the shelter. She encouraged staff to consider vaccinating animals upon intake.
185 She also encouraged staff to work closely with rescue groups to continue having a 97%
186 live outcome rate.
187

188 Christina Arriaga
189 308 Derrick Drive
190 Royse City, TX 75189 (Fate)
191

192 Ms. Arriaga indicated she is a resident of Fate, but she is in support of the live outcome
193 efforts. She encouraged Rockwall to get back on track with the no kill efforts.

194
195 **Misty Kiernan**
196 **5337 Gary Court**
197 **Royse City, TX**
198

199 Ms. Kiernan indicated her and her family recently adopted a heartworm positive dog from
200 the shelter that had to be returned for fear of the recent, possible distemper outbreak.
201 She generally expressed dissatisfaction with last week's events at the shelter.
202

203 **Donna Orr**
204 **2625 Rolling Meadows Drive**
205 **Rockwall, Texas**
206

207 Mrs. Orr indicated that she is a certified horse rescuer. Several years ago she had
208 wanted to volunteer at the shelter and was told she could not. She works with several
209 dog rescue groups and has heard that rescue groups do not want to take dogs that come
210 out of the Rockwall animal shelter. She believes this problem can be repaired. She
211 expressed the belief that maintaining a 97% live outcome rate is best achieved through
212 working closely with volunteers and rescue groups. She cautioned the opinion of some
213 licensed vets with regards to putting animals down, generally indicating her belief they
214 don't always give sound advice. She encouraged the city to appoint an oversight
215 committee and begin working with a group called "DFW cares."
216

217 **Sandra Solomon**
218 **1635 Shores Boulevard**
219 **Rockwall, Texas**
220

221 She is a citizen, animal lover and founder of Rockwall PAWS, a 501-C3 volunteer group.
222 She indicated that PAWS focuses on encouraging spaying and neutering of animals.
223 They also support adoptions and medical treatment of animals. Ms. Solomon indicated
224 her support for the 90% live outcome rate. She hopes that all animals will be examined
225 by a vet upon intake. She expressed that she wishes someone in authority – a vet or
226 someone in authority at the city – would have made a public statement via a press
227 release last week during the sickness outbreak at the shelter.
228

229 There being no one else to come forth and speak, Mayor Sweet then closed the open
230 forum.

231
232 **V. CONSENT AGENDA**
233

- 234 1. Consider approval of the minutes from the September 19, 2011 regular
235 city council meeting, and take any action necessary.
- 236 2. Z2011-020 - Consider approval of an **ordinance** for a request by Rob
237 Whittle for approval of a "PD Development Plan" within (PD-32) Planned
238 Development No. 32 district, in accordance with Ordinance No. 10-21,
239 specifically on tracts of land totaling approximately 12.72-acres and
240 comprised of Tracts 12, 12-1, 16 and 16-1, Abstract 11, M. J. Barksdale
241 Survey; Lot 1-1, Block A, Henry Africa Subdivision; and Lot 3A, Block A,

242 Shoreline Plaza Addition; said 12.72-acres being situated along the south
243 side of the IH-30 service road west of Shoreline Drive and more
244 specifically described in legal descriptions on file at the City of Rockwall
245 Planning Department office, and take any action necessary. (2nd
246 Reading)

247 **Councilmember Sevier made a motion to accept both items on Consent.**
248 **Councilmember White seconded the motion. The ordinance was read as follows:**

249 **CITY OF ROCKWALL**
250 **ORDINANCE NO. 11-43**

251
252 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
253 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF**
254 **ROCKWALL AND (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT**
255 **(ORDINANCE NO. 10-21), SO AS TO APPROVE A DEVELOPMENT PLAN**
256 **ON APPROXIMATELY 12.72-ACRES COMPRISED OF TRACTS 12, 12-1, 16**
257 **AND 16-1, ABSTRACT 11, M. J. BARKSDALE SURVEY, LOT 1-1, BLOCK**
258 **A, HENRY AFRICA SUBDIVISION AND LOT 3A, BLOCK A, SHORELINE**
259 **PLAZA ADDITION, SAID 12.72-ACRES MORE SPECIFICALLY DESCRIBED**
260 **HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS;**
261 **PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF**
262 **TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;**
263 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**
264 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**
265

266 **The motion passed by a vote of 7 ayes to 0 nays.**

267 **VI. APPOINTMENTS**

268
269 **1. Appointment with Stephen Straughan to hear concerns related to**
270 **sidewalks in the downtown area and taken any action necessary.**

271 **Mr. Straughan came forth and shared with the council that his wife recently fell outside of**
272 **The Fatted Calf, a restaurant on the downtown square, due to uneven, unsafe sidewalks.**
273 **He encouraged the Council to consider addressing dilapidated sidewalks in the**
274 **downtown area so that public safety is ensured.**

275 **2. Appointment with the Main Street Advisory Board and Rockwall Old Town**
276 **Shops to discuss a proposal for two (2) hour parking regulations on the**
277 **100 block of S. San Jacinto Street, and take any action necessary.**

278 **Janice Hill came forth and indicated that she owns a business on the Rockwall square.**
279 **She generally expressed that she, the Downtown Merchants Association and the Main**
280 **Street Advisory Board would like the city council to consider instituting 2 hour parking**
281 **spaces on S. San Jacinto Street during certain business hours.**

282 **Councilmember Sevier expressed that he would like the city to allot designated parking**
283 **spaces to Congressman Hall and visitors to his office.**

284 **Mayor Pro Tem Russo expressed that he would like businesses and owners who are**
285 **actually on and along San Jacinto to be informed of this proposed change before any**
286 **implementation takes place to designate these spaces to 2 hour parking.**

287 **Councilmember Sevier made a motion to instruct staff to get with the business owners**
288 **along San Jacinto to notify them of the proposed parking changes and obtain their input.**

289 Mayor Pro Tem Russo seconded the motion. The motion passed by a vote of 7 ayes to 0
290 nays.

291 3. Appointment with Bryan Karlan of Investment Resource and Jon
292 Pennington of Tree Frogs to discuss possible amendments to the Unified
293 Development Code that would allow for outside display or storage within
294 the IH-30 corridor, and take any action necessary.

295
296 Mr. Karlan came forth as the applicant for this Appointment Item. Planning Director
297 Robert LaCroix then provided brief background information related to this item. He
298 generally indicated that this request is related to allowing the applicant to have outside
299 storage via a special use permit (SUP).

300
301 Mr. Karlan explained that his business would like to place high-end, wooden swing sets
302 and playground equipment out in front of the business.

303
304 Councilmember White made a motion to instruct staff to move forward with bringing
305 back an amendment to the UDC to allow for an SUP process for consideration of certain
306 outside storage displays within the IH-30 corridor overlay district. Councilmember Smith
307 seconded the motion.

308
309 After additional discussion, the motion passed by a vote of 7 ayes to 0 nays.

310
311 Mayor Sweet then called for a five minute break and indicated that he would like to move
312 Action Item #3 up on the agenda to be addressed following the break.

313
314 **VII. ACTION ITEMS**

315
316 1. Discuss and consider a resolution adopting the fund balance reporting
317 policy as prescribed by GASB 54 and take any action necessary.

318 Finance Director Mary Smith provided brief background information related to this item.
319 Mayor Pro Tem Russo then made a motion to approve the resolution as presented and
320 prescribed by GASB 54. Councilmember Nielsen seconded the motion, which passed
321 unanimously of council.

322
323 2. Discuss and consider water supply issues related to the drought and
324 zebra mussels and take any action necessary.

325 City Manager Julie Couch provided background information related to this item,
326 indicating that the North Texas Municipal Water District (NTMWD) is suggesting to
327 member cities that they move to mandatory, Stage 3 drought restrictions in the coming
328 weeks and months. She indicated that Jim Parks and Mark Rickman from the NTMWD
329 will be present at the next council meeting on October 17 in order to speak with the
330 council related to the drought and implementation of Stage 3 restrictions.

331
332 Assistant City Manager Rick Crowley then provided information on the current status of
333 lake levels and what is expected in the upcoming future. He indicated that enforcement
334 of water restrictions and increased public education will be necessary as the city moves
335 to mandatory drought restrictions.

336
337 After the discussion, the Council took no formal action related to this item.

338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387

The City Manager and Departmental Reports were addressed following this agenda item.

- 3. Discuss and consider status of development of a euthanasia protocol for the Rockwall Animal Adoption Center, and take any action necessary.

City Manager Julie Couch began discussion of this item, offering background information on this proposed protocol and the events that happened last week at the shelter related to an illness outbreak.

Councilmember Smith made a motion to table this item for an additional two weeks. City Manager Couch suggested that the council consider tabling this item for a month or two rather than two weeks. Councilmember Smith then amended her motion to request this item be tabled for a period of sixty (60) days. Councilmember Nielsen seconded the motion but requested that two amendments be added to the motion – (1) that all euthanasias be authorized by the city manager during the coming 60 day period and that an ongoing, bi-weekly update be provided to the council between now and then. Councilmember Smith amended her motion as requested by Nielsen. Nielsen seconded the amended motion.

Councilmember White asked for clarification of the motion. Smith clarified that her motion is to table this item for 60 days with the provision that all euthansias between now and then will be approved by senior management and that a report will be issued to the council every two weeks between now and then.

Mayor Sweet offered comments, generally indicating that staff is working towards making changes at the shelter. He indicated a strong desire to have senior level involvement at the shelter, improvement in communication and more clearly defined policies.

Councilmember Smith then commented on Facebook postings, asking that staff not be mentioned by name and that the volunteers work to protect not only the animals but people, including staff members.

The motion then passed by a vote of 7 ayes to 0 nays.

VIII. CITY MANAGER’S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

- 1. Departmental Reports
 - Police Department Monthly Report - August 2011
 - Internal Operations Department Monthly Report - August 2011
 - Building Inspections Monthly Report - August 2011
 - Fire Department Monthly Report - August 2011
 - Star Transit Quarterly Report
 - Recreation Department Monthly Graph - August 2011
 - Harbor PD Report - August 2011

- 2. City Manager’s Report

City Manager Couch pointed out that the TML conference and council / staff retreat are upcoming this month. She thanked the city secretary and her staff for helping put on a

388 fun, successful boards, commissions and volunteers appreciation event downtown last
389 week. Mayor Sweet echoed these comments of thanks.

390
391 Councilmember Sevier thanked Brad Griggs, Chief Moeller and all city staff who helped
392 recently with the efforts associated with the Toyota Triathlon held last week in Rockwall.

393
394 IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
395 GOVERNMENT CODE TO DISCUSS:

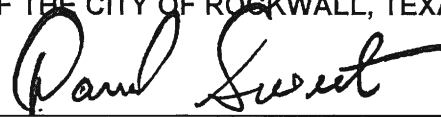
- 396
397 1. Deliberation regarding the purchase, exchange, lease, or value of real
398 property.
- 399 2. Personnel Issues, including Board, Commission, and Committee
400 Appointments, and Related Matters.
- 401 3. Commercial or financial information regarding business prospects that the
402 City seeks to have locate, stay, or expand in or near the territory of the
403 City of Rockwall and with which the Board is conducting economic
404 development negotiations.
- 405 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
406 with attorney with regard to a matter that it is the duty of the attorney to
407 consult with the Council pursuant to the Attorney Client Privilege under
408 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
409 Texas.

410 X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

411
412 Please see start of public meeting above for actions taken as a result of Executive
413 Session.

414
415 XI. ADJOURNMENT

416
417 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this
418 17th day of October, 2011.



David Sweet, Mayor

419
420 ATTEST:



421
422
423 Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, October 17, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Sweet immediately recessed the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.


III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Please see start of public meeting below for action taken as a result of Executive Session.

IV. ADJOURNMENT

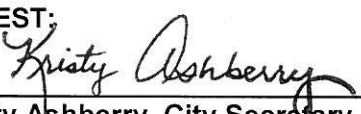
Council came out of Executive Session at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 7th day of November, 2011.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, October 17, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert.

Mayor Pro Tem Russo made a motion to extend the timeline for commencement and construction of the corporate tower and parking garage to January 31, 2012 and a completion date to January 31, 2013, in association with the Development agreement for the Harbor Hillside Area between the City of Rockwall and Harbor Heights Investors, L.P. Councilmember White seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

Councilmember Bennie Daniels delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Freedom From Bullies Week

Mayor Sweet read the proclamation.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the October 3, 2011 regular city council meeting, and take any action necessary.
2. Consider award of a bid in the amount of \$230,948 with \$172,948 funded through contractual obligations and \$58,000 funded in Fire Equipment Fund for the purchase of police pursuit vehicles and a fire command vehicle and take any action necessary.
3. Consider award of the SH-66 Sewer Line Rehabilitation Project, Base Bid and Alternate Bid, to the low bidder in the amount of \$133,311.50 to be funded with Squabble Creek SSO and Sanitary Sewer Revenue Bonds and take any action necessary.
4. Consider award of the Chandlers Deep Lift Station Improvement Project-Phase 2 to the low bidder in the amount of \$192,688.50 to be funded with Sanitary Sewer Revenue Bonds and take any action necessary.

Councilmember Nielsen made a motion to accept the entire Consent Agenda (#s 1- 4). Councilmember Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

V. APPOINTMENTS

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

Phillip Herbst, Chairman of the city's Planning & Zoning Commission, came forth and offered brief comments related to the recommendations of the Commission relative to items on tonight's city council agenda.

The council took no formal action related to this item.

2. Appointment with Jim Parks and Mike Rickman of the North Texas Municipal Water District (NTMWD) to hear update on status of drought conditions and zebra muscles and take any action necessary.

Jim Parks, Director of the North Texas Municipal Water District, came forth to offer a presentation to the council related to the current drought and zebra muscle infestation and how these two issues are drastically, negatively affecting the city's water supply. Overall, he indicated that the current drought is in line with the most severe 'drought of record' in all of Rockwall's history. Lake levels are extraordinarily low and quite concerning. He urged the City Council to adopt Stage 3 of the NTMWD's Drought Contingency Plan which was created and approved by the Board of Directors for the NTMWD. After additional explanation and brief discussion, the Council took no formal action related to this item.

VI. PUBLIC HEARING ITEMS

1. Z2011-021 - Hold a public hearing and consider approval of an **ordinance** for a request by Jill Blase of Blase Family Farm for approval of a Specific Use Permit (SUP) to allow for an "Urban Farm" within (PD-3) Planned Development No. 3 district, specifically on a 13.3-acre tract of land comprised of Tract 11-3, Abstract 21, N. Butler Survey, and Tract 11-3, Abstract 98, A. Hanna Survey, located at 1232 East Fork Drive, and take any action necessary. **(1st Reading)**

Planning Director Robert LaCroix provided background information related to this item.

Matthew Nielsen
676 St. Johns Place
Rockwall, Texas

Mr. Nielsen indicated he lives in the subdivision known as "The Preserve." Mr. Nielsen expressed general concern regarding parking and traffic congestion that will undoubtedly be associated with this development.

Byron Norris
1252 Petaluma
Rockwall, TX 75087

Mr. Norris came forth and generally spoke in favor of the Blase's proposed development. He expressed he does not believe the parking concerns will be ongoing or of large concern.

Mrs. Blase, Mr. LaCroix and the council briefly discussed signage associated with this property. Mrs. Blase apologized for recent parking concerns but explained that there is plenty of space for parking on the property itself, rather than the street, and in the future parking will occur on site rather than on the street.

Councilmember Smith expressed support for this development as long as parking concerns, including ample parking for school buses, is addressed. General discussion took place related to a parking plan. Councilmember Sevier asked for clarification on the proposed SUP and also generally expressed concern related to parking associated with this development. LaCroix explained the various aspects of this proposed SUP, explaining that this SUP can be reviewed or revisited at any point in time in the future if any concerns arise related to its provisions. Sevier generally expressed that he wants to ensure potential parking concerns and other challenges are addressed now, upfront, rather than later.

Jason Ortiz
783 Mirimar
Rockwall, Texas

Mr. Ortiz expressed no concerns related to this project as long as parking concerns are addressed.

Mr. Nielsen, previous public speaker, came forth and suggested that a parking plan be created up front and then be placed back on the council agenda for public review and comment prior to this SUP being granted by the council. Mr. Nielsen indicated knowledge that he believes the developer of The Preserve is opposed to this development.

There being no other speakers to come forth and address the council, Mayor Sweet then closed the public hearing.

Councilmember Nielsen offered thanks to the speakers this evening and generally expressed support for this item. She briefly spoke about potential parking concerns and then made a motion to approve the requested SUP, including staff recommendations and the proposed signage. Councilmember White seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO

ALLOW FOR AN "URBAN FARM" WITHIN (PD-3) PLANNED DEVELOPMENT NO. 3 DISTRICT, ON A 13.3-ACRE TRACT OF LAND KNOWN AS TRACT 11-3, ABSTRACT 21, N. BUTLER SURVEY AND TRACT 11-3, ABSTRACT 98, A. HANNA SURVEY, AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A"; 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 7 ayes to 0 nays.

2. Z2011-022 - Hold a public hearing and consider approval of an **ordinance** for a request by Misty Phillips for approval of a Specific Use Permit (SUP) to allow for a "Hair Salon" and "General Retail" uses within the (RO) Residential Office district, specifically on a 0.609-acre tract located at 4037 North Goliad and currently described as Tract 21, Abstract 187, J. Strickland Survey, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix offered background information related to this item. Seventeen notices were mailed out to adjacent property owners located within 200 feet of the proposed SUP. Two notices have been received back in opposition at this point.

Mayor Sweet opened the public hearing. The applicant was called forth.

Mr. Phillips
2000 North Lakeshore
Rockwall, TX

Mr. Phillips came forth and indicated that his wife would like the council to consider granting the SUP requested to allow her to move her 'spirit' shop and a hair salon into this location.

There being no one else to come forth and speak during this public hearing, Mayor Sweet then closed the public hearing.

Mayor Pro Tem Russo made a motion to approve Z2011-022. Councilmember White seconded the motion.

Councilmember Daniels then asked clarifying questions related to the 8 foot wood fence versus a masonry wall. Short discussion also took place related to hours of operation.

Mayor Pro Tem Russo amended his motion to include restrictions related to the hours of operation, specifying that the hours will be 7 AM to 8 PM. Councilmember White seconded the amended motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

Monday, October 17, 2011 City Council Minutes

Page 5

ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP), SPECIFICALLY TO ALLOW FOR A HAIR SALON AND GENERAL RETAIL USES, ON A 0.609-ACRE TRACT OF LAND KNOWN AS TRACT 21, ABSTRACT 187, J. STRICKLAND SURVEY AND LOCATED AT 4037 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 7 ayes to 0 nays.

VII. ACTION ITEMS

1. Discuss and consider initiating Stage 3 of the city's Drought Contingency Plan in accordance with recommendations provided by the North Texas Municipal Water District (NTMWD) and take any action necessary.

City Manager Julie Couch began discussion of this item, offering the staff recommendation that Council move forward with implementation of Stage 3 of the Drought Contingency Plan. This would allow outdoor watering only once very two weeks starting on November 1, 2011.

Councilmember Sevier encouraged the city itself to be very cognizant of its watering restrictions during these coming months and to set the example for resident compliance.

Councilmember Nielsen then made a motion that on November 1, 2011, the city begin implantation of Stage 3 of the city's Drought Contingency Plan in accordance with recommendations provided by the NTMWD. Councilmember Sevier seconded the motion. The motion passed unanimously of Council.

2. Discuss and consider a request from Mr. Steve Jackson of Rockwall Toyota for a height and size variance for an additional pole sign located at 1250 IH 30, and take any action necessary.

Jeffrey Widmer, Director of Code Enforcement and Building Inspections, provided background information related to this item, including some historical information regarding the initial sign discussion relative to Toyota of Rockwall and past discussions related to In & Out Burger and Lakepointe Church signage.

After brief discussion, Mayor Pro Tem Russo made a motion to approve the variance as requested, including the requested increases to both the sign height and sign area. Councilmember Sevier seconded the motion. After brief comments, the motion passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider a request from Mr. Bobst for a height, size, and material variance for a monument sign located at 5133 FM 549 South, and take any action necessary.

Jeffrey Widmer provided background information related to this item, indicating that the requested sign is larger and taller than what is allowed currently in the city's sign ordinance. Mayor Pro Tem Russo made a motion to approve the variance as requested,

including modifications to height, size and material. Councilmember Smith seconded the motion.

Councilmember Daniels then asked staff to bring back the sign ordinance regulations for the council to revisit at a future date.

The motion passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider creating a new joint program partnership involving non-profits, the animal shelter, and Rockwall County Committee on aging, and take any action necessary.

Mayor Pro Tem Russo briefly spoke about this item, as he is the one who placed this item on the agenda for discussion. He has spoken with Rockwall Paws and the Rockwall County Committee on Aging regarding a potential partnership associated with placing older animals in the homes of elderly people in our community.

After brief discussion, Councilmember Sevier made a motion to direct staff to speak with the potential partnering entities to develop details related to this topic and then bring additional information back to the council for consideration.

Councilmember Sevier then modified his motion to authorize staff to move forward with working with Rockwall Paws and Rockwall County Committee on Aging to develop this type of partnership program. Mayor Pro Tem Russo seconded the motion, which passed by a vote of 7 ayes to 0 nays.

At 8:06 p.m. Mayor Sweet recessed the public meeting back into Executive Session.

VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council took no action as a result of end of meeting Executive Session.

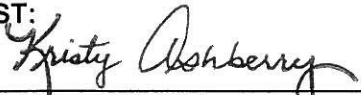
X. ADJOURNMENT

Following Executive Session, no action was taken and the meeting was adjourned.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this
7th day of November, 2011.



David Sweet, Mayor

ATTEST:


Kristy Ashberry, City Secretary



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

MINUTES
ROCKWALL CITY COUNCIL
ANNUAL RETREAT
October 20-22, 2011
Star Brand Ranch
1182 Star Brand Drive
Kaufman, Texas 75142

The following members of Council were present at the retreat: Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Bennie Daniels, Margo Nielsen, Michelle Smith, and Cliff Sevier. Also present were City Manager Julie Couch, Assistant City Manager Rick Crowley and department directors.

Thursday, October 20, 2011 – 6:00 p.m.

Council and Staff arrived at Star Brand Ranch at this time to check in and have dinner. No business was conducted at this time, and no action was taken.

Friday, October 21, 2011 - 7:30 a.m.

General discussion took place related to the following topics:

- **Balanced Scorecard/Strategic Planning**
- **Utility Planning Including Water/Sewer Rates Planning**
- **Land Use, Master Plan, & Thoroughfare Planning**
- **Economic Planning**
- **Organizational Planning**
- **City Event Activities**

The Council took no action related to any of the discussion items.

Saturday, October 22, 2011 - 7:30 a.m.

General discussion took place related to the following topics:

- **Balanced Scorecard/Strategic Planning**
- **Utility Planning Including Water/Sewer Rates Planning**
- **Land Use, Master Plan, & Thoroughfare Planning**
- **Economic Planning**
- **Organizational Planning**
- **City Event Activities**

The Council took no action related to any of the discussion items.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.

49 3. Commercial or financial information regarding business prospects that the
50 City seeks to have locate, stay, or expand in or near the territory of the
51 City of Rockwall and with which the Board is conducting economic
52 development negotiations.

53 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
54 with attorney with regard to a matter that it is the duty of the attorney to
55 consult with the Council pursuant to the Attorney Client Privilege under
56 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
57 Texas.

58 **The Council took no action as a result of Executive Session.**

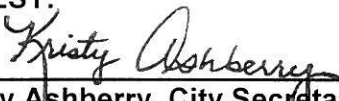
59
60 **The retreat was adjourned at 2:30 p.m. on Saturday, October 22, 2011.**
61

62 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
63 **this 7th day of November, 2011.**

64
65
66
67
68
69
70
71
72



David Sweet, Mayor

ATTEST:


Kristy Ashberry, City Secretary



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

MINUTES
ROCKWALL CITY COUNCIL
Monday, November 07, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and City Attorney Pete Eckert. Mayor Sweet immediately recessed the meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, discussion of City Manager contract and evaluation; and duties of officers/staff attendants and others regarding operations of the animal shelter; and related matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

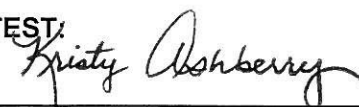
No action was taken as a result of pre public meeting Executive Session.

IV. ADJOURNMENT

The Council came out of Executive Session at 5:50 pm.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 21st day of November, 2011.

ATTEST:



Kristy Ashberry, City Secretary



David Sweet, Mayor



47
48
49
50
51
52

MINUTES
ROCKWALL CITY COUNCIL
Monday, November 07, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

53 I. **CALL TO ORDER**

54
55 **Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,**
56 **Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle**
57 **Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Julie Couch and**
58 **City Attorney Pete Eckert.**

59
60 II. **INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SEVIER**

61
62 **Councilmember Sevier delivered the invocation and led the Pledge of Allegiance.**

63
64 III. **PROCLAMATIONS / AWARDS**

65
66 1. **Virginia Reinhardt Elementary School Day**

67
68 **Mayor Sweet offered brief comments related to this proclamation and then read and**
69 **presented the proclamation to Mrs. Lavene, Reinhardt Elementary School Principal, and**
70 **other representatives of Reinhardt who were in attendance.**

71
72 2. **Pancreatic Cancer Awareness Month**

73
74 **Mayor Sweet offered brief comments and then read and presented the proclamation to**
75 **Virginia Holleman and Jeffrey Ross.**

76
77 IV. **OPEN FORUM**

78
79 **Mayor Sweet explained how open forum works and then asked if anyone would like to**
80 **come forward to address the Council at this time.**

81
82 **Ruth Peck**
83 **108 Lakedale Drive**
84 **Rockwall, TX**

85
86 **Mrs. Peck indicated she is President of Rockwall Music Fest. She invited the Council to**
87 **attend and participate in an upcoming community ‘sign along’ on the evening of**
88 **December 6. She indicated this event will benefit the Rockwall Philharmonic Orchestra.**

89
90 **Mary Hanrahan**
91 **201 South Clark Street**
92 **Rockwall, TX**

93
94 **Ms. Hanrahan raised concerns related to the proposed realignment of State Highway 66.**
95 **She is concerned that the current plans she obtained this morning from City Hall are only**
96 **schematic drawings and no elevations are given. She is also concerned about the plan**
97 **related to pedestrian access to Harry Myers Park and Dobbs Elementary. She would like**

98 to see these issues addressed in the plan. She is also concerned about the impact on
99 the Rockwall Historic District. She encouraged the Historic Preservation Advisory Board
100 to review these plans before moving forward.

101
102 **Pastor Joe Robbins**
103 **805 Peters Colony**
104 **St. Paul Church**
105 **Rockwall, TX**

106
107 **Mr. Robbins is concerned about the picket front yard fence being proposed on tonight's**
108 **council agenda to be placed on the property at 801 Peters Colony. He believes the public**
109 **and surrounding property owners should be able to speak on this topic before it is**
110 **passed. He generally expressed that he is not in support of this front yard picket fence.**

111
112 **Penelope Chapman**
113 **733 Sunset Hill Drive**
114 **Rockwall, TX**

115
116 **Ms. Chapman generally expressed concern related to the current methods by which a**
117 **citizen can seek and obtain a variance from the city. She encouraged more oversight**
118 **and follow up related to variances that have been granted. She suggested an audit loop**
119 **back through the city's Board of Adjustments for additional follow up and oversight.**

120
121 **V. CONSENT AGENDA**

- 122
123 1. Consider approval of the minutes from the October 17, 2011 regular city
124 council meeting, and take any action necessary.
- 125 2. Consider approval of the minutes from the October 20-22, 2011 Rockwall
126 City Council Annual Retreat and take any action necessary.
- 127 3. Consider approval of change order number 3 for the Discovery Blvd.
128 extension in the amount of \$32,056.88, funding to be provided by the
129 REDC, and take any action necessary.
- 130 4. Consider approval of a facility agreement with Misty Phillips for the 4037
131 N. Goliad project, postponing the extension of a water line on N. Goliad,
132 and take any action necessary.
- 133 5. Consider approval of an Oncor easement for electric power at the PD-32
134 project and take any action necessary.
- 135 6. Consider authorizing the City Manager to execute a contract with TH
136 Pritchett and Associates for design and construction documents for
137 landscaping on the FM 740 South project in the amount of \$7,450 to be
138 paid from the FM 740 South bonds funds, and take any action necessary.
- 139 7. Z2011-021 - Consider approval of an ordinance for a request by Jill Blase
140 of Blase Family Farm for approval of a Specific Use Permit (SUP) to allow
141 for an "Urban Farm" within (PD-3) Planned Development No. 3 district,
142 specifically on a 13.3-acre tract of land comprised of Tract 11-3, Abstract
143 21, N. Butler Survey, and Tract 11-3, Abstract 98, A. Hanna Survey,
144 located at 1232 East Fork Drive, and take any action necessary. (2nd
145 Reading)

- 146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
8. Z2011-022 - Consider approval of an ordinance for a request by Misty Phillips for approval of a Specific Use Permit (SUP) to allow for a "Hair Salon" and "General Retail" uses within the (RO) Residential Office district, specifically on a 0.609-acre tract located at 4037 North Goliad and currently described as Tract 21, Abstract 187, J. Strickland Survey, and take any action necessary. (2nd Reading)
 9. Consider approval of an interlocal mutual aid agreement between the City of Rockwall, Rockwall County and the cities of Rowlett, Heath, Fate, McLendon Chisholm, and Royse City and take any action necessary.
 10. P2011-017 - Discuss and consider a request by Dan Roach of the Lenity Group, LLC for approval of a final plat of Rockwall Retirement Residence Addition, being 4.279-acre tract zoned (GR) General Retail district and located at 963 W Yellow Jacket Lane, and take any action necessary.
 11. P2011-018 - Discuss and consider a request by Arlyn W. Samuelson of Pogue Engineering & Development Co. for approval of a final plat of Lot 6, Block C, Horizon Ridge Medical Park Addition, being 8.1425-acres zoned (PD-9) Planned Development No. 9 district and located at 5242 Medical Drive, and take any action necessary.
 12. P2011-019 - Discuss and consider a request by Chris Cuny of FC Cuny Corp for approval of a vacation plat of the Rockwall Car Wash Addition, being 1.048-acres zoned (PD-46) Planned Development No. 46 district and situated along the north side of SH 276 east of FM 549, and take any action necessary.

169 **Councilmember Sevier pulled item #5 and then made a motion to approve the remaining**
170 **Consent Agenda items (#s 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12). Mayor Pro Tem Russo**
171 **seconded the motion. The ordinances were read as follows:**

172
173
174
175

CITY OF ROCKWALL
ORDINANCE NO. 11-44

176 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
177 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
178 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
179 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO
180 ALLOW FOR AN "URBAN FARM" WITHIN (PD-3) PLANNED
181 DEVELOPMENT NO. 3 DISTRICT, ON A 13.3-ACRE TRACT OF
182 LAND KNOWN AS TRACT 11-3, ABSTRACT 21, N. BUTLER SURVEY
183 AND TRACT 11-3, ABSTRACT 98, A. HANNA SURVEY, AND MORE
184 SPECIFICALLY SHOWN IN EXHIBIT "A"; PROVIDING FOR SPECIAL
185 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
186 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
187 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
188 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
189 EFFECTIVE DATE.

190
191
192
193

CITY OF ROCKWALL
ORDINANCE NO. 11-45

194 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
195 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
196 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY

197 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP),
198 SPECIFICALLY TO ALLOW FOR A HAIR SALON AND GENERAL
199 RETAIL USES, ON A 0.609-ACRE TRACT OF LAND KNOWN AS
200 TRACT 21, ABSTRACT 187, J. STRICKLAND SURVEY AND
201 LOCATED AT 4037 N. GOLIAD STREET; PROVIDING FOR SPECIAL
202 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
203 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
204 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
205 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
206 EFFECTIVE DATE.
207

208 The motion passed unanimously of council (7 ayes to 0 nays).
209

210 After brief, clarifying comments from Councilmember Sevier regarding Consent Agenda
211 item #5, Councilmember Nielsen then made a motion to approve Consent Agenda item #5
212 (regarding approving an Oncor easement for the PD 32 project). Councilmember Smith
213 seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).
214

215 VI. APPOINTMENTS

- 216 1. Appointment with the Planning and Zoning Chairman to discuss and
217 answer any questions regarding cases on the agenda and related issues
218 and take any action necessary.
219

220 Mayor Sweet indicated that this agenda item would be skipped over since there are no
221 P&Z related items to discuss on this council agenda. The council took no action related
222 to this item.

- 223 2. Appointment with representatives of Allied Waste to present a request for
224 an increase in solid waste charges and take any action necessary.

225 Mary Smith, Finance Director, began discussion of this item, offering brief background
226 information pertaining to this proposed rate increase, which would be effective January
227 1, 2012. She explained that this rate increase is in line with the city's current solid waste
228 contract with Allied Waste.

229 Brenda Lalonde
230 Division Municipal Services Manager
231 Allied Waste
232 Hutchins, Texas
233

234 Ms. Lalonde came forth and offered brief comments related to this agenda item,
235 indicating, in part, that this rate increase is the first increase since 2009. She further
236 clarified that this proposed rate increase will result in .53 cents more on resident's solid
237 waste bills each month.

238 After brief, additional comments, Mayor Pro Tem Russo made a motion to approve the
239 proposed rate increase. Councilmember Daniels seconded the motion. The motion
240 passed by a vote of 4 ayes to 3 nays (White, Sweet, Smith).
241

- 242 3. Appointment with Margie VerHagen, Executive Director of Rockwall
243 County Committee on Aging (RCCOA), to provide an annual report and
244 request funding for 2011-2012 and take any action necessary.

245 Ms. VerHagen came forth and provided an update to the City Council related to services
246 that have been provided during the last year by RCCOA. She then explained that she is
247 requesting an increase of \$3,500 this year, indicating that an increase has not been
248 requested since the year 2009. After some discussion, Councilmember Nielsen made a
249 motion to approve the requested funding, including the \$3,500 increase. Councilmember
250 Smith seconded the motion. The motion passed by a vote of 7 ayes with 1 against
251 (White).

252

253 **VII. PUBLIC HEARING ITEMS**

254

- 255 1. Hold a public hearing and consider a request from Michael Ryder for
256 approval of a front yard fence at 105 Mullberry Dr. and take any action
257 necessary.

258 Jeffrey Widmer, Director of Building Inspections and Code Enforcement, provided brief
259 information related to this item, explaining the details regarding this variance request.
260 Notices were sent out to all property owners located within 200 feet of the proposed
261 fence. Two responses were received back in favor and none have been received back in
262 opposition.

263

264 Mayor Sweet then opened the public hearing.

265

266 Mike Ryder
267 105 Mulberry Lane
268 Rockwall, TX

269

270 The applicant, Mr. Ryder, expressed he would like approval to build this proposed fence.

271

272 Mayor Sweet then closed the public hearing.

273

274 Mayor Pro Tem Russo made a motion to approve this item. Councilmember White
275 seconded the motion.

276

277 Councilmember Nielsen asked for clarification related to this request, specifically
278 regarding the proposed placement of the fence. Mr. Widmer offered clarification,
279 including a more detailed description of the site plan.

280

281 After this brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

282

283 **VIII. ACTION ITEMS**

284

- 285 1. Discuss and consider a resolution fixing the rate to be charged for water
286 and wastewater services and take any action necessary.

287 Finance Director Mary Smith offered brief background information related to this item.
288 Bob McClain, the city's consultant, came forth and offered brief comments regarding this
289 proposed rate. He generally indicated that the City of Rockwall has one of the lowest
290 rates when compared to some of the other member cities of North Texas Municipal Water
291 District (NTMWD).

292

293 Councilmember Nielsen then made a motion to approve the proposed resolution fixing
294 the rate. Councilmember Smith seconded the motion. The motion passed by a vote of 5
295 ayes with 2 against (Russo and White).
296

- 297 2. Discuss and consider a request from Amber Hass for approval of a front
298 yard fence, 42" Wood Picket, on her property located at 801 Peters
299 Colony, being Lot 1, Block A, Dabney Addition zoned SF-7 Single Family
300 Residential district, and take any action necessary.

301 Jeffrey Widmer, Director of Building Inspections and Code Enforcement, provided brief
302 background information related to this item. He explained the applicant has little to no
303 back yard area, so they would like to erect a front picket fence in order to provide a play
304 area for her children.
305

306 Councilmember Daniels asked for some clarification from Widmer regarding our current
307 fence regulations. After this clarification, Councilmember White made a motion to
308 approve the request as presented and grant the variances. Councilmember Smith
309 seconded the motion. After brief discussion, the motion passed unanimously of council
310 (7 ayes to 0 nays).
311

- 312 3. Discuss and consider alignment for SH-66 from SH-205 to FM-3549 and
313 take any action necessary.

314 City Manger Julie Couch provided background information regarding this item. Couch
315 indicated that the city has been working closely with the county to move certain road
316 projects forward, and this particular project is one of those road projects.

317 Councilmember Nielsen made a motion that the city move forward with holding that a
318 public meeting in order to hear and receive public input on this proposed alignment.
319 Councilmember Sevier seconded the motion. The motion passed unanimously of
320 council present (7 ayes to 0 nays).

- 321 4. Discuss and consider changing benefit brokers from Brinson Benefits to
322 Holmes Murphy, effective January 1, 2012, and take any action
323 necessary.

324 Administrative Services Director, Cheryl Dunlop, indicated that the city recently solicited
325 bids for benefit broker services. Three qualified responses to the bid were received
326 back. She offered additional background information related to the current benefits
327 broker, the city's needs and the services that were proposed to be offered by each bid
328 responder.

329 Mayor Pro Tem Russo made a motion to change benefit brokers from Brinson Benefits to
330 Holmes Murphy, effective January 1, 2012. Councilmember Smith seconded the motion.
331 The motion then passed by a vote of 7 ayes to 0 nays.

- 332 5. Discuss and consider the City's election under new provisions provided
333 for by SB 1087, to change subscriber fees for PEG operations to fund
334 capital expenditures associated with Public, Educational and Government
335 programming, and take any action necessary.

336 Cheryl Dunlop, Director of Administrative Services and staff person overseeing the city's
337 cable franchise and associated services, provided background information related to this
338 item.

339 **City Manager Julie Couch provided follow up explanation relative to this agenda item.**

340 **Councilmember Smith made a motion to keep the current PEG rate fee at .35 cents.**
341 **Councilmember Daniels seconded the motion. The motion passed by a vote of 7 ayes to**
342 **0 nays.**

343 **6. Discuss and consider approval of installation of street lighting in the**
344 **medians of Henry M. Chandler Drive and take any action necessary.**

345 **City Manager Couch provided background information related to this item.**
346 **Councilmember Smith asked for some clarification on the staff provided information and**
347 **indicated that she would like the city to obtain feedback from adjacent homeowners prior**
348 **to moving forward with adding any lighting.**

349
350 **Brad Griggs, Director of Streets and Rights of Way, provided clarifying information for**
351 **the Council.**

352
353 **Councilmember White made a motion to deny moving forward with installation of the**
354 **street lighting. Councilmember Sevier seconded the motion. The motion passed by a**
355 **vote of 6 ayes to 1 nay (Russo).**

356
357 **7. Discuss and consider vending contracts at various public facilities in the**
358 **city and take any action necessary.**

359 **Mayor Sweet indicated that he placed this discussion item on the agenda. He generally**
360 **expressed that vending machines located in city owned facilities could be revenue**
361 **generators for the city. City Manager Couch provided information that vending machines**
362 **at the city's Fire and Police facilities generate revenue that is earmarked for those**
363 **departments. Finance Director Mary Smith provided brief information related to vending**
364 **machines at the city's swimming pool and elsewhere at other city locations. The city's**
365 **Parks and Recreation Director, Brad Griggs, provided comments related to what other**
366 **cities may do related to vending machines. The council took no action related to this**
367 **item.**

368
369 **IX. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
370 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

371
372 **1. Departmental Reports**
373 **Finance Department Monthly Report - September 2011**
374 **Building Inspections Monthly Report - September 2011**
375 **Internal Operations Department Monthly Report - September 2011**
376 **Fire Department Monthly Reports - September 2011**
377 **Recreation Department Monthly Report - September 2011**
378 **Harbor PD Monthly Report - September 2011**
379 **Police Department Monthly Report - September 2011**
380 **Police Department Quarterly Report**

381 **2. City Manager's Report**

382
383 **Couch asked if the Council has any questions related to staff provided reports. There**
384 **being no questions from Council, Mayor Sweet recessed the public meeting at 7:27 p.m.**
385 **and asked Council to reconvene back into Executive Session at 7:40 p.m.**
386

387 X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
388 GOVERNMENT CODE TO DISCUSS:

- 389
390 1. Deliberation regarding the purchase, exchange, lease, or value of real
391 property.
- 392 2. Personnel Issues, including Board, Commission, and Committee
393 Appointments, discussion of City Manager contract and evaluation; and
394 duties of officers/staff attendants and others regarding operations of the
395 animal shelter; and related matters.
- 396 3. Commercial or financial information regarding business prospects that the
397 City seeks to have locate, stay, or expand in or near the territory of the
398 City of Rockwall and with which the Board is conducting economic
399 development negotiations.
- 400 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
401 with attorney with regard to a matter that it is the duty of the attorney to
402 consult with the Council pursuant to the Attorney Client Privilege under
403 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
404 Texas.

405 XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

406
407 Mayor Sweet closed Executive Session and reconvened the City Council back into Open
408 Forum at 10:28 p.m. Mayor Pro Tem Russo made a motion that a resolution to terminate
409 the contract of the city manager be prepared for consideration at the next meeting.
410 Councilmember Sevier seconded the motion. The motion was voted on and passed by a
411 vote of 5 ayes to 2 nays (council members Nielsen and Daniels opposing).

412
413 Councilmember Sevier then made a motion that Rick Crowley be appointed as interim
414 City Manager effective immediately. Councilmember Smith seconded the motion. The
415 motion passed unanimously of Council (7 ayes to 0 nays).

416
417 Councilmember Smith made a motion that Kevin Fowler and Bill Houser be removed
418 from the Rockwall Economic Development Corporation (REDC) Board of Directors. The
419 motion died for lack of a second.

420
421 XII. ADJOURNMENT

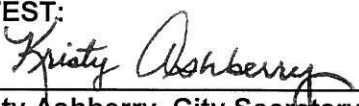
422
423 Mayor Sweet adjourned the meeting at 10:40 p.m.

424
425 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this
426 21st day of November, 2011.



David Sweet, Mayor

428 ATTEST:



Kristy Ashberry, City Secretary



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

MINUTES
ROCKWALL CITY COUNCIL
Monday, November 21, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

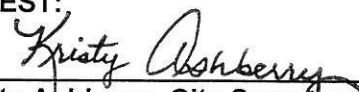
No action was taken as a result of Executive Session.

IV. ADJOURNMENT

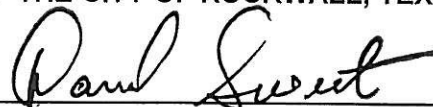
The Council came out of Executive Session at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 5th day of December, 2011.

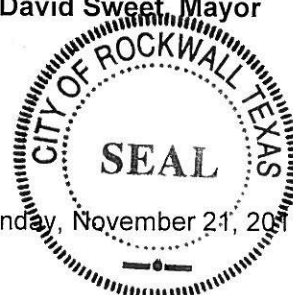
ATTEST:



Kristy Ashberry, City Secretary



David Sweet, Mayor



46
47
48
49
50
51

MINUTES
ROCKWALL CITY COUNCIL

Monday, November 21, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

52 I. CALL TO ORDER

53
54 Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,
55 Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle
56 Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick
57 Crowley and City Attorney Pete Eckert.

58
59 II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR SWEET

60
61 Mayor Sweet delivered the invocation and led the Pledge of Allegiance.

62
63 III. PROCLAMATIONS / AWARDS

64
65 1. Recognition of Rockwall University Graduate

66
67 City Secretary Kristy Ashberry provided brief background information about the
68 Rockwall University Program and the newest graduate being recognized, Diana Synder
69 from Police Administration. Mayor Sweet then presented Diana with a certificate and
70 congratulatory words.

71
72 2. 2012 National Main Street City Recognition

73
74 Mayor Sweet called Bethany Golden, Main Street Manager, forward to say a few words
75 about this national recognition recently received related to Rockwall's Main Street
76 Program. He congratulated her and members of the Main Street Board.

77
78 3. International Girl Effect Week

79
80 Mayor Sweet read the proclamation into the record.

81
82 IV. CONSENT AGENDA

83
84 1. Consider approval of the minutes from the November 7, 2011 regular city
85 council meeting, and take any action necessary.

86
87 2. Consider approval of a contract with Rockwall County Committee on
88 Aging for certain nutritional and senior service programs and take any
action necessary.

89
90 3. Consider award of a bid for a 3/4 ton, 2012 model Streets Dept. service
91 truck to Philpott Ford in the amount of \$26,843 funded through
contractual obligations, and take any action necessary.

92
93 4. Consider award of a bid for a 10.5 ft. Cut Mower for Parks Dept. to Luber
94 Bros. in the amount of \$48,931 funded through contractual obligations,
and take any action necessary.

- 95
96
97
98
99
100
101
102
103
104
105
106
107
5. Consider award of a bid for a Mobile Restroom to Ameri-Can Engineering in the amount of \$42,696, funded in the Recreation Development Fund and take any action necessary.
 6. Consider award of a bid for a 1 ton, 2012 model Parks Dept. service truck to Caldwell County Chevrolet in the amount of \$29,932 funded through contractual obligations, and take any action necessary.
 7. Consider approval of a resolution to quitclaim the Waterline, Fire Hydrant, and Appurtenances Easements located on the Rockwall Business East Subdivision that are no longer needed and take any action necessary.
 8. Consider authorizing the execution of custodial agreement with J.P. Morgan Chase and take any action necessary.
 9. Consider approval of a resolution authorizing execution of documents with American National Bank and take any action necessary.

108 **Councilmember Nielsen made a motion to approve the entire Consent Agenda (#s 1, 2, 3,**
109 **4, 5, 6, 7, 8, and 9). Councilmember Smith seconded the motion. The motion passed**
110 **unanimously (7 ayes to 0 nays).**

111
112 **V. APPOINTMENTS**

- 113
114
115
116
1. Appointment with the Planning and Zoning Chairman to discuss and answer any questions regarding cases on the agenda and related issues and take any action necessary.

117 **Phillip Herbst, Chairman of the Planning and Zoning Commission, came forth to offer**
118 **information related to the Planning and Zoning Commission's recommendations**
119 **associated with P&Z related items on tonight's council agenda. The council took no**
120 **formal action related to this agenda item.**

- 121
122
123
2. Appointment with Mr. Kevin Hall to discuss termination of the City Manager Agreement and take any action necessary.

124 **Mr. Kevin Hall**
125 **3133 Bourbon Street Circle**
126 **Rockwall, Texas**

127
128 **Mr. Hall came forth and thanked the council members for serving our community. He**
129 **indicated that he previously served on the Planning & Zoning Commission for four years.**
130 **He indicated he wishes to give accolades to Julie Couch for her 33 years of service to the**
131 **city, including her 18 years served as city manager. He offered compliments to staff**
132 **members and recognized the great job they do in their various city roles. He also**
133 **recognized numerous successful projects and accomplishments realized in Rockwall**
134 **over the course of the last twenty to thirty years as the city has grown.**

- 135
136
137
3. Appointment with Ronald Ruble to hear proposal related to water conservation and drought management and take any action necessary.

138 **Mayor Sweet indicated that this item will not be addressed this evening.**

139
140
141

142 VI. PUBLIC HEARING ITEMS

- 143
144 1. Z2011-023 - Hold a public hearing and consider approval of an
145 **ordinance** for a request by Tommy Yetts of Rockwall Marine for approval
146 of a Specific Use Permit (SUP) to allow for the expansion of a pre-existing
147 boat and trailer dealership (with accessory repair and storage) within (PD-
148 46) Planned Development No. 46 district, located at 2315 SH 276 and
149 being 2.19-acres overall to be comprised of all of Tract 2-7, Abstract 186,
150 J. A. Ramsey Survey (1.497-acres) and part of Tract 2, Abstract 186, J.
151 A. Ramsey Survey (0.694-acre), and take any action necessary. **(1st**
152 **Reading)**

153 **Planning Director Robert LaCroix provided background information related to this item**
154 **including the various components associated with this SUP request.**

155 **Mayor Sweet opened the public hearing and called the applicant forward.**

156 **Clark Staggs**
157 **1601 Seascape Court**
158 **Rockwall, Texas**

159 **Mr. Staggs came forth to indicate he is happy to answer any questions the council may**
160 **have on behalf of Mr. Yetts, the applicant.**

161 **There being no one to come forth and address the council related to this item, Mayor**
162 **Sweet then closed the public hearing.**

163 **Mayor Pro Tem Russo made a motion to approve this item. Councilmember White**
164 **seconded the motion.**

165 **The ordinance was read as follows:**

166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193

CITY OF ROCKWALL
ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW
FOR THE EXPANSION OF A BOAT AND TRAILER DEALERSHIP
WITH ACCESSORY REPAIR AND STORAGE WITHIN (PD-46)
PLANNED DEVELOPMENT NO. 46 DISTRICT ON A 2.19-ACRE
TRACT OF LAND COMPRISED OF ALL OF TRACT 2-7, ABSTRACT
186 J. A. RAMSEY SURVEY (1.497-ACRES) AND PART OF TRACT 2,
ABSTRACT 186, J. A. RAMSEY SURVEY (0.694-ACRE), LOCATED
AT 2315 STATE HWY 276, AND MORE SPECIFICALLY SHOWN IN
EXHIBIT "A"; 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 unanimously of Council (7 ayes to 0 nays).

- 194
195
196
197
198
199
2. Z2011-024 - Hold a public hearing and consider approval of an **ordinance** for a city-initiated request to amend the Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, relative to provisions for outside storage and/or display, and take any action necessary. **(1st Reading)**

200 **Planning Director Robert LaCroix offered background information related to this item.**

201
202 **Mayor Sweet opened the public hearing. There being no one to come forth and address**
203 **the Council, Mayor Sweet then closed the public hearing.**

204
205 **Councilmember Smith made a motion to approve this item. Mayor Pro Tem Russo**
206 **seconded the motion. The ordinance was read as follows:**

207
208
209
210

CITY OF ROCKWALL
ORDINANCE NO. 11-

211
212
213
214
215
216
217
218
219
220

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS
HERETOFORE AMENDED BY AMENDING ARTICLE IV.
PERMISSIBLE USES; 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; AND PROVIDING FOR AN
EFFECTIVE DATE.

221 **The motion passed by a vote of 7 ayes to 0 nays.**

222
223 **VII. SITE PLANS / PLATS**

- 224
225
226
227
228
229
230
231
1. MIS2011-010 - Discuss and consider approval of a request from Marcus Cummings of Drees Custom Homes for a variance from the (PD-70) Planned Development District No. 70 development standards specifically to allow a corner lot with fencing on the side property line adjacent to the street to be setback less than five (5) feet for Lot 9, Block E, and Lot 10, Block E, Stone Creek Addition located at 781 Featherstone and 778 Hanover Drive, respectively, and take any action necessary.

232 **Planning Director Robert LaCroix provided background information related to this item,**
233 **indicating that staff recommends approval of this item.**

234
235 **Councilmember Smith made a motion to approve MIS2011-010. Mayor Pro Tem Russo**
236 **seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.**

- 237
238
239
240
241
242
243
2. SP2011-014 - Discuss and consider a request by Jim Gahl of Gahl Architecture, Inc. for approval of variances to the Scenic Overlay district, in association with a site plan for Inwood National Bank, being a proposed 5,555-sf financial institution located on Lot 4, Carlisle Plaza Addition, being a 1.0664-acre tract zoned (C) Commercial district and located at 599 East IH-30 (formerly World Savings Bank), within the Scenic Overlay

244 district, and take any action necessary. (3/4 vote by City Council
245 required for approval)

246 **Planning Director Robert LaCroix indicated that this is the old World Savings and Loan**
247 **Bank and that the building has been vacant for quite some time now. The owner wants**
248 **to demolish the current structure and build a new bank in its place. He indicated that the**
249 **Planning & Zoning Commission and staff recommend approval of this item.**

250
251 **Mayor Pro Tem Russo made a motion to approve this item. Councilmember White**
252 **seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.**

253
254 **VIII. ACTION ITEMS**

- 255
256 1. Discuss and consider a proposal for two (2) hour parking regulations on
257 the 100 block of S. San Jacinto Street, and take any action necessary.

258 **Planning Director Robert LaCroix provided background information related to this item.**
259 **He indicated that the council previously instructed staff to inform nearby business**
260 **owners of this potential parking change and bring information back to council for further**
261 **consideration. Mr. LaCroix provided specifics regarding the opinions and preferences**
262 **given to staff by various business owners and property owners in this area regarding**
263 **this proposed parking change. Mr. LaCroix provided various options to the council with**
264 **regards to the parking along S. San Jacinto Street. He also indicated that business**
265 **owners in the audience may wish to speak to the council this evening regarding this item**
266 **if the council will allow such input.**

267
268 **Mayor Pro Tem Russo made a motion to approve moving forward with the 2 hour parking**
269 **designation as recommended by the Main Street Advisory Board. Councilmember**
270 **Nielsen seconded the motion.**

271
272 **Council members Sevier, Nielsen and Daniels asked some clarifying questions of staff**
273 **regarding this item.**

274
275 **After brief discussion, the motion passed by a vote of 7 ayes to 0 nays.**

- 276
277 2. Discuss and consider a request by John Dunn associated with the Lease
278 Agreement between the City and The Shores Country Club, LLC.
279 regarding a grassing plan and replacement of dead trees and take any
280 action necessary.

281 **Interim City Manager Rick Crowley provided brief background information related to this**
282 **item, indicating that Mr. Dunn is requesting certain variances associated with the**
283 **abovementioned lease agreement, specifically with regards to grassing and tree**
284 **requirements.**

285
286 **After brief discussion, Councilmember Smith made a motion to instruct the interim City**
287 **Manager to work with Mr. Dunn to accommodate his requests. Councilmember Nielsen**
288 **seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.**

- 289
290 3. Discuss and consider approval of a resolution terminating the City
291 Manager Agreement and take any action necessary.

292 City Attorney Pete Eckert provided brief background information related to this item,
293 indicating that members of the city council instructed him at the last meeting to draft the
294 resolution that is before the council for consideration this evening. Mayor Pro Tem
295 Russo then made a motion to approve the resolution. Councilmember Sevier seconded
296 the motion.

297
298 Councilmember Nielsen then spoke and asked that the comments she will read this
299 evening be inserted into the official minutes of this city council meeting. She then read
300 the following into the official minutes / record:

301
302 *Julie Couch has worked for the City of Rockwall for 33 years,*
303 *almost her whole adult life. For the past 18 years she has served as*
304 *City Manager. While many Council groups have come and gone,*
305 *Ms. Couch has been a constant, providing stability and leadership*
306 *within the function of municipal government.*

307
308 *She has assembled and led one of the finest management teams in*
309 *the State and is recognized as being one of the best City Managers*
310 *in Texas.*

311
312 *Despite a bitter economy, Rockwall has added new businesses like*
313 *Toyota and Costco, and popular restaurants like Free Birds, In and*
314 *Out Burger, and Campisis.*

315
316 *And, Downtown, has prospered and grown, becoming a vibrant and*
317 *strong economic base in the historic section of the City.*

318
319 *There's a long record of successes that occurred under Julie's*
320 *management because she has the vision, knowledge and*
321 *experience to get projects like the Harbor and the Medical Corridor*
322 *completed. Since there is no immediate increase in revenues, you*
323 *have to be able to look out 10 or 20 years to see the benefit to the*
324 *City.*

325
326 *Some Council's caught Julie's vision of how the projects would*
327 *benefit Rockwall in the long run and some didn't.*

328
329 *The hospital district, a prime example of a public/private*
330 *partnership, has been developed in the last six years.*

331
332 *A project of that size didn't just happen. Coordination among the*
333 *owner, developer, hospital development team, City Council and*
334 *REDC Board and 6 City departments was vital for the success of the*
335 *design, development and creation of the medical corridor. Julie*
336 *Couch, always poised and positive, was the central figure in the*
337 *success we are enjoying today.*

338
339 *Another project that has her signature all over it is the Harbor*
340 *District. The Harbor has a certified assessed value of \$76 million*
341 *dollars.*

342
343 *But, just a few years ago that property was valued at \$3,000,000.*

344
345 *It is now a thriving entertainment district with a fabulous hotel that*
346 *is doing well.*

347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401

The fountains, the docks, the lighthouse – all the elements that combined, make the Harbor a great point of public access to Lake Ray Hubbard - are because of Julie.

She's kept property taxes low in spite of large bond issues that were passed by the voters. New fire stations, a new animal service center, a new city hall, road projects, drainage projects and new neighborhood parks are but some of the major projects completed during her tenure.

Some voters clamor for an all paid Fire Department, others want no higher taxes – you can't have both, but under Ms. Couch's leadership, we have had the best of both worlds and taxes remained low.

Our Police Department has one of the lowest crime rates in the state. Julie was responsible for bringing Mark Moeller to Rockwall and with his background and experience Rockwall has a reliable and well trained department that attracts recruits from out of state. Last year 211 applications were received for only 4 positions. Rockwall is a good place to work.

Just a few short years ago, the City was in gridlock from rapid growth and few additional resources to manage it. The new mayor, Bill Cecil, along with the approval of the new Council, proposed a bond issue to build John King. Julie and her team constructed a seven mile road that met standards of regional TXDOT staff in four short years and the project came in under budget.

The road will soon be open all the way from 205 on the north to 205 on the south because Julie successfully negotiated with the railroad commission and department of transportation to keep the at ground railroad crossing and have TxDOT build the overpass on I-30.

Again, the vision for John King has changed from a state corridor between the north and south part of the City to a commercial corridor, ripe for economic development.

Statewide, she is well-known and respected. This coming year she is slated to be the president of the Texas City Managers Association, a division of the Texas Municipal League.

She is completely at ease testifying in front of state legislative committees and, her opinion is well respected by legislators.

She navigates the legal complexities of municipal government, picking and choosing her battles, which she seldom loses.

Her institutional knowledge is unparalleled. Fortunately, she developed a team of department heads that are already doubling down on their on-going responsibilities while they are picking up other duties to fill the void her departure has left.

402 *Julie's vision of Rockwall 20 or 50 years out will be so difficult to*
403 *replace. Whatever the decision tonight, here are some facts that*
404 *are indisputable.*

- 405
- 406
- 407 • *Since 2009 the tax rate has remained 50.31cents and unlike other*
- 408 *communities, assessed value of property within the City has*
- 409 *increased every year, now exceeding 3 billion 100 million dollars.*
- 410 • *Sales tax collections have risen each year since 1998.*
- 411 • *Our reserves are comfortable at 3.5 months.*
- 412 • *The City's annual audits are unqualified*
- 413 • *We been one of the fastest growing cities in the state and country*
- 414 *for several years.*
- 415 • *We were recently rated one of the top 10 places to live in the nation.*
- 416 • *We were recently ranked the top place for new job growth.*
- 417

418 *It seems to me the City, under Julie's management, is going in the*
419 *right direction and has been for some time.*

420

421 *So, I won't be supporting this resolution tonight because I cannot*
422 *fathom the new direction we should take.*

423

424 **Following Councilmember Nielsen's comments, Councilmember Daniels offered brief**
425 **input, indicating that he does not agree or support this personnel related resolution.**

426

427 **Councilmember Smith asked City Attorney Pete Eckert to speak to the Council's inability**
428 **to provide specific comments regarding this decision since certain contractual**
429 **obligations associated with this item have not yet been met. City Attorney Pete Eckert**
430 **indicated that the council will speak to this item through its action taken on the**
431 **resolution tonight. No additional comments on the part of the council are in order at this**
432 **time.**

433

434 **The motion passed by a vote of 5 ayes to 2 nays (Nielsen and Daniels).**

435

436 **At 7:13 p.m., Mayor Sweet recessed the public meeting and called for a brief break before**
437 **reconvening into Executive Session.**

438

439 **IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
440 **GOVERNMENT CODE TO DISCUSS:**

- 441
- 442 1. Deliberation regarding the purchase, exchange, lease, or value of real
- 443 property.
- 444 2. Personnel Issues, including Board, Commission, and Committee
- 445 Appointments, and Related Matters.
- 446 3. Commercial or financial information regarding business prospects that the
- 447 City seeks to have locate, stay, or expand in or near the territory of the
- 448 City of Rockwall and with which the Board is conducting economic
- 449 development negotiations.
- 450 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
- 451 with attorney with regard to a matter that it is the duty of the attorney to
- 452 consult with the Council pursuant to the Attorney Client Privilege under

453 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
454 Texas.

455 X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

456

457 The council took no action as a result of Executive Session.

458

459 XI. ADJOURNMENT

460

461 Mayor Sweet adjourned the meeting at 8:00 p.m.

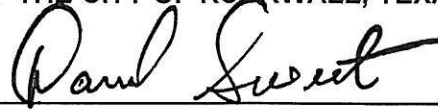
462

463

464 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this

465 5th day of December, 2011.

466



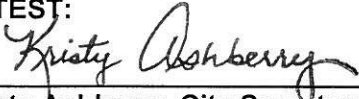
David Sweet, Mayor

467 ATTEST:

468

469

470



Kristy Ashberry, City Secretary



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

MINUTES
ROCKWALL CITY COUNCIL

Monday, December 05, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

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

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. 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.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See Executive Session held at the end of the public meeting for actions taken as a result of Executive Session.

IV. ADJOURNMENT


Executive Session was adjourned at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 19th day of December, 2011.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, December 05, 2011
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM RUSSO

Mayor Pro Tem Russo delivered the invocation and led the Pledge of Allegiance.

Mayor Sweet and City Secretary Kristy Ashberry then introduced members of the City's Youth Advisory Council who were guests at this evening's council meeting.

III. OPEN FORUM

Nell Welborn
810 Lakemeadows Circle
Rockwall, TX

Ms. Welborn came forth and indicated that she recently attended a meeting for which the guest speaker was a gentleman from the North Texas Municipal Water District (NTMWD). She is concerned that the average resident of the city likely does not realize the gravity of the drought situation and how negatively it is impacting our city's water supply. Ms. Welborn suggested the city consider halting issuance of building permits until the drought situation improves.

Clifton Kropp
1950 Creekside Drive
Rockwall, TX 75087

Mr. Kropp indicated he spoke a couple of weeks ago at the Planning & Zoning Commission where he advocated getting ball fields for youth in the community. He indicated that he coaches his son's team through the Rockwall Baseball Association (RBA) and expressed concerns about not having a sufficient number of practice fields for his five and six year old players to play on. He expressed knowledge of upcoming consideration of a proposed bond package. He asked the Council to consider not waiting to take action on this issue but instead starting something today that will allow more ball and practice fields to start being built in the city. He indicated that had he known ahead of time before moving to Rockwall that sufficient fields do not exist, he would have likely reconsidered moving to Rockwall.

There being no one else to come forth and speak, Mayor Sweet then closed the Open Forum.

96 IV. CONSENT AGENDA

- 97
- 98 1. Consider approval of the minutes from the November 21, 2011 regular
- 99 city council meeting, and take any action necessary.
- 100 2. Z2011-023 - Consider approval of an **ordinance** for a request by Tommy
- 101 Yetts of Rockwall Marine for approval of a Specific Use Permit (SUP) to
- 102 allow for the expansion of a pre-existing boat and trailer dealership (with
- 103 accessory repair and storage) within (PD-46) Planned Development No.
- 104 46 district, located at 2315 SH 276 and being 2.19-acres overall to be
- 105 comprised of all of Tract 2-7, Abstract 186, J. A. Ramsey Survey (1.497-
- 106 acres) and part of Tract 2, Abstract 186, J. A. Ramsey Survey (0.694-
- 107 acre), and take any action necessary. **(2nd Reading)**
- 108 3. Z2011-024 - Consider approval of an **ordinance** for a city-initiated
- 109 request to amend the Unified Development Code (Ord. No. 04-38),
- 110 specifically Article IV, Permissible Uses, relative to provisions for outside
- 111 storage and/or display, and take any action necessary. **(2nd Reading)**

112 **Councilmember Nielsen made a motion to approve the entire Consent Agenda (#1, 2 and**

113 **3). Councilmember Sevier seconded the motion. The ordinances were read as follows:**

114

115 CITY OF ROCKWALL

116 ORDINANCE NO. 11-46

117

118 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,

119 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY

120 OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO

121 GRANT A SPECIFIC USE PERMIT TO ALLOW FOR THE EXPANSION OF

122 A BOAT AND TRAILER DEALERSHIP WITH ACCESSORY REPAIR AND

123 STORAGE WITHIN (PD-46) PLANNED DEVELOPMENT NO. 46 DISTRICT

124 ON A 2.19-ACRE TRACT OF LAND COMPRISED OF ALL OF TRACT 2-7,

125 ABSTRACT 186 J. A. RAMSEY SURVEY (1.497-ACRES) AND PART OF

126 TRACT 2, ABSTRACT 186, J. A. RAMSEY SURVEY (0.694-ACRE),

127 LOCATED AT 2315 STATE HWY 276, AND MORE SPECIFICALLY

128 SHOWN IN EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS;

129 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF

130 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;

131 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A

132 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

133

134 CITY OF ROCKWALL

135 ORDINANCE NO. 11-47

136

137 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,

138 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-

139 38) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED BY

140 AMENDING ARTICLE IV. PERMISSIBLE USES; PROVIDING FOR A

141 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND

142 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A

143 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;

144 AND PROVIDING FOR AN EFFECTIVE DATE.

145

146 **The motion passed by a vote of 7 ayes to 0 nays.**

147

148

149 **V. APPOINTMENTS**

150
151 1. Appointment with the Planning and Zoning Chairman to discuss and
152 answer any questions regarding cases on the agenda and related issues
153 and take any action necessary.

154 **Chair of the Planning & Zoning Commission, Phillip Herbst, came forth and provided the**
155 **council with information regarding recommendations of the Commission relative to**
156 **planning related items on tonight's council agenda. The Council took no action related**
157 **to this item.**

158
159 2. Appointment with representative(s) of Pumpkin Patch to discuss report on
160 October 2011 Pumpkin Patch event and the use of Hotel Tax Funds, and
161 take any action necessary.

162 **Nell Welborn**
163 **810 Lakemeadows Circle**
164 **Rockwall, TX**

165
166 **Mrs. Welborn came forth representing Pumpkin Patch to provide the council with an**
167 **update on funds allocated by the city to the Pumpkin Patch and how those funds were**
168 **expended. She also provided information to the council relative to the event's visitors'**
169 **log, specifically the estimated number of out-of-town visitors who may have stayed**
170 **overnight in local hotels / motels. She briefly spoke about funds that were spent on**
171 **marketing and advertising.**

172
173 **Councilmember Sevier thanked Mrs. Welborn for her report.**

174
175 **Regarding potential competition, Mrs. Welborn indicated that it is her belief that many**
176 **attendees are repeatedly loyal to this particular pumpkin patch over the years.**

177
178 **The Council took no action related to this item.**

179
180 3. Appointment with Omega Hawkins, General Manager of STAR Transit, to
181 hear annual report and request for funding for the 2011-2012 budget year
182 and take any action necessary.

183 **Omega Hawkins, General Manager of STAR Transit, came forth to address the Council**
184 **regarding this item. She indicated that some 138,120 rides were given to members of the**
185 **public last year. About 20,043 of these were specifically in Rockwall County with over**
186 **18,000 of those trips occurring within the city limits of the City of Rockwall itself. She**
187 **generally indicated that riders travel on STAR for various reasons, including both social**
188 **and medical reasons. She briefly spoke about the nature of complaints sometimes**
189 **received from riders, some of which are related to dissatisfaction associated with ride**
190 **times offered. Ms. Hawkins also spoke about fuel and personnel related costs within**
191 **STAR's annual budget, amounts that make up a majority of annual expenditures. Ms.**
192 **Hawkins asked the city council to consider continuation of annual funding to STAR in the**
193 **amount of \$20,000.00.**

194
195 **Mayor Sweet indicated to Interim City Manager Rick Crowley that he would like to direct**
196 **staff to ensure future budget processes are modified slightly to allow, for example, STAR**

197 Transit to make its presentation to the Council for consideration of funding at or before
198 the city council's annual budget meetings.

199
200 Councilmember Nielsen then made a motion to approve funding to STAR Transit for the
201 2011-2012 budget year in the amount of \$20,000.00. Councilmember Sevier seconded the
202 motion.

203
204 Nielsen then amended her motion include the stipulation that in future years, STAR will
205 make its presentation regarding funding to the Rockwall City Council at or before its
206 annual budget proceedings and approval. Councilmember Sevier seconded the
207 amended motion.

208
209 Councilmember White suggested that the motion be amended a second time to include
210 authorization for the interim city manager to execute a contract with STAR on behalf of
211 the Council and city associated with the \$20,000.00 in funding granted this budget year.
212 Councilmember Nielsen agreed to include this action as a second amendment to her
213 original motion. Councilmember Sevier seconded the motion, as amended.

214
215 The motion passed by a vote of 7 ayes to 0 nays.

- 216
217 4. Appointment with Margie Hooper of the Rockwall Area Chamber of
218 Commerce to hear report on the 2011 "Rockin On The Docks" event and
219 take any action necessary.

220 Margie Hooper
221 President of the Rockwall Area Chamber of Commerce
222 697 E. Interstate IH-30
223 Rockwall, Texas

224
225 Mrs. Hooper came forth to provide the council with a report regarding the recent "Rockin'
226 on the Docks" event. She indicated that this is the fourth annual event of this type. Year
227 one made money; however, the last few years have not been profitable. She stated that
228 the Chamber Board will be reevaluating future Rockin' on the Docks events carefully
229 before deciding whether or not to hold the event in future years. She briefed the Council
230 on various marketing and media promotions that took place associated with promoting
231 this event beforehand.

232
233 Councilmember White indicated that he has a couple of concerns specifically related to
234 the expenditure and profit / loss statements. He asked for specifics related to what the
235 money was utilized for that the City of Rockwall contributed. He indicated that itemized
236 accounting of these types of allocated funds is required under state law and that the
237 funds can only be utilized for promotion and marketing of the event. Councilmember
238 White also expressed concern and dissatisfaction that he did not see any sort of
239 advertising mentioning the City of Rockwall being a sponsor for this event. He also
240 indicated that the website associated with this event did not advertise all hotel options
241 available and located within Rockwall. He indicated that LaQuinta and Super 8 were
242 missing from the list of options.

243
244 Mrs. Hooper acknowledged Councilmember White's comments and then expressed
245 appreciation for the funding that the City of Rockwall can and does contribute to the
246 Rockwall Area Chamber of Commerce.

247
248 Councilmember Smith and Mayor Sweet acknowledged Mrs. Hooper's upcoming
249 retirement and offered kudos to her for her work over the years associated with The
250 Chamber and for her service to the community.

251
252 The Council took no action related to this item.

253
254 5. Appointment with Ronald Ruble to hear proposal related to water
255 conservation and drought management and take any action necessary.

256 Roland Ruble came forth and indicated that his first name appears incorrectly on
257 tonight's council agenda (should read "Roland" in lieu of "Ronald").

258
259 Mr. Ruble generally expressed concern about the current water supply insufficiencies
260 and drought. He indicated that he has put a proposal forth to both council members and
261 the interim city manager related to consulting services associated with drought related
262 education and drought restriction compliance.

263
264 Interim City Manager Rick Crowley indicated that he has received Mr. Ruble's proposal,
265 as well as some additional proposals, and will take them into consideration. After brief
266 discussion, the council took no formal action related to this item.

267
268 6. Appointment with the Rockwall Youth Advisory Council (YAC) to hear
269 project proposal regarding youth volunteers and update on YAC and take
270 any action necessary.

271 Blake Dwyer and Kai Hassenyager, members of the Youth Advisory Council (YAC), came
272 forth to brief the council on recent activities in which the YAC has participated and to
273 explain general details associated with this school year's project proposal. They
274 explained that their project will include a marketing campaign to try and gain volunteer
275 service hours from youth in the community, service hours which will be contributed
276 towards fulfilling volunteer related needs of various city departments.

277
278 After brief discussion, Mayor Pro Tem Russo made a motion to approve the YAC's
279 project proposal for this school year. Councilmember Nielsen seconded the motion and
280 encouraged the YAC to utilize social media to promote youth volunteer opportunities
281 available through the city.

282
283 After brief comments from Councilmember Sevier, the motion passed by a vote of 7 ayes
284 to 0 nays.

285
286 VI. PUBLIC HEARING ITEMS

287
288 1. MIS2011-009 - Hold a public hearing and consider approval of a
289 resolution adopting the 2011 Rockwall Comprehensive Plan Update, and
290 take any action necessary.

291 Planning Director Robert LaCroix provided background information related to this item,
292 indicating that staff has been working with a committee and a consultant since early in
293 2010 to update this plan. He indicated that information related to the Comprehensive
294 Plan was preliminarily presented to the city council at its recent retreat. Two public
295 hearings at the Planning & Zoning Commission level were recently conducted and some

296 input from the community was received at those meetings. The city did exercise due
297 diligence in advertising public hearings via public notice, ENews and on the city's
298 website. LaCroix then provided an overview of various aspects associated with
299 suggested updates related to the city's Comprehensive Plan.
300

301 Councilmember Smith asked for details related to the number of citizens who provided
302 input on this plan at the previous public hearings. LaCroix indicated that five or six
303 people spoke at each of the two public hearings. Smith thanked members of the
304 committee who have worked on this plan.
305

306 Mayor Sweet then opened the public hearing.
307

308 Ross Ramsay
309 2235 Ridge Road
310 Rockwall, TX
311

312 Mr. Ramsay came forth and indicated that he did speak at a previous Planning & Zoning
313 Commission public hearing related to these proposed update to the city's
314 Comprehensive Plan. Mr. Ramsay generally expressed the belief that past city councils
315 have paid close attention to details associated with planning future development and
316 growth within the city, and he believes this document is a good document. He also
317 expressed confidence in the city's consultant, Dennis Wilson, and the city's own
318 planning and engineering staff. He offered brief comments related to urban design and
319 associated preservation of open space in order to mitigate flooding potential. He also
320 offered brief comments related to preservation of trees and open space as well as
321 landscaping and environmental quality. Mr. Ramsay encouraged the city council to not
322 veer too far away from the document that has been put forth for consideration at this
323 time. He urged the council to move forward with adopting this plan.
324

325 There being no one else to come forth and speak regarding this public hearing item,
326 Mayor Sweet then closed the public hearing.
327

328 Councilmember Smith made a motion to table this item until after the city council can
329 participate in a work session associated with this Comprehensive Plan. Councilmember
330 Daniels seconded the motion. Both Smith and Daniels expressed the belief that some
331 additional time and study of the plan would be beneficial prior to the council taking
332 action to approve proposed changes to the Comprehensive Plan.
333

334 Interim City Manager Rick Crowley suggested that the city council may wish to consider
335 holding a work session to discuss this topic in February.
336

337 Councilmember Smith then amended her motion to table this item for scheduling of a
338 work session within sixty days. Councilmember Daniels seconded this amended motion.
339

340 The motion passed unanimously of council (7 ayes to 0 nays).
341

- 342 2. Hold a public hearing to receive comments regarding continuing the
343 taxation of goods in transit as required by Senate Bill 1 and take any
344 action necessary.

345 Interim Rick Crowley indicated that this is a tax that the city already currently levies;
346 however, a decision needs to be made by the council at this time regarding continuation
347 of this tax in the future. Finance Director Mary Smith provided background information
348 related to this item, indicating that this tax is one that the city already charges; however,
349 recent legislation warrants that the city again make a decision to either continue or
350 discontinue assessing this tax to goods in transit. She explained that this tax is related
351 to goods in transit that are stored within the city and will ultimately be sold within the
352 State of Texas. The tax is paid by the warehouse owner who typically passes along the
353 cost to the buyer. The city currently collects just over \$55,000 from this tax, funds which
354 the city will cease to collect if the council chooses to discontinue this tax; however, the
355 amount of taxes collected by the city in the future could be as much as up to an
356 estimated \$221,000 annually. If the council does not take action, the ability for the city to
357 assess this tax will lapse and it will discontinue being assessed. She explained that this
358 is not a 'triple freeport' tax sometimes utilized by the REDC, that it is in fact a different
359 tax.

360
361 Interim City Manager Rick Crowley offered brief comments, indicating that the city's
362 decision regarding assessing this tax or not in the future needs to be made by the
363 Council before the end of this calendar year.

364
365 Councilmember Sevier made a motion to table this item until the council can receive
366 some additional information and then discuss and consider this item at the December 19
367 regular council meeting.

368
369 Mayor Sweet then opened the public hearing. Councilmember Sevier offered a motion to
370 continue the public hearing until the December 19, 2011 regular city council meeting.
371 Mayor Pro Tem Russo seconded the motion. After brief input from Mayor Sweet and
372 Councilmember Daniels, the motion passed by a vote of 7 ayes to 0 nays.

373
374 **VII. SITE PLANS / PLATS**

- 375
376 1. SP2011-016 - Discuss and consider a request by Scott Self of Pro Soap,
377 Inc., for approval of a variance to the Architectural Standards of the IH-30
378 Overlay district, specifically to allow for a 1500-sf metal building on the
379 property located at 1830 E IH-30, being 1.92-acres zoned (LI) Light
380 Industrial district and described as Tract 9-2, Abstract 134, J. Lockhart
381 Survey, and take any action necessary. (Note: 3/4 vote by City Council
382 required for approval)

383 Planning Director Robert LaCroix provided background information related to this item
384 and associated variance request by Mr. Self, indicating that a ¾ majority vote of the
385 council for approval. LaCroix offered a description of the existing main building and
386 accessory building currently located on the property.

387
388 **Mr. Self**

389 Resides at: 319 Harbor View Drive Rockwall, TX
390 Business (Pro Soap) is located at: 1830 IH-30 Rockwall, TX

391
392 Mr. Self came forth and offered explanatory comments relative to his variance request.
393 He indicated that this accessory building would be used to construct a new sail boat and

394 then to store boats thereafter. Visually, the proposed new building façade would match
395 the existing Pro Soap building and accessory building.
396

397 After Mr. Self's comments, Mayor Pro Tem Russo made a motion to approve SP2011-016.
398 Councilmember White seconded the motion. The motion passed by a vote of 7 ayes to 0
399 nays.
400

401 VIII. ACTION ITEMS

- 402 1. Discuss and consider adoption of a resolution relating to the approval of
403 taxation of goods in transit and take any action necessary.
404

405 Mayor Sweet skipped over this item on the agenda, indicating that the council will not
406 take action relative to this item until after the public hearing is held and closed at the
407 December 19 council meeting.

- 408 2. Discuss and consider scheduling a public meeting to receive input
409 regarding State Highway 66 'locally preferred alignment' and take any
410 action necessary.

411 Interim City Manager Rick Crowley provided background information related to this item,
412 indicating that staff previously discussed this issue with the council at its recent retreat.
413 Staff is now ready to move forward with setting a date to receive public input related to
414 the 'locally preferred alignment.' It is desirable to hold this public input meeting
415 sometime in January, perhaps on an 'off' council meeting Monday.
416

417 The Council took no action related to this item.
418

419 IX. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, 420 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

- 421 1. Departmental Reports
422 Recreation Monthly Report - October 2011
423 Harbor PD Monthly Report - October 2011
424 Internal Operations Department Monthly Report - October 2011
425 Police Department Monthly Report - October 2011
426 Fire Department Monthly Report - October 2011
427 Building Inspections Monthly Report - October 2011
428 iManager's Report (Interim City Manager)
429

- 430 2. City Manager's Report
431

432 Interim City Manager Rick Crowley provided brief comments relative to the City
433 Manager's report and other departmental reports included in the council members'
434 packets. He indicated that work is about to begin on the Automated Weather
435 Observation System (AWOS) at the airport. The FAA does not interpose any objections
436 to the agreement with Mr. Peoples. Also, staff has been working with TXDOT and is
437 evaluating possible grant funding to address drainage concerns at the airport. In
438 addition, Finance staff will be working on the upcoming annual audit. Also, upgrades to
439 the radio system will soon occur and have been funded by grants.
440

441 Crowley also expressed that staff is evaluating funding and approval for solar powered
442 flashing lights to be placed at the intersection of John King Boulevard at SH-66. The

443 state has deemed that this intersection does not currently meet state qualifications for
444 warranting approval of a full traffic signal light installation at this time. However, staff
445 believes that these types of flashing lights may be approved by the state and may help
446 improve safety at this intersection.

447
448 Councilmember Sevier provided brief follow up comments related to potentially
449 dangerous intersections along the new John King Boulevard, indicating that the City of
450 Rockwall has been very proactive in trying to ensure appropriate steps are taken to help
451 minimize safety concerns. Mayor Sweet offered follow up comments echoing
452 Councilmember Sevier's comments related to this matter.

453
454 General discussion took place related to scheduling a special meeting in January to
455 discuss the realignment of SH-66.

456
457 Mary Smith, Finance Director, briefly commented about the upcoming city audit, which
458 she indicates begins next week. Work will begin on Wednesday and will last about two
459 weeks. She asked that the council members fill out and submit audit related paperwork
460 that was recently sent to them.

461
462 Mayor Sweet offered general positive comments relative to members of the Youth
463 Advisory Council (YAC) and the city staff who works with them. He then recessed the
464 public meeting back into Executive Session after a short break.

465
466 **X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
467 **GOVERNMENT CODE TO DISCUSS:**

- 468
469 1. Deliberation regarding the purchase, exchange, lease, or value of real
470 property.
- 471 2. Personnel Issues, including Board, Commission, and Committee
472 Appointments, and Related Matters.
- 473 3. Commercial or financial information regarding business prospects that the
474 City seeks to have locate, stay, or expand in or near the territory of the
475 City of Rockwall and with which the Board is conducting economic
476 development negotiations.
- 477 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
478 with attorney with regard to a matter that it is the duty of the attorney to
479 consult with the Council pursuant to the Attorney Client Privilege under
480 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
481 Texas.

482 **XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
483

484 The Council came out of Executive Session and reconvened the public meeting at 9:20
485 p.m. Mayor Sweet made a motion to increase the Interim City Manager's salary by
486 \$833.00 per month and to authorize the Mayor to execute the necessary written request
487 to affect this change. Councilmember Smith seconded the motion, which passed
488 unanimously of council (7 ayes to 0 nays).

489
490 Mayor Pro Tem Russo made a motion to authorize the Interim City Manager to execute a
491 contract for purchase of a building and land for a municipal court building subject to

492 legal review in the amount of \$719,000.00. Bennie Daniels seconded the motion. The
493 motion passed unanimously of council (7 ayes to 0 nays).
494

495 XII. ADJOURNMENT
496

497 Mayor Sweet adjourned the meeting at 9:23 p.m.
498

499
500 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this
501 19th day of December, 2011.
502

503 ATTEST:

504 *Kristy Ashberry*
505
506 Kristy Ashberry, City Secretary
507

Paul Sweet

David Sweet, Mayor



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

MINUTES
ROCKWALL CITY COUNCIL
Monday, December 19, 2011
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

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

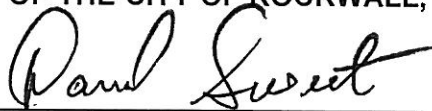
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. 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 pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See public meeting minutes below for actions taken out of Executive Session.

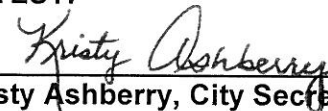
IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 3rd day of January, 2012.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

**MINUTES
ROCKWALL CITY COUNCIL**

Monday, December 19, 2011

6:00 p.m. Regular Meeting

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

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert.

Mayor Pro Tem Russo made a motion to authorize the interim city manager and the Rockwall Economic Development Corporation (REDC) liaison to work with the REDC to pursue a grant for retaining a consultant to conduct a feasibility study for the Rockwall Municipal Airport, with the city participating in selection of the consultant. Councilmember Sevier seconded the motion. The motion passed unanimously of council (7 ayes to 0 nays).

Mayor Pro Tem Russo made a motion to approve the deal points with Aqua Texas subject to negotiation of a detailed contract to include the acquisition of the non-sewered area in Lake Rockwall Estates at a price not to exceed \$200 per lot. Councilmember Smith seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

Mayor Pro Tem Russo also made a motion to make the following reappointments to boards, commissions and committees as follows:

reappoint Dr. David Loftis and Dr. Kurt Avery to the Animal Adoption Center / Shelter Advisory Committee each with a term to expire in August of 2013;

reappoint Glen Carr to the Building and Standards Commission with a term to expire in August of 2013;

reappoint Janice Johnson to the Historic Preservation Advisory Board with a term to expire in August of 2013;

reappoint Michael Adrian, SuLaine Callaway, Chris Cameron, & Deidra Roe to the Main Street Advisory Board each with a term to expire in January of 2014;

reappoint Dr. Frank Miller to Central Appraisal District Board for a two year term; and

reappoint Bennie Daniels to the Fire Department Pension Board with a term starting in January of 2012 and expiring in January of 2014.

Councilmember Smith seconded the motion, which passed unanimously of council (7 ayes 0 nays).

96 **II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE**

97
98 **Councilmember White delivered the invocation and led the Pledge of Allegiance.**

99
100 **III. CONSENT AGENDA**

- 101
102 1. Consider approval of the minutes from the December 5, 2011 regular city
103 council meeting, and take any action necessary.
- 104 2. Consider renewal of the Interlocal Agreement with Rockwall County for
105 Subdivision Regulation within the City of Rockwall's Extra Territorial
106 Jurisdiction (ETJ) and take any action necessary.
- 107 3. Consider a recommendation by the Park Board to remove the skate park
108 from Harry Myers Park and take any action necessary.
- 109 4. P2011-020 - Discuss and consider a request by Robert S. Whittle of
110 Mariah Bay Development, Inc., Heath Golf and Yacht Club, and Rockwall
111 Hotel and Conference Group, Inc., and Fredric Smith, representing TF-
112 Harbor, LLC, for approval of a replat of Lots 1 and 2, Block A, The Harbor
113 - Rockwall Addition, and an unplatted 8.139-acre tract located in Abstract
114 11, M. J. Barksdale Survey, being 31.5797-acres overall zoned (PD-7)
115 Planned Development No. 7 district and (PD-32) Planned Development
116 No. 32 district, and generally situated along the northwest side of
117 Summer Lee Drive south of IH-30 and west of Lakefront Trail, and take
118 any action necessary.
- 119 5. Consider award of bid for the SH-66 Sanitary Sewer Replacement
120 Project, East of Clark, in the amount of \$39,695.00 to be paid for out of
121 wastewater operating funds and take any action necessary.

122 **Councilmember Nielsen pulled item # 5 from the Consent Agenda. Thereafter,**
123 **Councilmember Nielsen made a motion to approve all remaining items (#1, 2, 3, and 4).**
124 **Councilmember White seconded the motion. The motion passed unanimously of Council**
125 **(7 ayes to 0 nays).**

126
127 **Councilmember Nielsen indicated that the interim city manager has asked that Consent**
128 **Agenda Item #5 not be addressed by the city council tonight. As such, no action was**
129 **taken by Council related to the item at this time.**

130
131 **IV. APPOINTMENTS**

- 132
133 1. Appointment with Rockwall Economic Development Corporation (REDC)
134 President Sheri Franza to hear report on 2011 REDC Executive Summary
135 and take any action necessary.

136 **Sheri Franza**
137 **President of the REDC**
138 **697 East IH-30**
139 **Rockwall, Texas**

140
141 **Mrs. Franza came forth and briefed the council on the 2011 REDC Executive Summary,**
142 **including information related to accomplishments achieved and focus areas for goals**
143 **and objectives moving forward into the coming year. Franza indicated that a Quality of**

144 Life Master Plan for the Rockwall Technology Park is forthcoming in 2012. She also
145 spoke of key business expansions occurring in the Tech Park, expansions which will add
146 about \$35 million to the local tax base.

147
148 Councilmember Smith and Mayor Sweet thanked Mrs. Franza and her board for the work
149 they have done and the positive impacts they have made.

150
151 The Council took no action related to this item.

152
153 **V. PUBLIC HEARING ITEMS**

- 154
155 1. Continue a public hearing to receive comments regarding continuing the
156 taxation of goods in transit as required by Senate Bill 1 and take any
157 action necessary.

158 Finance Director Mary Smith provided brief background information related to this item,
159 clarifying answers to some outstanding concerns previously expressed by the Council.

160
161 Mayor Sweet then opened continuation of this public hearing. There being no one to
162 come forth and speak, Mayor Sweet then closed the public hearing. The Council took no
163 action related to this public hearing item at this point in the agenda.

164
165 **VI. ACTION ITEMS**

- 166
167 1. Discuss and consider a request from Mr. Shawn Smith with Olive Garden
168 for a height and size variance for a monument sign located at 1043 IH 30,
169 and take any action necessary.

170 Building Official Jeffrey Widmer provided background information related to this item,
171 indicating that staff has provided the Council with previous, somewhat similar decisions
172 made with regards to sign variances granted along the IH-30 service road. In addition, he
173 pointed out that the city's current sign ordinance does allow for an applicant to seek a
174 variance from the city council with regards to signage of this type.

175
176 Shawn Smith
177 Olive Garden
178 6001 Nimtz Parkway
179 Southbend, Indiana 46628

180
181 Mayor Sweet and Councilmember Smith asked staff some clarification questions.

182
183 Mayor Pro Tem Russo then made a motion to approve the variance request as presented.
184 Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

- 185
186 2. Discuss and consider adoption of a resolution relating to the approval of
187 taxation of goods in transit and take any action necessary.

188 Councilmember Nielsen made a motion to approve the resolution as presented.
189 Councilmember Sevier seconded the motion. Mayor Pro Tem Russo indicated some
190 concerns as related to his understanding that the City of Fate is choosing to not continue
191 on with this tax. Therefore, he believes the City of Rockwall continuing on with imposing

192 this tax will put our city at a competitive disadvantage. For these reasons, he expressed
193 he will not support approval of the resolution.

194 Councilmember Smith asked Finance Director Mary Smith a series of questions,
195 including issues surrounding non-approval of this resolution and associated impacts on
196 local revenues and local taxpaying residents.

197 After additional, brief comments from Sweet and Sevier, the motion passed by a vote of 5
198 ayes to 2 nays (Russo and White).

199 3. Discuss and consider scheduling a special council meeting / work session
200 associated with review of the city's Comprehensive Plan and take any
201 action necessary.

202 Interim City Manager Rick Crowley provided introductory comments related to this
203 agenda item, offering various options to the City Council with regards to scheduling of
204 this special meeting.

205
206 Mayor Sweet and Councilmember Sevier both indicated that a preference to hold this
207 special meeting on January 30 in conjunction with the meeting already scheduled to
208 receive public input on the 'locally preferred' realignment of SH-66. It was indicated that
209 the Comprehensive Plan Work Session will be scheduled to begin at 4:00 p.m. with the
210 public input regarding SH-66 to start at 6:00 p.m.

211
212 4. Discuss and consider amending the animal control ordinance to provide
213 for a maximum number of animals for foster homes, and take any action
214 necessary.

215 Mayor Pro Tem Russo provided background information related to this item, as he is the
216 council member who requested discussion of this matter take place. He generally
217 indicated that he would like to adjust the city's animal ordinance to allow those fostering
218 animals have up to seven (7) animals, in total / in combination (mixture of dogs and cats)
219 at one time.

220 Councilmember Nielsen expressed concern regarding the suggested number of seven.

221 Councilmember Sevier indicated that he has concerns about too many animals in one
222 household potentially becoming a nuisance to neighbors adjacent to those who foster.

223 Councilmember Smith generally expressed support for increasing the total number of
224 allowable animals up to four; however, she has concerns about increasing it up to seven
225 animals.

226 Councilmember White asked some clarifying questions of staff, and Mayor Pro Tem
227 Russo offered clarifying comments thereafter related to his logic associated with this
228 request.

229 Councilmember Nielsen then offered a compromise. She asked if Mayor Pro Tem Russo
230 will settle for a total of five animals rather than seven.

231 Mayor Pro Tem Russo made a motion to amend the existing Animal control Ordinance to
232 increase the number of allowable animals for those who foster animals from four up to
233 five (in any species combination) with the understanding that those fostering should be
234 in good standing with the city and not be in arrears regarding any taxes or other
235 liabilities due to the city and to instruct staff to move forward with such ordinance
236 amendment. Nielsen seconded the motion.

237 Councilmember Daniels expressed concern regarding increasing the number of
238 allowable animals for those who foster. He generally expressed that he has concerns
239 related to the size of the animals that might be fostered and nuisances such as
240 unpleasant smell that might come with, for example, five large dogs in a resident's back
241 yard.

242 Councilmember Nielsen generally spoke about guidelines that could be in place to help
243 ensure that no one, for example, has five large dogs at any one home. She encouraged
244 that she believes this amendment could serve to help the foster program.

245 Councilmember Smith then expressed that although she is not open to increasing the
246 number of allowable animals to five, she is open to adjusting the wording currently
247 stated in the ordinance. She suggested the 'combination' of no more than three of one
248 species and one of the other species, for a total of four be modified to simply allow a
249 total of up to four animals total (either dogs or cats in any combination).

250 Mayor Sweet offered input regarding the issue, generally indicating that he would like to
251 support the foster program and help with overcrowding concerns at the shelter. He
252 indicated that this is a very important subject matter to focus on and that he may be okay
253 with supporting an increase up to five, rather than four, animals for those who foster. He
254 expressed that he is not in support of the original suggestion of increasing allowable
255 animals up to a total of seven.

256 After additional discussion, Mayor Pro Tem Russo clarified that the motion on the floor is
257 to have a total of up to five animals for those who foster, including no more than three of
258 any one species and two of the other type of species. The motion then passed by a vote
259 of 4 in favor and 3 against (White, Daniels and Sevier).

260 5. Discuss and consider audio streaming of boards and commissions
261 meetings that are held in the council chambers, and take any action
262 necessary.

263 Mayor Pro Tem Russo made a motion to direct staff to implement this change and begin
264 streaming board / commission meetings of those boards whose meetings are held in the
265 Council Chambers. Councilmember White seconded the motion. After brief discussion,
266 the motion passed by a vote of 7 ayes to 0 nays.

267 6. Discuss and consider concerns associated with noise at The Harbor and
268 in the area of The Harbor, and take any action necessary.

269 Councilmember Daniels indicated that he has concerns related to this topic and does not
270 want concerns of this nature to fall off the radar screen. He lives in the Lakeside Village
271 subdivision, which is across IH-30 from The Harbor, and sometimes he can hear music
272 coming from The Harbor. He feels that, out of consideration for nearby residents living
273 in adjacent neighborhoods, this issue and concerns of this nature should continue to be
274 evaluated and addressed proactively by staff and council.

275 Interim City Manager Rick Crowley then offered brief comments related to possible
276 means of managing noise and possibly hiring a noise related consultant to advise the
277 city on this matter.

278 Councilmember Daniels encouraged staff to consider conveying to nearby neighborhood
279 residents that staff is aware of their concerns and is working to address their concerns in
280 a proactive manner.

281 Mr. Crowley suggested a quarterly reminder be issued by staff to businesses located at
282 The Harbor regarding noise and the necessity of limiting negative impacts of such noise.

283 Crowley indicated that staff would like a period of thirty days or so to speak with a noise-
284 related consultant previously retained by the city to provide guidance and advice related
285 to noise issues. Within that timeframe, he expressed the belief that a more firm cost
286 associated with possibly retaining the consultant to help advise the city regarding noise
287 at The Harbor can be obtained and brought back to Council for consideration.

288 After additional discussion, the council took no formal action related to this item at this
289 time.

290 7. Discuss and consider Capital Improvement Planning (CIP) information to
291 be provided to the Council in January 2012 and take any action
292 necessary.

293 The Council took no action related to this item. Interim City Manager Rick Crowley
294 indicated that Information related to the individual CIP project proposals as well as any
295 appropriate economy related information will be brought before the Council for further
296 consideration in January.
297

298 At 7:04 p.m., Mayor Sweet recessed the public meeting back into Executive Session.
299

300 VII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
301 GOVERNMENT CODE TO DISCUSS:

- 302 1. Deliberation regarding the purchase, exchange, lease, or value of real property.
303 2. Personnel Issues, including Board, Commission, and Committee Appointments,
304 and Related Matters.
305 3. Commercial or financial information regarding business prospects that the City
306 seeks to have locate, stay, or expand in or near the territory of the City of
307 Rockwall and with which the Board is conducting economic development
308 negotiations.
309 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
310 attorney with regard to a matter that it is the duty of the attorney to consult with
311 the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary
312 Rules of Professional Conduct of the State Bar of Texas.

313 VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
314

315 The Council came out of Executive Session and Mayor Sweet reconvened the public
316 meeting at 7:15 p.m. Mayor Pro Tem Russo made a motion to reappoint Sandra Solomon
317 to the Rockwall Animal Adoption Center / Shelter Advisory Committee with a term to
318 expire in August of 2013. Councilmember Daniels seconded the motion, which passed
319 unanimously of Council (7 ayes to 0 nays).
320

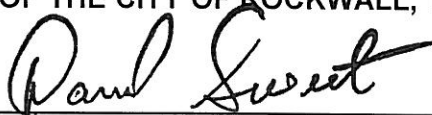
321 IX. ADJOURNMENT
322

323 The meeting was adjourned at 7:16 p.m.
324

325 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
326 this 3rd day of January, 2012.

327

328 ATTEST:
329



David Sweet, Mayor

330
331

Kristy Ashberry

Kristy Ashberry, City Secretary

