

CITY OF ROCKWALL
205 West Rust
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 93-34-Z Filing Fee 210.00 Date AUGUST 23, 1993

Applicant G.M. HOUSER, INC. Phone 771-5926

Mailing Address: GERALD HOUSER
P.O. Box 847
Rockwall TEXAS

LEGAL DESCRIPTION OF PROPERTY SOUGHT TO BE REZONED: (If additional space is needed for description, the description may be put on a separate sheet and attached hereto.)1

SEE ATTACHED SHEET

I hereby request that the above described property be changed from its present zoning which is

Light Industrial District Classification to

Heavy Commercial District Classification for the following reasons: (attach separate sheet if necessary)

There (are) (are not) deed restrictions pertaining to the intended use of the property.

2
Status of Applicant Owner Tenant

Prospective Purchaser _____

I have attached hereto as Exhibit "A" a plat showing the property which is the subject of this requested zoning change and have read the following concerning the importance of my submitting to the City a sufficient legal description.

Signed Gerald Houser

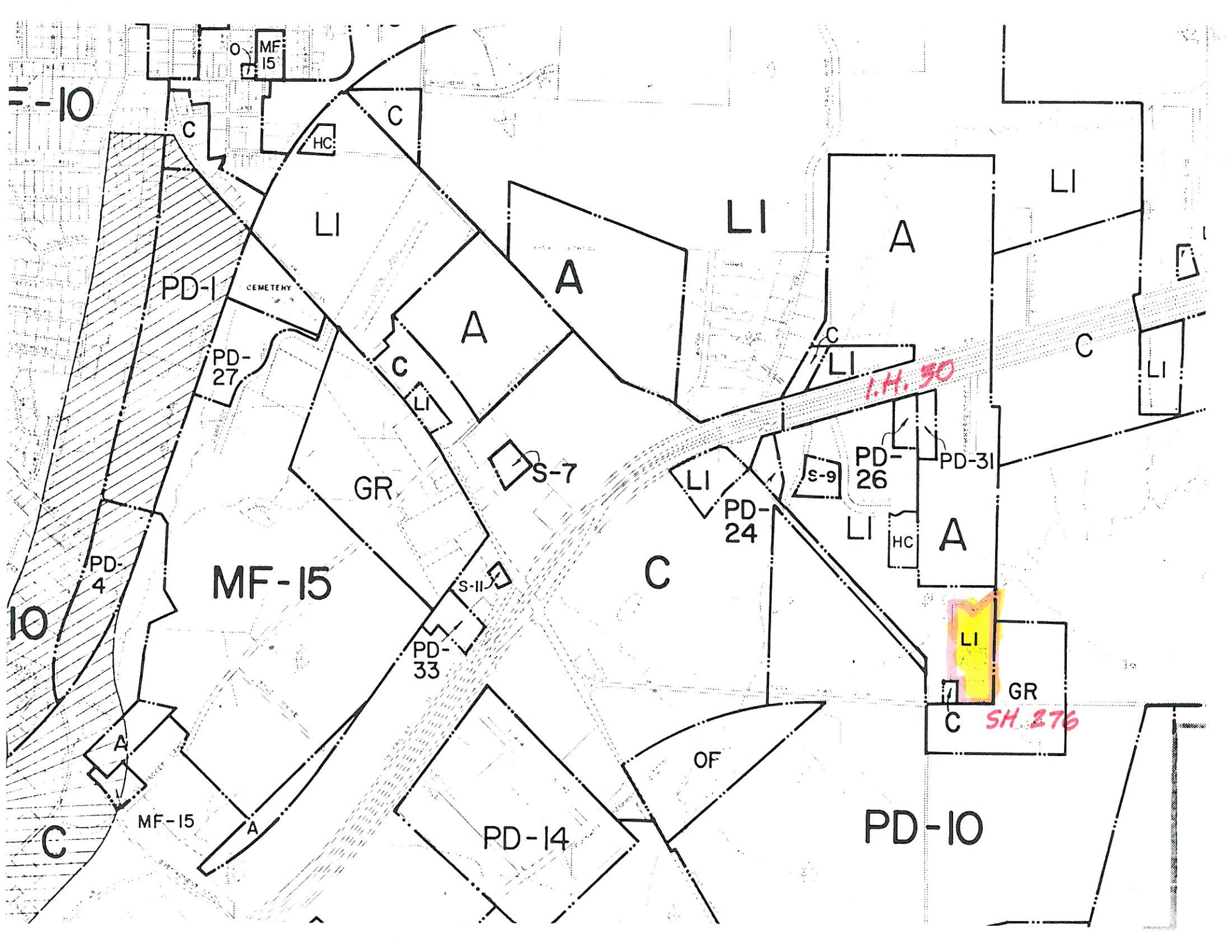
Note:

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The legal description is used to publish notice of the required hearing and in the preparation of the final ordinance granting the zoning change. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each applicant should protect himself by having a surveyor or his attorney approve his legal description. Failure to do so by the applicant may result in delay in passage of the final ordinance or the ordinance being declared invalid at some later date because of an insufficient legal description.

2

If the applicant is someone other than the owner, written acknowledgement by the owner of the zoning request must also be submitted.



-10

10

MF-15

HC

LI

C

PD-1

CEMETERY

A

LI

A

LI

PD-27

A

LI

PD-26

PD-31

C

LI

S-7

LI

S-9

PD-24

LI

HC

A

MF-15

GR

C

PD-4

S-11

PD-33

LI

GR

C

SH 276

OF

PD-14

PD-10

MF-15

A

WHEREAS, G.M. Houser, Inc. is the owner of a tract of land situated in the N.M. Ballard Survey, Abstract No. 24, Rockwall County, Texas, and being a part of that 10.50 acre tract of land conveyed to Robert J. Evans, Jr., by deed recorded in Volume 164, Page 497, Deed Records, Rockwall County, Texas, and being that 6.1898 acre tract of land conveyed to G.M. Houser, Inc., by deed recorded in Volume 103, Page 791, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod found on the North line of State Highway 276 and at the Southeast corner of said 10.50 acre tract;
THENCE: South 87° 49' 41" West a distance of 79.12 feet along the North line of said highway to an iron rod found for a corner of said 10.50 acre tract;
THENCE: North 2° 35' 41" West a distance of 185.00 feet to an iron rod found for a corner of said 10.50 acre tract;
THENCE: South 87° 19' 26" West a distance of 286.84 feet along the most Northerly South line of said 10.50 acre tract to an iron rod set for a corner;
THENCE: North 0° 21' 16" East leaving said South line, traversing said 10.50 acre tract, and passing at 640.00 feet an iron rod set as a reference point and continuing a total distance of 679.98 feet to an iron rod set for a corner on the North line of said 10.50 acre tract and in the center of Buffalo Creek;
THENCE: With the meanders of Buffalo Creek and the North lines of said 10.50 acre tract as follows: North 86° 58' 02" East a distance of 100.39 feet to an iron rod set for a corner; South 62° 29' 12" East a distance of 114.34 feet to an iron rod set for a corner; North 59° 58' 38" East a distance of 55.78 feet to an iron rod set for a corner; North 19° 17' 07" East a distance of 61.05 feet to an iron rod set for a corner; North 67° 02' 01" East a distance of 68.09 feet to an iron rod set for a corner; and South 72° 52' 50" East a distance of 44.49 feet to an iron rod set at the Northeast corner of said 10.50 acre tract;
THENCE: South 0° 21' 16" West a distance of 899.90 feet along the East line of said 10.50 acre tract to the Point of Beginning and Containing 6.1898 Acres of Land.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS: THAT G.M. Houser, Inc., being owner, does hereby adopt this plat designating the hereinabove described property as HOUSER ADDITION, Rockwall County, Texas, and does hereby dedicate to the public use forever the streets and alleys shown thereon, and does hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths, or improvements which in any way endanger or interfere with construction or efficiency of their respective system on any of these easement strips; and any public utility shall have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.

No house, dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until such time as the developer has complied with all requirements of the Platting Ordinance of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, drainage structures, and storm sewers, all according to the specifications of the City of Rockwall.

WITNESS MY HAND at Rockwall, Texas, this 9 day of January, 1985.

By: Gerald Houser
Gerald Houser, President

G.M. HOUSER, INC.
Attest: Don Glen Notary Public
Rockwall County Texas

SURVEYOR'S CERTIFICATE

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS: That I, Harold L. Evans, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

Harold L. Evans
Harold L. Evans, P.E., Registered Public Surveyor No. 2146



STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on the 12 day of December, 1984, by Harold L. Evans.

Don Whitte
Notary Public
Commission expires 5-26-85



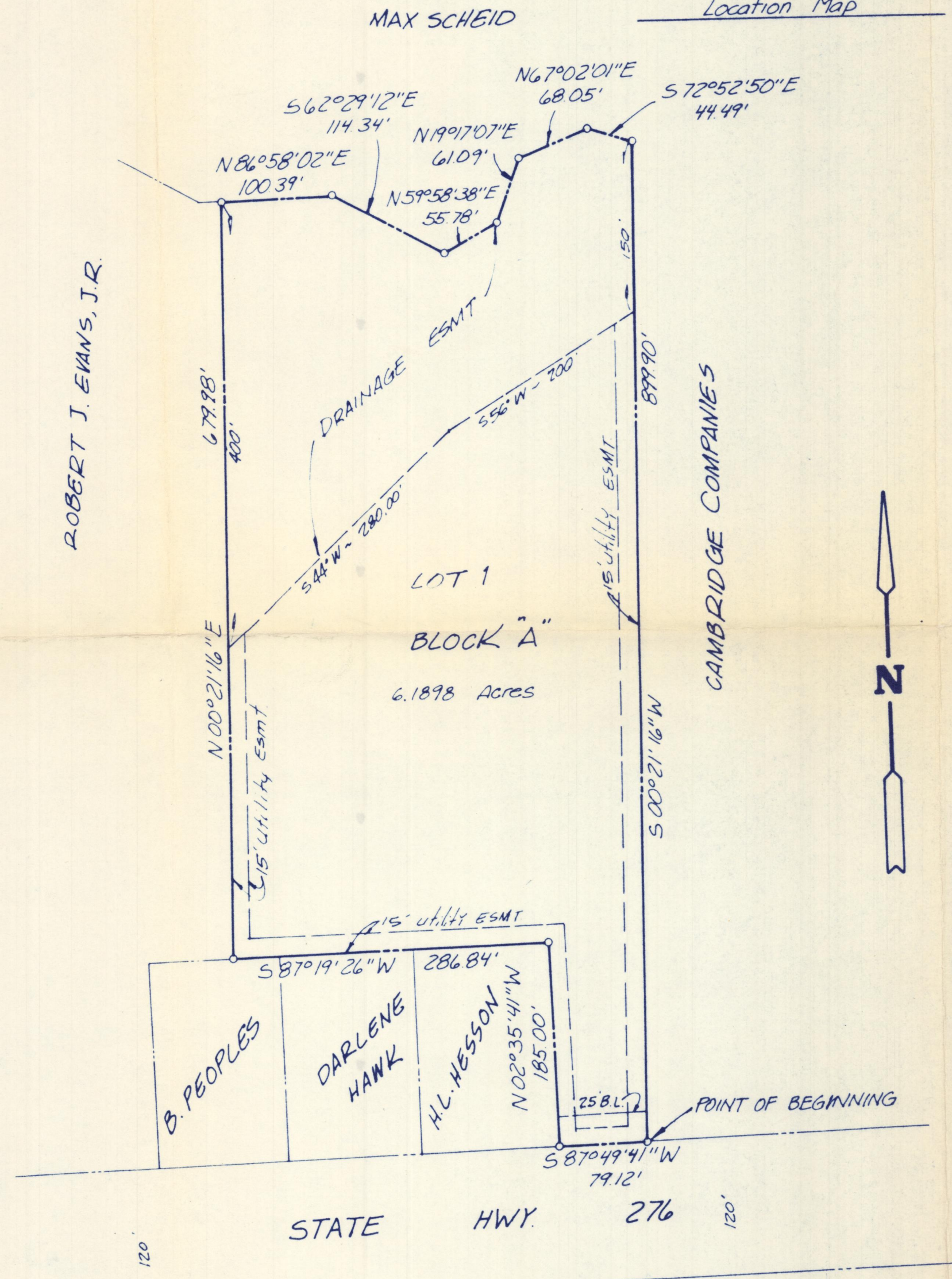
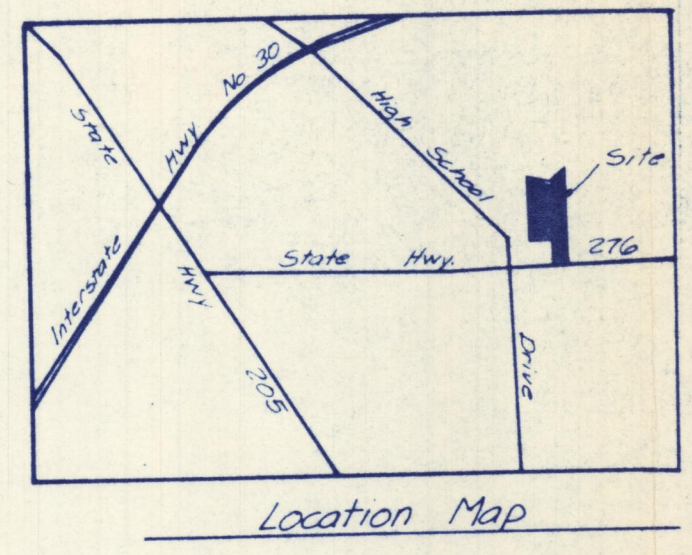
RECOMMENDED FOR FINAL APPROVAL:

William
City Administrator

Date: 11/8/84

The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permitted therefor located, nor shall such approval constitute any representation, assurance or guarantee by the City of the quantity and quality of water for general use and fire protection within such plat, as required under Ordinance 83-54.

Filed 11/15/85
B-174



APPROVED:
J.P.O.
Chairman, Planning and Zoning Commission

Date: 11/8/84

I hereby certify that the above and foregoing plat of HOUSER ADDITION, an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the 3 day of December, 1984.

WITNESS OUR HANDS this 11 day of December, 1984.

Mayor
MAYOR

Julie Cook
CITY SECRETARY, CITY OF ROCKWALL

HAROLD L. EVANS
CONSULTING ENGINEER
2331 GUS THOMASSON RD. SUITE 102
DALLAS, TEXAS 75228
PHONE (214) 328-8133

SCALE	DATE	JOB NO.
1"=100'	9/13/84	84241

HOUSER ADDITION
N.M. BALLARD SURVEY ABST. NO. 24
OWNER: G.M. HOUSER INC. PO Box 748 Rockwall, TX 75087
ROCKWALL, ROCKWALL COUNTY, TEXAS

LEGAL DESCRIPTION

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CITY OF ROCKWALL

FINANCE, PUBLIC SERVICES, & INSPECTION OFFICES

205 WEST RUSK

ROCKWALL, TEXAS 75087

PHONE NUMBER: 214/771-7700

FAX NUMBER: 214/771-7728

DATE:

8-25-93

NUMBER OF PAGES (INCLUDING COVER PAGE)

5

TO:

NAME:

Dan Boutwell

COMPANY:

PRG

FAX NUMBER:

1-817-451-9553

FROM:

Denise LaRue

CITY OF ROCKWALL

MESSAGE (IF ANY):

Pg 2 Case

IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CONTACT FAX OPERATOR:

NAME:

- THANK YOU.

CITY OF ROCKWALL
205 West Rust
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. _____ Filing Fee 210.00 Date August 23, 1993

Applicant G.M. Houser, Inc. Phone 771-5926

Mailing Address: GERALD HOUSER
P.O. Box 847
Rockwall TEXAS

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Prospective Purchaser _____

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PLANNING AND ZONING COMMISSION
ZONING CHANGE FACT SHEET

Case No: P&Z 84-40-Z

Applicant: G. M. Houser, Inc.

Location of Property: SH-276 east of Old Terrell Road

Acreage: 6.1898

Current Zoning: Agricultural

Surrounding Zoning: GR to east and south

Requested Zoning: Light Industrial

Reason for Request: Concrete Plant

Notices: Sent: 6

Favorable: 0

Unfavorable: 0

Description: Houser is petitioning for annexation of his tract on SH-276 for relocating his concrete plant off SH-205. This would require Light Industrial Zoning with a Conditional Use Permit.

Staff Comments: We have no objections to this rezoning.

Planning and Zoning Commission Recommendations:

3/8/84 - Approval with tank pond improved and paved lot maintained.

Council Decision:

4/2/84 - Approve

CONDITIONAL USE PERMIT
FACT SHEET

Case No.: 84-40-CUP

Applicant: G. M. Houser, Inc.

Location of Property: SH-276 east of old Terrell Road

Current Zoning: Agricultural - Asking for Light Industrial

Surrounding Zoning: General Retail

Proposed Use: Concrete Plant

Reason for Request: to establish zoning after annexation to allow
moving concrete plant off SH-205

Notices: Sent: 6

Favorable: 0

Unfavorable: 0

Additional Information: Houser is petitioning for annexation of his tract on SH-276 for relocating his concrete plant off SH-205. This would require Light Industrial zoning with a Conditional Use Permit.

Staff Comments: You might want to request screening from SH-276.

Planning and Zoning Commission Recommendations:

3/8/84 - Approved with tank pond improved and paved lot maintained.

City Council Decision:

4/2/84 - Approve with stock tank clean and parking lot paved

AUGUST 23, 1993

TO: CITY OF ROCKWALL (PROPOSED ZONING CHANGE)

ON AUGUST 19, 1993 I WENT TO THE CENTRAL APPRAISAL DISTRICT AND ROCKWALL COUNTY TAX OFFICE AND PAID ALL TAXES CURRENT ON THE SH 276 HOUSER ADDITION LOT 1 B.

Gerald Houser

TAX STATEMENT / RECEIPT

FORM BECOMES RECEIPT WHEN VALIDATED
RETURN ALL COPIES WITH REMITTANCE FOR PROPER CREDIT
100% RATIO TAXES ARE DUE OCT. 1st AND BECOME DELINQUENT FEB 1st

1992 PAYMENT RECEIPT

K. FELDPAUSCH TAX COLLECTOR
ROCKWALL COUNTY
101 SOUTH FANNIN
ROCKWALL, TX 75087

MKT-PROD.-LAND	TAX CEILING OVER 65	MORT. CO. 2325
LAND PRODUCTIVITY		
LAND-OTHER		
HOMESITE LAND		
HOMESITE IMPR	R18265	
IMPR-OTHER	4007-000A-0001-00-0R	
OTHER	1611 SH276 HOUSER ADDN LOT 1 B	
TOTAL-ASSESSED	LR A 2 190 AC	

TAXING UNIT	EXEMPTIONS (SEE REVERSE SIDE FOR CODES)	TAXABLE	TAX RATE	ORIGINAL TAX
ROCKWALL, TX 75087	PAID			
ROCKWALL COUNTY	AUG 18 1993	198,910		394.36
ROCKWALL COUNTY TAX ASSESSOR COLLECTOR				

HOUSER G M INC
P O BOX 847
ROCKWALL, TX 75087

AMOUNT PAID	IF TAXES ARE PAID IN	LESS (-) DISCOUNT OR PLUS (+) PENALTY INTEREST	TOTAL TAXES DUE
CHECK NO. 526.00			
DATE PAID			
RECEIVED BY 08/19/93		BALANCE DUE	0.00

RI 0942 1 1

REDFORM 81808 Central Appraisal District/Rockwall

RECEIPT

DATE Aug 19 1993 No. 8671

RECEIVED FROM G. M. Houser

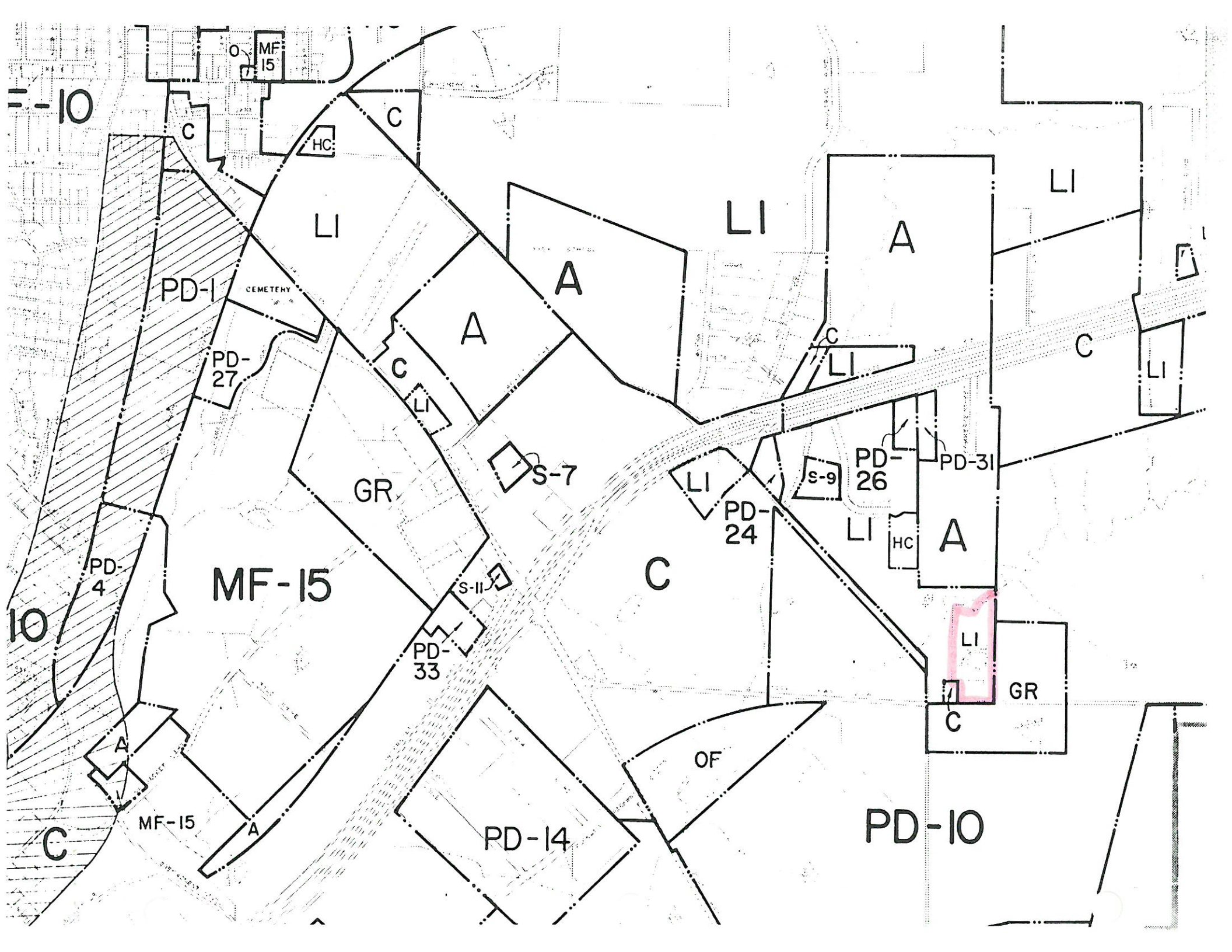
ADDRESS _____

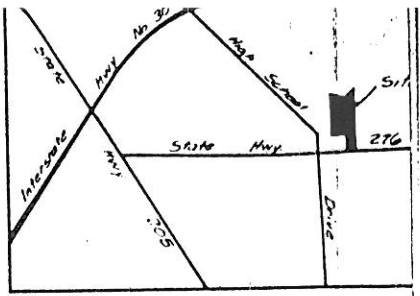
DOLLARS \$ 3362.66

FOR City & School taxes (1992)

ACCOUNT		HOW PAID	
AMT OF ACCOUNT		CASH	<input checked="" type="checkbox"/>
AMT PAID		CHECK	
BALANCE DUE		MONEY ORDER	

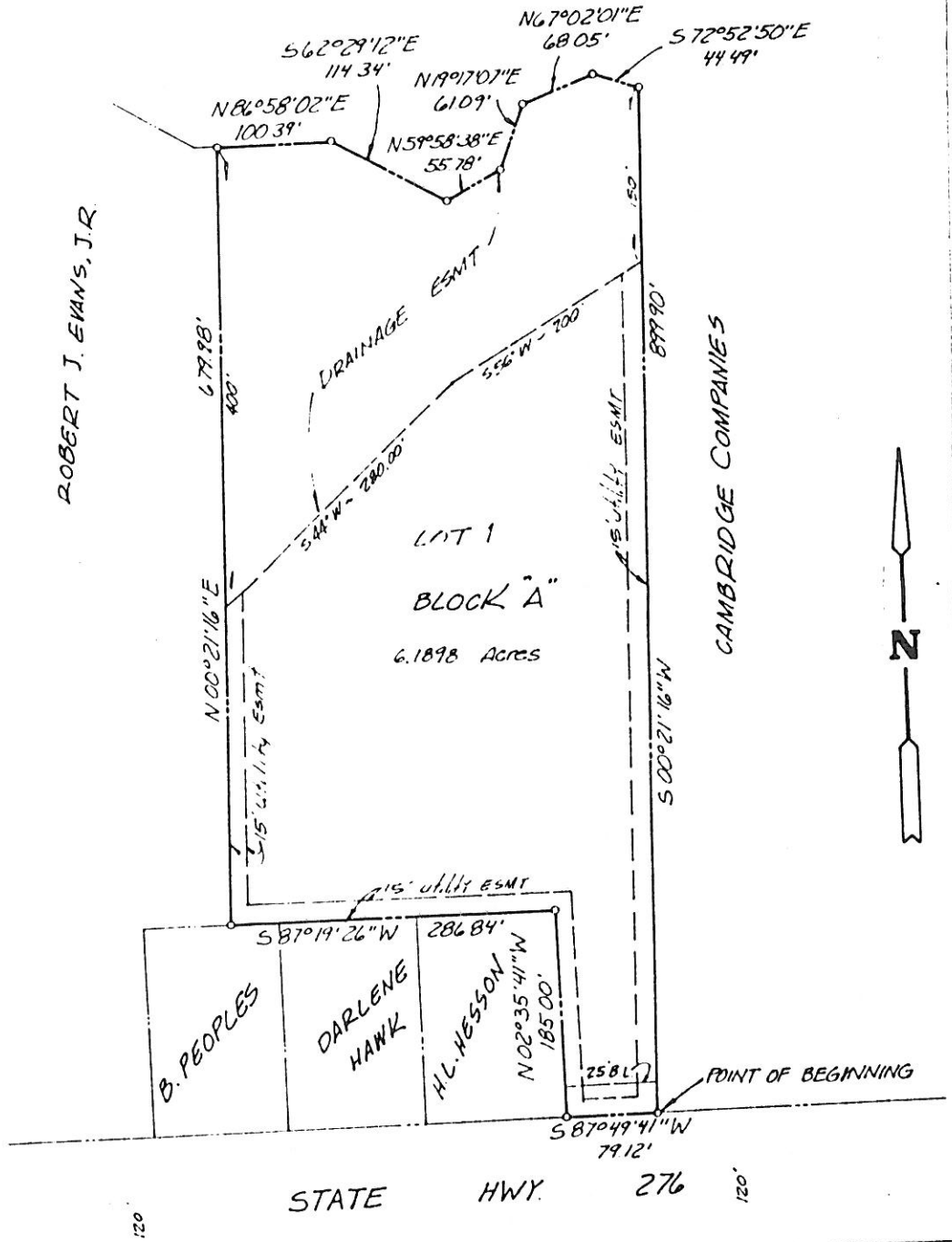
BY Phyllis Phillips





MAX SCHEID

Location Map



APPROVED:

JFO

Chairman, Planning and Zoning Commission

Date:

11/8/84

I hereby certify that the above and foregoing plat of HOUSER ADDITION, an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the 3 day of December, 1984.

WITNESS OUR HANDS this 11 day of December, 1984.

[Signatures]

**AGENDA
PLANNING AND ZONING COMMISSION
WORK SESSION
CITY HALL
205 WEST RUSK
August 26, 1993
7:00 P.M.**

I Work Session Items

- A. Site plan and replat for Lake Point Health Service Center of Rockwall located on FM-740
- B. Rezoning from "LI" Light Industrial to "HC" Heavy Commercial on a tract of land located on SH 276
- C. Discuss PD Review Process

II Adjournment

CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date: September 9, 1993

Agenda No: III. B.

Agenda Item: P&Z 93-34-Z - Hold Public Hearing and Consider Recommending Approval of a Request from Gerald Houser for a Change in Zoning from "LI" Light Industrial to "HC" Heavy Commercial on a Tract of Landf Located on SH-276 East of SH-205

Item Generated By: Applicant, Gerald Houser

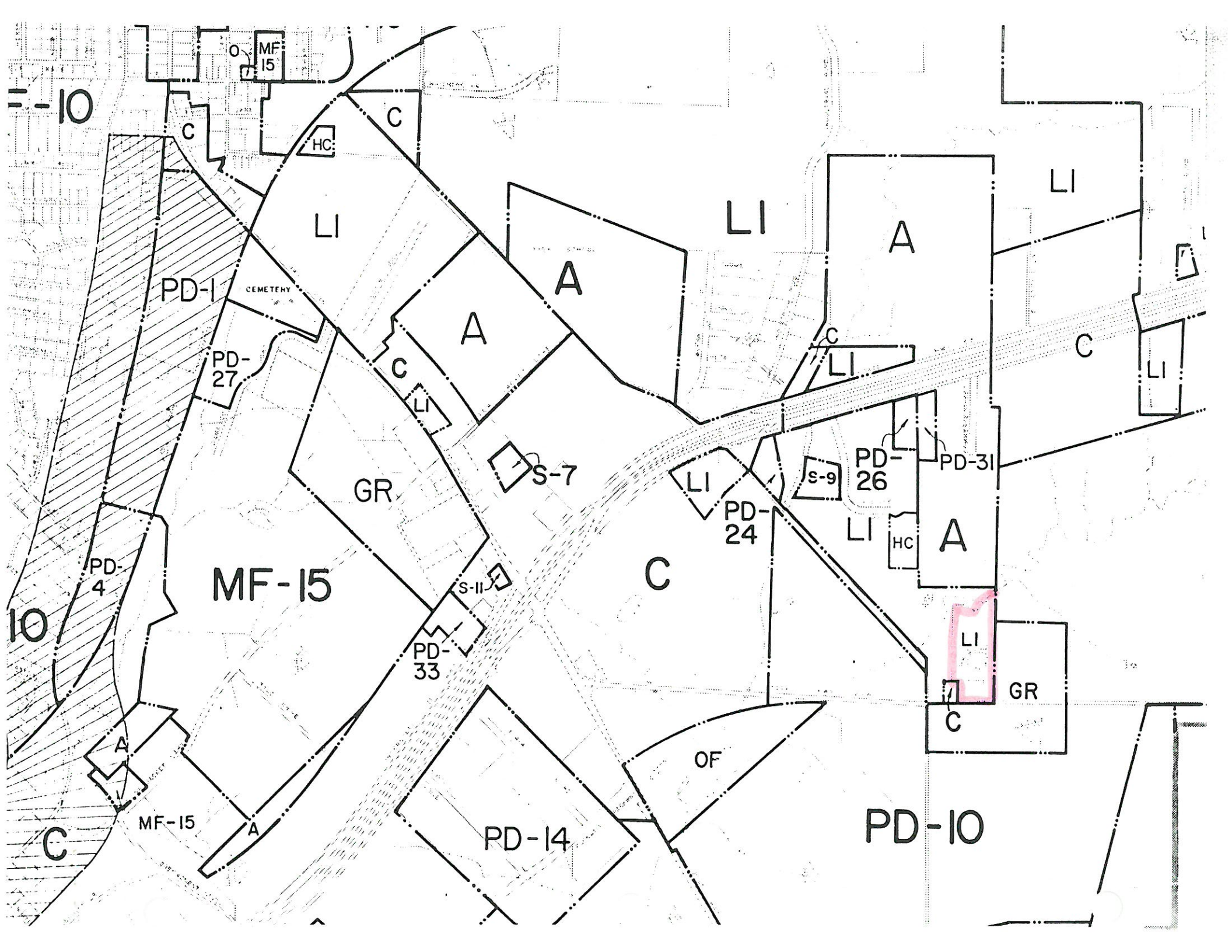
Action Needed: Hold public hearing and take any necessary action.

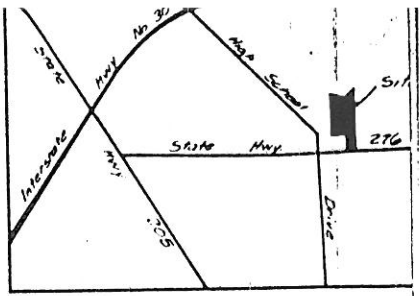
Background Information:

Mr. Houser has submitted a request for a change in zoning on his property located on SH-276 east of High School Road. The property is currently zoned LI with a CUP for a concrete plant. A building was constructed on the site some years ago but the batch plant was never moved to this site. Mr. Houser has a prospective tenant for the site to use it for a trucking operation, similar to Texas Express. In order to use the property for this use the property must be zoned either Heavy Commercial or Highway Commercial. There are several other locations in the area that are zoned Heavy Commercial and this site has only 60 feet of frontage on SH-276. Given the location and the surrounding uses we see no problem with the request. Attached is a location map of the site.

Attachments:

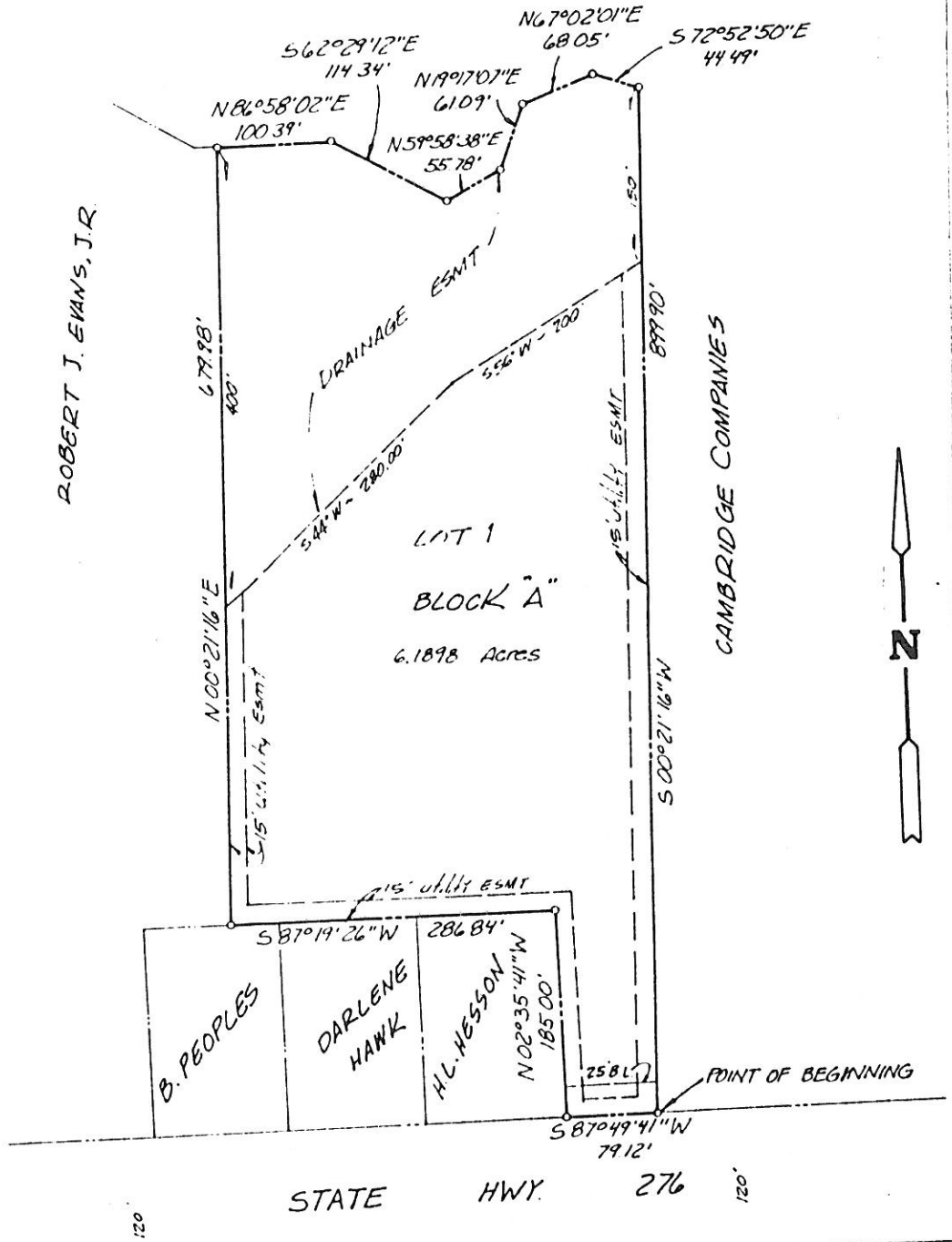
1. Location Map





MAX SCHEID

Location Map



APPROVED:

JFO

Chairman, Planning and Zoning Commission

Date:

11/8/84

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[Signatures]

MINUTES OF THE ROCKWALL CITY COUNCIL
SEPTEMBER 20, 1993

Call to Order

Mayor Alma Williams called the meeting to order with the following Council Members present: Dale Morgan, Jack Pappa, Todd White, Bruce Oppermann, George Hatfield, and Nell Welborn.

Consent Agenda

a) Minutes of September 7, 1993

b) Consider Approval of a Resolution Declaring the Month of October as Crime Prevention Month

Oppermann made a motion to approve the consent agenda. Pappa seconded the motion. Welborn requested 2 changes be made in the minutes of September 7, 1993. Page 2, 1st line, should indicate that a resolution was proposed to be passed establishing an open forum and these were amendments to that resolution. Line 95 should show Welborn's motion as including the tax rate of 39 cents per \$100 assessed valuation, which represented no increase over last year's rate. The motion was voted on and passed unanimously.

Appointments/Public Hearings

a) Hold a Public Hearing Regarding Recommendations of the Lakeshore/Summit Ridge Task Force and Take Any Necessary Action

Couch reviewed the recommendations made by the Lakeshore/Summit Ridge Task Force. Williams opened the public hearing.

Ruth Peck, member of Lakeshore/Summit Ridge Task Force, expressed concerns about new information in a memorandum provided by Tim Schomin.

Jerry Moore, 1005 Alta Vista Court, expressed concerns about the City Council's objectives in dealing with the Lakeshore/Summit Ridge traffic issues and traffic volume issues.

Penny Ross, 312 Summit Ridge, spoke in favor of the task force recommendations.

Gale Kildoff, 306 Summit Ridge, expressed concerns about the vehicle speed on Lakeshore/Summit Ridge.

Clayton Fox, 303 Shoretrail, presented information on traffic count data.

Ken Dickson, 205 Meadowdale, expressed opposition to the task force recommendations.

50 Judy Dickson, 205 Meadowdale, indicated that she is in favor of making changes to address the traffic problems, but would like to see changes phased in over time, beginning with stop signs.

Sharon Hillgartner, a member of the Lakeshore/Summit Ridge Task Force, spoke in favor of the task force recommendations.

55 Greg Weaver, 604 Stonebridge Drive, commended the City Council and task force and expressed concerns about the traffic problems.

60 Gloria Williams, 304 Emma Jane Street, expressed concerns about the impact of traffic improvements on her home.

Jake Moser, 405 Forest Trace, expressed concerns about how the proposed changes would look.

65 Laura Carr, 310 Summit Ridge, commended the Council and task force for their work toward improving the traffic situation. Carr expressed concerns about the safety of children on Lakeshore/Summit Ridge.

Tim Schomin, 220 Summit Ridge, expressed favor for the recommendations of the task force.

70 Stan Archer, Lakeshore Drive, expressed favor for improving the traffic situation.

Leon Tuttle, 603 Stonebridge Drive, served on the task force, and expressed concern for the traffic problems.

75 Williams closed the public hearing. Mayor Williams suggested a City Council worksession be scheduled for Monday, September 27, 1993 to discuss the task force's recommendations.

b) Appointment with the Planning and Zoning Commission Chairman

80 Pat Friend, newly elected Vice-Chairman of the Planning and Zoning Commission, indicated that the commission unanimously recommended approval of an ordinance granting a request from Gerald Houser for a Change in Zoning from Light Industrial to Heavy Commercial.

85 c) PZ-93-34-Z - Hold a Public Hearing and Consider Approval of an Ordinance Granting a Request from Gerald Houser for a Change in Zoning from Light Industrial to Heavy Commercial on a Tract of Land Located on SH-276 East of SH-205 and More Particularly Described as Lot 1, Block A, Houser Edition

90 Couch indicated that the site is requested to be used for a trucking operation. She indicated that she sees no problems with the request.

Williams opened the public hearing. Gerald Houser reviewed his request. White moved to approve the zoning request. Pappa seconded the motion. The motion was voted on and passed unanimously.

95 d) Appointment with a Representative from the Board of Adjustments Regarding the Banner Provision of the Sign Ordinance and Take Any Necessary Action

100 Jim Buttgen addressed the City Council regarding complaints about banners hanging throughout the City. Buttgen expressed the desire of the Board of Adjustments to rewrite a portion of the sign ordinance to address the enforcement of the banner provision. Williams expressed to Mr. Buttgen that the City Council will be glad to consider any recommendations the Board of Adjustments would like to make.

105 **City Manager's Report**

110 Julie Couch reviewed several items. The first item is the possibility of rate reduction based on the number of participants for EAS telephone service. Couch indicated that the original stipulation for EAS service does not mention a reduction in rates of any kind. The second item is the upcoming refunding of North Texas Municipal Water District contract bonds. Couch indicated that it would be advantageous for the City to have the bonds refinanced. The third item concerned municipal court fines. The municipal court fines have been revised to bring them in line with fines assessed by other cities and to recover fines owed to the City. White expressed concern about the particular fines established for certain offenses. Couch also indicated that the worksession on SH-205 has been scheduled for Wednesday, September 22, 1993.

115 **Action/Discussion Items**

120 a) Discuss and Consider Authorizing the Staff to Proceed with the Selection of an Engineering Firm for the Design of a One Million Gallon Overhead Storage Tank

Couch outlined the staff's proposal. Welborn moved that the staff be authorized to proceed with the selection of an engineering firm for the design of a one million gallon overhead storage tank. Pappa seconded the motion. The motion was voted on and passed unanimously.

125 b) Discuss and Consider Action on a Recommendation of the Parks and Recreation Board Regarding Response to the City of Dallas for Input in the Development of Dallas' Dalrock Park

130 Rick Crowley reviewed the Parks and Recreation Board's recommendation. Hatfield made a motion to write a letter to the City of Dallas in opposition to the RV Park proposed for Dalrock Park. Oppermann seconded the motion. The motion was voted on and passed with Pappa voting against. Pappa felt a stronger message should be sent to the City of Dallas and that a resolution was warranted.

135 c) Discuss and Consider Action Regarding the TU Steering Committee Recommendation Concerning Partial Settlement of Docket 11735

Couch reviewed the recommendation of the TU Steering Committee. Welborn moved approval of the recommendation of the TU Steering Committee concerning partial settlement of Docket 11735. Morgan seconded the motion. The motion was voted on and passed unanimously.

140 d) Discuss and Consider Approval of Bid for Cement Treated Base

Hatfield moved approval of a bid for Texas Industries, Inc. of Coppell for cement treated base. White seconded the motion. The motion was voted on and passed unanimously.

145 e) Discuss and Consider Approval of Bid for Hot Mix Asphalt

150 White moved to approve a bid for Glenn Thurman, Inc. for 20 ton hauls for paver and street dumps and FOB on the plant and that APAC Texas, Inc. be awarded the bid for 12 ton hauls for Hot Mix Asphalt. The motion was seconded by Morgan. The motion was voted on and passed unanimously.

f) Discuss and consider Approval of Bid for White Rock

155 White moved to approve a bid for McKinney Crushing Company for White Rock Flex Base and Statewide Trucking Corporation/Jacobs Transportation, Inc. for hauling the White Rock. The motion was seconded by Hatfield. Welborn moved to amend the motion to indicate that hauling was awarded to Statewide Trucking Company by a drawing of lots. The motion was voted on and passed unanimously.

160 **Hold Executive Session Under Article 6252-17 V.A.C.S.**

165 The City Council convened into executive session at 8:55 p.m. to discuss litigation regarding Wayne Whitman vs. The City of Rockwall, potential litigation regarding the airport, personnel regarding appointments to the Christmas Committee, and land acquisition for future expansion

Take Any Necessary Action as a Result of the Executive Session

170 The City Council reconvened into regular session at 9:34 p.m. Williams announced that no action would be taken.

Adjournment

175 The City Council adjourned at 9:35 p.m.

APPROVED:

ATTEST:

180

**MINUTES OF THE ROCKWALL CITY COUNCIL
OCTOBER 4, 1993**

Call to Order

5

Mayor Alma Williams called the meeting to order at 7:00 p.m. with the following Council Members present: Dale Morgan, Jack Pappa, Todd White, Bruce Oppermann, George Hatfield, and Nell Welborn.

10

Open Forum

Virgil Wood, 208 Glenn Avenue, indicated his opposition to the Lakeshore/Summit Ridge Task Force recommendations.

15

Donald Watkins, 212 Summit Ridge, presented a petition to the Council in opposition to the impediments recommended by the Lakeshore/Summit Ridge Task Force.

Essie Maynard, 211 Summit Ridge Drive, expressed opposition to recommendations of the Lakeshore/Summit Ridge Task Force.

20

Opal Watkins, 212 Summit Ridge, expressed opposition to implementing changes if the City is not certain they will solve the traffic problems.

Mr. Rose expressed opposition to the task force recommendations.

25

Bruce Beatty, 212 Rockbrook, one block south of Summit Ridge, expressed concern about use of stop signs because they are not traffic control devices. Beatty's concern is the possibility of an increase in traffic accidents.

30

Ron Matney, 602 Lake Meadow, indicated he is in favor of usage of stop signs. Matney provided the City Council with a copy of a handbill he passed out to his neighbors.

Greg Herring, 604 Stonebridge Circle, expressed support for the impediments, citing concern for the traffic problems.

35

Ken Dickson, 205 Meadowdale, expressed concerns about citizens who were not contacted to participate on the Task Force and the work of the traffic consultant.

Presentation of Plaques to Outgoing Board and Commission Members

40

Mayor Williams presented appreciation plaques to outgoing board and commission members.

Consent Agenda

45 a) Minutes of September 20 and 27, 1993

b) Consider Approval of a Resolution Designating October 11 - 16 as "Behind the Badge" Week

50 c) Consider a Resolution Approving Three (3) Separate Resolutions Authorizing the Issuance, Sale and Delivery of North Texas Municipal Water District Sewage Treatment Services Contract Revenue Refunding Bonds, Series 1993

55 d) P & Z 93-34-Z - Consider Approval of an Ordinance Granting a Request from Gerald Houser for a Change in Zoning from Light Industrial to Heavy Commercial on a Tract of Land Located on HWY-276 East of HWY-205 and More particularly Described as Lot 1, Block A, Houser Addition (2nd Reading)

60 Couch indicated a change to the September 27, 1993 City Council meeting minutes which was to add a motion. The motion was made by Hatfield and seconded by Pappa to approve the recommendations of the task force, item 13, which was the slippage on the side streets, inclusion of stop signs. The motion was made and passed with Oppermann voting against.

65 For the September 20, 1993 minutes several changes were suggested. Pappa indicated an incorrect spelling of the last name of Ken and Judy Dickson. Williams indicated a misspelling of the last name of Tim Schomin. White indicated on line 131 that the motion voted on should indicate that it passed. Couch read the ordinance captions.

Oppermann made a motion to approve the consent agenda. Morgan seconded the motion.

70 The motion was voted on and passed with six in favor and Pappa abstaining. Pappa indicated he had not reviewed the minutes, therefore, abstained from voting.

Appointments/Public Hearings

75 a) Hold a Public Hearing Regarding the Proposed Assessment for Street Improvements to Yellowjacket Lane and Consider Approval of an Ordinance Levying the Assessments (1st Reading)

80 Pete Eckert, Rockwall City Attorney, Cowles and Thompson, 901 Main Street, Dallas, Texas, gave an overview of the assessment process. Eckert indicated that public notice was made in the newspaper and property owners were notified by mail. The green certified mail domestic return receipt cards were all returned from the property owners to the City, therefore property owners did receive notice. The four cards were presented to the City Secretary. Collin Equities, Inc., Andrews Leasing Co., Inc., SMART I-30 JV & HMS Tr, and Robert W. Andrews, are the four property owners listed on the current tax roll of the City for properties abutting Yellowjacket Lane. Eckert requested that the publisher's affidavits be placed into the record.

90 Dub Douphrate, 327 Sheppard's Hill, City Engineer, described the improvements that were made to Yellowjacket Lane. Douphrate indicated that the purpose of the improvements was to increase traffic circulation and that the improvements were made at a cost of \$126,671.67. Douphrate indicated the total proposed assessment amount for each property: Collin Equities, \$32,646.19; Robert W. Andrews, \$6,178.74; Andrews Leasing company \$4,590.92; SMART-I-30 JV & HMS TR \$19,919.98. Douphrate also indicated the actual total cost of the improvement to each property: Collin Equities \$65,292.37; Robert W. Andrews \$12,357.49; Andrews Leasing Company \$9,181.95; SMART-I-30 JV & HMS TR \$39,839.96

95 Mark Hipes, 7557 Rambler Road #260, Dallas, Texas, Real Estate Appraiser, summarized his background and went on to describe the properties in question, the appraisals of the four properties, and market value information regarding the assessments. Hipes also indicated the estimated total enhancement that these properties have by virtues of the improvement process of the City.

100 Mayor Williams opened the public hearing with no citizens wishing to speak.

105 After some discussion, Hatfield made a motion to adopt the ordinance establishing the street assessment. The motion was seconded by Morgan. Couch read the caption. The motion passed with six voting for and Pappa voting against.

110 Mayor Williams presented Chuck Hodges with an award for his service on the Architectural Review Board.

110 **Site Plans/Plats**

115 a) Discuss and Consider Approval of a Site Plan/Final Plat on the Lakepoint Health Center of Rockwall Located on FM-740

This item was deleted from the agenda.

Action/Discussion Items

120 a) Discuss and Consider Approval of an Ordinance Designating the County Contractor for Ambulance Services as the Exclusive Provider of Ambulance Service within the City of Rockwall (1st reading)

125 Couch indicated Rockwall County is in the process of renegotiating a contract with the ambulance provider that serves Rockwall County. She indicated that the County had requested the City to pass an ordinance which would provide that no other carrier could provide ambulance services other than the contracted provider. This request was made in order to be able to eliminate the current subsidy paid by the County to the contractor.

130 County Judge Bill Lofland addressed the Council concerning the ambulance services and indicated satisfaction with the service up to this time. Judge Lofland indicated that this is a movement toward a subscription ambulance service.

135 After some discussion, Wellborn moved to approve an ordinance designating the County contractor for ambulance services as the exclusive provider of ambulance service within the City of Rockwall. Hatfield seconded the motion. Couch read the caption. The motion was voted on and passed with six voting for and White voting against. White expressed concern for the ambulance provider to accept a subscription payment from a citizen and bill an insurance company if the citizen had both subscription service and insurance coverage.

140 b) Discuss and Consider Approval of a Resolution Authorizing the Submission of a Grant Application to TxDOT for Park and Recreation Improvements and Plans

145 Couch indicated that through the assistance of Jack Horn and Van Ewing the City had become aware of grant funding which is available for historic sites, archeological sites, pedestrian-ways, bike-ways and alternative means of transportation. She indicated that the City could use the \$50,000 allocated for construction of Rockwall park as the City's 20% matched and possibly receive an additional \$200,000. She also indicated that the additional \$200,000 was proposed to be used for the development of a hiking and biking plan for the City, with the remaining funds to be used to implement a portion of that plan.

150 After some discussion, Oppermann moved approval of a resolution authorizing the submission of a grant application to TxDOT for Park and Recreation Improvements and plans. The motion was seconded by Morgan. The motion was voted on and passed with six in favor and Pappa voting against. Pappa expressed concern over the pursuit of earmarking funds for Rock Wall Park because of the low priority given to this improvement by the City Council during the budget review process.

160 c) Discuss and Consider Approval of an Ordinance Amending the Rockwall Code of Ordinances Establishing a Violation for Passing a School Bus (1st reading)

Couch indicated that recent changes in the legislature makes this a County court offense and that the City proposes adopting a City ordinance as well.

165 Welborn moved to approve an ordinance amending the Rockwall Code of Ordinances Establishing a Violation for Passing a School Bus. Oppermann seconded the motion. Couch read the caption. The motion was voted on and passed unanimously.

170 d) Discuss and Consider Authorizing the Relocation of an Existing Sewer Line in the Harbor Landing Addition

Couch indicated that the City has recently become aware of a problem with an existing sewer line.

Relocation of the line is proposed for several reasons: a stoppage exists in the line, existing houses are close in proximity to the stoppage, and the line is approximately 20 feet deep.

175 After much discussion, Welborn moved to authorize the relocation of an existing sewer line in the Harbor Landing Addition not to exceed a cost of \$28,000. White seconded the motion. The motion was voted on and passed unanimously.

180 e) Discuss and Consider Approval of a Resolution Establishing a Citizen's Task Force to Review, Evaluate, and Prioritize the City's Capital Improvement Program

Couch summarized the resolution indicating the creation of a 12-member task force and that its task be completed by April 18, 1994 to allow an opportunity to verify available federal funds.

185 White moved to approve a resolution establishing a Citizen's Task Force to Review, Evaluate, and Prioritize the City's Capital Improvement Program. Morgan seconded the motion. The motion was voted on and passed unanimously.

190 f) Discuss and Consider Approval of a Contract with the City of Roysse City for Animal Control Services

Couch reviewed the City of Roysse City's request for use of Rockwall's animal shelter for a period of 6 months.

195 Hatfield moved approval of a contract with the City of Roysse City for Animal Control Services. Oppermann seconded the motion. White suggested broadening the scope of the indemnity of the City against any liability. The motion with the added language was voted on and passed unanimously.

200 **Under Article 6252-17 V.A.C.S. Hold Executive Session to Consider Personnel Regarding Appointment of Citizens' Task Force for Capital Improvement Program**

The City Council convened into executive session at 9:30 p.m.

205 **Take Any Necessary Action as a Result of the Executive Session**

The City Council reconvened into regular session at 9:50 p.m. Williams announced that no action would be taken.

210 **Adjournment**

The City Council adjourned at 9:55 p.m.

215

APPROVED:

220

Mayor

225

ATTEST:

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City Secretary

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CITY OF ROCKWALL

"THE NEW HORIZON"

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, September 9, 1993 at 7:00 P.M. in City Hall, 205 West Rusk, and the Rockwall City Council will hold a public hearing on Monday, September 20, 1993 at 7:00 P.M. in City Hall, 205 West Rusk, Rockwall, Texas to consider approval of a request from Gerald Houser for a change in zoning from "LI" Light Industrial zoning classification to "HC" Heavy Commercial zoning classification for property located at SH 276, East of SH 205 Rockwall, Texas and further described as Lot 1, Block A, Houser Addition. As an interested property owner, you are invited to attend this meeting or make your feelings known in writing by returning the form below:

City Secretary

Case No. PZ 93-34-Z

I am in favor of the request for the reasons listed below _____

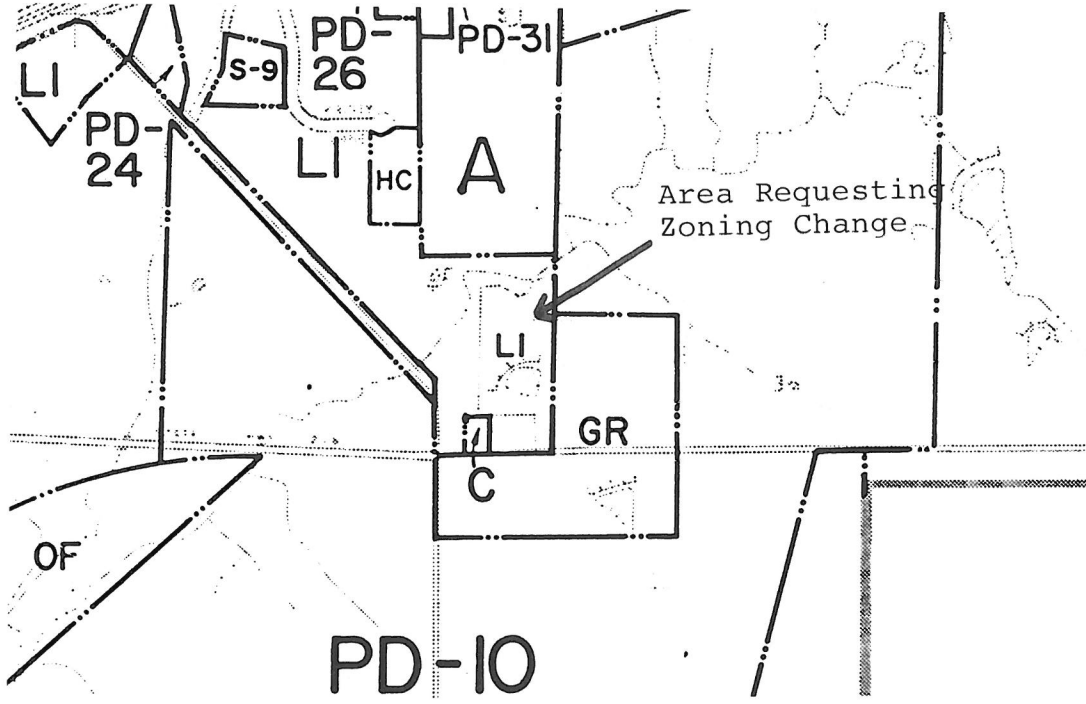
I am opposed to the request for the reasons listed below _____

- 1.
- 2.
- 3.

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, September 9, 1993 at 7:00 P.M. and the Rockwall City Council will hold a public hearing on Monday, September 20, 1993 in City Hall, 205 West Rusk, Rockwall, Texas, to consider:

- 1. To consider a request from Gerald Houser for a change in zoning from "LI" Light Industrial to " HC" Heavy Commercial on a tract of land located on SH 276, east of SH 205 and more particularly described as Lot 1, Block A, Houser Addition.**



HOUSER ADDN.

1. CAMBRIDGE PROPERTIES
C/O GARRETT POINDEXTER
17440 DALLAS PKWY #103
DALLAS, TX, 75252
(ALLEN SUR, AB 2, TR 3) (BAIRD SUR AB 25, TR 1)
2. DARLENE HAWK
RT 1 BOX 144
ROCKWALL
(BALLARD SUR, AB 24, TR 1)
3. HOWARD HESBON
1425 HWY 276
ROCKWALL
(BALLARD SUR, AB 24, TR 1-1)
4. SWITZER PETROLEUM
P.O. BOX 940247
PLANO, TX, 75094-0247
(BALLARD SUR, AB 24, TR 5)
5. GARY THOMAS
9834 WOLFE AVE.
CONIFER, CO 80433
(BALLARD SUR AB 24, TR 4-6)

6. ROBERT EVANS
1230 RIDGE RD.
ROCKWALL
(BALLARD PUR AB 24, TR 4-3)

7. AMERICAN FEDERAL BANK
14860 LANDMARK BLVD. #200
DALLAS, TX 75248
(BALLARD SUR AB 24, TR 4)