



**MINUTES REGULAR  
COUNCIL MEETING**

**Tuesday, July 25, 2017 – 7:00 pm**

Police and Courts Building, 100 West Main Street  
Royse City, Texas

**A. CALL TO ORDER 7:00 PM BY MAYOR NICHOL**

Announce the presence of a quorum.

Members Present: Mayor, Janet Nichol  
Council Member Place 1, Charles Houk  
Mayor Pro Tem, Council Member Place 2, Clay Ellis  
Council Member Place 3, Bruce Bradley  
Council Member Place 4, Matt Wheatley  
Council Member, Place 6, Tom Crowley

Members Absent: Council Member Place 5, James Branch

Staff Present: City Manager, Carl Alsabrook  
City Secretary, Deborah Sorensen  
City Attorney, Jason Day  
Director of Finance, Shannon Raymond  
Executive Dir. of Develop. & Community Services, Janet McPherson  
Police Chief, Jeff Stapleton  
Fire Chief, Rickey Bell  
Executive Director of Community Development Corp., Larry Lott

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Nichol gave invocation and led the Pledge of Allegiance.

**C. CITIZEN PARTICIPATION**

None

Mayor Nichol stated that she is going to recess the meeting so that property owners that have an Agricultural Exemption with their county can have the option to sign a Chapter 43 Texas Local Government Code Development Agreement, which is a non-annexation agreement.

**The City Council Meeting was recessed at 7:01 pm.**

**The City Council Meeting was reconvened at 7:40 pm.**

**D. BUSINESS**

1. Consider and act concerning authorizing the City Manager to accept and enter into Chapter 43 Texas Local Government Code Development Agreements for the following properties; RCAD ID 49817, A0109 A Hanna, Tract 1-7, MH Serial# MSFLW25A/B014590C12 LABEL# RAD1077311/12, 5 acres more or less, situated along Hwy 66; RCAD ID 33381, A0109 A Hanna, Tract 1-2, 25.64 acres more or less, situated along Hwy 66; RCAD ID 12349, A0188 J Stephenson, Tract 7, 93.101

acres more or less, situated along I-30; RCAD ID 10357, A0032 J L M Baker, Tract 7, 51 acres more or less, situated along Parker Road; RCAD ID 10356, A0032 J L M Baker, Tract 6, 79.7 acres more or less, situated along Elm Grove Road; RCAD ID 10351, A0032 J L M Baker, Tract 2, 52.659 acres more or less (Pt of 61.196 Ac Tr), situated along FM 548; RCAD ID 10033, A0004 ES Alexander, Tract 2, 8.537 acres more or less (Pt of a 61.196 Ac Tr), situated along Elm Grove Road; and RCAD ID 10035, A0004 ES Alexander, Tract 2-02, 8.355 acres more or less (Pt of a 15.622 Ac Tr), situated along FM 548. Involuntary Annexations located in Collin County: CCAD ID 1287994, A0513 W H Kuykendall, Tract 5, 11.00 acres more or less, situated along CR 940; CCAD ID 2746083, A0513 W H Kuykendall, Tract 36, 11.00 acres more or less, situated along CR 940; CCAD ID 2746082, A0513 W H Kuykendall, Tract 35, 5.564 acres more or less, situated along CR 940; CCAD ID 1288010, A0513 W H Kuykendall, Tract 7, 6.5 acres more or less, situated along Hwy 66; CCAD ID 1288369, A0630 James McBride, Tract 2, 47.36 acres more or less, situated along Hwy 66; CCAD ID 1287011, A0229 Russell Crawford, Tract 3, 43.8 acres more or less, situated along CR 940; CCAD ID 2120783, A0244 John Davis, Sheet 3, Tract 7, 8.84 acres more or less, situated along Hwy 66; CCAD ID 1916467, A0244 John Davis, Sheet 3, Tract 28, 2.1 acres more or less, situated along CR 1031; CCAD ID 2120148, A0244 John Davis, Sheet 3, Tract 36, 10 acres more or less, situated along Hwy 66; CCAD ID 1567227, A0244 John Davis, Sheet 2, Tract 24, 9.59 acres more or less, situated along Hwy 66; CCAD ID 1567236, A0244 John Davis, Sheet 2, Tract 25, 2.896 acres more or less, situated along Hwy 66; CCAD ID 1879774, A0244 John Davis, Sheet 3, Tract 23, 11.51 acres more or less, situated along Hwy 66; and CCAD ID 2117775, A0244 John Davis, Sheet 2, Tract 29, 3 acres more or less, situated along Hwy 66. Involuntary Annexations located in Hunt County: HCAD ID 113633, A1317 John Davis, Tract R16, 2.996 acres more or less, situated along Hwy 66; HCAD ID 38804, A1317 John Davis, Tract R4-1, 18.63 acres more or less, situated along Hwy 66; HCAD ID 38803, A1317 John Davis, Tract R4, 38.9 acres more or less, situated along FM 2642; HCAD ID 34831, A0946 Shelby County School Land, Tract 118, 23.7 acres more or less, situated along CR 2509; HCAD ID 34880, A0946 Shelby County School Land, Tract 46, 8.762 acres more or less, situated along CR 2509; HCAD ID 34877, A0946 Shelby County School Land, Tract 43, 9.38 acres more or less, situated along CR 2509; HCAD ID 117275, A0946 Shelby County School Land, Tract 68-3, 5.3881 acres more or less, situated along CR 2509; HCAD ID 34771, A0946 Shelby County School Land, Tract 68, 6.547 acres more or less, situated along CR 2509; HCAD ID 34827, A0946 Shelby County School Land, Tract 114, 10.154 acres more or less, situated along CR 2509; HCAD ID 34702, A0946 Shelby County School Land, Tract 25, 19.41 acres more or less, situated along FM 1565; HCAD ID 34908, A0946 Shelby County School Land, Tract 77, 5.06 acres more or less, situated along I-30; HCAD ID 34906, A0946 Shelby County School Land, Tract 73, 12.351 acres more or less, situated along I-30; and HCAD ID 101513, A0946 Shelby County School Land, Tract 40-1, 44.17 acres more or less, situated along I-30, and any matters related thereto.

Council Member Houk made a motion to authorize the City Manager to accept and enter into Chapter 43 Texas Local Government Code Development Agreements for the said properties. Mayor Pro Tem Ellis seconded the motion. **Motion passed 6-0.**

**E. RECESS CITY COUNCIL MEETING AT 7:42 PM**

**F. PUBLIC HEARING AT 7:42 PM**

1. Take testimony concerning involuntary annexations located in Rockwall County: RCAD ID 49817, A0109 A Hanna, Tract 1-7, MH Serial# MSFLW25A/B014590C12 LABEL# RAD1077311/12, 5 acres more or less, situated along Hwy 66; RCAD ID 33381, A0109 A Hanna, Tract 1-2, 25.64 acres more or less, situated along Hwy 66; RCAD ID 12349, A0188 J Stephenson, Tract 7, 93.101 acres more or less, situated along I-30; RCAD ID 10357, A0032 J L M Baker, Tract 7, 51 acres more or less, situated along Parker Road; RCAD ID 10356, A0032 J L M Baker, Tract 6, 79.7 acres more or less, situated along Elm Grove Road; RCAD ID 10351, A0032 J-L-M Baker, Tract 2, 52.659 acres more or less (Pt of 61.196 Ac Tr), situated along FM 548; RCAD ID 10033, A0004 ES Alexander, Tract 2, 8.537 acres more or less (Pt of a 61.196 Ac Tr), situated along Elm Grove Road; and RCAD ID 10035, A0004 ES Alexander, Tract 2-02, 8.355 acres more or less (Pt of a 15.622 Ac Tr), situated along FM 548. Involuntary Annexations located in Collin County: CCAD ID 1287994, A0513 W H Kuykendall, Tract 5, 11.00 acres more or less, situated along CR 940; CCAD ID 2746083, A0513 W H Kuykendall, Tract 36, 11.00 acres more or less, situated along CR 940; CCAD ID 2746082, A0513 W H Kuykendall, Tract 35, 5.564 acres more or less, situated along CR 940; CCAD ID 1288010, A0513 W H Kuykendall, Tract 7, 6.5 acres more or less, situated along Hwy 66; CCAD ID 1288369, A0630 James McBride, Tract 2, 47.36 acres more or less, situated along Hwy 66; CCAD ID 1287011, A0229 Russell Crawford, Tract 3, 43.8 acres more or less, situated along CR 940; CCAD ID 2120783, A0244 John Davis, Sheet 3, Tract 7, 8.84 acres more or less, situated along Hwy 66; CCAD ID 1916467, A0244 John Davis, Sheet 3, Tract 28, 2.1 acres more or less, situated along CR 1031; CCAD ID 2120148, A0244 John Davis, Sheet 3, Tract 36, 10 acres more or less, situated along Hwy 66; CCAD ID 1567227, A0244 John Davis, Sheet 2, Tract 24, 9.59 acres more or less, situated along Hwy 66; CCAD ID 1567236, A0244 John Davis, Sheet 2, Tract 25, 2.896 acres more or less, situated along Hwy 66; CCAD ID 1879774, A0244 John Davis, Sheet 3, Tract 23, 11.51 acres more or less, situated along Hwy 66; and CCAD ID 2117775, A0244 John Davis, Sheet 2, Tract 29, 3 acres more or less, situated along Hwy 66. Involuntary Annexations located in Hunt County: HCAD ID 113633, A1317 John Davis, Tract R16, 2.996 acres more or less, situated along Hwy 66; HCAD ID 38804, A1317 John Davis, Tract R4-1, 18.63 acres more or less, situated along Hwy 66; HCAD ID 38803, A1317 John Davis, Tract R4, 38.9 acres more or less, situated along FM 2642; HCAD ID 34831, A0946 Shelby County School Land, Tract 118, 23.7 acres more or less, situated along CR 2509; HCAD ID 34880, A0946 Shelby County School Land, Tract 46, 8.762 acres more or less, situated along CR 2509; HCAD ID 34877, A0946 Shelby County School Land, Tract 43, 9.38 acres more or less, situated along CR 2509; HCAD ID 117275, A0946 Shelby County School Land, Tract 68-3, 5.3881 acres more or less, situated along CR 2509; HCAD ID 34771, A0946 Shelby County School Land, Tract 68, 6.547 acres more or less, situated along CR 2509; HCAD ID 34827, A0946 Shelby County School Land, Tract 114, 10.154 acres more or less, situated along CR 2509; HCAD ID 34702, A0946 Shelby County School Land, Tract 25, 19.41 acres more or less, situated along FM 1565; HCAD ID 34908, A0946 Shelby County School Land, Tract 77, 5.06 acres more or less, situated along I-30; HCAD ID 34906, A0946 Shelby County School Land, Tract 73, 12.351 acres more or less, situated along I-30; and HCAD ID 101513, A0946 Shelby County School Land, Tract 40-1, 44.17 acres more or less, situated along I-30.

**JJ Williams, 4285 CR 2509** – Thanked the City Manager and City Attorney, he knows that they took a lot of heat at the last City Council Meeting. He wants City

Council to think about three things regarding the annexations; is it right, is it socially responsible, and is it fiscally responsible? He read a speech about involuntary annexations then proceeded to read Chapter 43 of the Texas Local Government Code.

**Steven Browning, 10457 Hwy 66** – Involuntary annexation is involuntary taking of land. We do not want to live in the city. Essentially we are paying for you to tell us what to do with our property. Governor Gregg Abbott calls it piracy. He calls it theft. We want to be left alone.

**Ann Henley** – Her property has been in her family since 1940. She didn't think that the city can annex more than 10% and can't strip annex. How much have you already taken in?

**Robert Green** – He has been here since 1979 and has raised three daughters here. Did not want growth then and does not want growth now. It's just another tax burden on citizens. The City is not losing any business from us. He's a retiree and can't afford it.

2. Take testimony concerning involuntary annexations located in Rockwall County: RCAD ID 11101, A0109 A Hanna, Tract 1, 5 acres more or less, situated along Hwy 66; RCAD ID 88491, Cade Addition, Block 1, Lot 2, 4.29 acres more or less, situated along Hwy 66; RCAD ID 12891, Cade Addition, Block 1, Lot 1, 4.29 acres more or less, situated along Hwy 66; RCAD ID 49811, A0226 J Wilks, Tract 4-1, 5.02 acres more or less, Oakcreek, situated along Hwy 66; RCAD ID 49812, A0226 J Wilks, Tract 4-2, 5 acres more or less, situated along FM 1138; RCAD ID 49813, A0226 J Wilks, Tract 4-3, MH Serial# PH0513204A Label# PFS0447086, 5 acres more or less, Palm Harbor, situated along FM 1138; RCAD ID 49814, A0226 J Wilks, Tract 4-4, 5 acres more or less, situated along FM 1138; and RCAD ID 12183, A0176 B B Parker, Tract 7, 1 acre more or less, situated along Floyd Road.

No one spoke for or against.

3. Take testimony concerning involuntary annexations located in Collin County: CCAD ID 1288617, A0631 James McBride, Tract 7, 2 acres more or less, situated along FM 1777; CCAD ID 1879783, A0244 John Davis, Sheet 3, Tract 24, 3.51 acres more or less, situated along Hwy 66; and CCAD ID 1284498, A0244 John Davis, Sheet 2, Tract 8, 0.833 acres more or less, situated along Hwy 66. Involuntary Annexations located in Hunt County: HCAD ID 120831, A1317 John Davis, Tract 16, 0.41 acres more or less, situated along Hwy 66; HCAD ID 32863, A1317 John Davis, Tract R17, 0.462 acres more or less, situated along CR 2656; HCAD ID 32857, A1317 John Davis, Tract R18, 2.257 acres more or less, situated along CR 2656; HCAD ID 32873, A0851 Joseph Prewitt, Tract R260, 0.5 acres more or less, situated along CR 2656; and HCAD ID 31316, A1325 Gerard A Foote (Hunt County), Tract 3, 1 acre more or less, situated along CR 2658.

No one spoke for or against.

4. Take testimony concerning involuntary annexations located in Hunt County: HCAD ID 210403, S5032 Southfork, Block B, Lot 1, 0.65 acres more or less, situated along Southfork Drive; HCAD ID 34740, A0946 Shelby County School Land, Tract 47, 9.759 acres more or less, Life Estate to Beverly J Whitney, situated along I-30; HCAD ID 34701, A0946 Shelby County School Land, Tract 24, 0.75 acres more or less, situated along I-30; HCAD ID 121000, A0946 Shelby County School Land, Tract 40-1A, 0.81 acres more or less, situated along I-30; HCAD ID 34721, A0946 Shelby County School Land, Tract 4, 52.813 acres more or less, situated along I-30;

and HCAD ID 34866, A0946 Shelby County School Land, Tract 17, 22.569 acres more or less, situated along I-30.

No one spoke for or against.

5. Take testimony concerning involuntary annexations located in Hunt County: HCAD ID 34737, A0946 Shelby County School Land, Tract 44, 36.36 acres more or less, situated along FM 1565; HCAD ID 224307, A0946 Shelby County School Land, Tract 44-2, 5 acres more or less, situated along FM 1565; HCAD ID 208098, A0946 Shelby County School Land, Tract 43-3, 0.566 acres more or less, situated along I-30; HCAD ID 208097, A0946 Shelby County School Land, Tract 43-2, 0.578 acres more or less, situated along I-30; HCAD ID 211857, A0946 Shelby County School Land, Tract 43-5, 0.498 acres more or less, situated along I-30; HCAD ID 211856, A0946 Shelby County School Land, Tract 43-4, 1.572 acres more or less, situated along I-30; and HCAD ID 34736, A0946 Shelby County School Land, Tract 43-1, 0.848 acres more or less, situated along I-30.

No one spoke for or against.

6. Take testimony concerning voluntary limited purpose annexations located in Hunt County: A1297, James May, 8.429 acres more or less, situated along I-30; and A1297, James May, 0.696 acres more or less, situated along I-30, Hunt County Texas.

No one spoke for or against.

**G. CLOSE PUBLIC HEARING AT 8:40 PM**

**H. PUBLIC HEARING #2 AT 8:40 PM**

1. Take testimony concerning involuntary annexations located in Rockwall County: RCAD ID 49817, A0109 A Hanna, Tract 1-7, MH Serial# MSFLW25A/B014590C12 LABEL# RAD1077311/12, 5 acres more or less, situated along Hwy 66; RCAD ID 33381, A0109 A Hanna, Tract 1-2, 25.64 acres more or less, situated along Hwy 66; RCAD ID 12349, A0188 J Stephenson, Tract 7, 93.101 acres more or less, situated along I-30; RCAD ID 10357, A0032 J L M Baker, Tract 7, 51 acres more or less, situated along Parker Road; RCAD ID 10356, A0032 J L M Baker, Tract 6, 79.7 acres more or less, situated along Elm Grove Road; RCAD ID 10351, A0032 J L M Baker, Tract 2, 52.659 acres more or less (Pt of 61.196 Ac Tr), situated along FM 548; RCAD ID 10033, A0004 ES Alexander, Tract 2, 8.537 acres more or less (Pt of a 61.196 Ac Tr), situated along Elm Grove Road; and RCAD ID 10035, A0004 ES Alexander, Tract 2-02, 8.355 acres more or less (Pt of a 15.622 Ac Tr), situated along FM 548. Involuntary Annexations located in Collin County: CCAD ID 1287994, A0513 W H Kuykendall, Tract 5, 11.00 acres more or less, situated along CR 940; CCAD ID 2746083, A0513 W H Kuykendall, Tract 36, 11.00 acres more or less, situated along CR 940; CCAD ID 2746082, A0513 W H Kuykendall, Tract 35, 5.564 acres more or less, situated along CR 940; CCAD ID 1288010, A0513 W H Kuykendall, Tract 7, 6.5 acres more or less, situated along Hwy 66; CCAD ID 1288369, A0630 James McBride, Tract 2, 47.36 acres more or less, situated along Hwy 66; CCAD ID 1287011, A0229 Russell Crawford, Tract 3, 43.8 acres more or less, situated along CR 940; CCAD ID 2120783, A0244 John Davis, Sheet 3, Tract 7, 8.84 acres more or less, situated along Hwy 66; CCAD ID 1916467, A0244 John Davis, Sheet 3, Tract 28, 2.1 acres more or less, situated along CR 1031; CCAD ID 2120148, A0244 John Davis, Sheet 3, Tract 36, 10 acres more or less, situated along Hwy 66; CCAD ID 1567227, A0244 John Davis, Sheet 2, Tract

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No one spoke for or against.

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No one spoke for or against.

6. Take testimony concerning voluntary limited purpose annexations located in Hunt County: A1297, James May, 8.429 acres more or less, situated along I-30; and A1297, James May, 0.696 acres more or less, situated along I-30, Hunt County Texas.

No one spoke for or against.

**I. CLOSE PUBLIC HEARING #2 AT 8:45 PM**

**J. RECONVENE CITY COUNCIL MEETING AT 8:45 PM**

**K. CONSENT AGENDA**

*All items under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

1. City Council Minutes: June 27, 2017

Council Member Wheatley made a motion to approve the minutes. Council Member Crowley seconded the motion. **Motion passed 6-0.**

**L. BUSINESS**

2. Discussion concerning monthly revenue and expenditure report for June 2017, and any matters related thereto.

Shannon Raymond presented the June monthly revenue and expenditure report. Sales tax represents 23% of General Fund revenues. June 2017 receipts are for April sales and were 18.46% higher compared to June 2016 receipts after 380 rebates. Sewer expenditures are ahead of the budgeted threshold because sewer

treatment services/debt payments to NTMWD must be paid in advance (2 months). Additionally, prior year sewer treatment exceeded allocation and was paid in April.

Shannon added she sent proposals for Bank Depository. This is required every five years. We will also have an online auction on August 14, 2017.

3. Consider and act concerning authorization to award street repair of Live Oak Street (from County Line to Birch) to APAC-Texas, Inc. in the amount of \$66,301.22, authorizing the City Manager to sign all documents related thereto, and any matters related thereto.

Carl Alsbrook stated that this is an extra street that we are able to do this year. Live Oak will be a two-way street.

Council Member Crowley made a motion to approve the repair of Live Oak Street. Council Member Bradley seconded the motion. **Motion passed 6-0.**

4. Consider and act concerning authorizing the City Manager to accept and enter into Chapter 43 Texas Local Government Code Development Agreements for RCAD ID 11538, A0140 JW Love, Tract 6, 43.7 acres more or less, (Pt of 85.95 ac tr), situated along Elm Grove Road, Rockwall County, Texas, and any matters related thereto.

Jason Day asked that this be tabled until the next meeting.

Council Member Bradley made a motion to Table this item. Council Member Crowley seconded the motion. **Motion passed 6-0.**

5. Consider and act concerning a Resolution regarding revised elevations as they relate to Chapter 14 Zoning, Section 5-3 Interstate 30 Corridor Overlay District (I30 COD) for a shopping center at the property described as Lot 1 of the Erby Campbell Retail Two Addition (part of the J Stephenson Survey, Abstract 188), Royse City, Rockwall County, Texas, and any matters related thereto.

Janet McPherson stated this lot is the most eastern lot of Erby Campbell Retail Two. The site plan and elevations were submitted and approved several months ago. The owner/developer is requesting to change some items.

Planning & Zoning Commission took action on July 6, 2017 approving some changes of those presented. The Commission was okay with removal of awnings on back and eliminating one the section of storefront and reducing the taller parapet length from 31' 4' to 21' 4" in length. They were not okay with the removal of the stone wainscot completely. Ultimately, the wainscot should remain, but a similar color of CMU can be used, instead of stone. Planning & Zoning Commission also required that EIFS coping at top of building remain.

Mayor Pro Tem Ellis made a motion to approve the Planning & Zoning Commission's recommendation of changes. Council Member Bradley seconded the motion. **Motion passed 6-0.**

4. Consider and act concerning authorizing the City Manager to accept and enter into Chapter 43 Texas Local Government Code Development Agreements for RCAD ID 11538, A0140 JW Love, Tract 6, 43.7 acres more or less, (Pt of 85.95 ac tr), situated along Elm Grove Road, Rockwall County, Texas, and any matters related thereto.

Jason Day requested this item be taken off of the table.

Mayor Pro Tem Ellis made a motion to untable this item. Council Member Houk seconded the motion. **Motion passed 6-0.**

Jason Day explained this property is owned by Larry Price. He notified the City that this property also had an agriculture exemption in addition to his other properties. He has already entered into a non-annexation agreement for his other properties. This item is for the property that was left off of the list.

Council Member Wheatley made motion to authorize the City Manager to accept and enter into the agreement. Council Member Crowley seconded the motion. **Motion passed 6-0.**

6. Consider and act concerning a Resolution appointing three Commissioners to the Heritage Preservation Commission (term July 25, 2017 to June 30, 2019), and any matters related thereto.

Janet McPherson stated that Clay Ellis, Lucille Bell, and Mike Gilbert are up for reappointment. Clay Ellis and Lucille Bell have submitted applications for reappointment. She has not heard from Mike Gilbert. She recommends waiting on appointing Mike Gilbert until she hears from him.

Council Member Bradley made a motion to Lucille Bell and Clay Ellis to the Heritage Board. Council Member Houk seconded the motion. Mayor Pro Tem Clay Ellis recused himself from voting on his nomination. **Motion passed 5-0.**

7. Discussion concerning City Manager update: Development, Hot Summer Nights, and any matters related thereto.

Carl Alsbrook stated the pre-con meeting of the Southeast corner of Erby Campbell and I-30 is on 08/01/17 and the pre-con meeting for Wood Street is next week. Panda Express has made a lot of progress.

Hot Summer Nights is this Thursday night and the movie is Sing. We need help cooking hot dogs beginning at 6 pm.

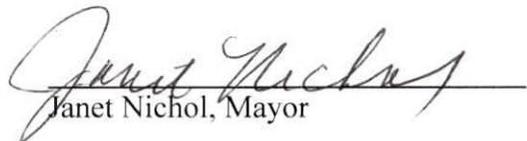
**M. FUTURE AGENDA ITEMS**

1. Consider and/or action to determine and direct City Staff in scheduling topics for discussion at future City Council Meetings, and any matters related thereto.

None

**N. ADJOURN AT 8:59 PM**

Mayor Pro Tem Ellis made a motion to adjourn the meeting. Council Member Crowley seconded the motion. **Motion passed 6-0.**

  
Janet Nichol, Mayor

**ATTEST:**

  
Deborah Sorensen, TRMC, CMC City Secretary

