

**Minutes**  
**Rockwall City Council**  
**June 2, 2003**  
**6:00 p.m. Regular Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

Mayor Pro Tem Cotti called the meeting to order at 6:00 p.m. Also present were Councilmembers McCallum, King, Dobbs and Raulston. Mayor Jones and Councilmember Morris were absent. Mayor Pro Tem Cotti led the invocation and Pledge of Allegiance.

Mayor Pro Tem Cotti opened the meeting up to the public forum, but no one came forward to address the Council.

**CONSENT AGENDA**

- a. Consider approval of the minutes for the City Council meeting held April 21, 2003, and take any action necessary.

Councilmember Raulston made a motion to approve the April 21, 2003 Minutes and Councilmember Dobbs seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Jones & Morris].

- b. Consider approval of the minutes for the City Council meeting held May 5, 2003, and take any action necessary.

Councilmember Raulston made a motion to approve the May 5, 2003 Minutes and Councilmember King seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Jones & Morris].

- c. Consider approval of the minutes for the City Council meeting held May 6, 2003, and take any action necessary.

Councilmember King made a motion to approve the May 6, 2003 Minutes and Mayor Pro Tem Cotti seconded the motion. The motion passed by a vote of 2 ayes, 3 abstain [Raulston, Dobbs and McCallum], and 2 absent [Jones & Morris].

- d. Consider approval of the minutes for the City Council meetings held May 19, 2003, and take any action necessary.

Councilmember King made a motion to approve the May 19, 2003 Minutes and Mayor Pro Tem Cotti seconded the motion. The motion passed by a vote of 4 ayes and 2 absent [Jones & Morris] and 1 abstain [Raulston].

- e. Consider approval of an award of a bid to the lowest bidder for the Meyers Park Expansion project and take any action necessary.

Councilmember Raulston made a motion to approve item 4e and Councilmember King seconded the motion. Councilmember King asked Brad Griggs why some of the sub-contractors had insurance and others did not. Griggs advised that since Hunt Construction is going to be the construction manager that the sub-contractors were not

required to have the insurance. Councilmember McCallum asked Steve Bell of Hunt why there were not any bidders on some of the items. Bell explained that some of the contractors were not working in the area any longer and did not want to send a crew just for one project; some of the contractors did not meet the requirements set out in the Request for Bid. The differential between the bidders on the concrete was \$5000. McCallum noted that there was a discrepancy in the numbers on the letter sent to the City from Bell and stated that he could not vote on something that was not accurate. Bell reviewed the document and stated that the number amount of \$14,577 was the correct amount. Brad Griggs explained that Hunt has a guaranteed maximum price for the project. Bell advised that he would revise the document he submitted to the City. Both Councilmember Raulston and Councilmember King stated they felt Brad Griggs could take care of the matter. The motion passed by a vote of 5 ayes and 2 absent [Jones & Morris].

- f. Consider approval of the abandonment of a 30-foot Temporary Street Easement on Lots 12 and 58, Block K, Meadowcreek Estates Phase IV and take any action necessary.

Councilmember McCallum made a motion to approve item 4f and Councilmember King seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Jones and Morris].

## **APPOINTMENTS**

- a. Appointment with Sally Chavarria of the Hunt County Committee on Aging to discuss grant/project submittals and take any action necessary.

Sally Chavarria discussed the background of the proposed grant/project submittals and stated that she had met with the local Transportation Committee. The submittals were approved regionally and are now up for review on the federal level. Chavarria stated she was appearing before the Council tonight to give them a brief update and to see what projects Rockwall will fund. The deadline for the City to get their recommendations to her is August. Mayor Pro Tem Cotti instructed Staff to prioritize the list and to remember that the City contribution did not have to be cash. It could be office space, etc. Staff will work with Ms. Chavarria to see what the City can afford in 2004/2005/2006.

- b. Appointment with Bob Wieneke of the Chamber of Commerce regarding status update report on Leadership Rockwall project ***"Dine Out Rockwall,"*** which was held on May 15, 2003.

Bob Wieneke of the Chamber of Commerce appeared before the City Council to give a brief update on the success of Leadership Rockwall's "Dine Out Rockwall" campaign and to thank the City Staff for all their help and presented a plaque to the City showing a check being presented to Helping Hands. Wieneke suggested that perhaps the City could contribute the sales tax received during this campaign to Helping Hands.

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

Ross Ramsay, Planning and Zoning Chairman, discussed Planning and Zoning Commission actions on items 6(a) and 7(a). Ramsay stated 7(a) is PD5 and is the last

phase of the Caruth Lake Subdivision. Planning and Zoning unanimously recommended approval. Ramsay stated that they did receive a letter from Lumberman's requesting the Commission to table the matter, but that no one appear at the meeting so the Commission approved the applicant's request.

- d. Appointment with Todd White of the Rockwall Housing Authority to discuss code enforcement action regarding patio deck constructed at Reese Manor Apartments and take any action necessary.

**Todd White did not appear, therefore, no action was taken.**

## **PUBLIC HEARING ITEMS**

- 6a. **PZ-2003-36-CUP** – Hold a public hearing and consider approval of an **Ordinance** for a request by Wesley Baker for a conditional use permit to allow for an accessory building exceeding the maximum permitted height and size requirements, and not meeting the required materials requirements, on a single, 1.0-acre tract being Lot 25, Block A, Saddlebrook Estates #2, located at 2396 Saddlebrook Lane and zoned "SF-16" Single-Family and take any action necessary. **(1<sup>st</sup> Reading)**

**Robert LaCroix stated that this item had been continued from the last City Council meeting because the applicant did not appear -- the applicant's wife had been in a bad car accident. When LaCroix talked to the applicant last, Baker stated that he would be here tonight, however he was not present. Councilmember Raulston made a motion to continue the public hearing to the next regular council meeting and Councilmember King seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Morris and Jones].**

## **SITE PLANS/PLATS**

- 7a. **P2003-004** -- Consider approval of a request from Eugene Middleton of Winkelmann & Associates, Inc., for a preliminary plat for Caruth Lakes Phases 6, 7 and 8, being a 139.653-acre tract of land zoned "PD-5" Planned Development district and situated along the west side of the future SH 205 Bypass, south of Quail Run Rd and North of SH 66. The proposed preliminary plat accommodates 438 single-family residential lots.

**Robert LaCroix discussed the background of the request. This is the preliminary plat with a total of 438 lots. The density is 3 units per acre. There will be 6 acres of green space, 1 acre for a recreation center, and 114.8 acres dedicated to the City. The applicant has provided a single load street along Phelps Lake along with the trails that the Parks Department had requested. A traffic study was done and roadway improvements were recommended. A signal will be installed after Phase 7 is complete. Bypass right-of-way will be dedicated and partial construction will be required in the final plat. Screening will be in the final plat. There is a tree plan/survey and we address the tree plan in each phase – to ensure that as many trees can be saved as possible.**

**Councilmember McCallum asked about the trails being a potential link to Harry Meyers Park. Brad Griggs stated that they would get us there. McCallum wanted to know about the acceptable traffic flow. LaCroix stated that it was not a part of this plan. It is**

144 something that they will review during the final phase. McCallum also asked about the  
145 tree plan. LaCroix stated that there is a tree plan, but because of grade a lot of the trees  
146 will come out.

147  
148 Councilmember Dobbs wanted to know if the frontage/depth ratio applied here. LaCroix  
149 stated the standards did apply. Dobbs wanted to know if they were like bowling alley lots  
150 and LaCroix advised that they were not.

151  
152 Councilmember Raulston asked about fencing. LaCroix stated that fencing would be  
153 covered in the final plat. Raulston stated that Planning and Zoning and Staff had done an  
154 excellent job and made a motion to approve the request. Councilmember King seconded  
155 the request.

156  
157 Mayor Pro Tem Cotti asked the applicant Eugene Middleton if he had any additional  
158 comments. Middleton stated he did not. Cotti asked if we should consider a facilities  
159 agreement at the final plat to cover the road construction. Cotti also asked if we could  
160 accelerate signalization of SH-66 and FM-1141. Julie Couch advised that we could do a  
161 facilities agreement, however, TxDOT does the road signalization and there has to be a  
162 problem before they will fix it.

163  
164 Councilmember Raulston amended his motion to approve the request with the  
165 requirement that the applicant enter into a facilities agreement at final plat to cover road  
166 construction. Councilmember King amended his second. The motion passed by a vote  
167 of 5 ayes and 2 absent [Morris and Jones].  
168

## 169 **ACTION ITEMS**

- 170  
171 **8a.** Discuss and consider a request to schedule a joint work session between  
172 the City Council and the Planning and Zoning Commission and support  
173 staffs and take any action necessary.

174 Mayor Pro Tem Cotti stated he brought this forward in order to start scheduling. Cotti  
175 instructed Ross Ramsay to take the matter to the Planning and Zoning Commission.  
176 Julie Couch advised that the earliest date available for a joint session would probably be  
177 September. Cotti stated that might not be bad and suggested that we set a target for  
178 early September.  
179

- 180 **8b.** Discuss and consider preparation for controlling mosquitoes before they  
181 become a problem and take any action necessary.

182 Mayor Pro Tem Cotti stated he brought this forward to see what the status was and to  
183 ensure more public awareness of our efforts and to examine what has been done and  
184 what will be done. Brad Griggs stated that our Health Official, Dr. David Lensch, had  
185 instructed that spraying should occur only when there are a lot of dead birds or there is a  
186 confirmed human case of the West Nile virus. Griggs stated that we have already  
187 implemented using tablets in stagnant pools to kill the mosquito larvae. The City is  
188 being very proactive to stay ahead of a potential problem.  
189

- 190 **8c.** Discuss and consider approving a **Resolution** suspending the proposed  
191 new rates of TXU Gas for the maximum period allowed by law as to their  
192 rate filing of May 23, 2003, and take any action necessary.

193 Julie Couch, City Manager discussed the background of the request. TXU Gas has filed  
194 its rate increase request with numerous cities to try to go for a state-wide rate. Gas is  
195 the only utility that the City has authority over. The resolution provides for a 90  
196 moratorium on the request until we can review the request.

197  
198 Councilmember Raulston made a motion to approve the request and Mayor Pro Tem  
199 Cotti seconded the motion. The motion passed by a vote of 5 ayes and 2 absent [Jones  
200 and Morris].

- 201  
202 8d. Discuss and consider authorizing the City Manager to enter into a security  
203 contract with Executive Security Systems for water infrastructure security  
204 and take any action necessary.

205 Chuck Todd, Director of Engineering, discussed the background of the request and  
206 stated that it stemmed from safety concerns. Councilmember McCallum asked for an  
207 example of the safety concerns. Todd stated that he had employees running two hour  
208 shifts during the night and then when they had to work the next day, operating heavy  
209 equipment or being in the trenches, that this caused a safety concern. McCallum  
210 confirmed that this was an employee safety concern, not a facility concern and asked  
211 why we need the security. Todd stated that this is a preventative measure. McCallum  
212 asked if this went out to bid and was advised it had not and why. McCallum asked Chief  
213 Moeller how many trips a night the Police Department makes. Chief Moeller stated that it  
214 was based on call load, but that they try to get by at least once a night. McCallum asked  
215 if the contract was valuable to us. Moeller stated that he thought it was. Moeller stated  
216 that he and Chuck had met with the Supervisors and if they see anything suspicious they  
217 will call us.

218  
219 Councilmember King asked if our employees were paid overtime pay. Todd replied that  
220 they were. King also asked if there were any OSHA issues with our employees working  
221 the night shift and then work in the heavy equipment during the day. Todd replied there  
222 was not. Councilmember Raulston wanted to know if the contract people would be  
223 communicating with our Dispatch. Todd replied that they would only contact Dispatch  
224 by cell phone if necessary. Raulston wanted to know if there was anyway to be sure they  
225 are actually coming to Rockwall to check on the facilities. Todd advised that they did not  
226 address that issue with the contract company.

227  
228 Councilmember Dobbs asked if our police could do this. Chief Moeller advised that they  
229 could, but at an overtime rate. Mayor Pro Tem Cotti stated that this would cost more.  
230 Dobbs stated that he would rather give the money to our people than a contractor.

231  
232 Councilmember Raulston stated that the cost of the automobiles would need to be  
233 figured into the cost, along with other expenses, and that this amount was reasonable.  
234 Raulston then made a motion to approve the request. Mayor Pro Tem Cotti seconded the  
235 motion with the requirement that it be added to the contract that the contract company  
236 personnel check in with Dispatch when they arrive in the area. The motion passed by a  
237 vote of 5 ayes and 2 absent [Morris and Jones].

- 238  
239 8e. Discuss and consider presentation of the Balanced Score Card Strategy  
240 Map and take any action necessary.

241 Rick Crowley, Assistant City Manager, discussed the background of the Balanced Score  
242 Card and made the presentation of the Strategy Map.

243  
244 Mayor Pro Tem Cotti stated that he had three comments. (1) That this shows everything  
245 that is needed to make Rockwall what we want it to become; (2) This document is a living  
246 document and can change; and (3) That it is a demonstration of the Staff's hard work.

247  
248 Councilmember McCallum stated that he was impressed – this was very impressive.  
249 This will be a great document to give our citizens to help them understand where our City  
250 is going. It needs to be simplified and made easier to follow. It would be great to get a  
251 small citizen group together for input to compare what the citizens say is important with  
252 what the Council and Staff say is important. McCallum suggested color coding to help  
253 make it easier to follow. Crowley advised that we will be simplifying the map and will be  
254 having targets. McCallum stated that this is a fantastic document and congratulated  
255 Crowley on a good job.

256  
257 Councilmember King congratulated Crowley on a good job and told McCallum that what  
258 he said was well put. King stated he applauded Crowley for staying within the  
259 functionality.

260  
261 Julie Couch stated that she would also like to compliment the Staff. She asked the  
262 Council to look over the items very carefully over the next few weeks and keep in mind  
263 what is now or will be born later. We need to be sure we are aligned on both the  
264 Leadership and Governance Teams. Crowley stated we need to make sure accountability  
265 remains.

266  
267 Mayor Pro Tem Cotti stated that this may be something we need a separate work session  
268 on. Couch stated that it may require a separate session that it depended on the next  
269 agenda. We will have to determine this as we approach the time for our next meeting.

- 270  
271 8f. Discuss and consider approval of ***Change Order No. 1*** regarding the  
272 Kenway-Ridgeview Street Improvements and take any action necessary.

273 Chuck Todd discussed the background of the request. Mayor Pro Tem Cotti asked what  
274 the finish date was. Todd stated that the road was open now, but that it would be totally  
275 complete by next week for sure. Councilmember McCallum asked if there were any  
276 penalties for delay. Todd stated that there were on this project. That they were about  
277 \$240 a day.

278  
279 Councilmember Raulston made a motion to approve the request and Councilmember  
280 King seconded the request. The motion passed by a vote of 5 ayes and 2 absent [Jones  
281 and Morris].

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

- 285 a. Departmental Reports  
286 b. City Manager's Report

287 Mary Smith told the Council that she is ready to install the computer equipment in each  
288 Councilmembers home. Smith advised Dobbs and McCallum that she would show them  
289 the equipment later. Smith went on to describe the equipment and how it would work in  
290 their homes and stated that DSL or a cable hook up would be required. Councilmember

Raulston asked if SBC had given her a map showing where DSL is not available and what the alternatives are. Raulston stated that DSL is not available in his area. McCallum asked if this would interfere with their personal DSL and was advised it would not. Councilmember Dobbs stated that he just SBC taken out and that he now has Charter. He hopes the City does not have the problems with SBC that he had experienced.

Julie Couch told the Council that the report on RHA had been done using our new CRW software. Couch also stated that she would be getting summaries to them regarding the bills the Senate and House had passed. Couch stated they had achieved success with the EDC bill that had passed. Couch advised that signals will be installed at various intersections like 276/FM549 and on Horizon Road. FM740/Steger Towne will be signalized and funded in 2004. Couch advised that the Budget Worksession was scheduled for August 2, 2003 and that the Council/Staff Retreat was scheduled for August 23, 2003.

Mayor Pro Tem Cotti stated that we are currently at 75% of our expected revenues and 55% of our budgeted expenses. Cotti then inquired how many false alarms there were. Fire Chief Poindexter advised that there were four alarms and they were all false. Police Chief Moeller stated that all of the alarms they had received were false.

Mary Smith stated that we are completing entry of the permits and are working on tracking. Office Dunlop is working on getting this finalized.

There being no further business to come before the Council in regular session, the meeting adjourned at 7:49 p.m. into Executive Session.

The following actions were taken as a result of the Executive Session:

Mayor Pro Tem Cotti made a motion that the following appointments be made to the Council Sub-Committees:

Tim McCallum:	Finance, Ethics and Facility Naming
Bob Cotti:	Airport, Animal Shelter
Larry Dobbs:	Facility Naming (Replacing Bob Cotti)
Hotel/Motel:	Terry Raulston

Councilmember King seconded the motion and the motion passed by a vote of 5 ayes and 2 absent [Jones and Morris].

There being no further business to come before the Council, the meeting was adjourned at 9:00 p.m.

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Bob Cotti, Mayor Pro Tem

ATTEST:

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Dorothy Brooks, City Secretary

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**MINUTES  
ROCKWALL CITY COUNCIL**

June 16, 2003

6:00 p.m. Regular Meeting

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

Mayor Jones called the meeting to order at 6:00 p.m. Present were Mayor Jones and Councilmembers Dobbs, Cotti, Morris, King and Raulston. Councilmember McCallum was absent. Mayor Jones led the invocation and the Pledge of Allegiance.

**Proclamations**

- a. **"Cruise 'n Blues" Collector Car Fest Week** – No one was present to accept the proclamation.
- b. **Dr. Shem Ray and Lisette Morales Day** – Dr. Shem Ray accepted the proclamation and on behalf of Lisette Morales who could not attend the meeting.
- c. **Rockwall Amateur Radio Club Field Days** – Richard Taylor accepted the proclamation.

At the request of Councilmember Cotti, Mayor Jones called Ross Ramsay, Chairman of the Planning and Zoning Commission forward to advise the Council about the planning and zoning items on the Agenda. Ramsay discussed each item and stated that there were no items that were opposed. Councilmember Cotti asked if they had taken care of the combustible materials discussed in items 7c and 7d. Ramsay stated they had not.

**Consent Items**

- 4a. Consider approval of the Minutes of the June 2, 2003, City Council meeting and take any action necessary.
- 4b. **FF2003-001** – Discuss and consider approval of a request by Mary Salvador for a front yard fence on a 0.23-acre tract described as the east part of Lot C, Block 7, Griffith Addition, located at 405 E. Washington and take any action necessary.
- 4c. **P2003-001** – Discuss and consider approval of a request by Blair Garrett of Heritage Christian Academy for a replat of a 6.642-acre tract of land zoned (MF-15) Medium Density Multi-Family district, located at 1408 S. Goliad and situated along the south side of Damascus Rd. The purpose of the plat is to consolidate the existing First United Methodist Church Addition (5.0 acres) and three unplatted tracts (approximately 1.6 acres) into a single lot to be known as Lot 1, Block A, Heritage Christian Academy Addition and take any action necessary.
- 4d. **SP2003-002** – Discuss and consider approval of a request by Dub Douphrate of Douphrate & Associates for a site plan (including building elevations) for Heritage Christian Academy, situated on a 6.641-acre tract proposed to be Lot 1, Block A, Heritage Christian Academy Addition,



located at 1408 S. Goliad and zoned (MF-15) Medium Density Multi-Family district. The purpose of the site plan is to provide an additional permanent classroom building along the western property line; take any action necessary.

- 4e. P2003-002** – Discuss and consider approval of a request by Ulys Lane of Wier & Associates for a preliminary plat (including concept plan and preliminary tree plan) of a 3.141-acre tract zoned (PD-3) Planned Development ('Tract 3' designated for GR uses) and situated on the northwest corner of Ridge Road West and N. Goliad (SH 205). The proposed subdivision is to be known as Lots 1 and 2, Block 1, Standridge Addition; take any action necessary.

- 4f. SP2003-004** – Discuss and consider approval of a request by Stephen Seitz of Seitz Architects for a site plan for the addition of a truck canopy at the existing Texas Star Express facility located at 2890 S. Goliad on a 8.99-acre, (HC) Heavy Commercial zoned tract being Lot 1, Block 1, Texas Star Addition and take any action necessary.

**Councilmember Morris requested that item 4a be pulled and then made a motion to approve items 4b through 4f. Councilmember Cotti seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [McCallum].**

**Councilmember Cotti then made a motion to approve item 4a and Councilmember King seconded the motion. The motion passed by a vote of 4 ayes, 2 abstain [Jones and Morris] and 1 absent [McCallum].**

#### **Appointments**

- 5a.** Appointment with Planning and Zoning Chairman to discuss and answer any questions regarding cases on the agenda and related issues and take any necessary action.

**This items was addressed before action was taken on the Consent Agenda.**

#### **Public Hearing**

- 6a. PZ-2003-36-CUP** -- Hold a public hearing to consider approval of an ordinance for a request by Wesley Baker for a conditional use permit to allow for an accessory building exceeding the maximum permitted height and size requirements, and not meeting the required materials requirements, on a single, 1.0-acre tract being Lot 25, Block A, Saddlebrook Estates #2, located at 2396 Saddlebrook Lane and zoned "SF-16" Single-Family and take any action necessary. **(1<sup>st</sup> Reading)**

**Robert LaCroix, Director of Planning and Zoning, discussed the background of the request. Mr. Baker redid his plans and added skirting and screening to FM1141. Planning and Zoning approved this request.**

**Councilmember Cotti asked if multiple detached garages were acceptable. LaCroix stated no, but that two detached accessory buildings were acceptable. LaCroix stated**

that the CUP would cover both garages and accessory buildings. Cotti stated that he did not see garage mentioned anywhere and that they would talk to the applicant.

Councilmember Morris asked if this type building was typically for 4-acre tracts. LaCroix stated yes, but proportionately it works on this property.

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

Wesley Baker, 2396 Saddlebrook. Mr. Baker asked for approval of his request. Baker stated that the size of the building is being dictated by the size of his RV.

Councilmember Cotti asked if the primary garage was attached. Baker replied yes. Cotti then stated that this was really a request for a detached garage.

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

Councilmember King made a motion to approve the request as written and Councilmember Cotti seconded the motion. The motion failed by a vote of 2 ayes [King and Cotti], 4 nays [Raulston, Jones, Morris and Dobbs] and 1 absent [McCallum].

- 6b. P2003-006** – Hold a public hearing and consider approval of a request by Robert & Jan Blaha for a residential replat of a 12,000-sf tract being Lot 19, Block A, Stonebridge Meadows #5, located at 303 Stonebridge Dr and zoned (SF-10) Single-Family. The purpose of the replat is to decrease the width of the utility easement along the rear property line from 10-ft to 7-ft to accommodate construction of a swimming pool; take any action necessary.

Robert LaCroix discussed the background of the request. The purpose of the replat is to reduce the size of the easement across the back of the property so that the owner could build a swimming pool. The utilities companies have agreed to the reduction in the size of the easement. Planning and Zoning recommend approval of the request.

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

Robert Blaha, 303 Stonebridge, the applicant, came forward to request approval.

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

Councilmember Cotti made a motion to approve the request and Councilmember Morris seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].

- 6c. P2003-007** – Hold a public hearing and consider a request from Larry Craig for a residential replat of thirteen lots into six lots containing a total of approximately 0.7 acres zoned Planned Development No. 2 (PD-2)

located along Lakeside Drive and Augusta Blvd. within Lakeside Village - Phase 2 and take any action necessary.

Robert LaCroix discussed the background of the request. This is a replat of 13 lots into 6 lots within Lakeside Village. Out of the notices sent out, 6 came back opposed and 2 were in favor, however, no super majority is required to approve the request. The Planning and Zoning Commission did recommend approval. Councilmember Dobbs asked if these were unimproved lots. LaCroix stated they were.

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

Larry Craig, 1227 Travis Circle North, Irving, Texas, Applicant. Mr. Craig requested approval and stated that he believes that this will be better for the neighborhood. It will also be more aesthetically pleasing.

Councilmember Cotti asked Craig if he had any intention on building at this time. Craig replied no. Cotti asked if it was critical that he replat now. Craig stated that he was trying to sell the lots because he was working on another project and needed the money. The lots as they are now are not sellable.

Councilmember King asked again if it was strictly to sell the lots because from his review of the notices returned, there were a lot of complaints about the quality of the product that Craig produced. King stated we have tough building standards and that green tags have to be earned. Craig stated that he had no intention on building, but thinks he does a quality project. He uses Diane Luby to sell his projects and she had stated he did quality work. Councilmember King told Craig he needed some PR work.

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

Councilmember Morris made a motion to approve the request and Councilmember Dobbs seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].

- 6d. P2003-008** – Hold a public hearing and consider a request from F. Ward & Nona Hudspeth for a residential replat of a 1.4524-acre tract zoned (PD-40) Planned Development and to be known as Lot 2R, Block A, Benton Court Addition, located at 4741 Benton Court and take any action necessary.

Robert LaCroix discussed the background of the request. This is a residential replat and will make the lot exceed 10,000 square feet. LaCroix stated that the applicant had agreed to do a right-of-way dedication on FM740. The Planning and Zoning Commission did recommend approval.

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

189 Alan Seldon, 6 Cheshire, Heath, Texas, architect for the applicant, came forward and  
190 requested approval. Councilmember Dobbs stated he was familiar with the lot and that  
191 this is a good use.

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

195  
196 Councilmember Morris made a motion to approve the request and Councilmember Cotti  
197 seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].  
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#### 200 **Site Plans / Plats**

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202 **7a. P2003-005** – Discuss and consider approval of a request by Dee Herring  
203 for a replat of a 0.94-acre tract zoned (GR) General Retail, being the  
204 eastern half of Block 7, Lowe & Allen Addition, and Lots 1 and 2, Block 7,  
205 Washington Place Addition; resulting in Lots 1-3, Block A, Washington  
206 Place Addition, situated along the south side of W. Washington St  
207 between First St and Second St. and take any action necessary.

208 **7b. SP2003-003** – Discuss and consider approval of a request from Dee  
209 Herring for a site plan (including building elevations, landscape and  
210 treescape plans) for a 4,275 sf retail development on a 0.52-acre tract  
211 zoned (GR) General Retail and to be known as Lot 3R, Block A,  
212 Washington Place Addition, located at the southwest corner of  
213 Washington St and First St. and take any action necessary.

214 Robert LaCroix discussed the background of items 7a and 7b. This is a replat of a tract  
215 off of Washington which will have a mutual access drive. This replat will take care of  
216 both lots. The applicant will adjust the size of the building and is providing 27 parking  
217 spaces (only 22 spaces are required). Applicant will also do work on First Street. There  
218 are 82.5" of trees that will have to be put back in. Due to the size of the lot, they will  
219 either pay into the Tree Fund or work with the Parks Department to put trees in. They  
220 meet the stone/brick requirements. This project went before the Architectural Review  
221 Board and it felt that it fit in with the requirements of the Overlay District.  
222

223 Councilmember Cotti made a motion to approve item 7a and Councilmember Morris  
224 seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].  
225

226 Councilmember Morris made a motion to approve item 7b with Staff and Planning and  
227 Zoning Commission recommendations and Councilmember Cotti seconded the motion.  
228 The motion passed by a vote of 6 ayes and 1 absent [McCallum].  
229

230 **7c. P2003-009** – Discuss and consider approval of a request by Mike Mishler  
231 of Mishler Builders, Inc. for a commercial replat of Lot 13R, Block A,  
232 Horizon Ridge Addition, a 1.02-acre tract zoned (PD-9) Planned  
233 Development and located along the east side of Ridge Rd (FM 740) south  
234 of Arista Dr. and take any action necessary.

235 **7d. SP2003-005** – Discuss and consider approval of a request by Mike  
236 Mishler of Mishler Builders, Inc. for a site plan, building elevations and

landscape plan for a proposed office development located on Lot 13R, Block A, Horizon Ridge Addition, a 1.02-acre tract zoned (PD-9) Planned Development and situated along the east side of Ridge Rd (FM 740) south of Arista Dr and take any action necessary.

Robert LaCroix discussed the background of items 7c and 7d. This project is a doctor's office and meets all of the requirements. Applicant has agreed to match the building to the businesses adjacent to it. LaCroix advised that because there will be combustible material on the building it will require a CUP, which will be on the next agenda. The Planning and Zoning Commission recommended approval.

Mike Mishler, 372 Equestrian Drive, came forward to request approval. Councilmember King asked about the combustible material and if the majority of the roof was standing seam. Mishler advised that it was 50/50. The combustible material is the wood trusses around the building. Councilmember Raulston asked if the building was going to be all brick. Mishler advised that it would be brick and stone.

Councilmember Cotti made a motion to approve item 7c and Councilmember King seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].

Councilmember Cotti then made a motion to approve item 7d and Councilmember Raulston seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].

#### **Action Items**

- 8a. Discuss and consider approval of the public swimming pool and spa  
**Ordinance** and take any action necessary. (1<sup>st</sup> Reading)

Jeffrey Widmer, Director of Building Inspections and Code Enforcement, stated that the purpose of the ordinance was to adopt the State regulations and discussed a few revisions that had been brought to his attention. Councilmember Morris asked what happens if it takes more than 14 days to employ a Certified Pool Operator. Widmer stated that the pool owner would either be cited and/or the pool temporarily closed.

Councilmember King asked for a clarification on semi-public pool and was advised that it would be a pool owned by a homeowner's association. King asked if the dates set out in the ordinance were calendar days or business days. Widmer advised it would be calendar days. King asked for clarification by the City Attorney, Pete Eckert. Eckert advised that unless it specifically stated "business" days, it would be calendar days.

Councilmember Cotti asked if the ordinance was 100% enforceable with the modifications. Cotti stated that he did not see where Eckert had approved the ordinance and advised Eckert that he needed to do this in the future. Cotti then asked if it was common to see the same wording at the second reading as at the first reading. Eckert advised that so long as changes or revisions are minor it is okay to make the changes. Eckert stated that you don't want to make so many changes that it forces a second first reading.

Councilmember Morris made a motion to approve the ordinance with the changes and Councilmember King seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].

- 286  
287           **8b.**     Discuss and consider approval of a sign variance request by Culver's  
288                 Restaurant and take any action necessary.

289     Jeffrey Widmer discussed the background of the request. The variance is for a front  
290     setback of 5 feet from the property line.

291  
292     Councilmember Cotti asked if they had talked about a smaller sign, a different orientation  
293     of 45° or such, or a different location. Widmer stated to construct it in a different place  
294     they would have had to move trees in order to meet the sign requirements. They did not  
295     talk about a shorter sign.

296  
297     The applicant, Nobel Johnston, 4022 Circle, Greenville, Texas, addressed the Council.  
298     Johnston stated that they did make the sign smaller. The sign is to advertise their flavor  
299     of the day and that they don't really want to make the sign smaller or shorter because it  
300     would limit the space where they advertise. Cotti asked about the sign orientation. Mike  
301     Ingram of Jerry Nolan, Inc. stated that in order to see the sign from FM740, that it had to  
302     be perpendicular.

303  
304     Councilmember Morris asked Widmer if the sign is within the Scenic Overlay District.  
305     Widmer advised that it was and that it does conform to the requirements.

306  
307     Councilmember Raulston made a motion to approve the request and Councilmember  
308     Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent  
309     [McCallum].

- 310  
311           **8c.**     Discuss and consider approval of an **Ordinance** amending the Noise  
312                 Ordinance to provide for construction guidelines and take any action  
313                 necessary.

314     Jeffrey Widmer discussed the background of the ordinance. Over the past couple of  
315     years we have had subdivisions built next to open fields. Now those fields are becoming  
316     another subdivision and the noise from the construction is becoming a nuisance. This  
317     ordinance will help deal with the noise.

318  
319     Councilmember Cotti asked Mr. Eckert if he had reviewed the ordinance. Eckert advised  
320     that he had. Cotti then made a motion to approve the ordinance.

321  
322     Councilmember King stated that this will really impact our roofers. They typically work  
323     from 6:00 a.m. to 2:00 p.m. to avoid the heat of the day and they are very noisy. Not  
324     addressed were boom boxes. Widmer advised that the noise from the boom boxes is  
325     addressed in the Code under decibel levels allowed. King asked if we could just not  
326     have boom boxes. Eckert advised that it would be tough to enforce and he would have a  
327     problem with stating no boom boxes. Eckert stated he thought it was better to regulate  
328     that through the decibels. King stated he knew Eckert was right and then asked if the  
329     construction project was within the ETJ or not next to another subdivision, could the  
330     construction personnel come and ask to start earlier. Widmer stated yes.

331  
332     Councilmember Morris stated that the majority of the complaints he had from citizens  
333     were that the boom boxes were too loud. Councilmember Morris then seconded  
334     Councilmember Cotti's motion to approve the ordinance. The ordinance was read as  
335     follows:

336  
337 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
338 AMENDING CHAPTER 18 OFFENSES AND MISCELLANEOUS PROVISIONS OF THE  
339 CODE OF ORDINANCES IN SEC. 18-5 REGULATIONS OF SOUND AMPLIFICATION  
340 DEVICES; PROVIDING FOR HOURS OF ALLOWED CONSTRUCTION WORK;  
341 PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO  
342 THOUSAND DOLLARS (\$2000.00) AND A SEPARATE OFFENSE SHALL BE  
343 DEEMED COMMITTED UPON EACH DAY A VIOLATION OCCURS; PROVIDING A  
344 SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN  
345 EFFECTIVE DATE.

346  
347 The motion passed by a vote of 6 ayes and 1 absent [McCallum].  
348

349 8d. Consider approval of the recommendation of the Hotel/Motel  
350 Subcommittee for funding requests from Old Town Rockwall  
351 Neighborhood Association for hotel/motel funds for their Fourth of July  
352 Parade and Picnic and take any action necessary.

353 Mary Smith discussed the background of the request and stated that the Subcommittee  
354 had recommended approval – that there were sufficient funds to cover the request.  
355

356 Councilmember Cotti asked if the applicant had to be in attendance tonight and was told  
357 no. Cotti then made a motion to approve the request and Mayor Jones seconded the  
358 motion. The motion passed by a vote of 6 ayes and 1 absent [McCallum].  
359

360 There being no further business to come before the Council in regular session, the  
361 meeting was adjourned into executive session at 7:21 p.m.  
362

363 The following action was taken as a result of Executive Session:  
364

365 It was decided that the applicants for the Youth Advisory Council would be interviewed  
366 on July 7, 2003 and July 21, 2003, and the City Secretary is to contact the applicants to  
367 arrange the interviews.  
368

369 Mayor Jones made a motion to adjust the City Manager's salary by the percentage  
370 discussed during Executive Session. Councilmember King seconded the motion and the  
371 motion passed by a vote of 6 ayes and 1 absent [McCallum].  
372

373 There being no further business to come before the Council the meeting was adjourned  
374 at 9:30 p.m.  
375

376  
377 ATTEST:

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

378  
379  
380 \_\_\_\_\_  
381 Dorothy Brooks, City Secretary  
382