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**MINUTES
ROCKWALL CITY COUNCIL**

July 7, 2003

6:00 p.m. Regular Meeting

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

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

11
12 **PROCLAMATIONS**
13

- 14 a. Certificates of Recognition for outgoing Youth Advisory Council Members.

15 Mayor Jones, Ray Harton and Marlene Tilsner presented Certificates to outgoing Youth
16 Advisory Council Members Stefani Sissel, Kimberly Schulze and Charla Woodruff. Not
17 present were Courtney Self, Robyn Zapata and Bushra Siddiqi.

18
19 **OPEN FORUM**
20

21 No one came forward in open forum to address the Council.
22

23 **CONSENT AGENDA**
24

- 25 5a. Consider approval of the Minutes of the June 16, 2003, City Council
26 meeting and take any action necessary.
- 27 5b. Consider approval of the public swimming pool and spa **Ordinance** and
28 take any action necessary. **(2nd Reading)**
- 29 5c. Consider approval of an **Ordinance** amending the Noise Ordinance to
30 provide for construction guidelines and take any action necessary. **(2nd**
31 **Reading)**
- 32 5d. Consider approval of an **Ordinance** repealing Ordinance No. 03-05 which
33 provided for registration of retail electric providers and setting out the new
34 regulations for registration of retail electric providers and take any action
35 necessary. **(1st Reading)**

36 Councilmember McCallum requested that item 5(a) be pulled and then made a motion
37 that items 5(b) through 5(d) be approved. Councilmember Morris seconded the motion
38 and the ordinances were read as follows:

39
40 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF
41 ORDINANCES OF THE CITY OF ROCKWALL, BY AMENDING CHAPTER 6 BUILDINGS AND
42 BUILDING REGULATIONS IN ARTICLE VI SWIMMING POOL CODE BY THE ADDITION OF
43 SEC. 6-103 PUBLIC SWIMMING POOL AND SPA DESIGN, CONSTRUCTION, OPERATION
44 AND MAINTENANCE; PROVIDING FOR INCORPORATION BY REFERENCE OF THE TEXAS
45 DEPARTMENT OF HEALTH "STANDARDS FOR PUBLIC SWIMMING POOLS AND SPAS"
46 TEXAS ADMINISTRATIVE CODE, TITLE 25 – HEALTH SERVICES, PART I – CHAPTER 265 –
47 GENERAL SANITATION, SUBCHAPTER L, RELATIVE TO REGULATING THE DESIGN,
48 CONSTRUCTION, AND OPERATION OF PUBLIC SWIMMING POOLS AND SPAS; REQUIRING
49 PERMIT; PROVIDING FOR PLAN REVIEW, PLAN REVIEW FEES, AND INSPECTION;

50 PROVIDING DISINFECTION STANDARDS; PROVIDING FOR SAFETY FACILITIES AND
51 PROCEDURES; PROVIDING FOR TEMPORARY CLOSURE; PROVIDING FOR A RE-
52 INSPECTION FEE AFTER TEMPORARY CLOSURE; PROVIDING FOR OPERATING
53 RECORDS; PROVIDING FOR REGISTRATION OF POOL OPERATOR; SPECIFYING PENALTY
54 AND ENFORCEMENT PROVISIONS; PROVIDING FOR A FEE SCHEDULE; PROVIDING A
55 SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

56
57 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
58 CHAPTER 18 OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CODE OF
59 ORDINANCES IN SEC. 18-5 REGULATIONS OF SOUND AMPLIFICATION DEVICES;
60 PROVIDING FOR HOURS OF ALLOWED CONSTRUCTION WORK; PROVIDING A PENALTY
61 OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) AND A
62 SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY A VIOLATION
63 OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE;
64 PROVIDING AN EFFECTIVE DATE.

65
66 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING
67 ORDINANCE NO. 03-05 IN ITS ENTIRETY AND AMENDING CHAPTER 15 OF THE CODE OF
68 ORDINANCES OF THE CITY OF ROCKWALL, BY THE ADDITION OF A NEW ARTICLE XII,
69 ENTITLED "REGISTRATION OF RETAIL ELECTRIC PROVIDERS"; PROVIDING FOR A
70 SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR
71 INJUNCTION; AND PROVIDING AN EFFECTIVE DATE.

72
73 The motion passed by a vote of 6 ayes and 1 absent [King].

74
75 Councilmember Cotti then made a motion to approve item 5a and Councilmember
76 Raulston seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain
77 [McCallum] and 1 absent [King].

78
79
80 **APPOINTMENTS**

81
82 **6a.** Appointment with Planning and Zoning Chairman to discuss and answer
83 any questions regarding cases on the agenda and related issues and
84 take any necessary action.

85 **David Thompson, Co-Chairman of the Planning and Zoning Commission, advised the**
86 **Council that he had no comments on any of the cases on the agenda.**

87 **6b.** Appointment with Pennie Schurenberg regarding fruit stand at Emma
88 Jane and SH-205 and take any action necessary.

89 **Jeffrey Widmer, Building Official, discussed the background of the request.**

90
91 **Councilmember Morris stated that this was a classic example of where an ordinance can**
92 **work against you. This building has never looked better and advised Staff that they**
93 **should work with Ms. Schurenberg.**

94
95 **Councilmember McCallum stated that he agreed with Councilmember Morris. His only**
96 **issue with the request is that the property needed to be maintained in good condition.**
97 **Ms. Schurenberg has drastically improved an eye sore.**

98
99 **Councilmember Cotti stated that we had a similar situation a year ago and asked City**
100 **Attorney Pete Eckert what the allowances were that the Council could approve. Eckert**
101 **stated that the exceptions/variances to the ordinance do not aide the Council. Eckert**
102 **stated that he suggested holding this request in abeyance until something could be done**

with the public art guidelines. Aside from an amendment to the sign ordinance there is nothing that the Council can do.

Councilmember Morris asked if we could do a variance or a CUP without amending the ordinance. Attorney Eckert stated that it would require a written ordinance amending our sign ordinance. City Manager Julie Couch stated that she would prefer that we hold this matter in abeyance until the public art ordinance or the sign ordinance is addressed.

Pennie Schurenberg came forward and addressed the Council. Schurenberg stated she had only been here a couple of months and that her landlord told her she could do anything she wanted. She did not know she was doing anything wrong.

Councilmember Cotti stated that he was torn, that he knows there is an ordinance, but he would like for Schurenberg to be able to keep the sign. Schurenberg stated she understood about the code, but that the building is not finished. Cotti stated that he liked the Art in Public Places Ordinances and that it might apply to her in this case.

Councilmember McCallum stated that he felt this was advertising because she is selling fruits and vegetables. Widmer stated that this had to be classified as a sign. McCallum asked if she could paint the building one color. Widmer stated she could.

Councilmember Cotti made a motion to hold the matter in abeyance for 90 days until the Art in Public Places Ordinance could be addressed and that Schurenberg can paint the remainder of the building, but could not paint anymore fruit or vegetables on the building. Councilmember Dobbs seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].

Mayor Jones stated that he liked how the building has been painted and that he planned to shop there.

PUBLIC HEARING ITEMS

- 7a. FF2003-002 --** Hold a public hearing and consider a request by Dr. George Roland for a front yard fence permit allowing the replacement of an existing fence on a single, 10.349-acre lot (A-207; Tr. 104 and 104-1) zoned PD-47 and located northeast of the intersection of FM 740 and White Road known as 3231 Ridge Road, and take any action necessary.

Robert LaCroix, Director of Community Development, discussed the background of the request. LaCroix stated that we had to have a public hearing because the fence is 40" high.

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

Harold Evans, representing Dr. Roland, came forward to request approval of the request.

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

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

- 7b. **Z2003-004** -- Hold a public hearing and consider approval of an **Ordinance** for a request by Michael Mischler on behalf of Dr. Greg Maul for a conditional use permit allowing a new building over 5,000 square feet with combustible structural construction materials proposed on a single, 1.0203-acre lot zoned Planned Development No. 9 (PD-9) known as Horizon Ridge Addition, Lot 13R, Block A located at the southeast corner of the intersection of FM 740 and the access road south of Arista Road and take any action necessary. (1st Reading)

Robert LaCroix discussed the background of the request. LaCroix stated that any building that exceeds 5,000 square feet and wants to use wood requires approval. LaCroix stated that as they amend the zoning code they will probably put this requirement back in the fire code.

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

Mike Mischler, 373 Equestrian Drive, came forward and requested approval of this request.

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

Councilmember Raulston asked Fire Marshall Ariana Adair if there is a problem with approving this request. Adair stated "no." Raulston then made a motion to approve the request and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

ACTION ITEMS

- 8a. Discuss and consider presentation of the Balanced Score Card and take any action necessary.

Rick Crowley, Assistant City Manager, discussed the background of the Balanced Score Card. Core Team Members Ariana Adair, Cliff Griffin and Kelley Allensworth gave the slide-point presentation.

Councilmember Raulston stated that this has been a project that has been ongoing for over a year and it looks like we are well on our way. Raulston gave his full approval of the project and made a motion to proceed.

Councilmember Cotti stated that the Governance Team and the Leadership Team priorities need to be the same and that we need to work on this. Crowley stated that we have tried to work out these aspects. Cotti stated they needed to sit down and be sure that everyone is on the same page. Cotti also asked if we are also looking at our own facilities to be sure they are up to code. Crowley advised that we have done this and that the Council could expect to see requests for funding during the budget retreat. Cotti then thanked Crowley and the others for their hard work.

201
202 Councilmember McCallum stated that while every good Council and Staff listen to each
203 other, they need to listen to the citizens. We need to make sure that we do the citizen
204 survey and be sure there is no misalignment.

205
206 Councilmember Morris then seconded Councilmember Raulston's motion to move
207 forward with the Balanced Score Card and give it the Council's full support. The motion
208 passed by a vote of 6 ayes and 1 absent [King].
209

210 8b. Discuss and consider the AG moratorium and take any action necessary.

211 Councilmember Cotti discussed the background of this matter. Cotti stated that the AG
212 moratorium expired on July 21st and that we needed to act on this and also let people
213 know that they can ask for a variance during the moratorium.
214

215 Robert LaCroix stated that it would take another 30-45 days to get all the materials to
216 Elizabeth Morris for the economic analysis. The zoning ordinance is almost complete in
217 draft form and that they would need a 90 day extension.
218

219 Councilmember Cotti asked Attorney Eckert if 90 days was okay. Eckert advised that it
220 was, but not any longer. We need to wrap it up. Cotti then made a motion to extend the
221 AG moratorium for 90 days from July 21st and adopt LaCroix's comments as backup for
222 the extension. Councilmember Morris seconded the motion and stated that if we don't
223 get anything done within the 90 days, that we can leave it AG. We don't have to rezone.
224 LaCroix reminded the Council that we were concerned about land use. The motion
225 passed by a vote of 6 ayes and 1 absent [King].
226

227 8c. Discuss and consider L.E.D. signs and take any action necessary.

228 Jeffrey Widmer discussed the background of this matter. The sign ordinance prohibits
229 intermittently lighted signs. Widmer stated he is asking the Council if they are interested
230 in amending the sign ordinance to provide of the provision of how long a period of time
231 is between text changes.
232

233 David Hairston, 1320 Shores Circle, addressed the Council and stated that he started
234 looking at LED signs years ago. He likes the signs and he has one at his business,
235 Horizon Carwash. He uses it to put up messages about specials and he does like to
236 change them. Hairston stated he did not install the sign to stir up trouble. He initially
237 saw the High School's sign, which does everything. If done properly, it makes a great
238 sign.
239

240 Mr. Ammonds and Clay Dryden of Rockwall Ford/Dodge. Ammonds stated that
241 technology has far surpassed our code. His sign is limited to one day. They are seeking
242 a change in the length of time they can have a message showing. They would like 5
243 seconds.
244

245 Councilmember Cotti stated that he is probably one of the persons that is disturbed by
246 the signs. He understands the need for change in time/temperature, but he can't see the
247 need to change the message. He stated he would be willing to discuss less than 24
248 hours, but that he chokes at every 5 seconds. Cotti stated that he is not going to support
249 changes every 5 seconds and that he is not convinced that it is essential.
250

251 Mayor Jones stated that he disagreed that he feels this brings money into Rockwall.
252

253 Councilmember McCallum stated that the messages are considered “impressions” in the
254 retail business world. This is advertising and it is no different than a 6 foot tomato. We
255 have a sign ordinance that needs some amendment. McCallum stated that he did not
256 think we should allow 2 or 5 second messages, but we should look at this in a more
257 consistent manner.
258

259 Councilmember Dobbs stated he did not have any problem with the flashing.
260

261 Councilmember Morris stated that no one had any problems with the signs, it was the
262 intermittent time. Widmer stated that 15 seconds is typical. Morris asked if anyone had
263 any safety issues with the signs. Widmer advised that our sign ordinance already deals
264 with safety hazards. Morris asked Widmer what his opinion was of a 5 second change.
265 Widmer stated that it was the Council’s call. Staff recommended 15 seconds because
266 that is the typical/average time. Widmer stated that it would not be a scrolling change, it
267 would be instantaneous.
268

269 David Hairston stated there is no danger with these signs.
270

271 Councilmember Cotti stated that Hammond and Dryden needed something that changes
272 more frequently and stated that he did not know what a good number was. Cotti stated
273 that Widmer had recommended 15 seconds and asked Ammonds what he thought he
274 needed to make his sign pay. Ammonds stated 5 seconds. Dryden stated that the LED
275 signs are controlled by a computer and it is a smooth transition.
276

277 Councilmember McCallum asked if they still had to adhere to the size requirements.
278 Widmer replied “yes” that usually only a portion of the sign is LED. McCallum stated that
279 we need to be more uniform in how we apply the sign ordinance and stated that 15
280 seconds was okay.
281

282 Councilmember Raulston made a motion to amend the sign ordinance to provide for 5
283 second intervals. Councilmember Morris stated that he would second the motion with
284 the instruction to the Staff that they uphold the remainder of the sign ordinance
285 regulations. The motion passed by a vote of 5 ayes, 1 nay [Cotti], and 1 absent [King].
286

287 **8d.** Discuss and consider annexation of Rainbow Lakes Estates and related
288 area and take any action necessary.

289 Robert LaCroix discussed the background of the request and stated that this is a
290 voluntary annexation by Rob Whittle. The area is within the City’s ETJ. The annexation
291 has to be completed within the time schedule provided. LaCroix stated there is a
292 required service plan that he will prepare.
293

294 Councilmember Raulston thanked Robert and Rob Whittle and stated that this is a good
295 time do this. Raulston then made a motion to move forward with the annexation and
296 Councilmember Morris seconded the motion. Councilmember Cotti asked what the cost
297 would be and was advised that the water/sewer is already paid. The motion passed by a
298 vote of 6 ayes and 1 absent [King].
299

- 300 **8e.** Discuss and consider establishing a Council Subcommittee to determine
301 if changes are necessary to the Charter and take any action necessary.

302 **Councilmember Cotti discussed the background of the request. Councilmember Morris**
303 **stated that he did not have any problem with the second change Cotti had proposed and**
304 **was not sure where Cotti was going with the third change, but that he does not at all**
305 **support the changes Cotti set out in number one. Morris stated that the taxpayers need**
306 **the change. Cotti stated that he did not disagree with Morris' position, but he felt that**
307 **there might be other items in the Charter that need to be reviewed. With regard to 7.14,**
308 **there was nothing specific he was referring to. Cotti stated he felt that it was worth**
309 **bringing up since the last it was reviewed was in 1996.**

310
311 **Councilmember Raulston stated that he would support at least looking a Subcommittee.**

312
313 **Councilmember Dobbs stated that it was all right with him.**

314
315 **Councilmember McCallum stated that he could support it.**

316
317 **Councilmember Cotti made a motion to form a Council Subcommittee and do this in**
318 **executive session. Mayor Jones stated that he wanted it known that the Mayor does not**
319 **want any additional power. Councilmember Raulston seconded the motion and the**
320 **motion passed by a vote of 6 ayes and 1 absent [King].**

321
322 **CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE**
323 **LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

324
325 **9a.** Departmental Reports

326 **9b.** City Manager's Report

327 **(1)** Report on HIPAA.

328 **(2)** Update on mosquito control program.

329 **City Manager Julie Couch stated that the 4th of July celebration was a big success and**
330 **that next year the celebration will again be in Meyers Park, but that the expansion should**
331 **be complete by then. Couch also stated that it was truly a cross section of employees**
332 **who participated in the Balanced Score Card. Couch reminded the Council that the**
333 **Budget Retreat will be held on Saturday, August 2, 2003, at City Hall. The City**
334 **Council/Staff Retreat will be held at Lakepointe Hospital on Saturday, August 23, 2003.**

335
336 **Cheryl Austin, Director of Administrative Services, discussed the new HIPAA regulations.**
337 **Austin stated that the compliance date is September 2003 and there are very stringent**
338 **penalties for noncompliance.**

339
340 **Brad Griggs discussed mosquito control and the actions the City has taken to control the**
341 **mosquitoes. Councilmember Morris asked if you had a public awareness program.**
342 **Griggs advised that we have not done anything yet. Morris asked if the problem was**
343 **lessening. Griggs advised that we have not had the alarm like we had in the past.**
344 **Councilmember Cotti stated that he had been receiving calls from people who live by the**
345 **lake and wanted to know if spraying was a possibility. Griggs stated that Dr. Lensch had**
346 **stated that we should not spray until there was a confirmed human case or a large**
347 **amount of dead birds. The effectiveness of the spraying is in question. Additionally, we**

cannot spray within 300 feet of a body of water. Cotti told Griggs that we were doing a good job.

There being no further business to come before the Council in regular session, the meeting was adjourned in Executive Session at 8:14 p.m.

ACTION AS RESULT OF EXECUTIVE SESSION

Councilmember Cotti made a motion to authorize the Building Official to proceed with civil action against 5922 Volunteer and 1235 Ridge Road West homeowners. Councilmember Raulston seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].

Councilmbmer Cotti made a motion authorizing the City Manager to enter into a contract with The Cambridge Companies, Inc. for a 3 acre tract of land for the Eastside Pump Station Site Expansion. Councilmember McCallum seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].

Councilmember Cotti made a motion appointing Margo Nielsen to the Building and Standards Commission (term to expires August 2005) to replace Bill Hensel who recently passed away. Mayor Jones seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [King].

Councilmember Cotti made a motion to appoint Mayor Jones, Councilmember Raulston and Councilmember Morris to the Charter Review Subcommittee and Councilmember Dobbs seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

Mayor Jones made a motion to appoint Councilmember Cotti as the liaison to the Historic Preservation Advisory Board and Councilmember Morris seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [King].

There being no further business to come before the Council, the meeting was adjourned at 10:30 p.m.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

**Minutes
Rockwall City Council
July 11, 2003
4:00 p.m. Special Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087**

Mayor Jones called the meeting to order at 4:00 p.m. Present were Mayor Jones and Councilmembers Tim McCallum, Larry Dobbs, Bob Cotti, Billy Morris, John King and Terry Raulston.

The meeting went immediately into Executive Session to discuss:

- a.** Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- b.** Deliberate commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.

Action as Result of Executive Session

Motion was made and duly seconded that the City Manager be authorized to enter into a ***Memorandum of Understanding*** with Whittle Development for a project to be known as The Harbor Project. The City will fund the said improvements in an amount not to exceed \$8,570,286, subject to statutory requirements of proposed debt issue and any other applicable Texas law. The motion passed unanimously by a vote of 7 ayes and 0 nays.

There being no further business to come before the Council, the meeting was adjourned at 6:00 p.m.

Ken Jones, Mayor

ATTEST:

Dorothy Brooks, City Secretary

43
44 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
45 REPEALING ORDINANCE NO. 03-05 IN ITS ENTIRETY AND AMENDING CHAPTER 15
46 OF THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, BY THE ADDITION OF
47 A NEW ARTICLE XII, ENTITLED "REGISTRATION OF RETAIL ELECTRIC
48 PROVIDERS"; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
49 GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTION; AND PROVIDING AN
50 EFFECTIVE DATE.

51
52 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 8 OF
53 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS
54 HERETOFORE AMENDED, SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A
55 NEW BUILDING OVER 5,000 SQUARE FEET WITH COMBUSTIBLE STRUCTURAL
56 MATERIALS ON A TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR A
57 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
58 (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED
59 COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS;
60 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
61 CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

62
63 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
64 DENYING TXU GAS COMPANY'S REQUEST TO CHANGE RATES IN THIS
65 MUNICIPALITY, AS A PART OF THE COMPANY'S STATEWIDE GAS UTILITY SYSTEM;
66 PROVIDING A REQUIREMENT FOR A PROMPT REIMBURSEMENT OF COSTS
67 INCURRED BY THE CITY; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE
68 IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR
69 NOTICE OF THIS ORDINANCE TO TXU GAS COMPANY; PROVIDING AN EFFECTIVE
70 DATE.

71
72 The motion passed by a vote of 6 ayes and 1 absent [Dobbs].

73
74 Councilmember Morris made a motion to approve consent item 3a and Councilmember
75 Cotti seconded the motion. The motion passed by a vote of 5 ayes, 1 abstain [King, and
76 1 absent [Dobbs].

77
78 Councilmember Cotti stated that he could not support the amendment to the sign
79 ordinance because we previously rejected a similar request from the area realtors.
80 Councilmember Morris made a motion to approve consent item 3d and Councilmember
81 Raulston seconded the motion. The ordinance was read as follows:

82
83 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE SIGN CODE
84 OF THE CITY OF ROCKWALL, SO AS TO PROVIDE FOR THE REGULATION OF
85 ELECTRONIC MESSAGE SIGNS; PROVIDING FOR A FINE OF A SUM NOT TO
86 EXCEED FIVE HUNDRED DOLLARS (\$500); PROVIDING FOR A SEVERABILITY
87 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE
88 DATE.

89
90 The motion passed by a vote of 5 ayes, 1 nay [Cotti], and 1 absent [Dobbs].

91
92 **APPOINTMENTS**

- 93
94 4a. Appointment with Jean Allen from the Bourn Avenue Alumni Association
95 to present report on 2003 Juneteenth event and take any action
96 necessary.

Jean Allen came forward and thanked the Council for their support for the Juneteenth event. Councilmember Cotti thanked Ms. Allen for her hard work and stated that it was good food and good times. Mayor Jones stated that he was going to film Councilmember Morris on their next vacation with the camcorder that he won.

- 4b. Appointment with Sherry Pittman, Chairman of the Sesquicentennial Committee to discuss budget for the Sesquicentennial and take any action necessary.

Sherry Pittman came forward to report on the Sesquicentennial Committee's budget. Ms. Pittman stated that they are looking for an excavator to expose the rock wall at a location on SH66 and FM549. Councilmember Raulston commended the group on all their hard work. Councilmember Cotti asked Ms. Pittman if the \$65,000 shown in the budget was what the Committee was looking for the City to pay. Ms. Pittman advised that it was. Cotti asked Julie Couch, City Manager, if she knew where the money would come from. Couch stated that it would be discussed in the upcoming budget retreat. Mayor Jones stated he was grateful that they are doing a permanent farmer's market.

- 4c. Appointment with Dr. Bob Breen and friends in the Shores to discuss the sidewalk that has been proposed for Shores Boulevard and take any action necessary.

Dr. Bob Breen of the Shores came forward to address the Council. Breen stated that they were requesting that the sidewalk be reduced to 4 feet in width and showed examples of other sidewalks in the area.

Councilmember Morris asked if Staff had any problems with the 4 foot width. Rick Crowley, Assistant City Manager, stated that the standards had changed over the years and that currently for any sidewalk abutting a curb, a 5 foot width was required. Crowley stated that he fully expects that width to be increased by the State's transportation engineers.

Councilmember Cotti asked Chuck Todd, City Engineer, if he could address this issue. Todd advised that the funds for this project were actually trail funds and that the 5 foot width is for safety purposes and is an ADA requirement. Cotti asked if a 4 foot sidewalk would impair the safety of the citizens. Todd replied that it would not.

Mayor Jones made a motion that the sidewalk be moved away from the curb and be 4 feet in width.

Councilmember McCallum asked if there was anything that could be done to lessen encroachment on private property. Chuck Todd stated that the City is trying to keep away from property lines. Regulations require that fences be 10 feet from the curb.

Mayor Jones stated that it could be 4 feet to match the other sidewalks. Rick Crowley stated that there examples of different sizes throughout the area.

Councilmember McCallum asked if the size of the sidewalk could vary – vacant vs. inhabited. Todd stated that it causes problems if it varies too much.

145 Mr. Breen stated that the homeowners in the area have consistently stated that they want
146 4 foot sidewalks. Chuck Todd stated that 4 foot is consistent in the older areas where
147 the sidewalks are two feet away from the curb and are 4 foot in width.
148

149 Councilmember Morris seconded Mayor Jones' motion that the sidewalk be moved away
150 from the curb and be 4 foot in width. Councilmember Raulston stated there is a 10 foot
151 right-of-way and that we do not encourage buildings or trees in this area, just grass.
152 Chuck Todd agreed. The motion passed by a vote of 6 ayes and 1 absent [Dobbs].
153

- 154 4d. Appointment with Planning and Zoning Chairman to discuss and answer
155 any questions regarding cases on the agenda and related issues and
156 take any necessary action.

157 Ross Ramsay, Chairman of the Planning and Zoning Commission, addressed the Council
158 and discussed the background of item 5a. Councilmember McCallum asked if this was
159 for single-story homes only and stated that zero-lot line homes have a 50% coverage and
160 that this is going to be 45% coverage and wanted to know what will prevent it from
161 looking like zero-lot homes. Ramsay stated that the setbacks do not change so it will not
162 look like zero-lot homes. As far as single or two-story, it does not matter because the
163 footprint would not change.
164

165 PUBLIC HEARING ITEMS 166

- 167 5a. Z2003-005 – Hold a public hearing and consider an *Ordinance* for a
168 request by Robbie Lee Hale of Shepherd Place Homes, Inc., for an
169 amendment to (PD-17) Planned Development No. 17, specifically to
170 increase the maximum building coverage from 35% to 45% for an
171 approximate 52.35-acre tract known as Lynden Park Estates Phases 3
172 and 4 and take any action necessary. (1st Reading)

173 Robert LaCroix discussed the background of this request and stated that in the new code
174 that the lot coverage will be increasing.
175

176 Mayor Jones opened the public hearing and the following persons came forward to
177 address the Council:
178

179 Robbie Hale, Shepherd Place Homes. Hale stated that they do not want two story cookie
180 cutter homes either. The homes they are planning meet all the front, side and rear yard
181 requirements, just not the coverage requirement.
182

183 Councilmember Cotti asked what this would do to the values of the homes. Hale stated
184 that it would increase the value due to more square footage. For example, a home
185 running \$145,900 would increase to \$156,900.
186

187 There being no one further to address the Council, Mayor Jones closed the public
188 hearing.
189

190 Councilmember McCallum asked about opposition. Robert LaCroix stated that the
191 persons who opposed the increase in coverage were confused because they thought
192 there would be more lots. We are not making more lots, we are just increasing the area
193 on the lot where the house can be built.
194

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AND ORDINANCE NO. 95-50, AS HERETOFORE AMENDED, SO AS TO AMEND "PD-17" PLANNED DEVELOPMENT DISTRICT NO. 17 TO INCREASE THE MAXIMUM BUILDING COVERAGE FROM 35% TO 45% ON AN APPROXIMATE 52.35-ACRE TRACT OF LAND KNOWN AS LYNDEN PARK ESTATES PHASES 3 AND 4 AND MORE FULLY DESCRIBED HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR AREA REQUIREMENTS; PROVIDING FOR A DEVELOPMENT PLAN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND EVERY DAY THE OFFENSE CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SITE PLANS/PLATS

- 6a. **P2003-010** – Discuss and consider a request by Bob McDonald of First Christian Church for a final plat of a single, 5.0-acre tract zoned PD-47 Planned Development No. 47 and located at the northeast corner of Ridge Rd (FM 740) and White St, to be known as Lot 1, Block A, First Christian Church, Disciples of Christ, Rockwall, Texas, Addition and take any action necessary.
- 6b. **SP2003-007** – Discuss and consider a request by Bob McDonald of First Christian Church for a site plan (including building elevations, landscape plan and treescape plan) of a proposed church located at the northeast corner of Ridge Rd (FM 740) and White St being a 5.0-acre tract proposed to be platted as Lot 1, Block A, First Christian Church, Disciples of Christ, Rockwall, Texas, Addition and take any action necessary.

Robert LaCroix discussed the background of the final plat and stated that a facilities agreement would be required for the utilities. LaCroix then discussed the background of the site plan and stated that the Architectural Review Board had reviewed and approved the plan. The steeple will be 99 feet tall and signage will be consistent with the Overlay District requirements. Fencing will be rail-type and landscaping will be built. The back fence will be black-coated chain link and landscaping will be used for screening purposes. The detention ponds on the property will be fenced with wrought iron fencing.

Bob McDonald came forward to request approval.

Councilmember Morris made a motion to approve item 6a, the final plat, with Staff and Planning and Zoning recommendations. Councilmember Raulston seconded the request. Mayor Jones stated he was going to vote in favor of this because he was not going to vote against God. The motion passed by a vote of 6 ayes and 1 absent [Dobbs].

Councilmember Raulston then made a motion to approve item 6b, the site plan, and Councilmember Cotti seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Dobbs].

ACTION ITEMS

- 7a. Discuss and consider the Take Line Subcommittee recommendations and take any action necessary.

Councilmember Cotti discussed the background of Take Line Subcommittee and stated that the purpose of discussing the recommendations tonight was to make sure everyone was on the same page. Cotti thanked Brad Griggs, Joey Boyd, Julie Couch, Rick Crowley and the Mayor for their hard work.

Brad Griggs stated that the Subcommittee needed the support of the Council and asked for their recommendations.

Councilmember Morris stated that this was the first chance he had to speak publicly about take line subleasing and stated that he would not have agreed to it. Morris stated that he does not understand the mentality of not leaving a tract of land alone. We need to adopt the "KISS" philosophy – "Keep It Simple Stupid." There is no reason to allow anything but landscaping on the take line. There is no reason to clutter the take line.

Mayor Jones stated that the Subcommittee has told everyone that it has to come back to the full Council for approval. Jones stated that he does not like swimming pools in the take line or 22 foot high gazebos. We are encouraging citizens to remove trees and we need to address this. They should only prune or trim the trees.

Councilmember McCallum stated it was strange that he and Councilmember Morris have similar views, yet very different views. He, too, cannot support the recommendations. McCallum stated there are 430 homeowners who will be responsible for the seawall upkeep and erosion control. We should look at boat docks, ornate fences, etc. They paid a premium for their property and we should allow them to do more on their lots, especially for the extra tax burden they will have.

Councilmember Morris stated that those are electives. That is only 430 out of 23,000. We don't want to do or look like Rowlett. You just made code enforcement insurmountable. Fate and Royse City have just as much right to the lake. The survey that was taken was for privacy. Leave it alone – don't clutter it up or it will be a code enforcement nightmare.

Councilmember McCallum stated that we should not clutter or change landscaping. It is not a code enforcement problem. We should allow them to develop in a manner that Planning and Zoning and Staff see fit.

Mayor Jones asked if he lives on the lake and builds a 22 foot gazebo, does he have the right to restrict the views of the other 22,000 citizens.

McCallum stated that if buildings are allowed in the take line, they should match the homes.

Councilmember Cotti stated that these differences are why he brought this forward, so they can determine what they are going to do. Cotti stated that he thought they had laid out a clear course. There is still a lot of work to do. Swimming pools, spas and gazebos are considered as a conditional use permit. We need to pursue the lakeside park aggressively. We need to take action. Cotti stated he was ready to go forward on these recommendations.

Councilmember King stated that what we have heard tonight expresses a lot of what the homeowners have stated. The Subcommittee has done a good job. King stated he had a problem with the 22 foot gazebo, but that a 16-17 foot gazebo might be ok. It is things like this that can be improved in the process.

Councilmember Cotti made a motion to proceed along the course of action set out in the recommendations and move forward.

Councilmember McCallum asked Cotti to clarify his motion. Are we going with what was proposed or enlarge it? Cotti stated that we should go with the recommendation as is.

Julie Couch stated that by going forward with the recommendations it sends the matter to the Planning and Zoning Commission who has to create the overlay district. It will come back to the Council for approval.

Councilmember McCallum stated that he believes we should have some firm concurrence before it is sent to the Planning and Zoning Commission.

Councilmember Cotti stated that the recommendations have already been approved by the Council twice, in October 2002 and again in April 2003. We are not introducing anything new. Cotti stated that he does not think that everyone on the Council will agree. What we are trying to do is get this in the works toward conclusion. This has been presented to the homeowners. What is being requested tonight is to get the P&Z to begin writing the ordinance, the Subcommittee to write the admin package, and the Council to hear all public meetings from this time forward.

Councilmember McCallum stated that while the Council might have approved this in the past, he is hearing conflicts now.

Mayor Jones stated that he had received a couple of calls since then and could not support this.

Councilmember Raulston stated that we have been working on this for 9 months and he thought this is what they had agreed upon. Raulston stated he would continue to support this, but not if they add a lot to it.

Councilmember King seconded Councilmember Cotti's motion to proceed along the course of action set out in the recommendations and move forward.

Councilmember McCallum stated that he will vote against this motion. We need to listen to the homeowners on the lake. Councilmember Cotti stated that they had talked to the people who have property on the lake.

Councilmember Raulston stated that it is a shame that we spent our citizen's and the Subcommittee's time on this and are now saying it isn't good enough.

Mayor Jones stated that perhaps we need to go back to square one. Cotti disagreed stating that they had already approved this in principle and had made a commitment to folks in their meetings and presentations.

Councilmember Morris stated he was not here for the first vote and that they are very far apart on the gazebos.

The motion failed by a vote of 3 ayes [Cotti, King and Raulston], 3 nays [Morris, McCallum and Jones], and 1 absent [Dobbs].

Julie Couch stated that the full Council needs to work through this and suggested a work session. Councilmember Cotti asked if this could be discussed in the upcoming budget retreat or the Council/Staff retreat. Couch replied no. Pete Eckert, City Attorney, stated that the City Manager is right. The Council needs to take this matter up before the full Council. This is clearly an issue that the Council needs to be of one mind before it goes to the Planning and Zoning Commission.

Councilmember Cotti stated that he was glad they had this discussion tonight and thanked Councilmember Morris and Councilmember McCallum for their input.

Councilmember McCallum stated that while we are at an impasse, this Council has shown a remarkable ability to compromise and work together. McCallum stated that the City Manager's suggestion for a work session is a good one.

Councilmember Morris stated that he is not opposed to a work session, but asked how they were going to change his mind in one day.

- 7b. Discuss and consider approval of forming a Council Subcommittee for tree preservation and take any action necessary.

Mayor Jones stated that he brought this forward for discussion because we can't do enough to save our trees. We need to do more. A prominent Rockwall resident took a developer around to see large trees and asked that they be saved, but they were bulldozed anyway. In PD-11 the trees were taken out. Jones stated he wants to form a Subcommittee and save our trees.

Councilmember Morris stated that we have a lot of trees and we have a bunch of small lots. Ross Ramsay has made the comment that the developers are not going to work to save the trees. Planning and Zoning can use our current ordinance as a bargaining tool – a legal tool. That's not bad. Morris stated that he personally likes to keep a tight ordinance and stated that he would like to hear from Ross Ramsay.

Mayor Jones stated that Ross had showed him how a developer could build around trees.

Ross Ramsay stated that 15-20 years ago, the zoning that we are having so much trouble with was instituted. We are nearly out of the small lots which are so hard to build on. Staff is very much on top of this. Drainage on small lots is harder for trees. We have

392 been requiring 100% replacement. One problem is getting an accurate count. Robert
393 and his staff walk the lots and they are doing a good job. Our current ordinance is a
394 good ordinance.
395

396 Councilmember Cotti stated that it sounds like what is currently being done by the
397 Planning and Zoning Commission and Staff is being done very well.
398

399 Ramsey stated that more and more they are keeping the developers from developing
400 near the creeks and it is one area we can take a closer look at.
401

402 Councilmember McCallum stated that he concurs with Councilmember Morris. He has
403 had a developer say they are going to replace trees. Developers are replacing trees vs.
404 saving trees to save money. We need to save rather than replace. I have 15 trees in my
405 yard and I won't let anyone cut them down.
406

407 Councilmember Morris asked how long a period a developer has to replace trees that
408 have died. Robert LaCroix stated that for a business it is forever. Residential is
409 different. We inspect regularly and make businesses replace any missing trees. Morris
410 asked LaCroix if we needed to tighten the ordinance. LaCroix stated that we tightened it
411 up a year ago. On the hill we had a lot of cedars and they are very small. We try very
412 hard to protect the hardwoods. The LaHolla project has the best tree guy working for
413 them. They know we are tough (I have the chigger bites to show for it!). Chuck is worse
414 than I am. It's more in our subdivision ordinance where we have a problem with trees
415 backing up to a creek. You have to grade and you don't know until after the grading if
416 the trees survived. We need to keep houses away from the creeks as much as possible.
417 We need to go to the Subdivision Ordinance to go after this problem.
418

419 Councilmember Raulston stated that the tree ordinance is looking good. We have
420 worked on it and are finally seeing that the ordinance is working for us. Getting the
421 Subdivision Ordinance updated will help us on the trees.
422

423 Mayor Jones stated that he would rather save a tree than replace a tree.
424

425 Councilmember Cotti asked given what we have heard tonight, do we need a
426 subcommittee for the tree ordinance or should we look at other alternatives?
427

428 Joanie Mehl came forward to address the Council. Mehl stated that she thinks the City is
429 moving forward. The cedar tree may be considered a trash tree, but they are native trees.
430 Mehl stated that she thinks we should look at those trees – use the cedars as a
431 landscape fence.
432

433 Councilmember Morris stated that trash trees may not be eye pleasing, but they serve
434 wildlife and environmental needs.
435

436 Ms. Mehl stated that she understands grading, but we should keep in mind that trees do
437 help with drainage. Trees that are old use a lot of water.
438

439 Mayor Jones stated that trees clean the air we breathe and made a motion to form a
440 subcommittee.
441

Councilmember King stated that the Staff has done a great job. He wants to be sure that the Council does not delay the process and wants to be sure that they are not adding another layer of government to the process.

Mayor Jones stated that he wants to support the Staff and Planning and Zoning.

Councilmember McCallum stated that Councilmember King brought up some good points. We don't want to slow down the process and don't want to be an obstacle to the Staff. McCallum stated that perhaps we should retract the motion and support the Staff when they come before us.

Councilmember Morris stated he was trying to determine what they should do. Mayor Jones stated they should help them in anyway they want. Morris asked if Jones was suggesting that they walk the trees and stated there was no way he would do that.

Councilmember Raulston stated that while everyone had made great points, he did not see a need for a subcommittee.

Councilmember Cotti stated that he felt it would behoove the entire Council to read the tree ordinance and understand it and that they could talk about it at the joint worksession with the Planning and Zoning Commission.

Julie Couch stated that she agreed and that we would not ask the Council to go out and mark trees. It is a good idea to discuss the issue at the worksession.

Mayor Jones withdrew his motion.

- 7c. Discuss and consider approval of a request from Michael Potter for a change in zoning from Agricultural (A) to Heavy Commercial at 965/967 Sids Road and take any action necessary.

Robert LaCroix discussed the background of the request and stated that Mr. Potter's business had been destroyed by arson last year and he wants to rebuild at this time. However, the property is in AG zoning and will need to be changed to heavy commercial before he can do so.

Councilmember Raulston asked if perhaps the property had been grandfathered and Potter could go ahead without Council changing the zoning. Julie Couch stated that he could not rebuild a non-conforming use. There would not be a problem if the property were zoned heavy commercial. Raulston stated that we should do this.

Councilmember Cotti made a motion to grant a waiver to the moratorium to allow Mr. Potter to request a change in zoning to heavy commercial and include a city initiated zoning change to heavy commercial for property abutting Mr. Potter's property. Councilmember Morris seconded the motion and the motion passed by a vote of 6 ayes and 1 absent [Dobbs].

Mr. Potter stated that Staff and Jeffrey and Robert are great.

- 7d. Discuss The Harbor Project and take any action necessary.

492 Julie Couch advised the Council that this project will appear occasionally on their
493 agendas. Couch stated that she had an initial meeting with Dallas and that they are
494 comfortable with the project. At this time, the Developer will move forward with the site
495 plan process. Cinemark will be the first. The City will proceed with the detailed
496 contracts with all the players.

497
498 Councilmember McCallum stated this is a fantastic development. We need to send the
499 message, however, that there is no replacement for a 30' oak tree and we need to stand
500 behind our message.

501
502 Councilmember Cotti stated that the majority of the calls he had received were positive.
503 Staff has kept the public in the loop. Cotti stated that he appreciates the work Staff is
504 doing.

505
506 Rick Crowley advised that the Council that Dr. Breen had consulted with his neighbors in
507 the Shores and they would prefer the original 5' sidewalk with no green space between
508 the curb and the sidewalk.

509
510 Mayor Jones asked the City Attorney how they needed to address this. Eckert advised
511 that they needed a motion to reconsider the item. Mayor Jones then made a motion to
512 reconsider item 4c and Councilmember Morris seconded the motion. The motion passed
513 by a vote of 6 ayes and 1 absent [Dobbs].

514
515 Mayor Jones then made a motion to approve the original 5 foot sidewalk abutting the
516 curb and Councilmember McCallum seconded the motion. The motion passed by a vote
517 of 6 ayes and 1 absent [Dobbs].

518
519 There being no further business to come before the Council in regular session, the
520 meeting adjourned at 8:29 p.m. into Executive Session.

521
522 The Council took no action in Executive Session and the meeting adjourned at 10:00 p.m.

523
524
525
526
527 _____
Ken Jones, Mayor

528
529 ATTEST:

530
531 _____
532 Dorothy Brooks, City Secretary
533