

94-24



CHILI'S
SITE PLAN
FILE

Heath and Company
4703 Bengal Street
Dallas, TX 75235
May 31, 1995

Mr. Bill Crowley
City of Rockwall
205 W. Rusk Street
Rockwall, Texas 75087-3628

Dear Mr. Crowley:

We have encountered a problem at the Chili's location at 635 I-30, which requires us to ask for a variance to your sign ordinance (specifically the section that requires a 10'-0" setback from the front property line).

For some unknown reason, the water and sewer lines have been relocated from the original placement on the plot plan. The best I can tell is that it was due to the relocation of the fire hydrant. The lines now run directly under the sign support. I need to move the foundation to clear these lines. I cannot move back towards the building, because power lines cross the property. At this point, I need to clear the front property line by only 7'-6" - a reduction of 2'-6" from ordinance. I am enclosing plot plans to illustrate the situation.

It is my understanding that we must have City Council approval of this variance. Therefore, would you please put me on the agenda for the meeting of June 5th, 1995?

Should you have any further questions or comments, please advise.

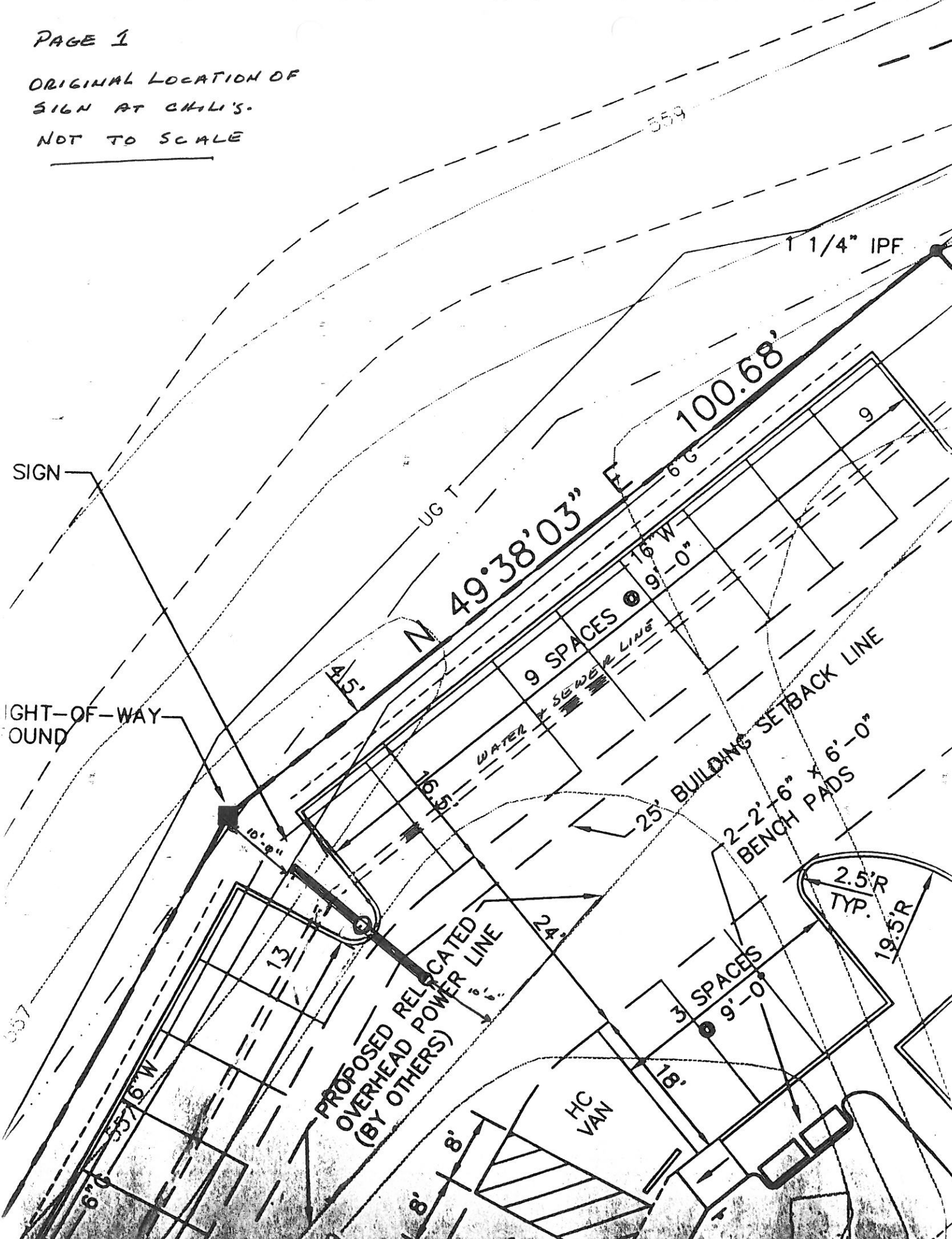
Sincerely,

Heath and Company
Ed Alexander

PAGE 1

ORIGINAL LOCATION OF
SIGN AT CHILI'S.

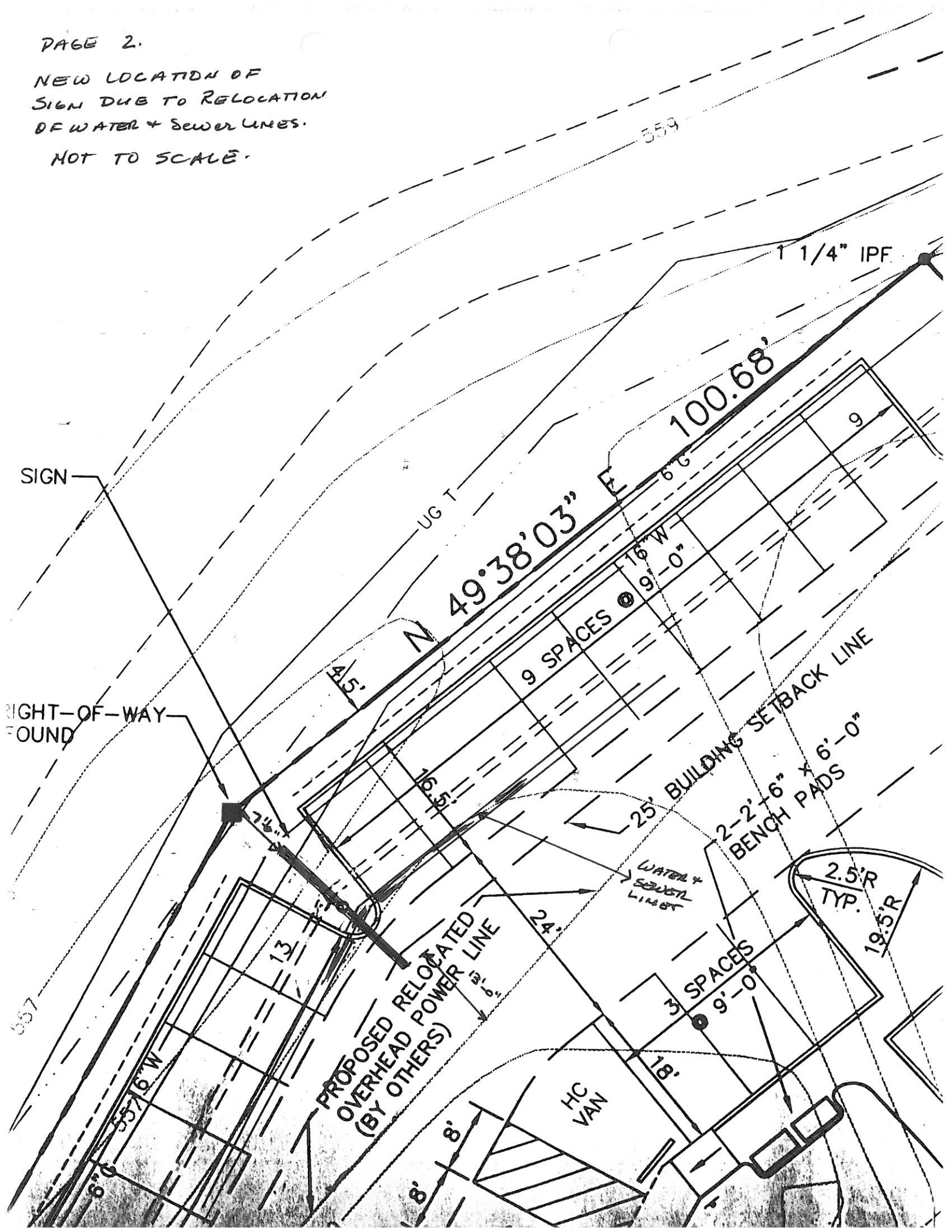
NOT TO SCALE

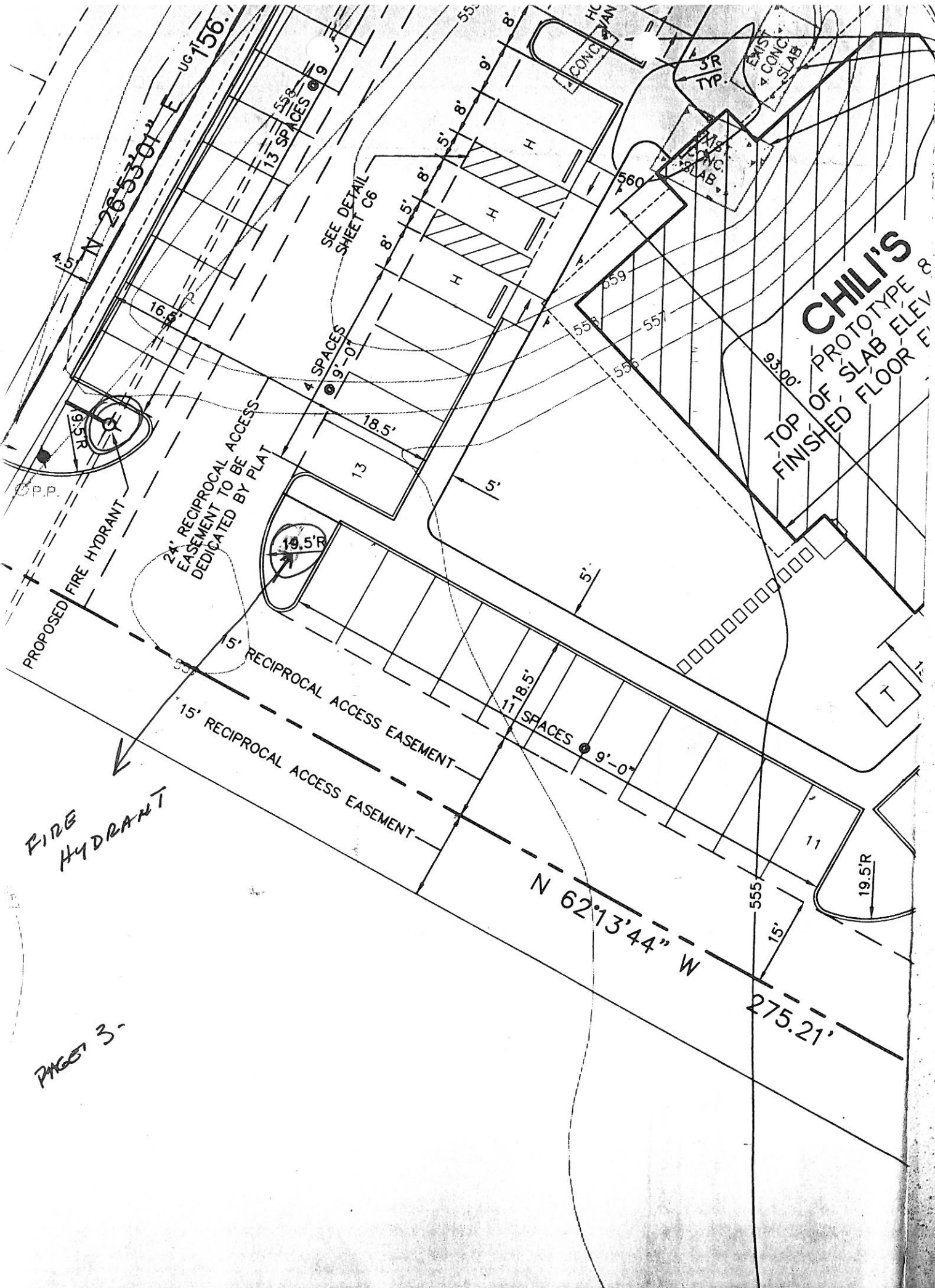


PAGE 2.

NEW LOCATION OF
SIGN DUE TO RELOCATION
OF WATER & SEWER LINES.

NOT TO SCALE.





CHILI'S
TOP OF PROTOTYPE
FINISHED FLOOR ELEVATION

24' RECIPROCAL ACCESS
EASEMENT TO BE
DEDICATED BY PLAT

15' RECIPROCAL ACCESS EASEMENT

15' RECIPROCAL ACCESS EASEMENT

SEE DETAIL
SHEET C6

4 SPACES
@ 9'-0"

11 SPACES
@ 9'-0"

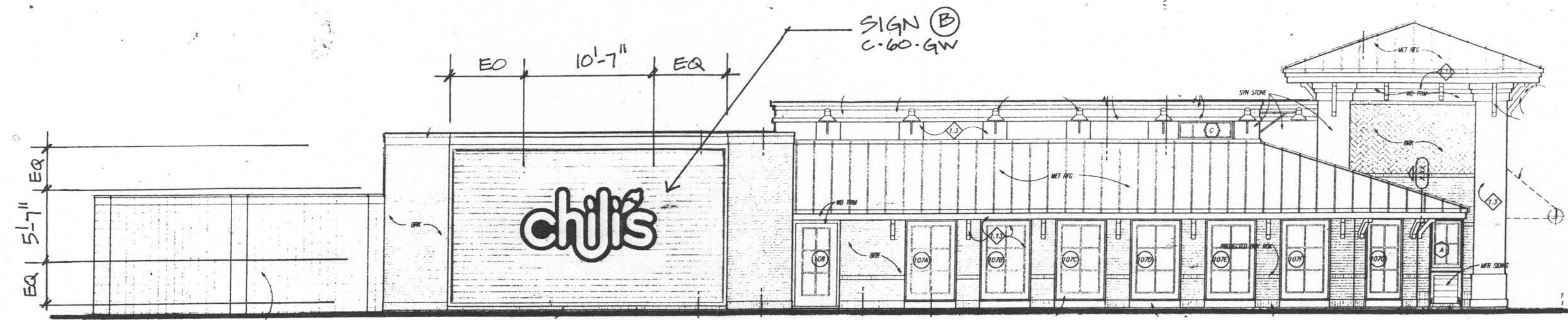
N 26°53'01" E
UG 156

N 62°13'44" W

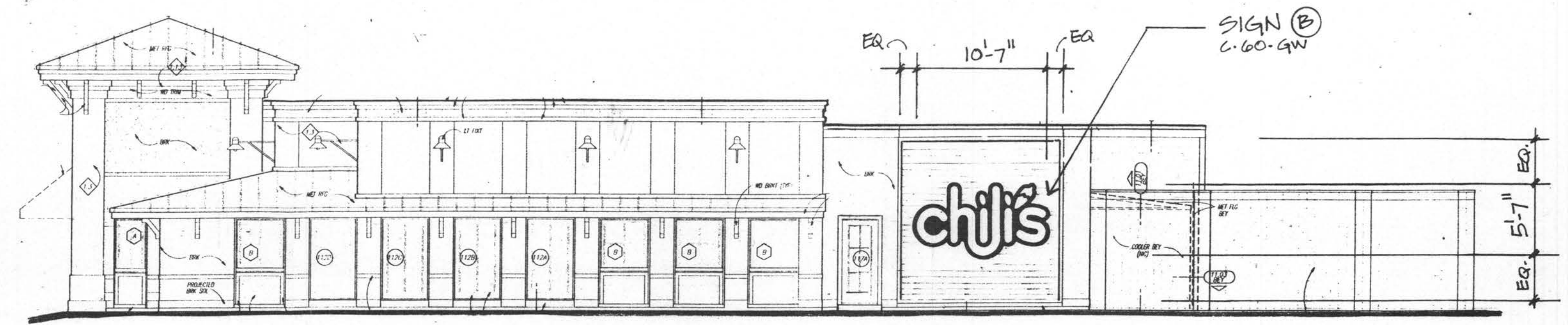
275.21'

FIRE
HYDRANT

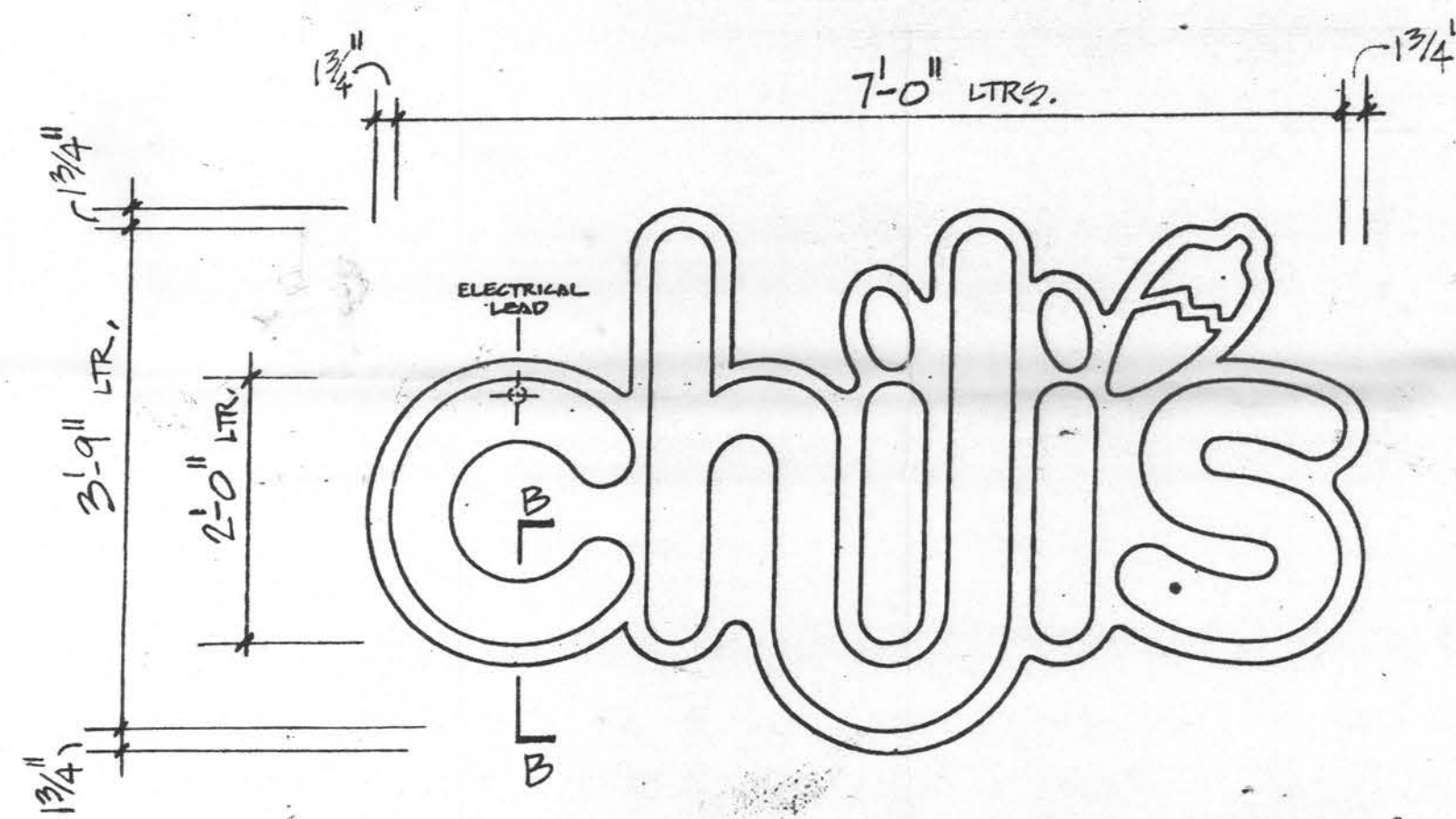
PAGE 3-



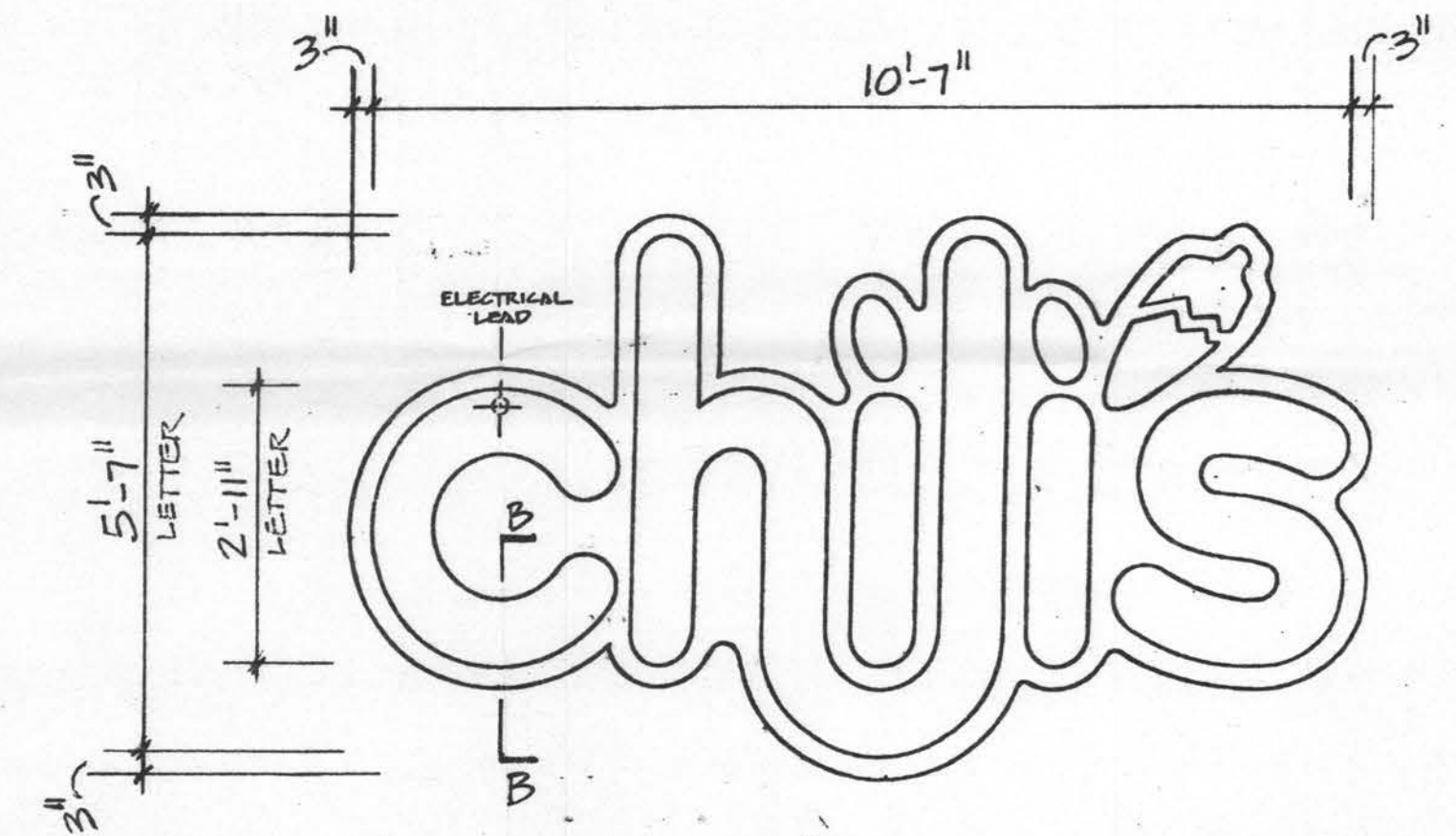
LEFT ELEVATION
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"



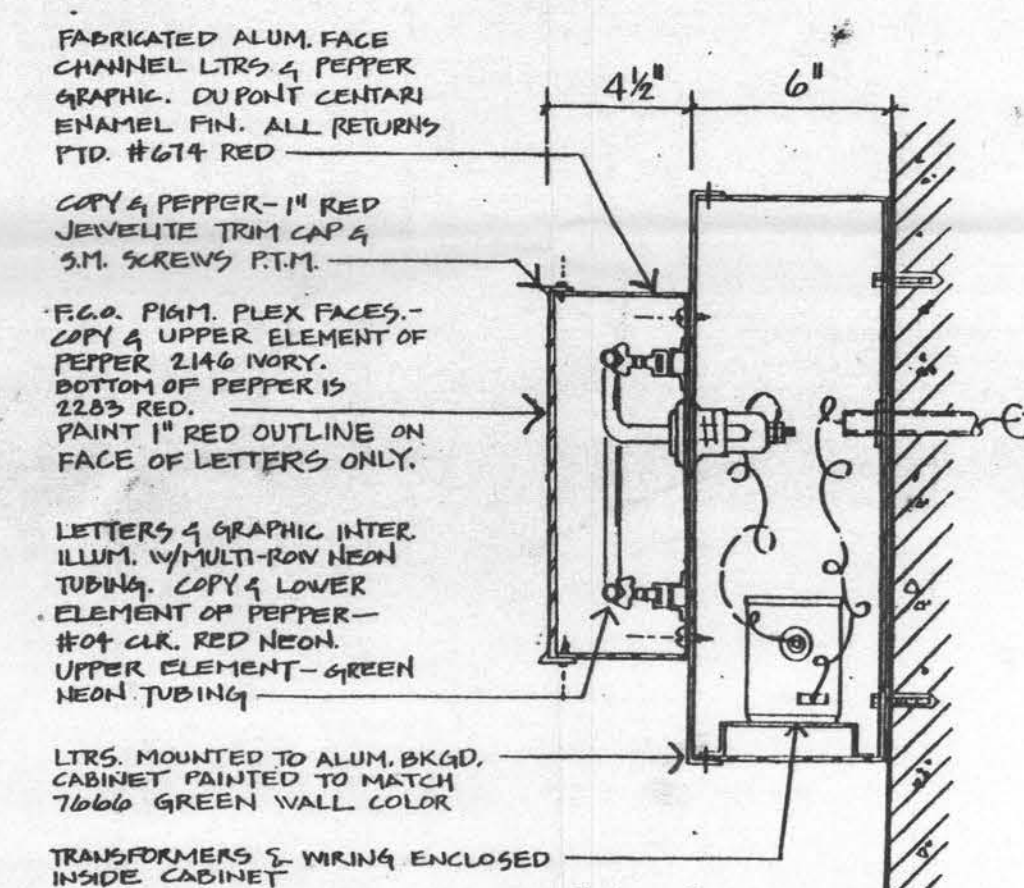
(A) FRONT WALL SIGN ELEVATION - C-27-GW
3/4" = 1'-0" ONE (1) SIGN REQ'D



(B) SIDE WALL SIGN ELEVATION - C-60-GW
1/2" = 1'-0" TWO (2) SIGNS REQ'D



FRONT ELEVATION
1/4" = 1'-0"



SECTION THRU LETTERS @ "B-B"
2" = 1'-0"

FABRICATED ALUM. FACE
CHANNEL LETRS & PEPPER
GRAPHIC. DUROUNT CENTRAL
ENAMEL FIN. ALL RETURNS
PTD. #614 RED

COPY & PEPPER - 1" RED
JEWELITE TRIM CAP &
SM. SCREWS P.T.M.

FIG. A. PAINT. PLEX FACES -
COPY & UPPER ELEMENT OF
PEPPER 2146 MOKY.
BOTTOM OF PEPPER IS
2255 RED.
PAINT 1" RED OUTLINE ON
FACE OF LETTERS ONLY.

LETTERS & GRAPHIC INTER.
ILLUM. W/ MULTI-ROW NEON
TUBING. COPY & LOWER
ELEMENT OF PEPPER -
#04 CLR. RED NEON.
UPPER ELEMENT - GREEN
NEON TUBING

LETRS. MOUNTED TO ALUM. BKGD.
CABINET PAINTED TO MATCH
7666 GREEN WALL COLOR

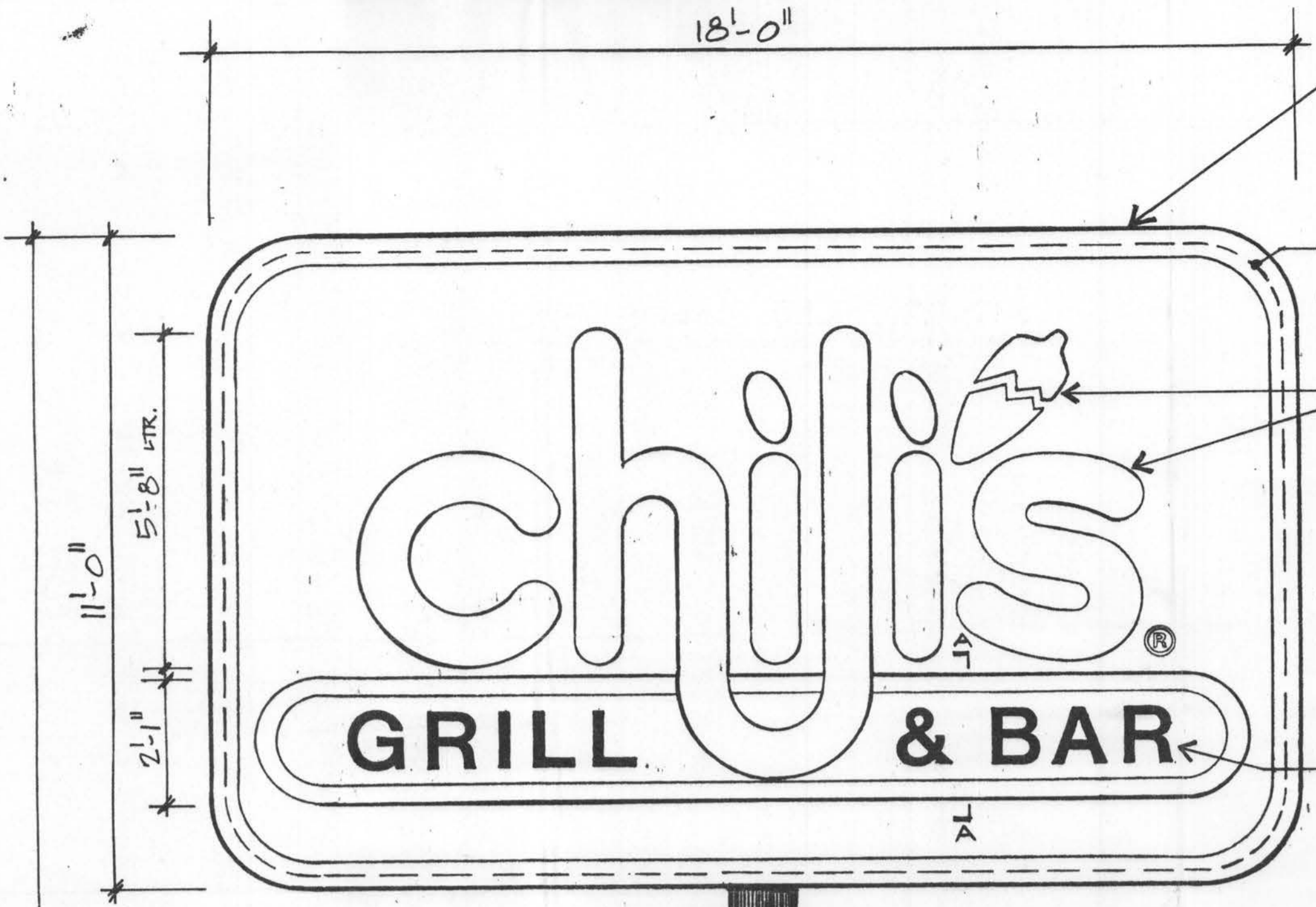
TRANSFORMERS & WIRING ENCLOSED
INSIDE CABINET



File Copy 94-24-SP

Heath and Company Excellence in Signage Nationwide		Revisions	Date	Job No	Project Name	Design No
3225 Lacy Street, Los Angeles, California 90031	(213) 223-4141	1		Sheet No 1 of 2	Address	Date 9-20-94
4703 Bengal Street, Dallas, Texas 75235	(214) 637-0650	2		Scale NOTED	City/State ROCKWALL, TX	Drawn J.B
A Fischbach Company 211 Hwy. 584 East, Oldsmar, Florida 33557	(813) 855-4415	3		Client Approval		Salesman DUNAYAN

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FABRICATED METAL SIGN CABINET
W/ METAL FACES & FILLER, DU PONT
CENTARI #7666 GREEN FINISH.

FABRICATED METAL CHANNEL BORDER,
3/4" CLEAR RED NEON ILLUMINATION
DU PONT CENTARI #674 RED FACE &
INSIDE RETURN W/ #7666 GREEN OUTSIDE
RETURN.

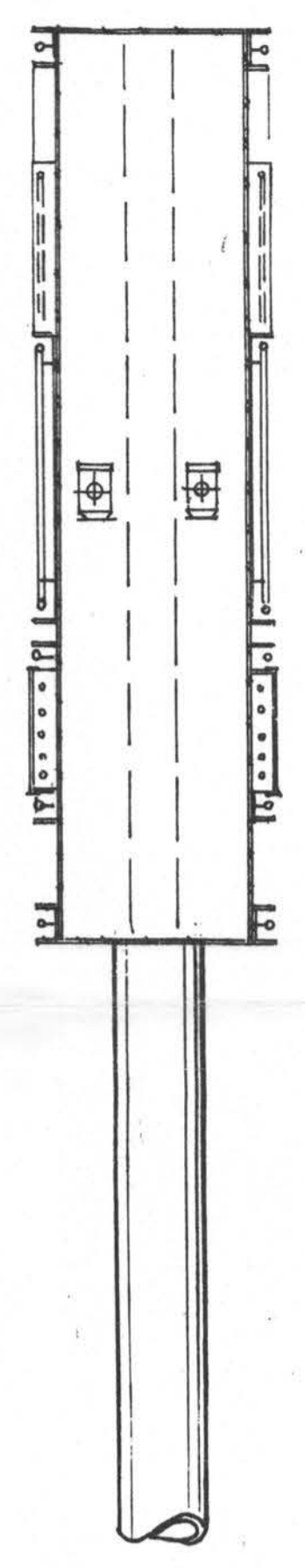
OPEN FACE METAL CHANNEL LTRS. W/ MULTI-
TUBE CLEAR RED NEON (TOP OF PEPPER
GREEN NEON).

"CHILIS" - DU PONT CENTARI #4775 CREAM
FACES & INSIDE RETURN W/ #674 RED
OUTSIDE RETURN. "PEPPER" #674 RED FACE
& RETURNS ON BOTTOM SECTION. #4775 CREAM
FACE & #674 RED RETURN ON TOP SECTION.

OPEN FACE METAL CHANNEL BORDER W/ 3/4"
CLEAR RED NEON, DU PONT CENTARI #674
RED FACE & INSIDE RETURN & #7666 GREEN
OUTSIDE RETURN.

"GRILL & BAR" LETTERS 230-33 RED
F.C.O. VINYL ADHERED TO FLAT #2146 IVORY
PLASTIC BKGD. W/ RED JEWELITE RETAINER,
INTERNALLY ILLUM. W/ WHITE NEON GRID.

MONO-POLE SUPPORT W/ DU PONT CENTARI
#7666 GREEN FINISH



END VIEW
1/2" = 1'-0"

OVERALL HEIGHT
40'-0"

#7666 GREEN MTL BKGD
& OUTSIDE LTR RETURN

#674 RED INSIDE
MTL CHANNEL RETURN
& LTR FACE
CL. RED NEON

1" RED JEWELITE
RETAINER

2146 IVORY
PLASTIC BKGD

230-33 RED
VINYL LETTERS
"GRILL & BAR"

FACE INTERNALLY
ILLUM. W/ WHITE
NEON GRID.

SECTION THRU "A-A"
N.T.S.

Ⓢ D/F SIGN ELEVATION
1/2" = 1'-0" ONE (1) SIGN REQ'D

File Copy
9-21-94
94-84-SP

Revisions	Date	Job No	Project Name
1		2 of 2	CHILI'S
2	NOTED		ROCKWALL, TX
3			

C-200-40 R



DESIGN NO. 94767
DATE 9-20-94
DRAWN JTB
SELECTION DUNAVAN

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Chilli's
94-24

CITY OF ROCKWALL
City Council Agenda

Agenda Date: June 5, 1995

Agenda No. VII G.

Agenda Item: Hold Public Hearing and Consider Approval of a Request from Brinker International for a Variance of the Sign Setback Requirements for Chili's and Take Any Necessary Action

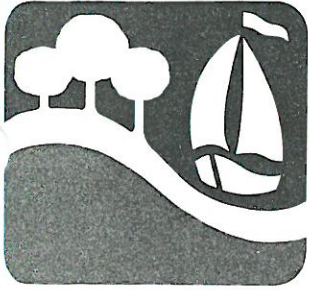
Item Generated By:

Action Needed:

Background Information:

Attachments:

1. Memo from Bill Crolley
2. Letter from Heath and Company



CITY OF ROCKWALL
"THE NEW HORIZON"

Memorandum

TO: Julie Couch, City Manager

FROM: Bill Crolley, City Planner

RE: Requested Sign Setback Variance For Chili's

DATE: May 28, 1995

Attached is a letter from Heath and Company requesting a variance from the sign ordinance. The sign ordinance requires a 10' setback from the property line. Chili's originally intended to meet the 10' setback, but during the utility construction phase of the project some field changes were made to the location of the water and sewer lines to miss other utility lines. As a result of these field changes and the location of the utilities in front of the Chili's site, there is limited available area to locate the pole for the sign.

Due to the location of this site and the expansive right-of-way along I-30 staff does not feel that the requested variance will create any problems.



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Should you have any further questions or comments, please advise.

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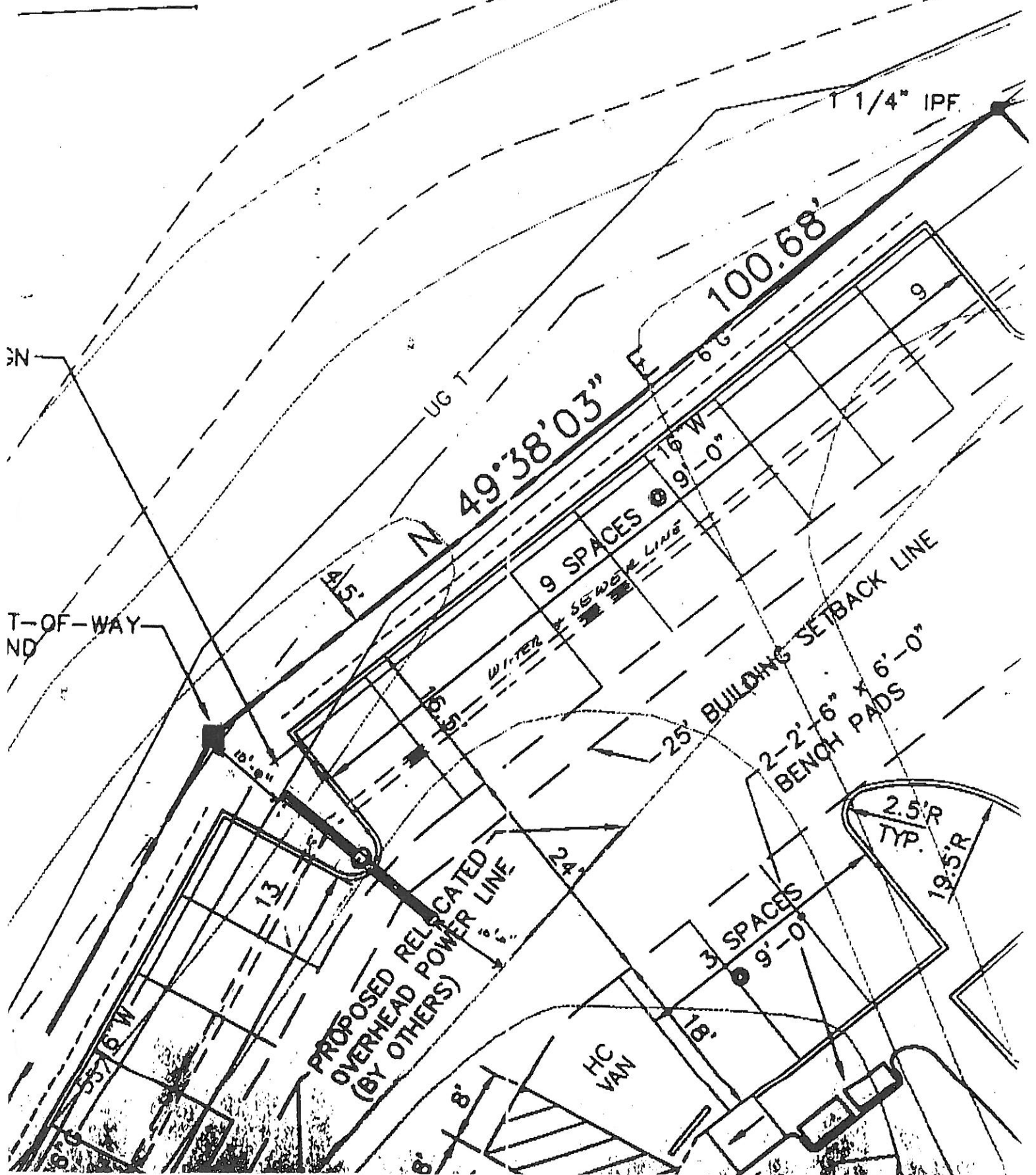
A handwritten signature in black ink, appearing to read "Ed Alexander". The signature is fluid and cursive, with a large initial "E" and "A".

Heath and Company
Ed Alexander

PAGE 1

ORIGINAL LOCATION OF SIGN AT CHILI'S.

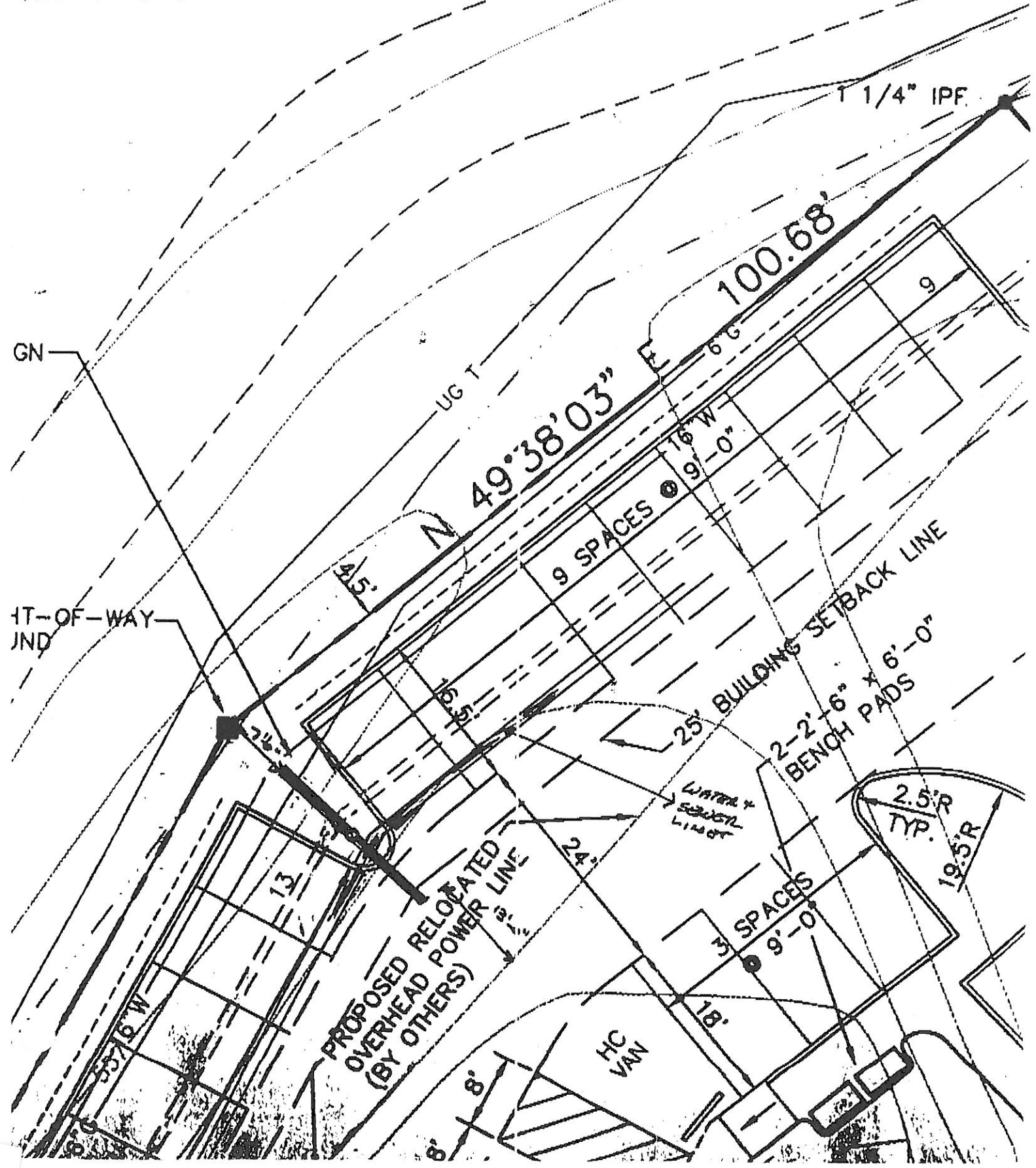
N TO SCALE



PAGE 2.

NEW LOCATION OF
SIGN DUE TO RELOCATION
OF WATER + SEWER LINES.

NOT TO SCALE.



MINUTES OF THE ROCKWALL CITY COUNCIL JUNE 5, 1995

5 Call To Order

Mayor Hatfield called the meeting to order at 7:07 p.m. Councilmembers present included Sam Buffington, Pat Luby, Dale Morgan, Nell Welborn and Todd White. Invocation and Pledge of Allegiance were led by Dale Morgan.

10 Recognition of Former Councilmember, Robert L. Wilson

15 Mayor Hatfield presented Robert L. Wilson with a plaque and thanked him for seven years of service to the City of Rockwall. Hatfield stated that Wilson had served on the Planning and Zoning Commission for six years and on the City Council for one year.

Open Forum

20 Mayor Hatfield opened the public form and invited anyone wishing to address the Council to come forward. No one came forward to address the Council. Mayor Hatfield closed the open forum.

Consent Agenda

- 25 a. Minutes of May 8, 1995 and May 15, 1995
- b. PZ-95-8-Z/SP/RP Approval of an Ordinance Amending the Construction Materials Requirements for PD-9 (2nd Reading)

30 Welborn moved approval of the consent agenda. Buffington seconded the motion and the caption was read by Robbins.

ORDINANCE NO. 95-17

35 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ORDINANCE NO. 86-55 OF THE CITY OF ROCKWALL, TEXAS AS HERETOFORE AMENDED SO AS TO CHANGE THE AREA REQUIREMENT IN PLANNED DEVELOPMENT NO. 9 SHOWN AS PART OF EXHIBIT C; PROVIDING FOR SPECIAL CONDITIONS, PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (200.00) FOR EACH OFFENSE;

40 PROVIDING FOR A REPEALER CLAUSE AND PROVING FOR AN EFFECTIVE DATE

The motion passed unanimously.

45 **Appointments/Plats/Plans/Public Hearings**

Appointment with Renee Maken to Receive an Update on the Hubbard Chamber Music Series 1994-1995 Season and to Receive A Funding Request for the 1995-1996 Season and Take Any Necessary Action

50 Renee Maken came forward to address the Council. She reported on the Hubbard Chamber Music Series 1994-1995 Season. She sated that in addition to the contract for the Hubbard Chamber Music Series, there was another contract which established a \$3,000 scholarship fund for the Hubbard Youth Chamber Orchestra for 1993-1994. She stated that to date the disbursements from the scholarship fund were Two Hundred and Eighty-Five dollars (\$285.00).
55 She detailed the procedures used to award these scholarships to area youth. Maken also reported on the benefits area youth receive from participating in these activities.

60 Maken stated that the Hubbard Chamber Music Series was granted Presenter's status by the Texas Commission of the Arts. She commented that the Chamber Music Series and the Youth Orchestra provided high quality, cultural musical programming. She requested the City to continue to support this group.

65 Maken asked the Council to consider funding for the 1995-96 fiscal year for the Hubbard Chamber Music Series. Maken stated that it was the tenth anniversary season for the music series. She reported that three of the season's concerts would be held at the Rockwall High School auditorium. She stated that the December concert would benefit several of the children's organizations in Rockwall. Maken reported that the subscription rate for students had been reduced from Twenty-Five Dollars (\$25.00) to Eighteen Dollars (\$18.00).

70 Welborn asked if the Hubbard Chamber Music Series received grants from any other entities. Maken stated that they had applied to the Texas Commission of Arts and had not yet received a response. She stated that the group had received some donations from local businesses. Welborn stated that in her review of the previous year's budget and the proposed budget for
75 1995-1996 she had seen a new explanation for an expense. Welborn stated that the new explanation was entitled "grant commission" and was for Five Hundred Dollars (\$500.00). Welborn requested Maken to explain the expense item and what it represented. Also, Welborn requested Maken to explain how the proposed Six Hundred Dollars (\$600.00) item from the 1995-1996 budget would be used. Maken reported that grant commissions were customary
80 administrative expenses in non-profit organizations. Maken stated that this item had been included in the Texas Commission of the Arts application and had never been questioned. Maken stated that the item had been present in previous budgets. Maken commented that when she became associated with the organization that it had been the practice that anyone writing grants for the program would receive a ten (10%) commission on any grants received. She
85 stated that it was a separate line administrative expense taken from other funds of the organization. Maken stated that funds received from the City were used for the correct categories as stipulated in the contract with the City.

0 Welborn commented that she had requested clarification from the City Attorney, Pete Eckert, regarding state law which pertained to the use of hotel/motel tax for administrative expenses. Welborn stated that other organizations requested funds from the City and that these organizations do not have what might be viewed as a finder's fee. Welborn indicated that she had a problem with diluting the effectiveness of these funds. Maken stated that the musical director was paid an administrative fee as well. Maken advised that she would perform these functions not compensated. Maken reported that the amount requested was approximately fifty percent (50%) of the Music Series' performance budget. She stated that extra funds were requested so that performances could be scheduled for civic groups and the area schools.

100 Buffington asked if the request was a normal expenditure of hotel/motel funds. Hatfield stated that the City would be compiling the budget over the next few months; he stated that more people were requesting motel/hotel funds and that the City would do the best they could to accommodate the Hubbard Chamber Music Series' request. White requested clarification from the City Attorney regarding the use of hotel/motel funds for administrative costs. Mr. Eckert stated that the administrative costs were recognized as allowable costs but only as they relate to two areas - convention center facilities or tourism. Eckert stated that otherwise these funds could not be used to cover administrative costs. Eckert stated that commissions could not be funded from hotel/motel tax revenues. No Council action was taken.

110 Following Maken's report, Mayor Hatfield announced that Ron Coleson had been selected to fill the unexpired term of Council Place 2. Hatfield stated that Mr. Coleson had been a member of the City's Economic Development Planning Commission.

Appointment with Park Board to Consider Entering into Facilities Sharing Agreement with Rockwall Independent School District and Take Any Necessary Action

115 Rick Crowley, Direct of Public Services, came forward to address the Council on behalf of the Parks and Recreation Board recommended that they be authorized to serve as the liaison to the Rockwall Independent School District to formalize a Facilities Sharing Agreement. Crowley reported that at a future board meeting, they would consider whether or not the request should be broadened to include the YMCA. In regards to the school district, Crowley stated that more facilities sharing had occurred in the past year. Welborn asked if a contract or outline detailing which facilities would be shared existed. Crowley stated that these items would need to be formalized. He stated that currently, they just ask one another and detail the expectations of each party. He stated that they want to formalize these procedures to determine how the City and School District can cooperate. Crowley stated that the Parks & Recreation Board was requesting to be officially designated to work on these issues. She commented that all of these entities were supported by the taxpayers and no duplication or overlap would be needed. Welborn moved that the Park & Recreation Board be charged with this responsibility and that they bring to Council an agreement for review. The motion was seconded by Morgan, and it passed unanimously.

Appointment with Park Board to Consider Including in the City's Facility Planning Process

Development of a Downtown Park and Take Any Necessary Action

135 Rick Crowley, Director of Public Services, came forward to address the Council on behalf of
the Parks and Recreation Board. Crowley stated that when the Park Board learned that
consideration was being given by the City to acquiring the old courthouse to replace some City
140 offices, they made a motion to request that the Council consider a downtown park in conjunction
with the consideration. Crowley stated that prior to the recommendation being brought before
the Council, it became clear that the City would be studying other possibilities for future City
facilities. The Board reconsidered this matter and requested that consideration be given to a
downtown park, as the City consider new facilities.

145 Crowley stated that as part of the comprehensive land use plan, an item would be included which
also addressed the need for a downtown park. Welborn requested information regarding the type
of park being considered and asked if the park would be passive or active. Crowley responded
that what was envisioned would be a center focal point for the downtown area of Rockwall.
Crowley stated that it would be a place to gather and have functions in the downtown area. The
Council took no action on this agenda item.

150 **Appointment with James Glasgow Regarding Enforcement of Fence Ordinance and Take Any Necessary Action**

155 Mr. Glasgow, 4106 Village Drive, came forward to address the Council. Glasgow related his
experiences with City Hall regarding the matter relating to the enforcement of the City's fence
ordinance. Mr. Glasgow expressed dissatisfaction with City staff regarding the treatment of his
request to enforce the City's fence ordinance. He requested that the Council consider placing
a letter of reprimand in the personnel file of the City Manager. A statement was read by
160 Glasgow detailing his perception of the events pertaining to his request for enforcement of the
City's fence ordinance. He voiced concern that he felt as if he had been bounced back and forth
without receiving an answer. Mr. Glasgow indicated that he had retained the services of an
attorney who had experience in dealing with fence related issues. Glasgow detailed chronology
of events. Mr. Glasgow stated that he had spoken with the Building Official. Mr. Glasgow
165 stated that the City's Building Official had reported to him that the City was of the opinion that
the screening did not represent a fence. The Building Official had provided Mr. Glasgow with
an appeal form to present the issue to the Board of Adjustments.

170 Mr. Glasgow voiced some dissatisfaction with the City's procedures because he did not believe
that he could secure the signature he thought necessary to submit the application for review by
the Board of Adjustments. Staff indicated to Mr. Glasgow that he was not required to obtain
the signature of the resident whose property was screened by the structure, and he was told that
only his signature would be required on the application.

175 Buffington commented on the actions taken by the City Staff. Following discussion between
Buffington and Tom Glasgow, Luby and Morgan both indicated that they viewed the structure
as a fence. Morgan suggested that the filing fee be waived and that Mr. Glasgow be allowed

180 to present his case before the Board of Adjustments. White requested clarification from staff
about the history of the interpretation of the ordinance. Couch reported that it was her
understanding that there were several other nets located along the golf course. She stated that
the interpretation of the ordinance had not included netting in the definition of a fence. Couch
185 stated that the options available would include clarifying the ordinance to specify that netting
construction qualified as a fence. Couch stated that if Mr. Glasgow chose to go to the Board
of Adjustments, that the fee could possibly be adjusted. Couch indicated that the correct course
of action would be to appeal to the Board of Adjustment, who sits as the review board for the
fence ordinance, to seek a clarification from them. If in fact, the Board views the structure as
meeting the definition of a fence, then the ordinance would be enforced against the property
owners.

190 White stated that he was looking at the issue from the perspective of Ms. Axe. White stated that
Ms. Axe had followed the procedures of the City. She had called the City and requested an
interpretation of the ordinance. She also went to the homeowner's association and received their
approval. White stated that he was just not looking at the issue from Mr. Glasgow's
195 perspective, but looking at it from Ms. Axe's perspective as well. White stated that the meaning
of the ordinance may be open to interpretation by Mr. Elliott. White commented that what was
important, was the interpretation the City had given it, because it was the City's intent that
controlled it. White stated that it was the intent of the legislature when it passes statues that
control, and not the view of someone who might want to interpret the statue to their own liking.
White stated that evidently the City's interpretation for years had been that such a net was not
a fence. White encouraged Mr. Glasgow to pursue his due process through the Board of
200 Adjustments, but White stated that currently he was not of the opinion that Ms. Axe be penalized
because she had done everything she should have done.

205 Welborn asked Mr. Glasgow if he was treated in a disrespectful manner by City staff. Mr.
Glasgow stated that he had not been treated disrespectfully. He stated that they had treated him
politely. Welborn stated that as far as an official reprimand for any of the staff in terms of
treating Mr. Glasgow disrespectfully or not carrying out their responsibilities, she did not feel
that it would be appropriate. Hatfield requested clarification to determine if the fee would be
210 waived. Couch indicated that it could be reviewed at an administrative level. Hatfield stated
that he recommended that the fee be waived and that Glasgow take his request to the Board of
Adjustment which sits at the Fence Review Board.

Appointment with Linda Hinsley Regarding the Establishment of a Teen Curfew and Take Any Necessary Action

215 Linda Hinsley, 146 Westwood, came forward to address the Council. She stated that she was
recommending a curfew for anyone under the age of eighteen. She provided the Council with
a listing of curfews of the surrounding communities. She stated that her concerns began when
a German swastika had been spray painted on the newspaper stand at the entrance to her housing
220 edition. She voiced concerns that unwanted youth activities were moving into the Rockwall
area. She stated that most cities had a curfew for teens under the age of seventeen. She

recommended a curfew for Rockwall under the age of eighteen. Hinsley stated that one of the local papers had recounted that a number of citations had been issued to youth coming to Rockwall from neighboring communities. Hinsley stated that she was not as concerned about the youth of Rockwall as she was about the youth from surrounding cities. Hinsley recounted an experience she had witnessed in Rockwall on Saturday night which she believed might have been avoided if Rockwall had a curfew in place. She urged the council to adopt a curfew in the near future.

White expressed his appreciation to Ms. Hinsley for addressing the Council and for providing the council with the background information she had assembled. White stated that a curfew was an issue that the City might need to enact because Rockwall is one of the few cities in the area which does not have a curfew. Luby also voiced support for enacting a curfew because he does not want these youth to use Rockwall as a haven for their activities. Welborn referred to the memorandum included in the agenda information from Chief Watkins. Welborn stated that several months ago she had discussed the issue with the City Manager and based upon a discussion with the Chief of Police at that time, it was believed that it would be premature to pass an ordinance. She stated that staff had been watching this issue closely. Welborn detailed the contents of Watkins' memo for the Council. She stated that the enforcement arm of the City was keeping an eye on the situation and was aware of the problems faced. Welborn stated she was prepared to act on the Chief's recommendation and that the Chief would have the supports of the parents in the community.

Lt. Chamberlain stated that Rockwall was trying to handle the situation in a proactive manner, rather than a reactive one. Buffington supported the idea of enacting an ordinance. Pastor Robbins came forward to address the Council. He reported that the "Southside" Community had been experiencing some problems with youth staying in a nearby park all night. He stated that there should be a mechanism to stop this activity. Couch stated that staff would review the situation and come back to the Council at a later date with recommendations. The Council took no action at this time.

Appointment with Rockwall Community Playhouse to Receive a Funding Request for Fiscal Year 1995-1996 and Take Any Necessary Action

Janet Resetar, President of the Rockwall Community Playhouse, came forward to address the Council. She stated that although the organization was new, they had already obtained a 501(c)(3) tax exempt status. She indicated they were ready to move forward on grant applications and other sources of funding. She provided the Council with an overview of the organization. She stated that members of the board had been involved with theater no less than ten years. She detailed the projects for the season. She stated that the ground had been working with the area school to help provide supplemental activities for lesson plans by performing something related to the topic. Resetar stated that another upcoming activity in which they were assisting was the youth production of "Godspell". She stated that they were also involved in another activity which would allow students to gain high school credit through participation, but the activity would be co-sponsored by the Rockwall Community Playhouse. She stated that the

55 group was a member of the Texas Non-Profit Theater, Inc. She stated that the group was already receiving statewide exposure. Resetar requested that the group be granted a portion of the City's hotel/motel tax.

270 Russell Kelly came forward to review the group's budget with the Council. He explained the format of the report. He stated that they had developed three separate budgets - a shoestring budget, a nominal budget, and a full budget. He stated that the group could perform quality productions using a nominal budget. Kelly stated that the broad band of talent within the group would allow them to bring culture into Rockwall. Kelly stated that the budget consideration were only for items which could not be donated or volunteered through time and efforts. He
275 reported that the group had approximately one hundred volunteers. He stated that the group was not expecting the City to fund all the activities of the group. Kelly reported that the group had already raised some funds through various fund-raising activities. He reviewed the Playhouse's financial statement with the Council.

280 Kelly requested that the Council consider funding a portion of their first production to help them become established within the community. He also requested that the Council consider their request during the budget process for the upcoming fiscal year. Welborn requested information regarding the expected revenues from ticket sales. Kelly indicated that if they were able to sell
285 100 seats per performance, that he would consider it an excellent turn out. The revenues from these projections for seven performances would be approximately Fifty-Six-Hundred Dollars (\$5,600.00). He stated after subtracting the costs of the production, they would be well positioned to begin the next show. Welborn stated that it appeared that they needed seed money to assist the group in becoming operational.

290 Hatfield asked staff if funds were available to assist the group. Couch reported that they would have to look into what funds might be available. White requested background information regarding funds which had been approved for another theater group. Couch reported that the group never received these funds. Kelly stated that they had absorbed the group. Welborn
295 moved that \$1,000 (One-Thousand-Dollars) be allocated to the Rockwall Community Playhouse, if funds were available. The motion was seconded by White. Couch requested clarification from the Council regarding the authorization of allowing her to enter into a contract with the group as the City had done with other non-profit groups. The Council indicated their approval of the process. The motion passed unanimously.

300 **Hold Public Hearing and Consider Approval of a Request from Brinker International for a Variance of the Sign Setback Requirements for Chili's and Take Any Necessary Action.**

305 Hatfield opened the public hearing. Ed Alexander, representing Brinker International, came forward to address the Council. He stated that Brinker was constructing Chili's on I-30 and that they had previously gone through the process for obtaining permits. He stated that once drilling had started to erect the pole sign, a problem was encountered. He stated that they found a water and a sewer line which had not been marked on the plot plan. Mr. Alexander requested that the setback from the front property be decreased to seven feet and six inches to allow for placement

310 of the sign. Morgan requested the width of the right-of-way and the property line. Couch
indicated that it was extremely wide. Hatfield closed the public hearing. Buffington moved
approval of the request for the variance for the sign setback requirements. The motion was
315 seconded by White, and it passed unanimously.

**PZ-95-18-SP Consider Approval of a Request for a Site Plan and Landscape Plan for a
315 Wendy's Located at Lot 3R, Block A of the Rockwall Towne Centre and Take Any
Necessary Action.**

Crolley reported that the lot had been replatted and approved in April. He stated that the site
was zoned Commercial and that the development met the requirements of the "C" zoning
320 district. He indicated that the site was located within the Scenic Overlay District and that the
Architecture Review Board had reviewed the plan on May 9, 1995. He stated a letter was
enclosed which addressed the Board's comments. Crolley reported that the request had been
tabled at the applicant's request at the Planning and Zoning Commission Meeting to allow cross
access to be negotiated between the surrounding property owners. Crolley stated that an
325 agreement had been executed between the parties and they had agreed to exchange two pieces
of land which would enhance the circulation and parking configuration of the existing retail
center to the south of the Wendy's site. Crolley indicated that Planning and Zoning had
reviewed the case and recommended its approval with the conditions that a cross access
330 agreement be executed, that staff approve grading and drainage plans, and that a reviewed
landscape plan show the changes to the Site Plan based on the cross access agreement. Crolley
indicated that the changes had been included in the landscape plan forwarded to the Council with
the agenda materials. Welborn moved approval of the request for the landscape plan and site
plan subject to the conditions recommended by staff and the Planning and Zoning Commission.
335 The motion was seconded by Morgan, and it passed unanimously.

Action/Discussion Items

Discuss and Consider Measures to Ensure Enforcement of Weed and Grass Ordinance on 340 Properties which have been Abandoned and Take Any Necessary Action

Rev. Robbins, from St. Paul's AME Church, 805 Peters Colony, came forward to address the
Council. Rev. Robbins expressed concerns regarding the high grass and vacant houses in the
neighborhood. He requested that an ordinance be passed to regulate the high grass and vacant
houses. He stated that vacant houses presented a problem within the community because no one
345 took care of the properties. Couch reported that Councilmember Buffington had brought up
these issues last week when he submitted his agenda item request. Couch stated that she had
indicated to him that she would brief the Council on the status of these issues. Couch indicated
that these items had been discussed during the goals and strategies worksession. Couch reported
that currently the City had a dangerous buildings ordinance but the City does not have a
350 minimum standards ordinance. Couch commented that the ordinance allowed the City to deal
with some of the structures if it can be proven they are hazardous. One of the strategies the
Council adopted would allow the City to look at the possible adoption of a minimum housing

standards ordinance. Couch indicated that the City was in the process of reviewing the situation and would be coming back to the Council with some recommendations regarding the City's options.

In regards to the high weed and grass ordinance, Couch reported that the staff were looking at a change in the ordinance. Couch stated that one of the problems the City had encountered was the policy that required property owners to be notified each time a violation occurred. In discussing this issue with the City Attorney, Couch noted that it would be possible to adopt an ordinance that would allow the City to notify habitual violators once within a growing season. If the violators continued to have violations they would be issued citations without any additional notice.

Rev. Robbins indicated that the high weeds created a problem with mosquitoes. He stated that something needed to be done immediately. Buffington stated that the grass was a health hazard as well as a fire hazard. Hatfield stated that during the budget process the City would allocate funds to demolish a couple of these hazardous structures per year and place a lien on the property. Welborn asked Buffington if he knew the owners of the vacant houses and what results he had in speaking with these owners. Buffington stated that many of the owners resided outside of Rockwall. The Council took no action on this item. Hatfield recessed the Council for a short break at 8:45 p.m. Hatfield reconvened the meeting at 9:00 p.m.

Discuss and Consider a Resolution Endorsing an Industrial Pretreatment Program in Conformance with Nation Industrial Pretreatment Regulations for the Rockwall Wastewater System and Adopting An Ordinance Amending Ordinance 91-26 Regulating the Disposal of Sewage and the Use of Public Sewers and Regulating the Discharge of Industrial Wastes and Take Any Necessary Action

Crowley reported that as previously discussed with Council, the EPA had determined that Rockwall needed to have an EPA Industrial Pretreatment Ordinance. Crowley stated that the City had contracted with the North Texas Municipal Water District to develop the program in accordance with the EPA's requirements and to operate the program for the City. Some preliminary submittals had been made by North Texas. Crowley introduced Dolan McKnight and James Montgomery from the North Texas Municipal Water District. White requested information about the necessity to pass a resolution stating that the City was in agreement with the program. Crowley responded that it was a requirement of the EPA. The representatives of North Texas supplied the Council with an overview of the changes in the ordinance as recommended by the EPA. McKnight reviewed the purpose of the pretreatment ordinance and stated that the City was in a good position with its current ordinance. He stated that the new ordinance was formalizing the process necessitated by the increasing size of the City and the size of the plant expansion. McKnight reviewed some minor changes which needed to be made to the ordinance. Buffington moved approval of a resolution endorsing an industrial pretreatment program and a pretreatment ordinance. The motion was seconded by Welborn, the caption was read by Robbins.

ORDINANCE NO. 95-18

400

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING ORDINANCE 91-26, UTILITIES, PROVIDING REGULATIONS FOR THE DISPOSAL OF SEWAGE AND THE USE OF PUBLIC SEWERS; REGULATING THE DISCHARGE OF INDUSTRIAL WASTES INTO THE SANITARY SEWER OF THE CITY; REGULATING UNSEWERED AND MISCELLANEOUS DISCHARGES; PROVIDING FOR A PERMIT SYSTEM WITH DENIAL, SUSPENSION, REVOCATION AND AN APPEALS PROCESS; PROVIDING A PENALTY CLAUSE, A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE

405

The motion passed unanimously.

Discuss and Consider Ordinances Adopting:

410

- I. **The Uniform Building Code, 1991 Edition, including all Appendices Except Appendix Chapter 12, Division 1 and Appendix Chapter 53 and Adopting the 1991 Uniform Building Code Standards,**
- II. **The Uniform Mechanical Code, 1991 Edition and Appendices,**
- 415 III. **The Uniform Plumbing Code with Appendices and Adopting the 1991 IAPMO Installation Standards,**
- IV. **The 1991 Edition of the Uniform Swimming Pool Code, Spa and Hot Tub Code of the International Association of Plumbing and Mechanical Officials, and**
- 420 V. **The 1993 National Electrical Code and the 1993 Edition of the Uniform Administrative Code Provisions for the 1993 National Electrical Code and Take Any Necessary Action**

425

Morgan requested information regarding the Swimming Pool Code. Couch commented that the City had always used this code. She stated that the City was updating the Codes to the 1991 editions in most cases. She recommended that they be approved. Welborn requested information relating to the Swimming Pool Code. She requested clarification regarding the use of alley ways as a drainage mechanism for the discharge of water from pools. Herzeberger came forward to respond to Welborn's question. He stated that the City was requesting an amendment which would allow for a separation tank which would keep the pool water from entering the City's sanitary sewer system.

430

Buffington moved approval of the new building codes. The motion was seconded by White, and Robbins read the captions.

435

ORDINANCE NO. 95-19

440

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, REPEALING CHAPTER 6, ARTICLE II, OF THE ROCKWALL CODE OF ORDINANCES AND PROVIDING FOR THE ADOPTION OF THE UNIFORM BUILDING CODE, 1991 EDITION, INCLUDING ALL APPENDICES EXCEPT APPENDIX CHAPTER 12, DIVISION I AND APPENDIX CHAPTER 53, AS CHAPTER 6, ARTICLE II OF THE ROCKWALL CODE OF ORDINANCES; REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING,

45 REMOVAL, CONVERSION, DEMOLITION, OCCUPANCY, EQUIPMENT, USE, HEIGHT,
AREA AND MAINTENANCE OF BUILDINGS OR STRUCTURES; PROVIDING FOR THE
ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING A
SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED FIVE
HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; REPEALING ALL ORDINANCES IN
CONFLICT; AND PROVIDING AN EFFECTIVE DATE

450

ORDINANCE NO. 95-20

455 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, REPEALING CHAPTER 6,
ARTICLE III, OF THE ROCKWALL CODE OF ORDINANCES AND PROVIDING FOR THE
ADOPTION OF THE UNIFORM MECHANICAL CODE, 1991 EDITION AND APPENDICES,
AS CHAPTER 6, ARTICLE III OF THE ROCKWALL CODE OF ORDINANCES SO AS TO
REGULATE AND CONTROL THE DESIGN, CONSTRUCTION, INSTALLATION, QUALITY
AND MATERIALS, LOCATION, OPERATION AND MAINTENANCE OF HEATING,
460 VENTILATING, COMFORT COOLING, REFRIGERATION SYSTEMS, INCINERATORS, AND
OTHER MISCELLANEOUS HEAT-PRODUCING APPLIANCES; PROVIDING A SEVERABILITY
CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR A PENALTY OF
FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND
PROVIDING AN EFFECTIVE DATE

465

ORDINANCE NO. 95-21

170 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, REPEALING CHAPTER 21 OF THE
ROCKWALL CODE OF ORDINANCES AND PROVIDING FOR THE ADOPTION OF THE
UNIFORM PLUMBING CODE, 1991 EDITION, WITH APPENDICES, AND ADOPTING THE
1991 IAPMO INSTALLATION STANDARDS AS CHAPTER 21 OF THE ROCKWALL CODE OF
ORDINANCES SO AS TO REGULATE THE ERECTION, INSTALLATION, ALTERATION,
ADDITION, REPAIR, RELOCATION, REPLACEMENT, MAINTENANCE OR USE OF ANY
PLUMBING SYSTEMS; PROVIDING FOR PERMITS; ESTABLISHING FEES; PROVIDING A
SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR
475 A PENALTY OF FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH
OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE

ORDINANCE NO. 95-22

480

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, REPEALING CHAPTER 6,
ARTICLE VI OF THE ROCKWALL CODE OF ORDINANCES AND PROVIDING FOR THE
ADOPTION OF THE UNIFORM SWIMMING POOL CODE, SPA AND HOT TUB CODE, 1991
EDITION, OF THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL
OFFICIALS, WITH AMENDMENTS, AS CHAPTER 6, ARTICLE VI OF THE ROCKWALL
485 CODE OF ORDINANCES SO AS TO PROVIDE FOR RULES AND REGULATIONS FOR THE
INSTALLATION AND REPAIR OF SWIMMING POOLS WITHIN THE CITY; PROVIDING FOR
A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00)
FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL
ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

490

ORDINANCE NO. 95-23

495 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, REPEALING CHAPTER 9 OF THE
ROCKWALL CODE OF ORDINANCES AND PROVIDING FOR THE ADOPTION OF THE 1993
NATIONAL ELECTRICAL CODE AND THE 1993 EDITION OF THE UNIFORM
ADMINISTRATIVE CODE PROVISIONS FOR THE 1993 NATIONAL ELECTRICAL CODE AS

CHAPTER 9 OF THE ROCKWALL CODE OF ORDINANCES; PROVIDING FOR AMENDMENTS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

500

The motion passed unanimously.

505 **Discuss and Consider a Resolution Authorizing Participation in the North Central Texas Electrical Examination Program and Entering into an Interlocal Agreement with the North Central Texas Council of Governments to Participate in the North Central Texas Electrical Examination Program and Take Any Necessary Action**

510 Couch reported that the City had not administered electrical exams locally for many years and that the City of Dallas had been administering them on the City's behalf. The City of Dallas dissolved their program and it was replaced by the North Central Texas Council of Government's program. Couch stated that staff recommended passage of a resolution allowing the City's participation in COG's program and that she be authorized to enter into an interlocal agreement with COG. Welborn moved approval of the resolution authorizing the participation in the North Central Texas Electrical Examination Program. The motion was seconded by
515 White, and it passed unanimously.

520 **Discuss and Consider an Ordinance Creating a Cultural Arts Commission and Take Any Necessary Action**

Couch reported that one of the strategies adopted by Council related to the development of an ordinance creating a Cultural Arts Commission. Couch commented that Mike Phemister, Director of Finance, had been working on the strategy and had developed a proposed ordinance for the Council's consideration. Couch stated that the ordinance would create a Commission charged with several responsibilities one of which would be to review requests for funding through the hotel/motel tax funds. Also, the Commission would serve as a liaison between the Council and cultural art groups within the City.
525

530 Welborn stated that she would like information regarding how other cities handled this area. She commented that she could see a conflict of interest arising if the Commission was comprised of the same people who were members of the groups requesting funds. Welborn stated that she did not feel that the Council should abdicate their responsibility without having some mechanism which stated that the recommendations of the Commission would be non-binding on the Council.
535 Couch indicated that they had discussed these issues. Couch reported that the ordinance did not address the specifics regarding the appointment of members to the Commission. Couch stated that the Council would need to be careful regarding the appointment of members to the Commission.

540 Couch stated that Mike Phemister had researched the structure and organization of groups in other cities. Phemister reported that most of these types of Commissions vary from city to city.

545 He stated that he spoke with Dallas and that their committee was extremely political. Also, he indicated that he had spoken with Plano and Garland. He stated that these committees had diversified responsibilities. He stated that if the membership of the committee was diversified no problems should arise. He reported that the Commission would evaluate the direction of the City's participation in cultural arts.

550 Following Council discussion, White suggested that language be added to section five which would read "the recommendations of the Cultural Arts Commission will be reviewed by the City Council and shall not be binding on the City Council." White moved approval of the ordinance creating the Cultural Arts Commission. The motion was seconded by Buffington, and it passed unanimously.

555 ORDINANCE NO. 95-24

560 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR THE CREATION OF A CULTURAL ARTS COMMISSION; PROVIDING FOR THE APPOINTMENT, REMOVAL AND TERM OF OFFICE FOR MEMBERS AND OFFICERS, ESTABLISHING THE PURPOSE AND RESPONSIBILITIES OF THE COMMISSION; PROVIDING RULES AND GUIDELINES UNDER WHICH THE COMMISSION WILL FUNCTION; PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE

Discuss and Consider Approval of a Bid for Street Sweeping and Take Any Necessary Action

55 Couch stated that budget funds had been approved to contract the City's street sweeping efforts. Couch stated that bids for street sweeping had been received and that staff recommended that C & D be awarded the bid as the low bidder. She stated that the bid should not exceed the amount of \$16,800 for a six month period with a six month option to extend. Buffington requested clarification regarding the insurance requirements. Phemister stated that the bidders stated that the insurance requirement would cause bids to be significantly higher. Phemister stated that the bidders had been asked to add the City as an additional insured party. Following Council discussion, Morgan moved that the bid be awarded to the low bidder, C & D Commercial Services. The motion was seconded by Luby, and it pass unanimously.

575 **Discuss and Consider Plans to Hold Community Meeting and Take Any Necessary Action**

580 Couch stated that this item came from the City's goals and strategies adopted by the Council. She reported that there had been discussions regarding the possibilities of holding some additional Council meetings away from City Hall. Couch commented that the strategy identified that the City would conduct four quarterly meetings beginning in June. She stated that staff was recommending that June 26, 1995 be the first meeting. The location would be the Community Center in Harry Myers Park. Also, she reported that several other dates had been identified for future meetings. Couch indicated that staff would proceed in making the necessary arrangements if the dates were agreeable with the Council. It was recommended that the meeting be held at 7:00 p.m. The Council indicated that they would like to proceed with the arrangements for these

meetings.

590 **Discuss and Consider Awarding a Bid for Miscellaneous Water and Sewer Projects and
Take Any Necessary Action**

595 Couch reported that part of the Capital Improvement Program included a number of miscellaneous water and sewer line projects. She stated that bids had been received on these six projects. She recommended that the bid be awarded to the low bidder, Sperling Construction Co. of Terrell, in the amount of \$253,370.00. Welborn moved that the City award the bid to Sperling Construction Co. of Terrell. The motion was seconded by Buffington, and it passed unanimously.

600 **Hold Executive Session under Section 551.072 of the Texas Government Code**

The Council convened into executive session at 9:45 p.m. to discuss the appointment of a representative to the North Central Texas Council of Governments.

605 The Council reconvened back into regular session at 9:55 p.m. White moved that Dale Morgan be reappointed as the voting representative to the North Central Texas Council of Governments. The motion was seconded by Welborn, and it passed unanimously.

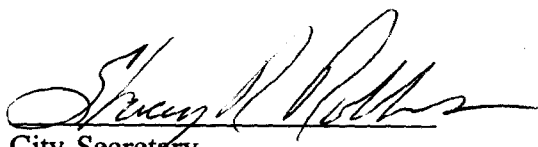
Adjournment

610 The meeting adjourned at 10:05 p.m.

APPROVED:

615 
Mayor

ATTEST:

620 
City Secretary

625