

**MINUTES**  
**ROCKWALL CITY COUNCIL**

**Monday, May 04, 2015**  
**5:00 p.m. Regular City Council Meeting**  
**City Hall - 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Pruitt called the meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and Council Members David White, Mike Townsend, John Hohenshelt, Scott Milder, and Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Brad Griggs and Mary Smith and City Attorney Frank Garza.

Mayor Pruitt read the below listed items into the public record before recessing the meeting into Executive Session.

**II. EXECUTIVE SESSION.**

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)

**III. ADJOURN EXECUTIVE SESSION**

Executive Session was adjourned at 5:40 p.m.

**IV. RECONVENE PUBLIC MEETING**

Mayor Pruitt reconvened the public meeting at 6:00 p.m.

**V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

No action was taken as a result of Executive Session.

**VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS**

Councilmember Daniels delivered the invocation and led the Pledge of Allegiance.

**VII. PROCLAMATIONS / AWARDS**

1. Recognition of Rockwall Police Department Award Recipients

Police Chief Mark Moeller came forth and introduced the Assistant Chief of Police as well as several other members of the command staff. He then recognized Officer Russell Lambert for receiving the Lifesaving Award when he performed CPR and helped save the life of worker who was working on repairing a transformer when he became electrocuted.

50 He also acknowledged Officer Mike McCreary for receiving a Certificate of Merit for his  
51 clever police work which helped end a rash of motor vehicle burglaries. Chief Moeller  
52 went on to recognize several narcotics officers who received Certificates of Merit for  
53 their work to bust up a large drug trafficking operation that had been under investigation  
54 for several years.

55  
56 2. Police Week Proclamation

57  
58 Mayor Pruitt thanked the city's professional, dedicated police officers for their hard work  
59 and dedication to the City of Rockwall and its citizens. He then read a proclamation  
60 declaring it to be Police Week in the City of Rockwall.

61  
62 3. National Safe Boating Week

63  
64 This item was deferred until the next meeting.

65  
66 4. National Day of Prayer

67  
68 Mayor Pruitt reminded everyone about the Mayor's Prayer Breakfast at The Center on  
69 Thursday morning, May 7 at 7:30 a.m. as well as the noon day event out front of city hall.  
70 He then read a proclamation for National Day of Prayer into the public record.

71  
72 VIII. OPEN FORUM

73  
74 Mrs. Carrie Martin  
75 119 Westminster Drive  
76 (Carrington Farms subdivision)  
77 Fate, Texas

78  
79 Mrs. Martin expressed that she moved here from California and explained the various  
80 reasons why she moved to Fate. She explained that she has concerns about Rochelle  
81 Road, and she would like to see the City of Rockwall and the City of Fate make  
82 improvements to this gravel road to allow it to be traversed by the public without damage  
83 to personal vehicles. She suggested that paving the road as a two-lane roadway would  
84 be a good option at this point. She does not believe paving it as four-lane roadway  
85 would be necessary at this time, and she is not in favor of blocking it completely. She  
86 thanked the council for its consideration.

87  
88 IX. CONSENT AGENDA

- 89  
90 1. Consider approval of the minutes from the April 20, 2015 regular city  
91 council meeting, and take any action necessary.
- 92 2. **Z2015-012** - Consider approval of an **ordinance** for a request by Cindy  
93 Levandowski on behalf of the owner Terry Rowe for the approval of an  
94 amendment to a Specific Use Permit [Ordinance No. 09-28] to allow for a  
95 General Retail Store within Planned Development District 50 (PD-50) for  
96 a 0.16-acre parcel of land identified as Lot 1, Block 1, Henry Addition, City  
97 of Rockwall, Rockwall County, Texas, zoned Planned Development  
98 District 50 (PD-50) for Residential-Office (RO) District land uses, situated

99 within the North Goliad Corridor Overlay (NGC OV) District, addressed as  
100 907 N. Goliad Street, and take any action necessary **[2nd Reading]**.

- 101 **3. P2015-013** - Consider a request by Tony Rangel of Rangel Land  
102 Surveying Co. on behalf of Shawn Valk of Platinum Storage for the  
103 approval of a final plat for Lot 1, Block A, Platinum Storage Addition being  
104 a 5.549-acre tract of land identified as a portion of Tract 2 of the J. Cadle  
105 Survey, Abstract No. 65 and the N. M. Ballard Survey, Abstract No. 48,  
106 City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District,  
107 situated within the IH-30 Corridor (IH-30 OV) Overlay District, located on  
108 the west side of Townsend Road south of E. IH-30 and north of SH-276,  
109 and take any action necessary.

110 **Councilmember Daniels made a motion to approve the entire Consent Agenda (#s 1, 2,**  
111 **and 3). Mayor Pro Tem Lewis seconded the motion. The ordinance for #2 was read as**  
112 **follows:**

113  
114 **CITY OF ROCKWALL**  
115 **ORDINANCE NO. 15-14**  
116 **SPECIFIC USE PERMIT NO. S-137**  
117

118 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
119 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**  
120 **NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**  
121 **AMENDED, SO AS TO AMEND SPECIFIC USE PERMIT (SUP) NO. S-68**  
122 **[ORDINANCE NO. 09-28] TO ALLOW FOR A GENERAL RETAIL STORE IN**  
123 **A RESIDENTIAL-OFFICE (RO) DISTRICT, ON A 0.16-ACRE PARCEL OF**  
124 **LAND IDENTIFIED AS LOT 1, BLOCK 1, HENRY ADDITION, GENERALLY**  
125 **LOCATED AT 907 N. GOLIAD STREET, AND ZONED PLANNED**  
126 **DEVELOPMENT DISTRICT NO. 50 (PD-50), CITY OF ROCKWALL,**  
127 **ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;**  
128 **PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF**  
129 **TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;**  
130 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**  
131 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**  
132

133 **The motion passed unanimously of those present (7-0).**  
134

135 **X. APPOINTMENTS**  
136

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

140 **Craig Renfro, Chair of the Planning & Zoning Commission, came forth and briefed the**  
141 **council on the Public Hearing item on tonight's city council meeting agenda.**

- 142 **2.** Appointment with representative(s) of Eastridge Church of Christ to hear  
143 concerns related to expiration of an existing facilities agreement between  
144 the City of Rockwall and the church, and take any action necessary.

145 **Indication was given that Councilmember White would be recusing himself from this**  
146 **item. However, indication was given that the representative(s) was not present.**  
147 **Therefore, this item was not discussed.**  
148



- 149           3.     Appointment with Mike Clark of Winkelmann and Associates,  
150           representing Kroger Stores, to discuss the variance decision relative to  
151           the four (4) sided architecture requirement for the proposed Kroger store  
152           location at the southeast corner SH 205 and Quail Run Road and take  
153           any action necessary.

154     **Mike Clark**  
155     **Winkelmann and Associates**  
156     **6750 Hillcrest Plaza, Suite 325**  
157     **Dallas, Texas 75230**

158  
159     **Mr. Clark explained that he is representing Kroger. He thanked the Council for allowing**  
160     **him to bring this item forward. He expressed that the four-sided architecture-related**  
161     **variance was not really discussed much at the last council meeting. He explained that he**  
162     **would be appreciative if the council might consider this particular issue as a stand-alone**  
163     **item rather than lumping it together with any of the other three variance requests that**  
164     **were presented at the last meeting.**

165  
166     **Christina Conrad**  
167     **Project Manager, Kroger Company**  
168     **1331 East Airport Freeway**  
169     **Irving, Texas**

170  
171     **Ms. Conrad explained that this variance is associated with the elevations on the**  
172     **articulation at the rear of the building. She explained that this side of the building will all**  
173     **be screened with a fence and with buffer landscaping.**

174  
175     **Mr. Clark explained that the articulation on the rear of the building involves separation**  
176     **from the back of the building and residents beyond the rear. There is a 30' landscape**  
177     **buffer of trees planned.**

178  
179     **Mayor Pruitt asked for clarification regarding some "chimney like" elevations that would**  
180     **be present on the top of the roof of the building, asking if these would be visible from**  
181     **nearby residential homes. Mr. Clark explained that, generally, residents might see these,**  
182     **but likely they will not.**

183  
184     **Councilmember White asked for clarification regarding if this item would have to go back**  
185     **on the agenda, or if the council can vote on these variance requests separately as four**  
186     **separate action items tonight. Mr. Garza, city legal counsel, confirmed that Council is**  
187     **able to take action this evening if it so chooses.**

188  
189     **Councilmember White made a motion to approve the variance request for the four-sided**  
190     **architecture requirement, specifically regarding the rear of the building. Councilmember**  
191     **Townsend seconded the motion. The mayor commented that this must be a super**  
192     **majority vote if it is to be approved. Councilmember Milder indicated that he does not**  
193     **believe the size of this proposed store is way too large for this lot, and he is concerned**  
194     **about delivery truck traffic on Memorial Drive. Mayor Pruitt also indicated that he is not**  
195     **in favor of the entire development; however, he does not have a problem with granting**  
196     **the variance on the four-sided architecture (rear). The motion passed unanimously (7-0).**

197  
198     **Councilmember White asked if the applicant (Kroger) will be coming back to ask for**

reconsideration of the natural stone versus cultured stone variance that was denied at the last council meeting. Ms. Conrad indicated that they are waiting to see what the Council decides to do on the Action Item related to the subject matter later on in tonight's meeting. Mr. Clark indicated that, depending on how that item ends up, they may decide to come back and seek reconsideration; however, they may just continue on with using natural stone as decided at the last meeting.

#### **XI. PUBLIC HEARING ITEMS**

1. **Z2015-013** - Hold a public hearing to discuss and consider a request by Cole Franklin of the Skorburg Company on behalf of Breezy Hill 405, LTD for the approval of an **ordinance** amending Planned Development District 74 (PD-74) to change the concept plan to allow for additional single-family residential lots and allow for changes to the development standards contained in Exhibit 'C' of Ordinance 14-26 for 405.184-acres of land identified as Tract 7 & 7-1 of the J. Strickland Survey, Abstract No. 187, Rockwall, Rockwall County, Texas, generally located north of FM-552 and west of Breezy Hill Road, and take any action necessary. (1st Reading)

Mr. Ryan Miller, Planning Manager, provided background information related to this agenda item. He explained that the applicant is asking for about fourteen acres of currently designated retail land to be changed to allow for additional single-family residential lots instead. If this were to be approved, it would result in an increase of 742 to 762 lots, which is a total increase of about twenty lots. He went on to explain that the developer has been able to stay within guidelines on the city's density requirements (2 units per acre and 20% open space). Thirty-three property owners located within 500' of the subject property received notifications of this proposed change. Three notifications were returned back from residents in the subdivision, all of whom were opposed to this request. The Planning & Zoning Commission voted 6-1 to recommend approval of this request.

Adam Buczek  
Skorburg Company  
8214 Westchester Drive, Ste. 710  
Dallas, TX 75225

Mr. Buczek provided a history of the Breezy Hill subdivision development over the last several years. He explained that, if approved, these 50x120' lot sized homes will be sold at a price point of the high \$200's to mid-\$300's and will be between 1,800 to 4,000 square feet.

Mayor Pruitt then opened the public hearing and asked if anyone would like to come forth and speak at this time.

Mrs. Caroline Nuytten  
304 Wooded Trail  
Rockwall, TX 75087

Mrs. Nuytten came forth and generally expressed opposition to these smaller lots. She explained that children and their parents already do not have a lot of space to play outdoors in the Breezy Hill neighborhood, so children are often in the streets playing.



249 She believes this poses a great safety concern. She is generally not in favor of this  
250 request.

251  
252 Mr. Freddie Jackson  
253 1812 Bristol Lane  
254 Rockwall, TX 75032  
255

256 Mr. Jackson asked for some clarification on the lot sizes originally and what is being  
257 proposed now. He expressed that he believes the residents in the neighborhood prefer  
258 the larger lots in lieu of smaller ones. He explained that those residents are not present  
259 this evening; however, several were in attendance at the P&Z meeting and expressed  
260 these sorts of sentiments.

261  
262 Mayor Pro Tem Lewis expressed that he is torn between feeling that this proposed size  
263 lot is a product that is needed by young families and residents who already bought  
264 homes and live there likely expecting the larger lots within the neighborhood.

265  
266 Mr. Buczek came forth and explained that he believes these residential lots will be a more  
267 desirable product than retail would be, as there will not be retail buildings, backs of  
268 those buildings, trash receptacles, etc. present if this area were developed as retail. He  
269 believes residential homes will be more helpful to the residents than retail would be.

270  
271 Councilmember Pruitt expressed that he generally feels the developer should stick to  
272 what was originally proposed and approved within this subdivision, especially since  
273 residents who already purchased homes and are living there have had certain  
274 expectations ever since they bought their home (they have been expecting retail).

275  
276 Councilmember Townsend expressed concern about the applicant expressing that any  
277 retail development in this location would be a horrible thing for the existing residents  
278 and the area. He does not believe this to be true. He is concerned about the developer  
279 referring to any residential lots as a "buffer area" between other residential homes on  
280 bigger lots and retail areas. He believes this sends a very negative message to people  
281 living in that community. He also has concerns about what the developer might allow to  
282 go into the retail areas.

283  
284 Mr. Buczek indicated that even the 50' lots will not be cheap / inexpensive lots. He  
285 explained that he does not believe retail is 'negative,' stating that he is excited about it.  
286 He went on to explain that the current market is different than the original market, and  
287 therefore they no longer need as much retail as originally planned. Instead, they need  
288 more of the 50' lot product because they are almost out of these lots.

289  
290 Councilmember Daniels expressed that fifty foot lots with front end garages will  
291 eventually become unsightly. He also offered concern about the applicant 'borrowing  
292 density' from elsewhere within the development in order to 'artificially' stay in  
293 compliance with the city prescribed / approved density requirements. He shared that he  
294 lives in a community that has very narrow lots and high density, and, in his experience,  
295 this combination does pose safety concerns for children and drivers who may drive over  
296 10 mph. He feels that is how some of the residents in Breezy Hill may feel as well as far  
297 as allowing smaller/more narrow lots. He is generally concerned about developers  
298 coming in and not staying true to what they originally propose to put on the ground.  
299

Councilmember Hohenshelt asked if the 50' lot product in Stone Creek was always, originally a part of that development, or if they were asked for and granted later on. Mr. Buzcek explained that the 50' lots were there and included originally.

Mr. Buzcek explained that DCRs are in place in this neighborhood and will help with any concerns about property maintenance over time.

Mayor Pruitt reflected on 60' lots that were previously approved in Breezy Hill by a 5-2 vote. He believes residents who bought in Breezy Hill were already expecting that the subdivision would have large lots and some retail, and now he is hearing concerns from those residents about the city potentially allowing the developer to change what these residents believed they were originally buying into when they purchased their homes.

Councilmember Milder asked for the Planning & Zoning Chairman, Craig Renfro, to come forth and further explain discussions of the Commission relative to this agenda item. Mr. Renfro indicated that the commissioners had originally expressed a lot of similar concerns to those that city council members have expressed this evening. However, he and others on P&Z understand that a developer typically has an original vision and intent going into a project; however, sometimes, due to extenuating and other circumstances, the developer runs into a need to modify and make a course correction. Furthermore, he explained, after hearing from residents and thereafter talking through it, the P&Z cautioned residents to be careful what they wish for as far as the potential retail development areas are concerned and what could end up going in there. He went on to explain that Commissioner Logan was the one dissenting vote concerning the recommendation that this item be approved because she felt that the developer should stick to 60' lots.

Councilmember Hohenshelt asked for and received clarification from Mr. Buchek about the lot sizes being 50'. Mr. Buchek explained that they will be running out of fifty-foot lot sizes in about a year, so it makes sense to make more of this product available. Hohenshelt asked if he felt he would have any trouble selling 60' lot sizes, and Mr. Buchek indicated, no; however, he explained that there are significantly more 60' lots in inventory than there are 50' lots.

The public hearing was closed. Mayor Pruitt then made a motion to deny the request for this zoning change (change in concept plan). Councilmember Milder seconded the motion, which passed by a vote of 6 in favor with 1 against (White).

## **XII. ACTION ITEMS**

1. Discuss and consider possible amendment(s) to the Unified Development Code (UDC) related to approved building materials (natural vs. quarried stone) and associated variances, and take any action necessary.

Councilmember White indicated that he placed this item on the agenda for discussion this evening.

Councilmember White made a motion to have the Planning & Zoning Commission and staff evaluate and bring back to the council for consideration a standard of high-quality, cultured stone that would be acceptable and durable for use in overlay districts. Councilmember Daniels seconded the motion.



Councilmember Hohenshelt suggested that perhaps leaving the ordinance regulations "as is" might result in applicants bringing forth before council, not only requests for variances associated with natural versus cultured stone, but also with perhaps some other high quality or unique architectural designs or materials that they would like the council to consider (which may be a positive thing). He generally cautioned the council to carefully consider the bigger picture before making a decision to change the ordinance regulations currently in place in overlay districts.

After additional discussion, the motion passed by a vote of 7 in favor with 0 against.

2. Discuss and consider amending the "Policies and Procedures of the Rockwall City Council and Other Boards and Commissions" to call for Open Forum to be held at each regular city council meeting, and take any action necessary.

Mayor Pruitt indicated that he asked that this item be placed on the meeting agenda for consideration. He believes that allowing Open Forum at each regularly scheduled city council meeting, rather than only at the first meeting of the month, is more inclusive for citizens who may wish to speak.

Councilmember White made a motion to modify the "Policies and Procedures of the Rockwall City Council and Other Boards and Commissions" to add language that will call for Open Forum to be held at each regularly scheduled city council meeting. Mayor Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider scheduling the official canvass of the May 9, 2015 General and Special Elections as well as swearing in of newly elected city council members, and take any action necessary.

City Manager Rick Crowley provided the city council with some options pertaining to when the official canvass could be scheduled and when city council members who are newly elected could be sworn in.

Councilmember Lewis made a motion to move forward with the second option described in staff's memo (as follows):

Schedule the canvass on 05/18 during Action Items on the regular agenda; formally swear in newly elected members (by city secretary) at the very end of the 6PM public meeting agenda; recognizing and thanking outgoing members; with this option, newly elected council members' first official meeting would be Monday, June 1st (unless a special meeting were called in between)

Councilmember White seconded the motion, which passed by a vote of 7 in favor with 0 against.

4. Discuss and consider granting permissions for the City's May 16, 2015 Founders Day Festival at Harry Myers Park related to Chapter 30, Article I, Sec. 30-2, Regulated Activities in Parks of the Code of Ordinances, and take any action necessary.



Councilmember White made a motion to approve this item, allowing alcohol to be brought in by residents/visitors/attendees and personally consumed at Harry Myers Park during the 2015 Founders Day Festival. Councilmember Hohenshelt seconded the motion. Councilmember Daniels indicated that he is opposed to the idea of having alcohol in the city's public parks because it is prohibited by ordinance. He does not believe the city council should be promoting alcohol in public parks. Mayor Pruitt indicated that he is also against alcohol in city parks. After brief comments, the motion passed by a vote of 4 in favor with 3 against (Pruitt, Milder and Daniels).

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

**1. Departmental Reports**

Building Inspections Monthly Report - March 2015  
Finance Department Monthly Report - March 2015  
Fire Department Monthly Reports - March 2015  
Harbor PD Monthly Report - March 2015  
Internal Operations Department Monthly Report - March 2015  
Recreation Monthly Report - March 2015  
Rockwall Animal Adoption Center Monthly Report - March 2015

**2. City Manager's Report**

City Manager Rick Crowley updated the council on various current and upcoming events. Lake Lavon has begun releasing water into Lake Ray Hubbard, which indicates we are in a significantly better position than we were as far as water and lake levels are concerned. He indicated that a recent bill in the legislature has been approved by the House, and it is a bill for which the council recently passed an ordinance of support. The San Jacinto music series is ongoing on Friday and Saturday evenings on the downtown square. Concert by the Lake begins this Thursday, and Founders Day is set for May 16. Staff is working through a lot of applications for the position of Chief of Police. Mayor Pruitt thanked staff for offering various, ongoing live music events to the public, which do help make the City of Rockwall the Live Music Capital of North Texas.

Councilmember White asked if there were any issues with members of the public needing to use the restroom while attending the San Jacinto music event. Mr. Crowley indicated that a few people did inquire, and they were told that The Center was available, however, a number of those in attendance went to a nearby restaurant or to 7-11 to use the restroom.

**XIV. EXECUTIVE SESSION**

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)

**XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

Council did not convene in Executive Session at the end of the public meeting agenda.

**XVI. ADJOURNMENT**

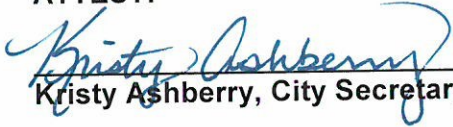
The meeting was adjourned at 7:46 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

**THIS 18<sup>th</sup> DAY OF MAY, 2015.**

  
\_\_\_\_\_  
Jim Pruitt, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Ashberry, City Secretary

