



## ROCKWALL CITY COUNCIL REGULAR MEETING

**Monday, December 4, 2023 - 5:00 PM**

**City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087**

### **I. Call Public Meeting to Order**

Mayor Johannesen called the meeting to order at 5:00 p.m. Present were Mayor Trace Johannesen and Councilmembers Sedric Thomas, Clarence Jorif, Dennis Lewis and Tim McCallum. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza was virtually present for Executive Session. Mayor Pro Tem Anna Campbell and Councilmember Mark Moeller were absent from the meeting.

### **II. Executive Session**

1. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to §551.074 (Personnel Matters).
2. Discussion regarding possible sale/purchase/lease of real property in the vicinity of the downtown area, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)

### **III. Adjourn Executive Session**

Council adjourned from Ex. Session at 5:40 p.m.

### **IV. Reconvene Public Meeting (6:00 P.M.)**

Mayor Johannesen reconvened the meeting at 6:00 p.m.

### **V. Invocation and Pledge of Allegiance - Mayor Pro Tem Campbell**

In the absence of Mayor Pro Tem Campbell, Mayor Johannesen delivered the invocation and led the Pledge of Allegiance.

### **VI. Open Forum**

Mayor Johannesen explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. No one indicated a desire to speak, so Mayor Johannesen closed Open Forum.

### **VII. Take Any Action as a Result of Executive Session**

Councilmember Thomas moved to appoint Kevin Hadawi to fill a vacant seat on the Architectural Review Board (through August of 2024). Councilmember Jorif seconded the motion, which passed by a vote of 5

ayes with 2 absences (Moeller and Campbell).

Councilmember McCallum moved to reappoint John Hohenshelt to serve an additional term on the Rockwall Economic Development Corporation (REDC) Board (through December of 2025). Councilmember Thomas seconded the motion, which passed by a vote of 5 ayes with 2 absences (Moeller and Campbell).

Councilmember McCallum moved to reappoint Kayne Pierce to serve an additional term on the Rockwall Economic Development Corporation (REDC) Board (through December of 2025). Councilmember Jorif seconded the motion, which passed by a vote of 5 ayes with 2 absences (Moeller and Campbell).

#### VIII. Consent Agenda

1. Consider approval of the minutes from the November 20, 2023 city council meeting, and take any action necessary.
2. **Z2023-049** - Consider a request by Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of an **ordinance** for a Specific Use Permit (SUP) for Heavy Manufacturing on a 32.00-acre portion of a larger 77.148-acre tract of land identified as Tract 6 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the southwest corner of the intersection of Data Drive and Discovery Boulevard, and take any action necessary (**2nd Reading**).
3. **Z2023-050** - Consider a request by Keith Green for the approval of an **ordinance** for a Specific Use Permit (SUP) for Guest Quarters/Secondary Living Unit on a 0.22-acre parcel of land identified as Block 43A of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 605 E. Washington Street, and take any action necessary (**2nd Reading**).
4. **Z2023-051** - Consider a request by Jeff Carroll of Carroll Architects, Inc. on behalf of Frank Conselman of Conselman Equities for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 6.60-acre tract of land identified as Tracts 21 & 21-01 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated in the Airport Overlay (AP OV) District, addressed as 1775 Airport Road, and take any action necessary (**2nd Reading**).
5. **P2023-038** - Consider a request by Erick Nolasco of Eagle Surveying, LLC on behalf of David Lindsay of Tri-Tex Construction, Inc. for the approval of a *Final Plat* for Lot 1, Block A, Tri-Tex Addition being a 1.50-acre tract of land identified as Tract 8-3 of the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 955 Sids Road, and take any action necessary.
6. Consider authorizing the award of a bid to Axis Construction for the purchase and installation of a KASCO Tank Mixing System, including authorizing the city manager to issue a purchase order in the amount of \$55,040, to be funded by the Water Operations Budget, and take any action necessary.
7. Consider approval of the purchase with Axon Enterprise Inc. for Taser replacement and authorize the City Manager to execute a purchase order in the amount of \$432,260 to be funded by Police Patrol Operating Budget, and take any action necessary.

Councilmember McCallum moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, and 7).

Councilmember Thomas seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 23-64  
SPECIFIC USE PERMIT NO. S-320**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR HEAVY MANUFACTURING ON A 32.00-ACRE PORTION OF A LARGER 77.148-ACRE TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE J. H. B. JONES SURVEY, ABSTRACT NO. 125, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND DEPICTED IN EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-65  
SPECIFIC USE PERMIT NO. S-321**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR GUEST QUARTERS/SECONDARY LIVING UNIT ON A 0.22-ACRE PARCEL OF LAND, IDENTIFIED AS BLOCK 43A OF THE B.F. BOYDSTUN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-66**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO LIGHT INDUSTRIAL (LI) DISTRICT FOR A 6.60-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 21 & 21-01 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBITS 'A' & 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

The motion to approve the entire Consent Agenda passed by a vote of 5 ayes with 2 absences (Campbell and Moeller).

## IX. Action Items

1. **MIS2023-015** - Discuss and consider a request by Randy Heinrich of Master Plan on behalf of QA Logistics Rockwall, LP for the approval of a *Miscellaneous Case* for a *Variance* to the proximity requirements for the sale and on-site consumption of alcoholic beverages on a 1.50-acre portion of a larger 5.1292-acre parcel of land identified as Lot 2, Block D, Ellis Centre #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1915 Alpha Drive, and take any action necessary.

Planning Director Ryan Miller provided brief background information on this agenda item. He explained that the applicant is requesting consideration of a variance to the alcohol proximity requirements in order to locate a craft brewery at this location. The requirement is normally a 300' separation 'as the crow flies' (parcel line to parcel line) from the property selling alcohol to a school. In this case the subject property is 238.5' away from the Herman Utley Middle School property. Any approval of this variance request would be a discretionary decision on the part of the city council.

The applicant came forth at this time to address the Council (Andrew with "Master Plan" and Randy Heinrich, who's prosing to do "Triple H Brewing" at this location). Andrew explained there is no direct pedestrian access between Randy's space and the school. It will be a small batch brewery with a food component to it. It's tucked away within a "Light Industrial" zoned district, which is one type of zoning where a craft brewery use could be established. They feel this is an appropriate location and are asking for Council's approval.

Councilmember Thomas expressed that he has concerns about this proposed establishment being located so close to the school property. Although he is in favor of small businesses and Rockwall residents being able to enjoy local, craft brewed beer, he is concerned about its close proximity to the school and the stadium.

The applicant mentioned other businesses such as Walmart and Texas Roadhouse that are also located nearby and also sell alcohol. He went on to express that he did look at other potential locations, but, unfortunately, those other locations just would not work well for what he is hoping to do with his business. The applicant explained what his business hours may be throughout the week. Councilmember Lewis expressed concern about the location, especially related to Friday nights when school football season is occurring and traffic will be really challenging in and around the school stadium. The applicant shared that he might need to adjust his Friday evening hours if the traffic does pose challenges.

Councilmember Jorif pointed out that Walmart does not allow 'on-premise consumption' of alcohol. He, on the other hand, is wanting to sell alcohol that will be consumed on-site. He generally expressed that he has large concerns about this location considering how close it is to the school and to the stadium.

The applicant indicated that perhaps the hours on Friday nights when football season is going on, he can alter the hours of operation so as to not conflict with those activities. He believes this is a 'citizen serving use' that will have a food component to it, and it will be a great place for Rockwall residents to enjoy, even along with their families.

Councilmember Jorif shared that this being located right across the street from the school property is concerning.

Mayor Johannesen shared that he personally has no problem with this request, and he believes this case is a perfect example of when an SUP is required. He believes that protection of any access by children to this

brewery location is covered by the State and by TABC.

Mayor Johannesen moved to approve MIS2023-015. Councilmember Lewis seconded the motion. Councilmember Thomas shared that the hours of operation may be something to take into consideration associated with this SUP request. Councilmember McCallum shared that he personally has a small business that has a TABC license and sells alcohol. However, he also shares some of the same concerns that Councilmembers Jorif and Thomas have expressed. He knows the applicant, Mr. Heinrich, and he believes he will be a responsible business owner. Following the brief comments, the motion to approve passed by a vote of 4 ayes, 1 nay (Jorif) and 2 absences (Campbell and Moeller).

**X. City Manager's Report, Departmental Reports and Related Discussions Pertaining To Current City Activities, Upcoming Meetings, Future Legislative Activities, and Other Related Matters.**

1. Building Inspections Department Monthly Report
2. Fire Department Monthly Report
3. Parks & Recreation Department Monthly Report
4. Police Department Monthly Report
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

No discussion took place regarding the monthly reports.

**XI. Adjournment**

Mayor Johannesen adjourned the meeting at 6:19 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 18<sup>th</sup> DAY OF DECEMBER, 2023.**

  
TRACE JOHANNESSEN, MAYOR

ATTEST:

  
KRISTY TEAGUE, CITY SECRETARY

